



**Joint Mackerel, Squid, Butterfish (MSB) and River Herring and Shad (RH/S)**

**Advisory Panels (APs): Meeting Summary**

**May 13, 2022**

**AP Attendees:**

Katie Almeida - Brattleboro, MA  
Greg DiDomenico - Cape May, NJ  
Daniel Farnham, Jr. - Montauk, NY  
Zachary Greenberg - Washington, DC  
Emerson Hasbrouck - Riverhead, NY  
Jeff Kaelin - Cape May, NJ  
Peter Kaizer - Nantucket, MA  
Meghan Lapp - North Kingstown, RI  
Pam Lyons Gromen - Tampa, FL

Gerry O'Neill - Gloucester, MA  
Fred Akers - Newtonville, NJ  
Mark Binsted - Washington, DC  
Allison Colden - Annapolis, MD  
Mari-Beth DeLucia - Harrisburg, PA  
Roger Rulifson - Banner Elk, NC  
Jamie Winslow - Robersonville, NC

**Other Attendees:**

Jason Didden  
Chris Batsavage  
Carly Bari  
Melanie Griffin  
Melissa Smith  
Alan Bianchi  
James Boyle  
Will Poston  
Purcie Bennett-Nickerson  
Eric Reid

Peter Hughes  
Mike Waine  
Jaclyn Higgins  
D Mussina  
Brooke Handley  
Kelly Whitmore  
Mike Pierinock  
Emily Gilbert  
Will Poston

## **AP Input: Canada 2023 Catch Deduction**

Jeff Kaelin: The 2,197 MT deduction makes sense to save some catch for the U.S. given Canada closed their fishery. This matches the NE states' recommendation as well. Why can't we assume zero for Canada? We shouldn't manage our fishery based on what Canada is doing. We should focus on our rebuilding schedule. Having some catch occurring to provide data is also important.

Meghan Lapp: 2,197 MT is more appropriate given the 2021 Canadian fishery wasn't closed. Their assessment uses much of the same egg data and their egg survey dominates our data – results probably won't be too different across the assessments.

Pam Lyons Gromen: Of the two options the 2,197 MT seems more realistic and possibly still somewhat inflated. Seems unlikely Canada will change for 2023. Seems troubling that if Canada decides to leave more fish in the water, we can take them. It's a shared resource and we need to be good partners.

Zack Greenberg: I agree with Pam's comments.

Gerry O'Neil: Favor 2,197 MT for similar reasons as Jeff/Meghan above. In addition, what's the effect of us over-projecting 2022 catch? [Staff relayed expected to have a relatively small positive impact on 2023+ biomasses.]

Public:

Purcie Bennett-Nickerson: I support Pam's comment. Canada made the decision to stop fishing this year, there's no sign Canada is changing - if we are going to assume Canada is staying low, we should do the same – keep catch low. To follow the science, both countries need to stop fishing.

## **AP Input: Rebuilding Approaches**

Gerry O'Neil: I favor Alternative 5 – I'm looking to just survive – it's not much fish but it's something. At least we'll have some fish to cover bycatch levels of fishing.

Jeff Kaelin: We support Alternative 5 as a bridge to get through this. I'm worried these fish are just not surviving to recruit into the fishery – I'd like to see other research into effects on recruitment other than fishing. If we set the quota a bit higher and the fish aren't there, we won't catch them anyway. Food or water temperature issues seem likely to be driving issues.

Dan Farnham: I support Alternative 5 so we have some quota to work on to maintain infrastructure – otherwise we'll come out of rebuilding with no fleet. If the fish are not there we won't catch them but if they are, we'll be able to catch some – don't want to put people out of business.

Greg DiDomenico: I support Alternative 5 for similar reasons as others – it's the only option given our long history in this fishery and our investment in this fishery.

Meghan Lapp: I support Alternative 5 and would like the Committee to know that with the SSC-recommended option, even if the lowest options for Canada and Recreational catch are assumed, we're left with zero for commercial landings.

Allison Colden: I support Alternative 3, the SSC recommendation, for the same reasons the SSC provided. With the condition of the stock, we need to meet higher rebuilding probabilities and get on a better trajectory, especially given the uncertainty of the projections.

