



## Ecosystem and Ocean Planning Committee

October 4, 2021

### Webinar Meeting Summary

The Mid-Atlantic Fishery Management Council's (Council) Ecosystem and Ocean Planning (EOP) Committee met on Monday, October 4, 2021 from 10:00 a.m. to 12:00 p.m. The purpose of the meeting was to review and provide feedback on an exempted fishing permit (EFP) application for an experimental purse seine fishery in federal waters for Atlantic thread herring.

**EOP Committee Attendees:** K. Wilke (Committee Chair), A. Nowalsky (Committee Vice-Chair), M. Duval, J. Cimino, D. Stormer, K. Kuhn, E. Bolen, M. Luisi (Council Chair), S. Winslow, S. Lennox

**Other Attendees:** J. Kaelin\*, R. Leaf, E. Bochenek\*, P. Lyons Gromen\*, J. Beaty, J. Coakley, P. Rago, B. Muffley, P. deFur\*, P. Simon\*, W. Goldsmith\*, F. Akers\*, G. DiDomenico, M. Waine, W. Poston, W. Patten, Z. Greenberg\*, C. LoBue\*, F. Hogan\*, A. Bianchi, J. Firestone\*, Z. Goozner, G. Jackman, M. Lapp\*, B. Chiles, M. Binsted\*, R. Larsen, B. Brady\*, J. Hancher\*, A. Weinstein, R. LaFrance

\* Denotes EOP Advisory Panel member

#### *Background Presentations, Information, and Questions:*

Council staff started the meeting with a short overview presentation outlining the process and timeline of the EFP application review and potential Council actions and policies the Committee might consider in the review of the application. This was followed by a presentation by Lund's Fisheries (one of the EFP applicants) and their scientific collaborators that provided details on the proposed thread herring fishing operations and data collection efforts. Finally, Dr. Paul Rago provided a summary of the Scientific and Statistical Committee's (SSC) comments and recommendations regarding the scientific and biological considerations of the EFP application.

After the presentations, time was allowed for questions of clarity and initial discussion by the Committee and members of the public, which included many EOP Advisory Panel (AP) members. There were a variety of questions regarding the fishing operations, data collection efforts, and potential thread herring markets. The applicants clarified that new nets specifically designed for this fishery will need to be built (2,000' in length and 180' in depth) and the nets will be purse seine gear and not fished on the bottom. In terms of sampling, the intent is to over-sample thread herring at the set level, collecting biological samples at-sea. Bycatch monitoring would be done back at the processing plant or through observer coverage under the Standard Bycatch Reporting Methodology (SBRM) program. Lastly, the initial primary thread herring market will likely be the recreational bait fishery, but other markets could be considered depending upon demand.

In addressing Committee questions, Dr. Rago indicated the SSC did not find a scientific basis for not approving the EFP application given the absence of any concerning trends in the available data. Importantly, the International Union for Conservation of Nature (IUCN) has listed thread herring as a species of “least concern”. It was also noted, while not explicitly discussed or characterized by the SSC, there are potential approaches available to analyze the existing data to gain some insight into stock size and the proposed EFP sampling of catch for biological attributes should provide a reasonable science foundation in which to evaluate and interpret in the future. Initial estimates of age composition, maturation, growth, fat content, location of fishing areas, and bycatch patterns will be extremely valuable for crafting future surveys.

It was also clarified that while the initial EFP application was for one year, the intent of the applicant is for a multi-year EFP (2-3 years) to collect information from the fishery across years and see how it compares. The SSC supported a multi-year approach for data collection efforts and could review information annually and offer feedback. EFPs are only issued for one year at a time, but can be renewed if the applicant re-submits their application.

#### *General Committee and Public Discussion:*

Following questions, it was opened up for general discussion and feedback from Committee members and the public. Some members of the Committee and public (including the AP) questioned the requested 3,000 MT catch limit for the fishery and if the catch limit was scientifically determined or could be lowered. It was noted this catch limit appears to be double the recent commercial thread herring landings in the Gulf of Mexico and nearly equivalent to the peak commercial landings in the mid-1990’s along the Atlantic coast.

There were several comments and some concerns raised about the proposed catch sampling, particularly given the potential spatial and temporal components of the stock and the fact that a mid-Atlantic fishery would be on the northern extent of thread herring range. Some noted there is a higher burden of proof to allow a fishery for an ecosystem component species under the Unmanaged Forage Amendment. This is a rare opportunity for baseline data collection on a near virgin (i.e., lightly exploited) stock in the mid-Atlantic and that experimental fishing for survey and data collection purposes could potentially inform an index of abundance and potential effects of fishing. Others suggested high levels of observer coverage to monitor bycatch at-sea, recognizing that some species would not show up in dockside bycatch monitoring. Still others questioned if the data that will be collected will help determine success and what the implications to the ecosystem might be.

Lastly, commenters noted the development of an EFP and subsequent review and input through the SSC and Council process is following the approach specified in the Unmanaged Forage Amendment. This process and EFP development will help determine if a fishery can occur, would collect scientific information about thread herring, and help identify and create potential markets.

#### *Specific Committee Comments and Recommendations (underlined):*

In general, there was some hesitancy from the Committee to comment on the application. Some Committee members were unsure how to approach the review of this EFP since this is the first

one under the Unmanaged Forage Amendment and is potentially precedent setting. The Committee recommends, as suggested in the Unmanaged Forage Amendment, the Council develop a policy/process to review EFP applications for new/expanding forage fisheries. The goal in establishing this policy/process would be to provide clarity and guidance as to what the EOP/Council should consider when reviewing and making recommendations on new/expanding fishery EFP applications – a process like the Pacific Council was noted as an example.

There was not a clear consensus from the Committee regarding the support, or not, of the EFP – some members support, some were unsure, others need additional information to make decision. There was general agreement by the Committee that the intent of the Unmanaged Forage Amendment was not to prohibit consideration of a new/expanding fishery and reviewing an EFP is the first step in the process. However, the Committee is unsure if the catch sampling and monitoring identified in application provide the necessary information to determine the viability of the fishery or impacts to the stock, existing fisheries, fishing communities, and the marine ecosystem as intended in the Unmanaged Forage Amendment.

Regarding the application, the Committee recommends that the applicant consider efforts (or provide clarity in application) to collect additional information during fishing/processing operations and conduct other analyses as part of the EFP requirements. Specifically, additional bycatch monitoring at-sea and data collection efforts include information on bycatch of other clupeids, other non-target finfish, and turtles/seabirds were suggested by the Committee. This information could be collected by observers at-sea and at the plant by independent observers/data collectors. Additional analyses suggested by the Committee include the potential to utilize existing datasets to develop a relative abundance or swept area biomass estimates.

Lastly, the Committee recommends the EOP AP and the Committee review the EFP application again once it's published on the Federal Register. This would allow the AP and Committee to compare the published application to original and see what/how SSC and Committee feedback might have been included and addressed. This would also allow the Committee more time to review the information and may provide the applicant the potential to start/conduct the suggested Committee analyses. The intent would be to provide Committee feedback and recommendations at a future Council meeting and have the full Council decide whether to submit comments and support, or not, for the EFP application.