

# Atlantic States Marine Fisheries Commission

## Shad and River Herring Management Board

February 5, 2015  
2:45 – 4:00 p.m.  
Alexandria, Virginia

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to order (*T. Stockwell*) 2:45 p.m.
2. Board Consent 2:45 p.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2014
3. Public comment 2:50 p.m.
4. Consider 2014 FMP Review and State Compliance (*M. Hawk*) **Action** 3:00 p.m.
5. Review and Consider the New Hampshire Taylor River Monitoring Proposal (*D. Grout*) **Action** 3:15 p.m.
  - Technical Committee Report (*C. Enterline*)
  - Consider approval of the New Hampshire Proposal to Discontinue Monitoring on the Taylor River
6. Update on NEFMC and MAFMC Actions (*J. Didden*) 3:35 p.m.
7. Update on River Herring Technical Expert Working Group Activities (*M. Hawk*) 3:55 p.m.
8. Other business/Adjourn 4:00 p.m.

The meeting will be held at the Westin, 400 Courthouse Square, Alexandria, Virginia; 703-253-8600

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

# MEETING OVERVIEW

## Shad & River Herring Management Board Meeting

Thursday, February 5, 2015

2:45 – 4:00 p.m.

Alexandria, Virginia

Chair: Terry Stockwell (ME) Assumed Chairmanship: 01/14	Technical Committee Chair: Claire Enterline (ME)	Law Enforcement Committee Representative: Furlong
Vice Chair: Bill Goldsborough	Advisory Panel Chair: Pam Lyons Gromen	Previous Board Meeting: February 6, 2014
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 6, 2014

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Fishery Management Plan Review (3:00 - 3:15 p.m.) Action

#### Background

- State Compliance Reports were due on July 1, 2014 (Each state compliance report can be found in the compliance binder in the back of the meeting room).
- The Plan Review Team reviewed each state report and compiled the annual FMP Review
  - Maine, New Hampshire and Massachusetts have requested *de minimis* status for the 2015 American shad fisheries. New Hampshire and Massachusetts also requested *de minimis* status for the 2015 river herring fisheries.

#### Presentations

- Overview of the FMP Review Report by M. Hawk. (**Briefing materials**)

#### Board actions for consideration at this meeting

- Approve 2014 FMP Review and *de minimis* requests

**5. Review and consider the New Hampshire Taylor River Monitoring Proposal (3:15 - 3:35 p.m.) Action**

**Background**

- New Hampshire submitted a proposal to remove monitoring on the Taylor River (**Briefing materials**).
- The Technical Committee reviewed the proposal (**Briefing materials**)

**Presentations**

- Technical Committee Report by C. Enterline

**Board actions for consideration at this meeting**

- Consider approval of New Hampshire proposal

**6. Update on New England Fishery Management Council and Mid-Atlantic Fishery Management Council Actions (3:35 – 3:55 p.m.)**

**Background**

- Since the last Board meeting, the Councils have implemented additional measures pertaining to river herring in their fishery management plans

**Presentations**

- Report by J. Didden

**7. Update on River Herring Technical Expertise Working Group Activities (3:55 – 4:00 p.m.)**

**Background**

- NOAA Fisheries and ASMFC partnered to help inform data gaps in river herring conservation and research needs
- The TEWG is the working group contributing to part of this effort
- Two research projects were funded to contribute to the river herring conservation plan; the research projects will help fill data gaps in river herring conservation

**Presentations**

- Report by M. Hawk

**8. Other Business/Adjourn**

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
SHAD AND RIVER HERRING MANAGEMENT BOARD**

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
February 6, 2014

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2. **Approval of Proceedings of February, 2013** by Consent (Page 1)
3. **Move to accept the 2013 FMP Review and recommendations of the PRT for de minimis status for ME, NH, and MA for shad, and NH and MA for river herring. Task the TC with the PRT recommendations** (Page 2). Motion by Bill Adler; second by Pat Augustine. Motion carried unanimously (Page 3).
4. **Move to approve shad habitat plans that have been received to date** (Page 3). Motion by Michelle Duval; second by Pat Augustine. Motion carries unanimously (Page 4).
5. **Move to adjourn by Consent** (Page 9).

# Draft Proceedings of the Shad and River Herring Management Board Meeting February 2014

## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)
Steve Train, ME (GA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Rep. Walter Kumiega, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Rep. Watters (LA)	Tom O'Connell, MD (AA)
David Pierce, MA, proxy for P. Diodati (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Bill Adler, MA (GA)	Bill Goldsborough, MD (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Mark Gibson, RI, proxy for B. Ballou (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Michelle Duval, NC, proxy for L. Daniel (AA)
David Borden, RI, proxy for B. McElroy (GA)	Ross Self, SC, proxy for R. Boyles (LA)
David Simpson, CT (AA)	Spud Woodward, GA (GA)
Lance Stewart, CT (GA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
James Gilmore, NY (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Pat Augustine, NY (GA)	Wilson Laney, USFWS
Russ Allen, NJ, proxy for D. Chanda (AA)	Martin Gary, PRFC
Chris Zeman, NJ, proxy for T. Fote (GA)	Steve Meyers, NMFS
Loren Lustig, PA (GA)	Bryan King, DC
Leroy Young, PA, proxy for J. Arway (AA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

### Ex-Officio Members

### Staff

Bob Beal	Toni Kerns
Melissa Yuen	Marin Hawk

### Guests

Mike Millard, USFWS	Joseph Gordon, PEW
Sheila Eyler, USFWS	Patrick Paquette, MA Strippers Assn.
Gordon Myers, NC Wildlife Res. Comm.	Kelly Denit, NMFS
Brandon Muffley, NJ DFW	Kevin Chu, NOAA
Jeff Kaelin, Lund's Fisheries	Glori Gayster, Cherry Hill, NJ
Jeffrey Pierce, Alewife Harvesters of Maine	Raymond Kane, CHOIR
Katherine Deuel, PEW	

## **Draft Proceedings of the Shad and River Herring Management Board Meeting February 2014**

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, February 6, 2014, and was called to order at 10:30 o'clock a.m. by Chairman Terry Stockwell.

### **CALL TO ORDER**

**CHAIRMAN TERRY STOCKWELL:** Good morning, everyone. We're going to convene the Shad and River Herring Management Board. I'll call this meeting to order.

### **APPROVAL OF AGENDA**

**CHAIRMAN STOCKWELL:** The first agenda item is the approval of the agenda. Are there any changes or additions to the agenda? Seeing none, consider the agenda approved.

### **APPROVAL OF PROCEEDINGS**

**CHAIRMAN STOCKWELL:** The proceedings from our February 2013 meeting, if any of you remember back that far, are there any changes or additions to the proceedings. Seeing none, consider the proceedings approved. Public comment on items that are not on the agenda. Jeff.

### **PUBLIC COMMENT**

**MR. JEFF KAELIN:** I'm Jeff Kaelin from Lund's Fisheries, Cape May, New Jersey; also Mid-Atlantic Council Member, but I'm just speaking personally. The thing I wanted to raise, Mr. Chairman, was at the last discussion on eels, Jeffrey Pierce from the Alewife Harvesters of Maine put together a very interesting package of information around dams and obstructions and so forth that affect not only eels but river herring.

I thought it was a great package, really good work. I would like to commend that to this board. It is the same guys. I think what Jeff brought in was really, really interesting; and I think it is the kind of work that we're going to do in the TEWG. I'm a TEWG member now. We've got this Mid-Atlantic thing rolling out, the TEWG. I think it is good information and look forward to that larger process. I appreciate the opportunity to say that, Mr. Chairman.

**CHAIRMAN STOCKWELL:** Are there any other members of the public who would like to speak? Seeing none, the first order of business is consideration of the FMP Review and State Compliance. I will turn it over to Marin.

### **2013 SHAD AND RIVER HERRING FMP REVIEW AND STATE COMPLIANCE**

**MS. MARIN HAWK:** This is the 2013 Shad and River Herring FMP Review and Compliance Report. There have been no updates to the status of the stock since the last FMP review so just to remind you American Shad in 2007, the stocks were found to be at all-time lows and did not appear to be recovering. Hickory shad, the status is unknown.

River herring, the 2012 benchmark stock assessment found that stock was depleted. Similarly to those statuses the shad commercial landings have gone down significantly since the 1950's. In 2012 the states that landed them were Maine, Connecticut, New York, New Jersey, Virginia and North Carolina and South Carolina.

River herring landings have also gone down significantly. The states that landed river herring in 2012 were Maine, New Hampshire, New York, New Jersey, Maryland, North Carolina and South Carolina. There are some stocking programs. The states that have those are Maine, Massachusetts, Pennsylvania, North Carolina and South Carolina.

Approximately 16 million shad were stocked in 2012 and 400,000 alewife were stocked in 2012. There were 297 sturgeon interactions recorded; and those states were Connecticut, New Jersey, Virginia, South Carolina and Georgia. All those sturgeon were released alive. The PRT recommends that states that didn't include any of the management reporting requirements do so in the future.

There are a couple of states that are listed in the PRT Report for you to review. That was just basically the PRT recommendation. The PRT would like the board to task the technical committee with the following: review of recreational compliance and the ability of states to provide the recreational data since a majority of the states rely on MRIP for catch estimates and we're not sure if those states have survey data of their own; and also to review the methods to ensure that states submit data that were previously unavailable.

Those are the two recommendations that the PRT would like the board to task the technical committee with. Finally for de minimis, Maine, New Hampshire and Massachusetts have requested de minimis for shad; and New Hampshire and Massachusetts have requested de minimis for river herring. All these states have been granted de minimis in the past; and

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the PRT recommends granting them de minimis status again. Thank you, Mr. Chairman.

MR. DOUGLAS E. GROUT: Not just a question but a comment to make the board aware. Marin made a very brief thing that New Hampshire had commercial landings. I want the board to be aware that is a product of our ACCSP data base. The harvest that we have of river herring is primarily for people with – is all people for personal use.

