



New England Fishery Management Council

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 John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: January 15, 2010
TO: Council Members
FROM: Paul Howard, Executive Director
SUBJECT: **Public Comments Re. Amendment 4 to the Atlantic Herring FMP**

During the public comment period for Draft Amendment 4 to the Herring Fishery Management Plan (December 18, 2009 – January 13, 2010), three public hearings were conducted, and numerous written comments were received. This memo summarizes the issues raised during the comment period, through both the public hearings and written comments. The Herring Committee and Council should consider these comments when selecting the final management measures for Amendment 4.

Twelve written letters and emails were received during the comment period for the Amendment 4, some signed by multiple individuals. The major issues that were identified and discussed during the comment period are generally summarized below. This memo is a summary and is not intended to reflect every comment that was received. The letters and public hearing summaries should be referenced to gain a better perspective on individual comments.

1. Process for Establishing Annual Catch Limits (ACLs) and Accountability Measures (AMs)

- Some commenters emphasized the importance of timing with respect to the specifications process and suggested that the process begin as early in the year as possible.
- One commenter felt that a more comprehensive catch analysis is necessary to develop the appropriate ACL process in Amendment 4.
- Several commenters expressed concern over the split of Amendment 5 from Amendment 4 and voiced the need for a catch monitoring system to be in place before implementation of ACLs and AMs.

2. Identification of “Stocks in the Fishery”

- Several individuals suggested that non-target stocks be identified as stocks in the Atlantic herring fishery and be subject to ACLs and AMs, and a few of those individuals referenced river herring (both alewife and blueback) as important species that should be identified as stocks in the fishery. Other species suggested include haddock and Atlantic mackerel.

- One commenter expressed concern over situations where the SSC does not have the ability to estimate the uncertainty around the OFL, citing that the rest of the process would be hindered as a result.

3. SSC Involvement and Development of ABC and ABC Control Rule

- Many commenters expressed concern about the lack of an ABC control rule in Amendment 4 and provided some suggestions for control rules that could be considered for herring, while others suggested that the Council should set the ABC control rule as opposed to the SSC.
- Some commenters wanted a “risk policy” to be established by the Council which would guide the SSC in determining the amount of risk it should take in setting the ABC and creating an ABC control rule.
- One group felt that the SSC was not given adequate role or enough direction in the amendment.

4. Uncertainty

- Several commenters expressed the need for better incorporation of the sources of uncertainty surrounding the role of herring as forage fish and related predator-prey relationships, as well as the important role of herring in the ecosystem; some commenters suggested that the amendment failed to consider the role of predator needs in the specification process. Some commenters asked for more clarity regarding how the role of herring as forage would be considered during the ACL-setting process.
- Other commenters suggested that the language that incorporates the consideration of herring as a forage species in management uncertainty be removed from Amendment 4, pointing out that the role of herring as forage is already incorporated into stock assessments and considered as part of scientific uncertainty.
- A few commenters expressed concern that discards in the herring fishery are not being adequately monitored or addressed, and one individual noted the requirement to have them incorporated into management uncertainty.
- One group commented that the approach to addressing management uncertainty is not defined adequately enough in Amendment 4. The role of the Amendment 5 catch monitoring program in the ACL-setting process was also questioned.

5. Sub-ACLs

- Some groups stressed the importance of clearer definitions of how stock mixing uncertainty would be accounted for in the specifications process, specifically in regards to sub-ACLs, and suggested that sub-ACLs should be set by the SSC.
- A few commenters noted that inadequate information and no reference points exist to make an evaluation of individual stock components possible at this time.

6. Accountability Measures (AMs)

- Many commenters felt that the first option in Alternative 2 for AMs may result in too much time elapsing between an overage and the subsequent deductions, and one group suggested that the information would be ready before the next fishing year began, negating the need for a one year waiting period. Another individual suggested that the Council consider an in-season adjustment AM to address overages in a more timely manner.
- Many commenters felt that AMs could not be properly enforced without better catch monitoring, as will be provided in Amendment 5.
- A few groups suggested that the AM closure at 95% does not account for the unobserved and unreported discards, as was suggested in the amendment.
- One industry member suggested that a mechanism be considered for addressing sub-ACL underages and perhaps carrying the underages into the next fishing year, similar to the mechanism proposed for addressing overages.
- One conservation group stated that the AMs in the amendment were inadequate in including management uncertainty, citing the inability of managers to constrain catch and the deficiency of the monitoring system.

7. Other Comments/Suggestions

- A few commenters felt that an EIS was needed to evaluate the impacts of Amendment 4, as opposed to the EA, which is in use at this time.
- An industry member suggested that the Council consider developing catch shares for the herring fishery in the future to avoid potential issues associated with ACL overages.