

**Atlantic States Marine Fisheries Commission
Shad and River Herring Advisory Panel
Conference Call Summary
April 8, 2011**

AP Members: Jeff Kaelin, George Loring, Mike Blanchard, Alison Bowden, Dave Ellenton, Bryon Young, Bill Richkus, Ray Brown, Jud Crawford (for Pam Lyons Gromen)

TC Members: Mike Brown, Wilson Laney, Larry Miller

Staff Present: Kate Taylor

Election of Chair and Vice-Chair

The AP expresses many thanks to Byron Young for his work as Chair over the past two years. Dick St. Pierre was the Vice-Chair; however he has retired from the committee. Two nominations were received for Chair: Pam Lyons Gromen and Jeff Kaelin. Please refer to the email sent out to the AP to vote for a new chair.

Update on Amendment 5 to the Atlantic Herring FMP (NEFMC)

The New England Council is currently developing Amendment 5, which covers a broad range of management issues: Catch Monitoring Program, Measures to Address River Herring Bycatch , Criteria for Midwater Trawl Access to Groundfish Closed Areas, Measures to Address Interactions with Mackerel Fishery and Measures to Protect Spawning Fish. Within the River Herring Bycatch sections the Council is considering management options including observer requirements, closed area provisions, catch caps and the implementation of a two phase river herring bycatch avoidance program developed in cooperation by the Sustainable Fisheries Coalition, MA Division of Marine Fisheries, and UMASS School of Marine Science and Technology. At the January Council Meeting in Portsmouth, NH the Council voted to remove a portside sampling option since there are already state portside sampling programs in place. In its place the Council added an option for dealers to weigh all the fish, unless an exemption is allowed. However, the Atlantic Herring PDT for Amendment 5 believes that the exemption provision is unclear and if this goes forward it should be required of all dealers. An option for a move-along rule, in areas of high bycatch, which would require the fleets to move when encountering lots of river herring, was also removed. NMFS had stated that it would be administratively difficult since any closure would have to be published in the federal register. The Council added an option for considering the establishment of a river herring bycatch cap through a framework after the ASMFC completes its stock assessment. The next Council meeting will be held on Wednesday April 27th at 1:15 pm and can be held online by registering at: <http://www.nefmc.org/press/webinar/webinar.html>. The Draft Amendment will most likely be sent out for public comment in the fall.

Jeff stated that it would be good to have Dr. Stokesbury from SMAST to come in August and explain how the project is working.

Update on Amendment 14 to the Squid Mackerel Butterfish FMP (MAFMC)

Amendment 14 deals with shad and river herring bycatch. The Council met in February and March and approved the following options for additional analysis by the FMAT: dealer and vessel reporting, observer coverage (25% - 100%), bycatch caps, time/area restrictions and gear restrictions. The Council removed an option for a portside monitoring program because it was stated this is not an effective means to monitor the fishery and also because there would be no NMFS funds available to support the development of such a program. The Council is also considering adding shad and river herring as a “stock in the fishery” (i.e. the plan would become the Squid, Mackerel, Butterfish, Shad and River Herring FMP). The Council will be writing a letter to ASMFC outlining specific reporting relationships on significant issues that impact the river herring/shad and will request that the Commission reciprocate. The next meeting is in mid-June in Port Jefferson, NJ. The Draft Amendment will most likely be sent out for public comment in the fall.

Q: What are the ways to comment on whether there should be a separate federal plan?

A: Byron Young noted that the AP has multiple options if the committee would like to comment on this management issue. The AP can 1) make a recommendation to the Management Board, 2) individual committee members can send letters to the Management Board, or 3) they can have a face-to-face meeting, and then make recommendations. AP can also send comments to the Councils.

Q: Would a Council FMP be a joint plan with the Councils and ASMFC?

A: There are examples of joint plans, such as Atlantic herring and bluefish. If a federal FMP was developed it would most likely be a joint plan. (Note: This option was subsequently removed at the March MAFMC Council Meeting).