It is recreational, but ACCSP does not have the capability of taking cast net or small gill net landings and putting it into the recreational component. Just be aware of that; it is called commercial, but that is because it comes out of the ACCSP. It is not sold; that is the bottom line. It is such a small amount it doesn't make that much difference, but it is something that I've asked my coordinating council member and our operations committee member to try and address at the ACCSP level. They need to have a component in there that allows for recreational harvest by nets.

MR. JOHN CLARK: Mr. Chairman, I didn't see Delaware listed under states that have a shad stocking program, Marin, and we do stock shad. Thank you.

DR. MICHELLE DUVAL: Mr. Chairman, several comment I guess. First, Marin, I just double-checked the names on the page of the FMP Review, Sara Winslow, a legend in her own time from our agency, but she retired three years ago, so I'm pretty sure she was not part of the plan review.

Then also I had a question. In Table 1 of the FMP Review it lists the states that have approved shad sustainable fishery plans and Virginia isn't listed in there. I'm pretty sure we approved a sustainable fishery plan for the state of Virginia at the annual meeting back in Philadelphia; so that is one thing I would note. Then in terms of the review of the compliance reports by the plan review team, I appreciate that is an incredibly time-consuming task and really appreciate the efforts of the PRT to go through all the compliance reports and note any information that might be missing.

I assume that any missing information is communicated back to the technical committee members, is that correct, because I was just taking a look at what was noted as being lacking for North Carolina. It is actually in the report. There is characterization of other losses for shad was lacking, and there is actually an appendix and some tables that include that information.

It says no incidents of repeat spawning as a piece of information that was missing; and there are multiple tables that include the repeat spawning information in our compliance report. I think I'm a little confused by the statement that no recreational or commercial gear data for shad were collected, because clearly we collect gear information on our trip tickets.

I guess may I just encourage the PRT to be a little bit more specific in what pieces of information are lacking just to help the technical committee members ensure that information is included. It would probably be helpful just because it appears there may be some information was overlooked just during the review that has actually been included. Thank you.

MS. HAWK: The PRT is composed of a new member so I will definitely pass that message on and hopefully we'll do better in the future.

MR. WILLIAM A. ADLER: Mr. Chairman, would it be appropriate for me to make a motion to accept the de minimis status that was recommended?

CHAIRMAN STOCKWELL: Could you just hang on one second and see if there are any more questions. Seeing none, you're on, Bill.

MR. ADLER: **Okay, I'll make a motion to accept the recommendation of the PRT to accept Maine, New Hampshire and Massachusetts de minimis status for shad and New Hampshire and Massachusetts for de minimis status of river herring.**

CHAIRMAN STOCKWELL: Seconded by Pat Augustine. Is there board discussion on the motion? Doug.

MR. GROUT: Just two things; one, do we also want to accept the FMP Review and then also do we want to include some of the recommendations the PRT has for tasking the technical committee. They made two recommendations for tasking the technical committee.

CHAIRMAN STOCKWELL: Thank you, Doug; I was about to bring that up. I was originally going to ask Toni if she had a motion crafted for Pat; but if you could help with the wordsmithing on Bill's motion, I think it would be beneficial to include all the measures. This is your motion, Bill?

MR. ADLER: That is correct.

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CHAIRMAN STOCKWELL: And it is seconded by Mr. Augustine. Is there any board discussion on the motion on the board? Dave.

MR. DAVID SIMPSON: I guess I just need a reminder of what the tasks were that were recommended and also just make the observation that the last two amendments, Amendments 2 and 3, we've transitioned to sustainability plans which might beg for a different format for the compliance reports since those are now the primary metrics by which we judge compliance and condition of the stocks. It is something to think about, anyway, for the technical committee and the plan review team.

MS. HAWK: These are the two tasks up on the board that the PRT would like the technical committee to follow up on; and, again, that is just review the recreational compliance and the ability of the states to provide that data and how accurate that data are; and also to review the methods that ensure states submit the appropriate data. It should be pretty simple.

CHAIRMAN STOCKWELL: Are there any further questions or comments to the motion that will be going back up on the board? **The motion is move to accept the 2013 FMP Review and recommendations of the PRT for de minimis status for Maine, New Hampshire and Massachusetts for shad and New Hampshire and Massachusetts for river herring. Task the technical committee with the PRT recommendations. Motion by Mr. Adler and seconded by Mr. Augustine.**

I don't sense there is a need to caucus; so those board members who support the motion on the board, please indicate so. **It was unanimous; it was by consensus.** The next agenda item is a review of the Shad Habitat Plans for Amendment 3 and Marin is going to walk us through that.

### REVIEW OF THE SHAD HABITAT PLANS FOR AMENDMENT 3

MS. HAWK: The technical committee chair was unable to attend because of the snow. His flight got cancelled so I'm just going to give the report very briefly. It is just a brief summary. You all have the habitat plans in your supplemental materials and they can be quite lengthy. I'm trying to keep this as brief as possible.

These habitat plans are required under Amendment 3; and they are required to include current and historical

spawning and nursery habitat, the threats to those habitats and any habitat restoration programs that are in the states. The technical committee held a conference call to review these plans. There were 18 members on the call.

We received plans from every state with an interest in shad except for the Hudson and Merrimac Rivers, which aren't states but river systems, and Florida. Florida anticipates that their plan will be completed in March. They just have to coordinate with some other agencies, and that is why there is a delay.

The Hudson River and Merrimac River, we have an unclear date for them, but we're working on that. We will have them to you as soon as possible. Basically, the two trends that were in the plans are that the largest threat coastwide to shad are barriers to migration; and there is an overall lack of information on the potential impacts of climate change.

The technical committee made recommendations to each of the states after they received their draft plans; and those final plans were due on January 10<sup>th</sup>; and again those are the plans that are in your materials. The technical committee recommends approval of all the habitat plans and requests receipt of the missing plans as soon as possible. Thank you, Mr. Chairman.

CHAIRMAN STOCKWELL: Are there questions for Marin? Pat.

MR. PATRICK AUGUSTINE: Mr. Chairman, if we're going to make a motion on this to approve the habitat plans that they received, should we not include the names of the states specifically or do we not want to embarrass us that have not done it?

CHAIRMAN STOCKWELL: Do you have a recommendation, Marin?

MS. HAWK: I think that would be up to the board.

MR. AUGUSTINE: Mr. Chairman, what do you want to do; who do you want to embarrass?

CHAIRMAN STOCKWELL: It wouldn't be me.

MR. AUGUSTINE: I don't know if it is going to be us, but I'm going to look at Jim.

DR. DUVAL: Mr. Chairman, **I would just suggest a motion to approve all the habitat plans that have been received**, and we can save the embarrassment for another day; and that is a motion.

**These minutes are draft and subject to approval by the Shad and River Herring Management Board. The Board will review the minutes during its next meeting.**

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CHAIRMAN STOCKWELL: So moved by Michelle and seconded by Pat. Is there an interest from the board in addressing the missing plans or is it the board's intent that the plans just come in as soon as possible? Pat.

MR. AUGUSTINE: Could we get an idea, Mr. Chairman, as to how long it would be before some of them could it? It may be tedious work and it may be lack of staff and maybe we could set a deadline for the May meeting or some such thing.

MS. HAWK: As I said, the Florida plan is expected in March; but the Hudson River Plan, I have contacted New York and a couple of other states that would be interested in that plan. They haven't even started it yet. We haven't approached anyone on the Merrimac River quite yet. We're working on those two, but they won't be by March, probably.

CHAIRMAN STOCKWELL: Are there any comments on the motion on the board? **The motion is move to approve the Shad Habitat Plans that have received to date. Motion by Dr. Duval and seconded by Mr. Augustine.** Wilson.

DR. WILSON LANEY: Mr. Chairman, the only comment I have is that one little housekeeping item that I think the commission would like to see undertaken is that presuming this motion passes, which I'm sure it will probably will, that these plans, since they have been approved by the commission, it would be good to file all these with the FERC as plans, so that they can be considered during all the FERC relicensing processes that will be ongoing up and down the east coast. I'm sure the Services would be willing to help staff file those with FERC if necessary. They can all be e-filed, I believe, so I'd be happy to help out with that since that is part of my new duties now.

CHAIRMAN STOCKWELL: Thanks for your offer. Marin is shaking her head yes, so thank you for the suggestion. Are there any further comments? Seeing none, those that support the motion on the board, please indicate so. **The motion is unanimous; it carries nineteen, zero, zero.** Marin, is there any further business under the Habitat Plan? Okay, our next agenda item is an update on the New England Council and the Mid-Atlantic Council actions; Lori Steele from the New England Council staff.

### UPDATE ON THE NEW ENGLAND COUNCIL AND THE MID-ATLANTIC COUNCIL ACTIONS

MS. LORI STEELE: I am Lori Steele. I am the policy analyst on the staff of the New England Council, and I have been the Atlantic Herring Fishery Management Plan Coordinator for some time now. I am just here to take the opportunity. I have been in touch over the past years with ASMFC staff regarding the development of management actions in the Atlantic Herring Fishery that relate to the conservation of river herring and shad.

This has been an undertaking by both councils, actually, the New England and Mid-Atlantic Councils, for the Atlantic Herring Fishery and the Atlantic Mackerel Fishery in the Mid-Atlantic. I'm just going to give everyone an update on where we are with all of the management actions over the last couple of years related to these species.

Now that we're entering a new year, the council managed to wrap up a few management actions and initiate a few new ones. Just a quick recap on where we are; the council, as you probably are all aware, did complete Amendment 5 to the Atlantic Herring Fishery Management Plan that was submitted to the National Marine Fisheries Service some time ago.

There was a complementary Amendment 14 to the Atlantic Mackerel Plan, which was also submitted to NMFS. Amendment 5 included a comprehensive catch monitoring program for the Atlantic Herring Fishery, including a lot of provisions related to observer coverage and sampling of the vessels at sea; some of which were approved and some of which were disapproved; and I will get into that in a minute.

Amendment 5 also included a suite of monitoring and avoidance measures for river herring and shad, including the establishment of river herring monitoring areas that will require a hundred percent observer coverage as well as formal support for a cooperative research project that is coordinated by SMST, the Sustainable Fisheries Coalition, and Massachusetts Division of Marine Fisheries. That project focuses on industry-based river herring bycatch avoidance.