Pam Lyons Gromen: You have our comments. Reiterate Alternative 3 support: we don't think Canada will have much quota in 2023, so Alternative 3 is practicable and consistent with Canada as a partner in a shared resource. We have a responsibility to rebuild with them. Ecologically, Alternative 3 leaves more fish in water for the ecosystem but also leads to higher catches and catch stability. Alternative 3 will be a more long-term successful strategy.

Zack: You have our comments. We support Alternative 1 – the most conservative approach that accounts for the best science and importance of the stock as forage while accounting for shared nature of the fishery.

Public:

Purcie Bennett-Nickerson: You have our comments supporting Alternative 1 – It has the highest probability of rebuilding the stock with less margin for error. MSA requires the Council to select catch within bounds of the SSC. Other options allow too much fishing as soon as any biomass occurs. [Council and NMFS Staff clarified that the SSC has endorsed all of the ABCs associated with the different rebuilding approaches.] Follow-up: The SSC's recommended path constitutes a fishing level recommendation that should not be exceeded. Using P\* with low recruitment results in rebuilding longer than 10-year rebuilding. We need to allow this stock to rebuild to get to where this fishery was in the past – our current approach will never allow full rebuilding. Going the way we've been going will not get back to historical yield. You just need to stop fishing for now. There should be a conversation with the ASFMC as well to address state-waters catch.

## **AP Input: Possession Limits**

Pam Lyons Gromen: It's important to get feedback from the States on enforcement issues with differential trip limits. We should get feedback from the states if commercial permits could cover for-hire issues with getting bait. At the end of the day also need to reduce from the recreational sector – we advocated in our letter for the 10-fish limit. Consider how to address public comments without sacrificing conservation.

Jeff Kaelin: 15 fish should be sufficient for personal use. The commercial permit should be investigated to cover other catch and adds a reporting benefit.

Meghan Lapp: A lot of this discussion gets to wider questions – under most scenarios recreational catch may be substantial in the near term. Are for-hire vessels selling their catch – that should require commercial permits anyway (and a dealer permit). These questions need to be investigated to get a handle on what's occurring and address equitable contributions toward rebuilding under National Standard 4. Is this really recreational fishing or commercial fishing – we need to figure that out.

Dan Farnham Jr: If went down the road of using a commercial permit to address for-hire, need to address how catch would be handled? How might monitoring be complicated?

Gerry O'Neil – I'm recommending the lowest possible option for the sake of commercial survival - recommending 10 fish.

Public:

Mike Waine: How are you accounting for recreational catch? If a bag limit is used for recreational fishery the full reduction estimated under that limit should be used. There's obvious integer bias and it's unclear how well the fishery is captured in the surveying. Regardless of the limit chosen, the fishery should be given full credit for the reduction.

Mike Pierdinock: We need an accommodation on possession that considers how the for-hire fishery operates.

## **AP Input: Commercial Discard Assumption and Closure Provisions**

Jeff Kaelin: Discard deduction seem reasonable. Assumes 100% discard mortality.

*The AP was digesting the closure approach but there were no objections to the described approach voiced on the call based on initial impressions.*

## **AP Input: River Herring and Shad (RH/S) Cap**

Jeff Kaelin: We should stay at a 129 MT cap and it has not been reduced in the last year or two as the quota has been reduced. The Council seems to have adopted the NE approach of not down-scaling the cap. An 89 MT cap, based on the median catch, makes the future of the fishery bleak and may unnecessarily hamstring the fishery. The Council needs to see the RH/S update information when making this decision. The new river herring assessment could also utilize the cap amounts.

Pam Lyons Gromen: We strongly oppose staying at 129 MT and moving toward the NE Council's approach. We endorse staying with the ratio approach to discourage bycatch. Holding 129 MT with the very low quotas is the wrong direction. The RH/S Committee Chair's 89 MT idea seems more reasonable and was still tied to a 10,000 MT quota/catch previously. If the scaled cap is truly impracticable, 89 MT seems as high as we could support. We continue to support moving to a biologically-based cap – we need to consider restoration of individual runs. Until then, we need to focus on measures that incentivize avoidance. Our rebuilding preference is for no commercial quota, but if there is some quota the cap should not stay at a static quota.