Jeff Kalin noted that there is a pretty high standard for designation as a stock in the fishery. Shad and river herring do not have to be designated as a stock in the fishery to address the bycatch issues.

Ray Brown noted that he was in favor of having a separate federal FMP for shad and river herring as this is a vitally important fish.

Jud Crawford brought up the issue of identification of genetic markers for individual river runs. If runs are in fact genetically unique, some tissue from each fish would be required to identify their origin, and that would require a considerable investment. It was more likely that it would be possible to identify areas in the ocean used by the various stocks.

Allison asked for a summary e-mail about what genetics work is currently being developed.

State Sustainable Fishing Plans for River Herring

Kate indicated she would move to discussion of state sustainable fishing plans. These are required for river herring under Amendment 2. So far Maine, New Hampshire, North Carolina and South Carolina have submitted plans. DC had submitted one, but withdrew it. States without an approved plan in place must close their commercial and recreational fisheries by January 1, 2012. River herring will not be allowed to be retained in any fishery without a plan covering it.

The NC plan is for a small bycatch allowance. Currently MA has closed their fisheries 6+ years ago but there is an allowance of five percent river herring, by count. Counting was preferred by the enforcement personnel.

Q: Will states that plan to close be required to submit a plan?

A: No they will not.

Jeff noted that the coastwide moratorium is a blunt instrument and that individuals invested in restoration can't even take a bucket of fish, for personal use. Ray noted that it was the personal users in NC who pushed for the moratorium.

Update on State Runs

NC – Ray stated they were seeing a little increase in the number of spawning fish, but won't know about repeat spawners, until later in the summer.

DC – Shad have been observed running in the Potomac River.

MD – Phil noted that the relicensing of the projects on the Susquehanna was ongoing, and Larry Miller was involved in that study. They are addressing American shad and river herring. Phil noted that the hickory shad stocks are doing really, really well.

PA – Larry Miller noted that the Susquehanna fishways are to be ready by April 1. He noted that the flows are currently too high for operation. Conowingo hasn't yet been opened for operation. Last year there was an early run, but this year it appears that it will be somewhat later before we get the first shad.

NY – Byron said the run began about March 16. With the return of cold weather, the fish backed out. They have returned this week, but are nowhere near peak spawning. Fish are showing up fairly regularly, in most of the spots where they are found. They don't have a sense of whether the runs are increasing or decreasing. They have a new fishway, a rock weir, in place.

MA – George said there is a lot of anticipation for the American shad run. There has been some cleaning up of some of the smaller rivers. Everyone is excited to see what will happen this year, but it is pretty much still winter. The water temperature is forty or forty-one degrees, so it isn't very favorable yet.

ME – Mike Brown said there are no fish moving yet. At this time last year they had their first sample, so they are definitely behind.

Byron noted in the Peconic run a video camera was installed at the top of the ladder, and it will only record when there is a fish on the screen. A week or week and a half ago, there were 300 fish which passed in one night. Byron indicated he would send us a video link to the site, and information on the camera which runs it. They have a source of electricity for this stream. The total equipment cost was around \$5,000.

There is also a shad-cam on Boshers' Dam in VA, and another on Delaware Bay estuary, which are both of those are up and running (www.dgif.virginia.gov/fishing/shadcam/ and <http://fairmountwaterworks.com/fishcam.php>) (Note from KT – I just saw three shad swim through the Fairmount Ladder). There are three shad events coming up. On April 15, the DC Casting Call is being held. On April 20th, the Wakefield Sportsman's Club will do their shad planking. Lambertville, NJ, will also do their Shad Festival event, on April 30th. Please send any information on shad and river herring festivals which will be added to the ASMFC website and in the Fisheries Focus.

Wilson noted for Ray's benefit that the Whole Foods in Ridgewood Shopping Center, in Raleigh, will be having a shad fillet de-boning demonstration and they are carrying shad fillets. Kate also noted that they were selling shad filets in DC.