The amendment also established provisions to allow for river herring and shad catch caps to be set through a framework adjustment, which I believe is the equivalent of an addendum to an ASMFC plan; so it is sort of an abbreviated process. All of this was set

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up in Amendment 5, and we are expecting the final rule and implantation of Amendment 5 any day now.

At least that what we've heard; so that is coming online soon. The council has also developed and completed and submitted Framework 3 to the Herring Plan, which was the Amendment 5 follow up which included the river herring and shad catch caps. Once Amendment 5 is implemented, we're hoping that Framework 3 will follow quickly on the tails of the implementation of Amendment 5.

This framework does establish the process for river herring and shad catch caps in the herring fishery and also includes catch caps for this year, 2014, and next year, 2015. The council selected the final measures in November of last year. We submitted the package in January, and we're hoping to see implementation, as I mentioned, as soon as possible. There is an expectation that some time during this fishing year we will see a catch cap for river herring and shad in the Atlantic Herring Fishery.

Following the completion of Framework 3, we began Framework 4, which is going to be addressing some of the disapproved elements of Amendment 5. As I mentioned, Amendment 5 is a relatively large comprehensive management action; and some of the measures adopted by the council were not approved by the National Marine Fisheries Service, including dealer weighing provisions and a few of the measures to address net slippage.

Without going into too much detail, we are developing now a framework to revisit those issues and potentially resubmit similar measures that will hopefully get approved this time. The council is scheduled to take final action on that framework in April and then implementation again as soon as possible.

The other element of Amendment 5 that was not approved by the National Marine Fisheries Service was the requirement for a hundred percent observer coverage on Category A and B herring vessels along with an industry-funded monitoring program. The National Marine Fisheries Service is taking up these issues in an Omnibus Amendment to all of our FMPs.

The idea is that the Omnibus Amendment will establish provisions to allow for industry-funded monitoring across all of the FMPs in the northeast region. Because of the timing, the amendment will also include observer coverage provisions for the herring and mackerel fisheries, the elements of the disapproved amendments.

This is on a fast track for as fast as an amendment can be on a fast track. We do expect that this will come back before the council within the next few council meetings and hopefully be completed this year with implementation as soon as possible. Just to very briefly cover some of the related actions at the Mid-Atlantic Council, as I mentioned, Amendment 14 established the provisions for river herring and shad catch caps.

We are waiting for implementation of Amendment 14 as soon as possible. The Mid-Atlantic Council already set a river herring and shad catch cap in their 2014 specifications for the Mackerel Fishery. This cap is set at 236 metric tons. This cap will apply on all trips landing 20,000 pounds or more of mackerel in all areas.

The proposed rule for this action has already been published; and we are again expecting a final rule and implementation as soon as possible. Given the timing of the proposed rule, we are anticipating that the river herring and shad catch cap for the Mackerel Fishery will be effective probably March; if not, April of this year.

Then the Mid-Atlantic Council will be revisiting this issue and setting the catch cap for Mackerel Fishery in 2015 sometime this year. The Mid-Atlantic Council is also developing Framework 9 to the Mackerel Plan to address net slippage similar to the council disapproved measures in the Mackerel Amendment. They will be selecting final measures next week at the Mid meeting, so that should forward pretty quickly this year as well.

Then the Mid-Atlantic Council has also agreed to develop a River Herring and Shad Committee and an FMAT, a Fishery Management Action Team. This committee will be led by the Mid-Atlantic Council but will include membership from the Mid-Atlantic Council, the New England Council and Atlantic States Marine Fisheries Commission.

We expect that there will be an advisory panel and as I mentioned a technical group for this committee. The committee will focus primarily and at least initially on improving the technical basis for setting river herring catch caps in these fisheries as well as monitoring and ensuring the effectiveness of the catch caps.

I'm expecting this group to be convened in the next couple of months, and we will get some more specific terms of reference or goals and objectives for that committee. As all of this is going on, both the

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New England and the Mid-Atlantic Councils will be participating with NMFS and the Atlantic States Marine Fisheries Commission on the TEWG, the Technical Expert Working Group for River Herring, to develop and implement a comprehensive and coast-wide conservation effort for river herring and to identify and address data gaps over the next three to five years.

Okay, just very briefly in terms of what is coming up with the New England Council's river herring and shad catch caps in the Atlantic Herring Fishery, these will apply, as I mentioned, sometime later this year on all trips landing more than 6,600 pounds of Atlantic herring, which is essentially on all of the directed trips for herring.

The caps are specified annually and distributed by gear and statistical area clusters. When a cap is reached, the herring fishery will close – the directed herring fishery will close in an associated closure area. This map shows how the caps will be distributed. There will be four caps set annually, one for the Gulf of Maine, one for Georges Bank, one for Statistical Area 521, which is the Cape Cod Area, and then one for Southern New England and Mid-Atlantic.

When the cap is reached, the closure areas that closed the directed fishery all correspond to the catch cap areas except for in the Southern New England and Mid-Atlantic. I don't know if you can see it very well on this figure, but the offshore statistical areas in the Southern New England and Mid-Atlantic area would remain open to the directed herring fishery.

This is really just to try to provide some opportunity for the fleet to utilize the available herring yield without having a significant interaction with river herring and also to minimize the potential impacts on the mackerel fishery if the river herring catch cap in the Southern New England area is reached early.

This table provides the numbers for the caps that the New England Council is recommending for this year and next year. We are recommending in the Gulf of Maine a midwater trawl cap of 85.5 tons; in the Cape Cod Area, a midwater trawl cap of 13.3. Southern New England and Mid-Atlantic would have a midwater trawl cap of 123.7 as well as a bottom trawl cap of 88.9. At this time no cap is recommended for the Georges Bank Area.

These caps were recommended by the council based on the median value of observed river herring and shad catch by these vessels over the last five years.

We don't have any information to suggest that there is a measurable river herring and shad catch in the Georges Bank Area; so we are not recommending a cap at this time. These caps can be specified and modified in the future as the herring specifications are set; so we will certainly be revisiting these for 2016, '17 and '18 next year.

What is next because there isn't enough going on? The New England Council did talk about moving forward with further consideration of river herring and shad as stocks in the Atlantic Herring Fishery. That is on the list of 2014 management priorities. The first priority is to address the disproved elements of Amendment 5 – this is happening through Framework 4 – as well as the industry-funded monitoring Omnibus Amendment. Once those two actions are developed and heading towards completion, we will be continuing to look at river herring and shad as stocks in the Atlantic Herring Fishery.

There will be a white paper presented to the council some time later this year on that issue. In the meantime, the River Herring Bycatch Avoidance Project that is coordinated by SMST and Massachusetts DMF in cooperation with the industry has been funded at least in part through the 2014 and '15 research set-aside; and we anticipate further work through that project and both councils will be looking at the results of that project some time either later this year or next year, depending on timing. That is all I have for an update, and I'm happy to answer any questions.

CHAIRMAN STOCKWELL: Are there questions for Lori? Wilson.

DR. LANEY: Lori, thank you for that presentation. One question is the River Herring and Shad Committee and FMAT that you mentioned; is that the same entity that some of us I guess have received letters from NMFS asking if we would be willing to serve or if our agencies would be willing for us to serve on that group? I guess it is from Kim Damon-Randall, the correspondence, and Diane Borggard; is that the same thing?

MS. STEELE: No, that is the TEWG. That is the Technical Expert Working Group that is being coordinated by the ASMFC and NMFS. The River Herring and Shad Committee and FMAT that I made reference to is going to be led by the Mid-Atlantic Council; and it is going to be a committee of council members primarily that is going to be more focused

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on the effectiveness of the river herring and shad catch caps in the herring and mackerel fisheries.

The TEWG I think is going to really be – obviously, the TEWG is going to address a lot of issues and it is going to take a more comprehensive look at issues related to catch and fishing mortality. The River Herring and Shad Committee is going to function a little bit more like a council committee and be looking more specifically at what management actions the councils can take to ensure the effectiveness of the current caps.

DR. LANEY: Thank you, Lori; and then the second question was when the staff white paper is completed, will that be available on the council website?

MS. STEELE: Yes, absolutely, and I would anticipate that for some time in the fall of this year, once we get through Framework 4 and the industry-funded omnibus.

REPRESENTATIVE WALTER KUMIEGA: Just to clarify the catch caps and closures, those will only be for midwater trawlers; they wouldn't affect purse seine or stop seine fisheries?

MS. STEELE: Yes, for midwater trawlers and for bottom trawl vessels in Southern New England and Mid-Atlantic, but no caps at this time would apply to either purse seines or stop seines.

REPRESENTATIVE KUMIEGA: So the closures wouldn't apply to them?

MS. STEELE: That's right.

MR. ROB O'REILLY: I guess what I was interested in; on the caps except for Georges Bank, there are variable caps; and did I hear you say that was based on the mean river herring bycatch; what did you mention there for those areas, including the statistical area?

MS. STEELE: The catch caps proposed by the council are based on the median estimated catch of river herring and shad between 2008 and 2012; so we essentially took the last five years of data and looked at – we projected catch across the fleet for the year based on observer data and selected the median values for the upcoming two fishing years to serve as the catch caps. It is median of five years worth of catch estimates; and it is all catch kept and discarded.

MR. O'REILLY: So just as a followup, I guess you're familiar that when Amendment 14 going through the Mid-Atlantic Council was progressing and the idea was there was a really wide range of what the river herring and shad catches might be in the mackerel fishery.

I was wondering how things were so much better with the Atlantic Herring Fishery on those types of estimates, better monitoring or what was involved there because right now the Mid-Atlantic Council has one cap that is going to undergo pretty good scrutiny, we hope, from several different angles as you mentioned to start off with. I'm just curious about that.

MS. STEELE: Well, I don't think that we can really say that things are that much better in terms of the ability to accurately estimate river herring and shad catch in the Atlantic Herring Fishery. It is true that we were able to base the caps on more observer coverage than we've seen in the mackerel fishery.

