



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. (Rip) Cunningham, *Chairman* | Paul J. Howard, *Executive Director*

**MEMORANDUM**

**DATE:** November 10, 2011  
**TO:** New England Fishery Management Council Members  
**FROM:** Lori Steele, Herring PDT Chairman  
**SUBJECT:** **Amendment 5 to the Atlantic Herring FMP: Possible Options for River Herring Catch Caps**

In response to the Mid-Atlantic Council's request to consider adding options to Amendment 5 for river herring catch caps and MAFMC staff's November 3, 2011 Memo, I am providing similar/consistent text for river herring catch cap options for the Council to consider including in the Amendment 5 Draft EIS. Potential Options 1/2/3 below, for consideration in Draft Amendment 5, are based on options in the MAFMC's Draft Amendment 14 to the Squid/Mackerel/Butterfish FMP and relate specifically to establishing consistent river herring catch caps in the Atlantic herring fishery.

**Option 1:** No Action (this option is required if there are any options approved to establish a river herring catch cap)

**Option 2:** Implement a mortality cap for river herring in the Atlantic herring fishery (sub-options for applying this to just limited access herring vessels (A/B/C) or all herring herring-permitted vessels (A/B/C/D), whereby the fishery would close once it is determined that it created a certain level of river herring mortality (that level would be determined through the specifications process for the herring fishery)

**Option 3:** Add river herring mortality caps to the list of measures that can be implemented through a Framework Adjustment

The MAFMC's Amendment 14 DEIS includes options for shad catch caps as well, but these options are not included this memo because (1) options for shad catch caps would be consistent with the river herring catch cap options (above); and (2) the Herring PDT already determined that the impacts of any measures designed to reduce river herring catch in the herring fishery will affect shad similarly due to the distribution and overlap with the herring fishery. If the NEFMC determines that catch cap options for shad should be included in Amendment 5, a suite of options for shad can be developed consistent with the potential river herring catch cap options.

Additionally, the New England Council may determine that it does not want to include additional options in Amendment 5 to establish a river herring catch cap. In the event that this is the case, the Mid-Atlantic Council staff memo (November 3, 2011) includes another potential option for

the NEFMC to consider. This potential option proposes to close the Atlantic Herring Fishery in Area 2 from January-April if the Mackerel fishery is closed due to reaching the river herring mortality cap (if one is established in Amendment 14). It may be appropriate for the NEFMC to consider this potential option *with or without* a measure to establish a river herring catch cap in the herring fishery because this will improve consistency and coordination with the MAFMC's Amendment 14 to the Squid/Mackerel/Butterfish FMP.

Also, please note that the NEFMC's Amendment 5 to the Herring FMP (DEIS) includes a placeholder for establishing river herring catch caps for the Atlantic herring fishery once a stock assessment for river herring becomes available. The language for this placeholder in Amendment 5 is provided below:

### **3.3.5 River Herring Catch Caps**

The Council will consider establishing a river herring catch cap for the Atlantic herring fishery as one of several potential measures to reduce bycatch. The catch cap will be considered by the Council through a framework adjustment to the Herring FMP after the ASMFC completes its stock assessment.

At the upcoming NEFMC Meeting (November 15-17, 2011), the Council should consider whether the current placeholder in Amendment 5 for a river herring catch cap is sufficient and determine whether the potential options described in this memo and the MAFMC staff memo should also be considered in Amendment 5.