Gerry O'Neill: Favor 129 MT and we've had shutdowns before - would rather that not happen again.

Meghan Lapp: I support 129 MT. The cap is not based on science but a math game to create avoidance and it should stay that way along the lines of New England because it's just a math exercise and not tied to the size of the RH/S stocks. It's important to note that the cap is small to begin with, and lowering any further compounds data/monitoring issues with using only last year's data before you get any trips from the current year.

Allison Colden: I echo Pam's comments. Concerned about staying at 129 MT with such a low quota. RH/S are depleted – states are doing many things but those efforts won't matter depending on bycatch. A static cap disincentivizes avoidance so doesn't make sense – it increases the allowed interaction rate. Should continue to scale the cap with the quota. 89 MT might be a reasonable ceiling, but definitely not 129 MT remaining regardless of the quota – that would be bad policy.

Mari-Beth DeLucia – I Echo Pam and Allison's comments. I work more on the inland side, we haven't seen big run improvements. We need a biologically-based cap, or 89MT at most if a smaller scaled cap is not possible.

Greg DiDomenico: We support a 129 MT cap. There's been more than enough discouragement of bycatch in this fishery. There's no where else to go and have met the end of what we can possibly be burdened by.

Zachary Greenberg: We support continuing to scale the cap and echo other comments of concern: RH/S remain depleted to historic lows. The caps are the only protection in federal waters and scaling maintains the incentive to avoid.

Fred Akers: I would support the 89MT if scaling is unfeasible and echo Pam's and Zack's comments. I'd like to see the economic value of those fish (RH/S) given they are bought and sold.

### **AP Input: 3” Mesh Requirement**

Jeff Kaelin: We’ve tried to use the mackerel brailers in the past but not even sure of what we used. We need more information about what’s been used to make a decision – it just hasn’t been looked at carefully enough – we need more investigation of what’s been used in the past and would need more discussion with the fleet to move forward given the level of uncertainty.

Gerry O’Neill: I’m torn – there’s interest in it, but also not clear about what’s been used. We did not have success with it – our experience is that as the bag started to fill up you lost your selectivity from a brailer. Would need more discussion with fishery participants. Not in favor without more vetting.

### **AP Input: Regulation Clarification**

Mike Pierdinock: The public needs clarification on permitting and reporting.

### **AP Input: RH/S Spatial Considerations**

Greg DiDomenico: It would be useful to overlay wind lease areas on these maps. Need to get RH/S update information to consider.

Jeff Kaelin: More boxes in the ocean won’t help. We need good reporting and provide that. We don’t get good information about where RH/S catch comes from with small mesh bottom trawl and that could be useful. The mackerel and herring fishing has been the bad guy and closing areas doesn’t make sense with the cap and existing reporting. Need to get RH/S update information to consider.

Pam Lyons Gromen: We support looking at other gears and having a joint cap for the herring and mackerel fisheries based on a biologically-based method. These areas seem persistent – could it be a way to focus conservation efforts? We’ve never achieved observer coverage levels we’d hoped – could the Council use these areas to focus observer coverage? With alosine genetics repository – could we use these areas to better understand where bycatch is coming from? It would be unfortunate to just not do anything with this information. We need to continue to prioritize data collection in general and for the cap. It’s also important to note that the bycatch avoidance program is no longer in operation along with its shoreside monitoring. Also, the 12-mile buffer zones, which covered at least portions of three of these areas, are no longer in operation. Let’s at least focus the limited resources we have.

Roger Rulifson: In 1980s I tagged river herring from commercial weirs in Minas Basin and Cobequid Bay, Bay of Fundy. I have very few tag returns but some. I also contacted states that

had tag returns – South Carolina had tag returns that went up to Canada – data are very sparse for tag returns, but seems useful to get that kind of data out in the public realms. Relative to the maps reviewed today, it might be useful to include those in a manuscript along with old tagging data to consider if ocean currents have shifted or what other factors may be important.

**General:**

Gerry O'Neill: how does fishery disaster work? Melissa Smith (was involved in Maine herring disaster declaration): process starts with a state's Governor communicating with NOAA.