I think that the herring fishery year to year has averaged 20 to 30 percent observer coverage and the mackerel fishery is significantly less. The same problems exist with the data; one being the variability and the second being the inability to link the cap numbers to any sort of biology or fishing mortality for the river herring and shad species.

We're hopeful that the committee and the TEWG both can further address those issues. I think the same problem exists. The New England Council picked the median value in part to be consistent with what the Mid-Atlantic Council did. I think we just have to see kind of how it is going to play out.

The CVs are a little bit better because we've had higher observer coverage, but there is a lot of concern about the biological basis for the cap and the potential impacts on the herring fishery. I think there is a lot of concern among the industry about these caps constraining the herring fishery's ability to fully utilize OY; but it is a median value for the last five years.

MR. DAVID V.D. BORDEN: Lori, how is the bycatch handled for state waters? Was it deducted off the top before you set the median values for Southern New England Inshore Trawl Fishery?

MS. STEELE: I'm not really sure. Essentially what we did to estimate catch and specified a catch cap is we took every trip landing more than 6,600 pounds of herring and used those to project out river herring

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catch. There was no deduction made for state waters catch; and we have set herring specifications, we've determined that state waters catch is insignificant in terms of setting the specification as part of management uncertainty. I'm not sure if I've answered your question and I'm not sure what kind of accountants we would have needed to make for that.

DR. DAVID PIERCE: To the point made by David Borden, through the move-along strategy and through the work done by the Massachusetts Division of Marine Fisheries, the sampling in the plant of fish that are offloaded, we also pick up and sample catches that were caught, for example, by vessels in Rhode Island waters.

As a consequence, it is important for Rhode Island to be well aware of what is being caught in their waters especially by bottom trawlers, because it will have an impact on what is tallied up against the catch cap itself. There will be some very comprehensive sampling of the different gear types through our involvement with the sampling.

In addition, of course, we'll have a great of cooperation, as we always have had, from the fleet from the midwater trawlers who are involved in this move-along strategy, the Sustainable Fisheries Coalition, SMAS, and the division; so that move-along strategy is going to be very important, especially because it is possible, maybe likely that the catch caps that the council has set could be quite restrictive and could – and, frankly, my own personal opinion is without a move-along strategy, it could shut the fisheries down because of catch of river herring and shad.

Everyone is well aware of the likely restrictive nature of these catch caps and of the great importance for industry to continue to cooperate – and we know they will – with this move-along strategy. I say that in part because my belief that the catch cap will be restrictive this coming year is that we do have evidence that some of runs, some of the more substantial runs are improving.

With that improvement, that means there will be more river herring and shad, river herring specifically out on the grounds where they could be caught along with river herring. So, the potential is there for the catch caps to be caught, if indeed they are implemented by the National Marine Fisheries Service; and the potential is there for the fishery to shut down. And then with one final in the statistical

areas where the catch cap is reached – let's see, there was one final point, which I can't recall. That's it.

MR. ADLER: Lori, you were running through the metric ton catch caps for the various areas; and then you said something, which I lost – there was something that you said but we're going to try to do something here to keep that fishery open or something like that; what was that all about? It was right after you mentioned the catch cap numbers.

MS. STEELE: I think what you're referring to is in the Southern New England/Mid-Atlantic area; yes, that figure. When the cap reached in the Southern New England and Mid-Atlantic area, only the shaded statistical areas in the figure would close. The ones that are offshore, the white areas would remain open. This is because the vast majority encounters with river herring have been seen in the inshore statistical areas. The offshore statistical areas would remain open in part to try to provide some opportunity for the herring fleet to continue to utilize their yield.

DR. LANEY: Mr. Chairman, to Rob's point, Lori, if the Omnibus Industry-Funded Monitoring Amendment is approved, I presume that would address some of his concerns about the degree to which we are sampling the catches for river herring and hopefully bring the CVs down and increase the percentage of observer coverage?

MS. STEELE: In theory, yes.

DR. LANEY: Well, a follow up to that; I know we have lots of New England and Mid-Atlantic Fishery Management Council members that sit on this board. I would just like to express appreciation to them for getting both councils involved in river herring conservation in the oceanic part of their life cycle.

I think that is a giant step in the direction of ecosystem-based management, which we really have got to undertake in order to restore these stocks which were once extremely, hugely important from an economic and cultural perspective and also from an ecological perspective because they are important forage species. Just thanks to all of you who have been a part of that effort.

MR. ROY MILLER: Mr. Chairman, with apologies to colleagues in the room who are more plugged into the New England Council and Mid-Atlantic Council process, I have a question with regard to the catch caps. I listened to Lori carefully and wrote down some numbers in terms of catch caps for the midwater trawl and bottom trawl fishery, et cetera.

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Was consideration given as to how these catch caps compare to the directed landings that occur in state waters for these species? Thank you.

MS. STEELE: Well, we certainly consider that in the analysis in Framework 3. There is a catch comparison between the state waters landings or river herring and shad and the estimates that we have for bycatch and catch in federal waters. It is hard to know what any of that means since we don't really have a biology basis or anyway to link these catches back to the biology of the species.

I believe that the proposed caps – and I'm saying this without all of my numbers in front of me; but when we looked at this I believe that the proposed caps for the herring and mackerel fisheries fleet-wide are about the same as the state landings in Maine.

REPRESENTATIVE KUMIEGA: Mr. Chair, just to Dr. Pierce's point, we took out a couple of dams on the Penobscot River; we opened access on the St. Croix; and we expect those runs to grow over the next ten years tremendously. There needs to be a mechanism to adjust those catch caps as those runs – particularly those runs I know are going to increase the amount of river herring in the Gulf of Maine and offshore areas a lot. It is going to take a few years, but there needs to be a mechanism to adjust those caps.

MS. STEELE: Yes; I think that is a really good point and that is something that both councils are going to have to consider in the future. One thing that these actions do not do is they do not tie the council to setting the catch cap based on one particular methodology. We utilized the last five years of catch data to set the '14 and '15 caps, but we may get down the road and decide – especially as the stocks increase, we may see different encounters in the fishery.

There may be a different method that is utilized in the future to set these caps. We certainly hopeful that a couple of years down the road we're going to have better biology for the river herring and shad species so that we can actually link these caps to stock status and fishing mortality.

CHAIRMAN STOCKWELL: Are there any additional questions for Lori? Seeing none; thank you, Lori.

### ELECTION OF VICE-CHAIR

CHAIRMAN STOCKWELL: The order of business is to elect a vice-chair. Pat.

MR. PATRICK GEER: Mr. Chairman, I would like to nominate Bill Goldsborough.

MR. AUGUSTINE: Mr. Chairman, I would like to close nominations and cast one vote on behalf of Mr. Goldsborough.

CHAIRMAN STOCKWELL: Congratulations, Bill. Is there any other business to come before the board? Michelle.

DR. DUVAL: I will be brief. Dave Simpson's comments about the compliance reports reminded me of this in terms of the fact that we all have sustainable fishery plans now; but I just wanted to let the board know that we were able to incorporate our 2013 survey data into our shad sustainable fishery metrics.

We did trip one of our management triggers in the Albemarle Sound. We submitted an addendum to our Sustainable Fishery Plan to the technical committee and we are implementing a seasonal reduction that is designed to achieve a 50 percent overall reduction in harvest in the Albemarle Sound Area. The sustainable fishery plans are working.

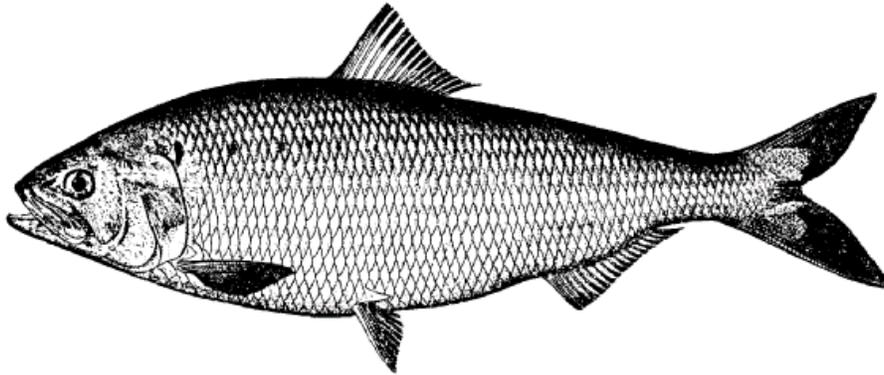
### ADJOURNMENT

CHAIRMAN STOCKWELL: Sounds good. Is there any further business? Seeing none; this meeting is adjourned.

(Whereupon, the meeting was adjourned at 11:25 o'clock a.m., February 6, 2014.)

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**DRAFT REVIEW OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
FISHERY MANAGEMENT PLAN FOR  
SHAD AND RIVER HERRING (*Alosa spp.*)  
2013**



**January 2015**

**Shad & River Herring Plan Review Team**

Marin Hawk, Atlantic States Marine Fisheries Commission (Chair)

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Cheri Patterson, New Hampshire Fish and Game Department

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Phil Edwards, Rhode Island Division of Fish and Wildlife

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# DRAFT REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN FOR SHAD AND RIVER HERRING (*Alosa spp.*)

## I. Status of the Fishery Management Plan

<u>Date of FMP Approval:</u>	October 1985
<u>Amendments:</u>	Amendment 1 (April 1999) Amendment 2 (August 2009) Amendment 3 (February 2010)
<u>Addenda:</u>	Technical Addendum #1 (February 2000) Addendum I (August 2002)
<u>Management Unit:</u>	Migratory stocks of American shad, hickory shad, alewife, and blueback herring from Maine through Florida
<u>States With Declared Interest:</u>	Maine through Florida, including the Potomac River Fisheries Commission and the District of Columbia
<u>Active Boards/Committees:</u>	Shad & River Herring Management Board, Advisory Panel, Technical Committee, Stock Assessment Subcommittee, Plan Review Team, Plan Development Team

The 1985 Fishery Management Plan (FMP) for Shad and River Herring was one of the very first FMPs developed at the ASMFC. In 1994, the Management Board determined that the original 1985 FMP was no longer adequate for protecting or restoring the remaining shad and river herring stocks. As a result, Amendment 1, which required and recommended specific monitoring programs to inform future stock assessments, was implemented in October 1998. A Technical Addendum #1 to Amendment 1 was approved in 1999 to correct technical errors in Amendment 1.

The Board approved Addendum I in February 2002. Addendum I: did the following: changed the conditions for marking hatchery-reared alosines; clarified the definition and intent of *de minimis* status for the American shad fishery; and modified and clarified the fishery-independent and dependent monitoring requirements. These measures went into effect on January 1, 2003.

In August 2009, the Shad and River Herring Management Board approved Amendment 2, which deals only with river herring management. The Amendment prohibited commercial and recreational river herring fisheries in state waters beginning January 1, 2012, unless a state or jurisdiction has a sustainable management plan reviewed by the Technical Committee and approved by the Management Board. The Amendment defines a sustainable fishery as “a commercial and/or recreational fishery that will not diminish the potential future stock reproduction and recruitment.” Amendment 2 required states to implement fisheries-dependent and independent monitoring programs. Sustainable fishery management plans have been approved by the Management Board for Maine, New Hampshire, New York, North Carolina and South Carolina (Table 1).

In February 2010, the Shad and River Herring Management Board approved Amendment 3,

which revised American shad regulatory and monitoring programs. The Amendment was developed in response to the 2007 American shad stock assessment, which found that most American shad stocks were at all-time lows and did not appear to be recovering. The Amendment requires similar management and monitoring as developed in Amendment 2. Specifically, Amendment 3 prohibits shad commercial and recreational fisheries in state waters beginning January 1, 2013, unless a state or jurisdiction has a sustainable management plan reviewed by the Technical Committee and approved by the Management Board. The Amendment defines a sustainable fishery as “a commercial and/or recreational fishery that will not diminish the potential future stock reproduction and recruitment.” The Amendment allows any river systems to maintain a catch and release recreational fishery. Sustainable fishing plans have been approved by the Management Board for Florida, Georgia, South Carolina, North Carolina, the Potomac River Fisheries Commission, and the Delaware River Basin Fish and Wildlife Management Cooperative (on behalf of New York, Delaware, New Jersey, and Pennsylvania) and Connecticut (Table 1). All states and jurisdictions are also required to identify local significant threats to American shad critical habitat and develop a plan for mitigation and restoration.

**Table 1. States with approved sustainable fishery management plans (SFP) for river herring or shad.**

<b>State</b>	<b>River Herring SFP</b>	<b>Shad SFP</b>
<b>Maine</b>	Approved	
<b>New Hampshire</b>	Approved	
<b>Massachusetts</b>		
<b>Connecticut</b>		Approved
<b>Rhode Island</b>		
<b>Pennsylvania</b>		Approved
<b>New York</b>	Approved	Approved
<b>New Jersey</b>		Approved
<b>Delaware</b>		Approved
<b>PRFC</b>		Approved
<b>Maryland</b>		
<b>Virginia</b>		
<b>North Carolina</b>	Approved	Approved
<b>South Carolina</b>	Approved	Approved
<b>Georgia</b>		Approved
<b>Florida</b>		Approved

## **II. Status of the Stocks**

While the FMP addresses four species, American shad, hickory shad, alewife, and blueback herring, lack of comprehensive and accurate commercial and recreational fishery data for the latter three species make it difficult to ascertain the status of these stocks. A coastwide American shad stock assessment was completed and accepted in August 2007. The 2007 assessment found that American shad stocks are currently at all-time lows and do not appear to be recovering. Recent declines of American shad were reported for Maine, New Hampshire, Rhode Island, and Georgia stocks, and for the Hudson (NY), Susquehanna (PA), James (VA), and Edisto (SC)

ivers. Low and stable stock abundance was indicated for Massachusetts, Connecticut, Delaware, the Chesapeake Bay, the Rappahannock River (VA), and some South Carolina and Florida stocks. Stocks in the Potomac and York Rivers (VA) have shown some signs of recovery in recent years. Data limitations and conflicting data precluded the report from indicating much about the current status or trend of many of the stocks from North or South Carolina.

The 2007 report identified primary causes for stock decline as a combination of overfishing, pollution, and habitat loss due to dam construction. In recent years, coastwide harvests have been on the order of 500-900 metric tons, nearly two orders of magnitude lower than in the late 19th century. Given these findings, the peer review panel recommended that current restoration actions need to be reviewed and new ones need to be identified and applied. The peer review panel suggested considering a reduction of fishing mortality, enhancement of dam passage and mitigation of dam-related fish mortality, stocking, and habitat restoration.

In 2008, a new river herring stock assessment conducted in response to concern over population decline and the impact of ocean bycatch. The stock assessment report concluded that, of the 52 stocks of alewife and blueback herring for which data were available, 23 were depleted relative to historic levels, one stock was increasing, and the status of 28 stocks could not be determined because the time-series of available data was too short. Estimates of abundance and fishing mortality could not be developed because of the lack of adequate data. The “depleted” determination was used instead of “overfished” and “overfishing” because of the many factors that have contributed to the declining abundance of river herring, which include not just directed and incidental fishing, but also habitat loss, predation, and climate changes.

### **III. Status of the Fisheries**

American shad, hickory shad, and river herring formerly supported important commercial and recreational fisheries throughout their range. Fisheries are executed in rivers (both freshwater and saltwater), estuaries, tributaries, and oceans. Although recreational harvest data are scarce, most harvest is believed to come from the commercial industry. Commercial landings for all these species have declined dramatically from historic highs. Following is a summary of fisheries by species:

#### **AMERICAN SHAD:**

Total combined river and ocean commercial landings decreased from a high of 2,364,263 pounds in 1985 to a low of 1,390,512 pounds in 1999, but increased in 2000 to 1,816,979 pounds. The closure of the ocean-intercept fishery has lowered the coastwide total landings of American shad. The total landings reported in compliance reports from individual states and jurisdictions in 2013 was 604,372 pounds, which is a 5% decrease from landings in 2012 (635,960 pounds).

Landings from North Carolina and South Carolina accounted for 43% and 33% of the commercial harvest, respectively, in 2013. The remainder of the harvest came from Maine, Connecticut, New York, Pennsylvania, PRFC, Virginia, and Georgia. In 2013 New Hampshire, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia and Florida reported no directed shad harvest in their state compliance reports.

**Table 2. American shad and river herring in-river commercial and ocean bycatch landings (in pounds) provided by states, jurisdictions and NOAA Fisheries for 2013.**

	<b>American Shad</b>	<b>River Herring</b>	<b>Hickory Shad</b>
<b>Maine<sup>3</sup></b>		1,423,878	
<b>New Hampshire</b>		4,420	
<b>Massachusetts</b>			
<b>Rhode Island</b>			
<b>Connecticut</b>	65,679		
<b>New York<sup>1</sup></b>	932	10,349	
<b>New Jersey<sup>2</sup></b>			3,483
<b>Pennsylvania</b>	2,854		
<b>Delaware</b>			
<b>Maryland</b>		305	
<b>D.C.</b>			
<b>PRFC</b>	3,799		
<b>Virginia</b>	4,825		755
<b>North Carolina</b>	257,869	743	71,326
<b>South Carolina</b>	205,368	192,454	652
<b>Georgia</b>	62,017		2,162
<b>Florida</b>			
<b>Total</b>	<b>608,428</b>	<b>1,632,149</b>	<b>78,378</b>

<sup>1</sup>New York American shad landings are from ocean bycatch

<sup>2</sup>Includes in-river and coastal harvest

<sup>3</sup>Maine (shad) landings are confidential

Substantial shad recreational fisheries occur on the Connecticut (CT and MA), Hudson (NY), Delaware (NY, PA and NJ), Susquehanna (MD), Santee and Cooper (SC), Savannah (GA), and St. Johns (FL) Rivers. Shad recreational fisheries are also pursued on several other rivers in Massachusetts, Virginia, North Carolina, South Carolina, and Georgia. Tens of thousands of shad are caught by hook and line from large east coast rivers each year, but detailed creel surveys are generally not available. Actual harvest (catch and removal) may amount to only about 20-40% of total catch, but hooking mortality could boost this “harvest” value substantially. Several comprehensive angler use and harvest surveys are planned or have been recently completed. In October 2006, the Management Board suspended the requirement to monitor the recreational fishery.

As of 2009, MRFSS data are no longer provided for American shad. This is a result of the unreliable design of MRFSS that focuses on active fishing sites along coastal and estuarine areas. In previous years the proportional standard error (PSE) has ranged from 0-100.

### **HICKORY SHAD:**

In 2013, New Jersey, Virginia, North Carolina, South Carolina, and Georgia reported hickory shad landings. North Carolina accounts for a vast majority of the landings with 91%. The coastwide commercial landings were 78,378 pounds in 2013, a 15% increase from 2012 landings (68,014 pounds) (Table 2).

### **RIVER HERRING (BLUEBACK HERRING/ALEWIFE COMBINED):**

Commercial landings of river herring declined 95% from over 13 million pounds in 1985 to about 700 thousand pounds in 2005. In 2013, river herring landings were reported from Maine, New Hampshire, New York, Maryland, North Carolina, and South Carolina, totaling 1,632,149 pounds.

## **IV. Status of Research and Monitoring**

Under Amendment 2 (2009) and Amendment 3 (2010), fishery-independent and fishery-dependent monitoring programs are now mandatory for American shad and river herring. Juvenile abundance index (JAI) surveys, annual spawning stock surveys (Table 3), and hatchery evaluations are required for states and jurisdictions. All States are required to calculate mortality and/or survival estimates, and monitor and report data relative to landings, catch, effort, and bycatch. States must submit annual reports including all monitoring and management program requirements, on or before July 1 of each year.

**Table 3. American shad and river herring passage counts at select rivers along the Atlantic Coast in 2013.**

<b>State/River</b>	<b>Shad</b>	<b>River Herring</b>
<b>Maine</b>		
Androscoggin	14	69,297
Saco	6171	43,414
Kennebec	0	94,456
Sebasticook	114	2,272,492
St. Croix		16,677
<b>New Hampshire</b>		
Cocheco		18,337
Oyster		7,149
Lamprey		79,408
Exeter		378
Taylor		128
Winnicut		0
<b>Massachusetts</b>		
Merrimack	37,149	17,359
<b>Connecticut</b>		
Holyoke Dam	392,967	976
<b>Rhode Island</b>		
Gilbert Stuart		91,240
Nonquit		52,563
Buckeye Brook		45,244
<b>Pennsylvania/Maryland/Delaware</b>		
Susquehanna (Conowingo)	12,733	7
Susquehanna (Safe Harbor)	1,927	
Susquehanna (York Haven)	202	
Susquehanna (Holtwood)	2,503	
<b>South Carolina</b>		
St. Stephen Dam	324,984	
<b>Total 2013</b>	<b>385,797</b>	<b>2,808,149</b>
<b>Total 2012</b>	<b>205,928</b>	<b>2,493,322</b>

In addition to the mandatory monitoring requirements stipulated under Amendments 2 and 3, some states and jurisdictions continue important research initiatives for these species. For example, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and USFWS are actively involved in shad restoration using hatchery-cultured fry and fingerlings. All hatchery fish are marked with oxytetracycline marks on otoliths to allow future distinction from wild fish. During

2013, several jurisdictions reared American shad, hickory shad, and alewife, stocking a total of 18,192,310 American shad and 269,430 alewife (Table 4).

**Table 4. Stocking of Alosines in State Waters, 2013.**

State	American Shad	Alewife
<b>Maine</b>		
Androscoggin		60,004
Kennebec		55,796
Union River		153,630
<b>Massachusetts</b>		
Merrimack	4,600,000	
Charles River	3,000,000	
<b>Pennsylvania</b>		
Susquehanna	2,362,501	
Lehigh	402,089	
Schuykill	338,084	
<b>North Carolina</b>		
Roanoke River	4,570,144	
<b>South Carolina</b>		
Edisto River	10,159	
Santee River	2,909,333	
<b>Total</b>	<b>18,192,310</b>	<b>269,430</b>

#### V. Status of Management Measures

All state programs must implement commercial and recreational management measures or an alternative program approved by the Management Board. The current status of each state's compliance with these measures is provided in the Shad and River Plan Review Team Report (enclosed).

Shad and river herring are currently managed under Amendments 2 and 3. In 2009 the Board approved Amendment 2, which was initiated in response to concerns over river herring stock. The amendment prohibits state waters commercial and recreational fisheries beginning January 1, 2012, unless a state or jurisdiction has a sustainable management plan in place. Sustainable fishery management plans have been approved by the Management Board for Maine, New Hampshire, New York, North Carolina and South Carolina.

In 2010, the Board approved Amendment 3, which revised American shad regulatory and monitoring programs under Amendment 1. The Amendment was developed in response to the 2007 American shad stock assessment, which found that most American shad stocks were at all time lows and did not appear to be recovering. The Amendment requires similar management and monitoring as developed in Amendment 2, specifically the development of a Sustainable

Fishing Management Plan (SFP) for any jurisdiction that will maintain a commercial or recreational fishery after January 1, 2013 (with the exception of catch and release recreational fisheries). SFPs have been approved by the Management Board for Florida, Georgia, South Carolina, North Carolina, the Potomac River Fisheries Commission, Connecticut and the Delaware River Basin Fish and Wildlife Management Cooperative (on behalf of New York, Delaware, New Jersey, and Pennsylvania).

## **V. Prioritized Research Needs**

### **Fishery-Dependent Priorities**

#### ***High***

- Expand observer and port sampling coverage to quantify additional sources of mortality for alosine species, including bait fisheries, as well as rates of bycatch in other fisheries to reduce uncertainty.<sup>1</sup>

#### ***Moderate***

- Identify directed harvest and bycatch losses of American shad in ocean and bay waters of Atlantic Maritime Canada.

#### ***Low***

- Identify additional sources of historical catch data of the US small pelagic fisheries to better represent earlier harvest of river herring and improve model formulation.

### **Fishery-Independent Priorities**

#### ***Moderate***

- Develop demersal and pelagic trawl CPUE indices of offshore river herring biomass.

### **Modeling / Quantitative Priorities**

#### ***High***

- Conduct population assessments on river herring, particularly in the south.<sup>2</sup>
- Analyze the consequences of interactions between the offshore bycatch fisheries and population trends in the rivers.
- Quantify fishing mortality for major river stocks after ocean closure of directed fisheries (river, ocean bycatch, bait fisheries).
- Improve methods to develop biological benchmarks used in assessment modeling (fecundity-at-age, sex specific mean weight-at-age, partial recruitment vector/maturity schedules) for river herring and American shad of both semelparous and iteroparous stocks.
- Improve methods for calculating M.

#### ***Moderate***

- Consider standardization of indices with a GLM to improve trend estimates and uncertainty characterization.
- Explore peer-reviewed stock assessment models for use in additional river systems as more data become available.

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<sup>1</sup> A prior statistical study of observer allocation and coverage should be conducted (see Hanke et al. 2012).

<sup>2</sup> A peer reviewed river herring stock assessment was completed in 2012 by the ASMFC.

### *Low*

- Develop models to predict the potential impacts of climate change on river herring distribution and stock persistence.

## **Life History, Biological, and Habitat Priorities**

### *High*

- Conduct studies to quantify and improve fish passage efficiency and support the implementation of standard practices.
- Assess the efficiency of using hydroacoustics to repel alosines or pheromones to attract alosines to fish passage structures. Test commercially available acoustic equipment at existing fish passage facilities. Develop methods to isolate/manufacture pheromones or other alosine attractants.
- Investigate the relationship between juvenile river herring/American shad and subsequent year class strength, with emphasis on the validity of juvenile abundance indices, rates and sources of immature mortality, migratory behavior of juveniles, and life history requirements.
- Develop an integrated coastal remote telemetry system or network that would allow tagged fish to be tracked throughout their coastal migration and into the estuarine and riverine environments.
- Verify tag-based estimates of American shad.
- Continue studies to determine river herring population stock structure along the coast and enable determination of river origin of catch in mixed stock fisheries and incidental catch in non-targeted ocean fisheries. Spatially delineate mixed stock and Delaware stock areas within the Delaware system. Methods to be considered could include otolith microchemistry, oxytetracycline otolith marking, genetic analysis, and/or tagging.<sup>3</sup>
- Validate the different values of M for river herring and American shad stocks through shad ageing techniques and repeat spawning information.
- Continue to assess current ageing techniques for river herring and American shad, using known-age fish, scales, otoliths, and spawning marks. Conduct biannual ageing workshops to maintain consistency and accuracy of ageing fish sampled in state programs.<sup>4</sup>
- Summarize existing information on predation by striped bass and other species. Quantify consumption through modeling (e.g., MSVPA), diet, and bioenergetics studies.
- Refine techniques for tank spawning of American shad. Secure adequate eggs for culture programs using native broodstock.

### *Moderate*

- Determine the effects of passage barriers on all life history stages of American shad and river herring. Conduct studies on turbine mortality, migration delay, downstream passage, and sub-lethal effects.
- Evaluate and ultimately validate large-scale hydroacoustic methods to quantify river herring and American shad escapement in major river systems.
- Conduct studies of egg and larval survival and development.
- Conduct studies on energetics of feeding and spawning migrations of American shad on the Atlantic coast.

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<sup>3</sup> Genetic research currently underway in combination with otolith chemistry.

<sup>4</sup> River herring ageing workshop occurred in 2013.

- Resource management agencies in each state shall evaluate their respective state water quality standards and criteria and identify hard limits to ensure that those standards, criteria, and limits account for the special needs of alosines. Primary emphasis should be on locations where sensitive egg and larval stages are found.
- Encourage university research on hickory shad.
- Develop better fish culture techniques, marking techniques, and supplemental stocking strategies for river herring.

### ***Low***

- Characterize tributary habitat quality and quantity for Alosine reintroductions and fish passage development.
- States should identify and quantify potential shad and river herring spawning and nursery habitat not presently utilized, including a list of areas that would support such habitat if water quality and access were improved or created, and analyze the cost of recovery within those areas. States may wish to identify areas targeted for restoration as essential habitat.<sup>11</sup>
- Investigate contribution of landlocked versus anadromous produced river herring.

## **VII. PRT Recommendations**

### ***State Compliance***

All states with a declared interest in the management of shad and river herring have submitted reports and have regulations in place that meet the requirements of the Interstate Fisheries Management Plan for Shad and River Herring. The PRT notes, however, that some states were not able to complete the required fishery independent monitoring due to budgetary restrictions.

1. Several of the states did not report all of the monitoring requirements listed under Amendments 2 and 3 (see PRT Report). The states should take note of the required monitoring programs that were not reported and make concerted effort to report all monitoring programs in forthcoming annual reports (most common omissions were: characterization of other losses, variance, length frequency, age frequency and degree of repeat spawning).
2. The PRT requests that those states and jurisdictions that share monitoring should report who was responsible for the required monitoring in lieu of not including the information. In addition, one report could be sent for each state or jurisdiction.

### ***De Minimis Status***

Maine, New Hampshire and Massachusetts have requested *de minimis* status for the 2015 American shad fisheries. New Hampshire and Massachusetts also requested *de minimis* status for the 2015 river herring fisheries. These states continue to meet the standards for commercial *de minimis* as defined in Amendment 2 and Amendment 3.

The following states had landings that were reported to be less than 1% of the coast-wide commercial landings for American shad: Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, PRFC, D.C., Virginia, and Florida. The following states had landings that were reported to be less than 1% of the coast-wide commercial landings for river herring: New Hampshire, Massachusetts, Rhode Island,

Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, D.C., PRFC, Virginia, North Carolina, Georgia, and Florida.

The PRT recommends granting all requests for *de minimis* status.

DRAFT

## REVIEW OF SHAD AND RIVER HERRING ANNUAL COMPLIANCE REPORTS

### INTRODUCTION

In accordance with the Shad and River Herring Fishery Management Plan, the states are required to submit an annual compliance report by July 1<sup>st</sup> of each year. The Plan Review Team reviewed all state reports for compliance with the mandatory measures in Amendments 2 (River Herring) and 3 (American shad). The following report provides an evaluation of each state program.

### MAINE

#### *De minimis*

- The state of Maine requests *de minimis* for the commercial fishing year 2015 in the American shad fishery.

#### **Comments or trends highlighted in state report:**

- American shad recreational catch estimates = 945 fish and 0 harvest (MRIP).
- Comparing the juvenile CPUE to past years, American shad CPUE were above average in Merrymeeting Bay, the Abbagaadasset, Eastern, and lower Kennebec rivers, but below average in the Androscoggin, Cathance and upper Kennebec rivers.
- 1,107,911 pounds of river herring reported harvested by towns (preliminary).
- MRIP estimates for alewife = 1,110 caught and 731 harvested and no blueback caught or harvested.
- Comparing the JAI CPUE to past years, alewife CPUE was above average only in the upper Kennebec River (where it was also the highest on record), but below average in all other river portions
- River herring run counts were above average for Saco, Androscoggin, Kennebec and Sebasticock rivers and below average in the St. Croix river
- American shad spawning stock survey and mortality estimate could not be completed due to extremely low population levels

#### **Unreported information / Compliance Issues:**

- River herring scale samples collected from commercial harvesters are being processed. Information should be sent to FMP Coordinator as soon as data are available.

#### **Sturgeon bycatch report:**

- There was no known bycatch of Atlantic or shortnose sturgeon within the recreational fishery.

### NEW HAMPSHIRE

#### *De minimis:*

- The state of New Hampshire requests *de minimis* status for the commercial and recreational fishing year 2015 for the American shad and river herring fisheries.

#### **Comments or trends highlighted in state report:**

- River herring SFMP target met for 2013 – exploitation rate <20% (4.2%) and returns >72,293 fish (105,610 fish).
- 4,420 pounds river herring reported harvested from New Hampshire waters through mandatory coastal harvest reports

- Recreational harvest estimates for river herring were 2,366 fish through the NHF&G Marine Recreational Survey (MRIP)
- A few tickets were issued for harvest of river herring on closed days.
- Since 2007 JAI for alewife and blueback herring have been declining, however in 2013 the geometric mean for alewives was the highest recorded since 2006
- Zero shad were harvested from New Hampshire waters in 2013.

**Unreported information / Compliance Issues:**

- None identified.

**Sturgeon bycatch report:**

- No protected species were reported taken as bycatch from New Hampshire's coastal harvest program.

**MASSACHUSETTS**

***De minimis:***

- The Commonwealth of Massachusetts requests *de minimis* for the commercial fishing year 2015 for the American shad and river herring fisheries.

**Comments or trends highlighted in state report:**

- Dealer reporting = 0 pounds of shad landed.
- 2 reports of violations for illegal possession and use of shad as bait

**Unreported information / Compliance Issues:**

- The Native American harvest for river herring has not yet been reported.
- Degree of repeat spawning is not evaluated in the river herring spawning stock assessment.

**Sturgeon bycatch report:**

- No sturgeon interactions were reported in 2013.

**RHODE ISLAND**

**Comments or trends highlighted in state report:**

- None identified.

**Unreported information / Compliance Issues:**

- Herring scale samples were collected but not aged; mortality estimates are unavailable for 2013.

**Sturgeon bycatch report:**

- One Atlantic sturgeon was observed by the NOAA Fisheries Observer Program in 2013.

**CONNECTICUT**

**Comments or trends highlighted in state report:**

- The preliminary 2013 landings are 65,679 pounds (14,661 fish) of American shad from drift gillnets through harvester catch reporting.

- Shad spawning population relies on a few age classes and low rates of repeat spawners.

**Unreported information / Compliance Issues:**

- Commercial catch composition of shad is not made available.
- Estimate of other commercial losses is reported by weight instead of length and age.
- Directed recreational harvest of shad is not characterized.
- No sources of river herring loss are listed.
- No description of fishery independent monitoring requirements is provided for shad or herring.
- River herring JAI variance is not provided.
- No age frequency, degree of repeat spawning, or annual mortality rate calculation is provided for river herring.

**Sturgeon bycatch report:**

- A total of 7 sturgeons (species unclassified) were reported as caught and released by shad fishermen in 2013.

**NEW YORK**

**Comments and trends highlighted in state report:**

- Commercial and recreational shad fishery closed in 2010.
- Mandatory reporting of river herring harvest = 7,419 pounds landed in Hudson River.
- 2,930 pounds bycatch reported through ACCSP
- River herring spawning stock survey – 79:21 male:female alewife and 51:49 male:female blueback herring.

**Unreported Information / Compliance Issues:**

- Harvest and losses of shad and river herring are reported in weights but not numbers.
- Shad bycatch is reported, but 5% cap is not referenced.
- No data for commercial or recreational “other loss” of river herring is available.
- A river herring recreational creel survey was not conducted in 2013.
- Other losses (research, fish passage) attributed to river herring are not estimated.
- River herring commercial landings data entry is still ongoing. Sex ratio and age frequency are not evaluated.
- Degree of repeat spawning data for shad is not yet complete.
- River herring mortality rate analysis is not yet complete.

**Sturgeon bycatch report:**

- No data collected due to fishery closure.

**NEW JERSEY**

**Comments or trends highlighted in state report:**

- Commercial directed fishery for American shad in coastal waters was closed January 1, 2013.

**Unreported Information / Compliance Issues:**

- No biological samples were taken from the river herring commercial fishery.
- More thorough explanation of SAFIS is needed.

- Coastal herring report did not evaluate commercial catch composition and did not mention recreational fishery (no harvest & losses addressed).
- No biological data given (except for length frequencies) for shad or river herring from the ocean trawl surveys for coastal stocks. Age at length keys are mentioned to be in development.

**Sturgeon bycatch report:**

- One Atlantic sturgeon was caught as bycatch in Delaware Bay and was released alive.

**PENNSYLVANIA**

**Comments or trends highlighted in state report:**

- No commercial fishery for shad or river herring on Susquehanna; recreational fishery prohibited in 2013 for river herring; no recreational fishery for shad in Susquehanna.
- River herring juvenile indices fail to produce meaningful data due to low numbers.

**Unreported Information / Compliance Issues:**

- No estimates of other losses for river herring have been developed.
- Must develop river herring spawning stock assessment.
- Susquehanna river herring mortality rate is not calculated.

**Sturgeon bycatch report:**

- No sturgeon interactions reported in 2013.

**DELAWARE BASIN F&W COOPERATIVE**

**Comments or trends highlighted in state report:**

- Commercial landings of American Shad in the Delaware Estuary and Bay as reported to New Jersey in their directed fishery (37,659 pounds) increased over landings reported for five-year average (10,195 pounds; 2009 – 2013) and the ten year average (22,270 pounds; 2004 –2013).
- Landings of American shad as bycatch in their striped bass fishery reported to Delaware increased in 2013 (3,266 pounds) in comparison to the previous year (lowest level since 1985.)
- Adult American shad abundance in the Delaware River estimated in 2013 exhibited decline from 2012 but was greater than the 2009 low, based on gill net CPUE (.98 shad/foot-hr) at Smithfield Beach (RM 218).
- The river herring fishery was closed in the States of Delaware and New Jersey jurisdictional waters and in Pennsylvania jurisdictional waters in 2013. No estimates of angler use and harvest of recreational river herring or hickory shad catches were available for 2013.

**Unreported information / Compliance Issues:**

- River herring spawning stock assessment did not include age frequency, sex ratio, or degree of repeat spawning.
- Other losses for herring must be categorized.
- Harvest and losses table for herring not included.
- No biological data for commercial river herring fishery.
- No estimation of effort for river herring.
- Length frequency not reported for herring in NJ, PA, or DE.

- No river herring hatchery evaluation in NJ, PA, or DE.
- No recreational harvest or mortality estimates for shad.
- Commercial age data for shad remains to be processed
- Degree of repeat spawning data for shad was not collected in NJ and remains to be processed in DE.
- Monitoring of recreational landings catch and effort data in the Delaware River is required under Am. 3; this was not addressed.
- No fishery independent mortality rate was calculated for either species in NJ, PA, or DE.

**Sturgeon bycatch report:**

- According to logbooks collected from New Jersey commercial shad fishers there was 1 Atlantic sturgeon caught as bycatch during 2013 in Delaware Bay. The sturgeon was released alive at the time of tending the net.

**MARYLAND**

**Comments or trends highlighted in state report:**

- American shad and river herring commercial fishery is closed; catch and release only.
- Catch and release mortality estimated at 144 shad.
- No trend in Nanticoke and Patuxent Rivers shad JAI; increasing in Upper CB and Potomac River.
- Choptank River 94% hatchery origin (shad)
- Conowingo Dam tailrace population estimated at 80,910 shad.
- The JAI CPUE decreased for alewife and increased for blueback in 2013 in both the Nanticoke River and the Upper Bay

**Unreported / Compliance Issues:**

- 305 pounds of herring were landed despite of fishery closure due to similarity btwn species
- Other losses should be characterized for river herring and American shad pertaining to commercial and recreational fisheries.
- Shad harvest and losses table did not mention gear type or pounds of fish, only stated as number of fish per area.
- Further development of spawning stock assessment for river herring is necessary.

**Sturgeon bycatch report:**

- The Atlantic sturgeon bycatch for Maryland's American shad ocean intercept fishery has been zero since this fishery was closed in 2005.

**DISTRICT OF COLUMBIA**

**Comments or trends highlighted in state report:**

- River herring and shad directed fisheries are closed.
- Hatchery evaluation efforts are scheduled to begin in 2014

**Unreported information / Compliance Issues:**

- No estimate of potential other losses in any of the fisheries.
- The required harvest & losses table is not included.

- Include which rivers were sampled by the seine survey.
- No ageing has been done for American shad or river herring, thus age frequency, degree of repeat spawning and mortality estimates have not been reported.
- Length frequency and sex ratio not supplied for American shad.

**Sturgeon bycatch report:**

- There were no documented sturgeon captures reported in the District of Columbia during 2013.

**POTOMAC RIVER FISHERIES COMMISSION**

**Comments or trends highlighted in state report:**

- All fisheries are closed to the taking and/or possession of river herring and Shad in the Potomac River.
- American shad restoration target (31.1) was exceeded for the third year in a row in 2013 (39.4)
- 2013 JAI indices for American shad are significantly higher than the 2012 indices

**Unreported information / Compliance Issues:**

- Please include spawning stock assessment information in the same report.
- Harvest and losses table could be improved by including number of fish per gear type and mean weight per gear type.
- Variances for juvenile indices are missing.

**Sturgeon bycatch report:**

- In 2013, there were no Atlantic sturgeon captures in the Potomac River.

**VIRGINIA**

**Comments or trends highlighted in state report:**

- River herring and shad fisheries closed to both commercial and recreational fishing.
- The strength of the James River catch index continues to rely on the prevalence of hatchery shad.
- Catch indices on the James River for shad are trending downward and are near an all-time low.

**Unreported information / Compliance Issues:**

- Due to lack of available funding, the annual spawning stock survey, biological sampling, and resulting calculation of mortality and/or survival estimates were not performed in 2013 for river herring.
- No estimate of potential other losses. Both fisheries are closed, however.

**Sturgeon bycatch report:**

- 11 Atlantic sturgeon were caught as Bycatch and released alive in 2013 (James River, n=6; York River, n=4; Rappahannock River, n=1).

## **NORTH CAROLINA**

### **Comments and trends highlighted in state report:**

- 257,869 pounds of shad were reported landed (\$307,475) through the trip ticket program primarily from gill nets (95.4%).
- Juvenile American and hickory shad catches have been consistently low since the survey began in 1972.

### **Sturgeon bycatch report:**

- Albemarle Sound Area; 63 Atlantic sturgeon interactions - DMF observer data (14 released alive), DMF IGNS (48 released alive, one fatality).
- Pamlico Sound Area, Pamlico, Neuse and Cape Fear River Areas; 3 Atlantic sturgeon captured and released alive in the near shore Atlantic Ocean.

## **SOUTH CAROLINA**

### **Comments and trends highlighted in state report:**

- 205,368 pounds shad reported through NOAA Fisheries (100% in-river)
- In 2013, observed sex ratios for American shad were 8.3 females per male in the Santee River and 17.7 females per male in the Waccamaw River. The high occurrence of females in these samples is most likely due to the marketability of females vs. males.

### **Unreported information / Compliance Issues:**

- River herring commercial and recreational effort is not estimated.
- Characterize and quantify other losses related to all fisheries.
- Technical committee determined that river herring juvenile indices would not be required.
- Hatchery evaluation was not mentioned for herring.

### **Sturgeon bycatch report:**

- Atlantics – 158 total, with 38% from Santee, 94% from the Winyah Bay, 4% from the Santee River, <1% from the Waccamaw and Savannah Rivers.
- Shortnose – 7 total, with 3 from the Waccamaw River, 3 from the Winyah Bay, and 1 from the Santee River.

## **GEORGIA**

### **Comments and trends highlighted in state report:**

- A creel survey was not conducted in 2013, but is planned for 2015.
- The population of American shad in the Altamaha River in 2013 was 227,218 shad, a 28% decrease from 2012.
- Commercial and recreational fisheries are non-existent in GA and commercial shad gear precludes river herring from being caught (communication with Don Harrison).

### **Unreported information / Compliance Issues:**

- No shad recreational harvest data was reported, and no other recreational losses are estimated.
- Juvenile indices were not completed due to persistent high water.

### **Sturgeon bycatch report:**

- Atlantic and shortnose sturgeon are caught in gill nets. In drift nets, essentially 100% of the sturgeon can be released unharmed. During 16 field days of tagging adult shad in

2012, 2 Atlantic and 5 shortnose sturgeon were captured in drift gill nets. All sturgeon were released unharmed. In addition, shad fishermen reported capturing 19 Atlantic and 23 shortnose sturgeon from the Altamaha River.

## **FLORIDA**

### **Comments and trends highlighted in state report:**

- No commercial fishery exists for shad or river herring.

### **Unreported information / Compliance Issues:**

- Include more detail to characterize other losses related to commercial and recreational fisheries.
- Include more detail on river herring.

### **Sturgeon bycatch report:**

- No netting is allowed for shad, so no sturgeon bycatch is expected.

DRAFT



# New Hampshire Fish and Game Department

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December 24, 2014

Marin Hawk  
FMP Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200A-N  
Arlington, VA 22201

Ref: Discontinuation of Taylor River Monitoring Proposal

Dear Ms. Hawk:

Under Section 5.1 in Amendment 2 to the Interstate Fishery Management Plan for shad and river herring the State of New Hampshire is required to submit a proposal to the Commission for any change to its regulatory program or mandatory compliance measure. The intent of this letter is to request that the Taylor River monitoring requirement under Amendment 2 for the State of New Hampshire be withdrawn. Beginning in the spring of 2015 we would like to operate the Taylor River fishway as a swim through only with no regular monitoring or biological sampling performed by New Hampshire Fish and Game Department (NHFGD). The fishway would be opened each spring in late April and closed in late June. Weekly visits by NHFGD staff to check for proper fishway operation would still occur. Time saved making weekly visits to the Taylor River will allow NHFGD staff to spend more time monitoring other NH coastal river herring runs.

The Atlantic States Marine Fisheries Commission's (ASMFC) Amendment 2 to the Interstate Fishery Management Plan for Shad and River Herring called for states to close recreational and commercial river herring fisheries in 2012 with an exception for systems with a sustainable fishery. It should be noted that the Taylor River is not included in the NH "Great Bay Indicator Stock" that was established to monitor harvest levels as part of the sustainable harvest plan developed by NHFGD. The rivers included in the Great Bay Indicator Stock are the Cocheco, Lamprey, Oyster, and Exeter. The recreational fishery for river herring in the Taylor River has been closed since 2005.

River herring runs on the Taylor River have declined to an estimated 92 fish in 2012 from over 100,000 fish in 1986. The major cause of the decline is likely eutrophication of the Taylor River impoundment. The Taylor River fish run is estimated using a Smith-Root Model 1101 electronic fish counter. NHFGD staff makes daily visits to the fishway during the migration to perform calibration counts and collect biological samples of river herring if possible. The last time river herring were observed at the fishway was in 2008 when a total of seven fish were sampled. In addition to declining river herring returns the Denil fishway at the Taylor River dam was constructed without a trap at the exit. This makes confirmation of fish passage very difficult.

The Taylor River dam is owned by the NH Department of Transportation (NHDOT). In 2005 a letter of deficiency was issued to NHDOT from the NH Department of Environmental Services (NHDES). This letter requires NHDOT to repair/replace or remove the Taylor River dam. In the event that an updated dam/fishway is constructed or dam removal occurs and river herring habitat quality improves we can reassess the need to implement river herring monitoring.

If you have any questions regarding our proposal to discontinue river herring monitoring on the Taylor River feel free to contact Mike Dionne at (603)-868-1095 or [michael.dionne@wildlife.nh.gov](mailto:michael.dionne@wildlife.nh.gov).

Sincerely



Douglas Grout  
Chief of Marine Fisheries

cc: Cheri Patterson, Marine Program Supervisor  
Kevin Sullivan, Marine Biologist  
Michael Dionne, Marine Biologist

**REGION 1**

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# Atlantic States Marine Fisheries Commission

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## Shad and River Herring Technical Committee Meeting Summary

Conference Call  
November 14, 2014

**Technical Committee Members:** Mike Dionne (chair, NH FG), Johnny Moore (DE FW), Ken Sprankle (US FWS), Josh Tryninewski (PA FBC), Kathy Hattala (NY DEC), Claire Enterline (ME DMR), Bill Post (SC DNR), Eric Hilton (VIMS), Brad Chase (MA DMF), Phil Edwards, (RI DEM), Genine Lipkey (MD DNR), Ruth Haas-Castro (NOAA Fisheries)

**ASMFC Staff:** Marin Hawk, Katie Drew

The Shad and River Herring Technical Committee (TC) met to review New Hampshire's request for removal of monitoring for the Taylor River and tasks from the Shad and River Herring Management Board (Board). Below is a summary of the discussion.

### **New Hampshire Proposal**

New Hampshire requested removal of river herring monitoring requirements for the Taylor River, based on no visual confirmation of river herring passage since 2008. River herring passage is estimated to be extremely low at this site. The TC reviewed the request and agreed with NH's conclusion. Data from the Taylor River have not been included in any of the fishery-dependent indices since 2008. The TC requested a revision to the proposal to include an explanation of the past uses for the data and its relative importance. In addition, New Hampshire indicated that monitoring efforts that were previously focused on the Taylor River would move to one of the other five rivers where monitoring occurs. The TC requested that a short explanation of this re-distribution of future monitoring be included in the letter. The TC also suggested that if future work were to occur on the dam by the NHDOT owners that passage or habitat improvements be considered.

### **Recreational Compliance and Data**

At their February 2014 meeting, the Management Board tasked the TC to review compliance on recreational fishery data collection, in light of the fact that the data are often deemed unreliable. During the call, the TC discussed the lack of independent recreational surveys in the states (states depend on MRIP data). However, MRIP data do not capture adequate information for anadromous species because the sampling does not extend into freshwater areas of rivers. The TC recommends the Board remove recreational data surveys as a requirement, but reconsider this in the future if more reliable means to collect this data can be implemented.

### **Methods for Submitting Old Data**

When compliance reports are due (July 1), many states are not finished analyzing fishery-independent samples. Because of this, data summaries are left out of compliance reports. There is no mechanism in place to follow up with states to ensure the delinquent data are reported. The TC suggests that staff send out the PRT report to states on January 1 of the following year, reminding states of missing data. Staff will then work with states to determine an acceptable schedule to submit data to the Commission.

### **Other Issues**

The TC recommends the Board submit a request to the Management and Science Committee for a stock assessment update in 2017 for American shad. The last stock assessment for American shad was in 2007.

Claire Enterline (ME) was elected chair, and Lindsey Staszak (NC) was elected vice-chair.