

**Atlantic States Marine Fisheries Commission
Shad and River Herring Technical Committee
Conference Call Summary
January 11, 2010**

TC Members: Joe Swann (DC), Mike Hendricks (PA), Ellen Cosby (PRFC), Mike Brown (ME), Don Harrison (GA), Phil Edwards (RI), Larry Miller (USFWS), Jacque Benway (CT), Kathy Hattala (NY), Mike Dionne (NH), Russ Allen (NJ), Sara Winslow (NC), Ruth Hass-Castro (NMFS), Mike Stangl (DE), Eric Hilton (VIMS), Brian Watkins (VIMS), Bill Post (SC), Reid Hyle (FL), Phil Brady (MA), Wilson Laney (USFWS)

Staff: Kate Taylor

Discussion

Juvenile Recruitment Failure

The Board approved the following juvenile recruitment failure definition when “the three year average goes below 75% level”, which was supported by the TC in November memo to the Board. There was discussion that the definition was taken from Amendment 6 to the Striped Bass FMP, but the Striped Bass Board will be reviewing this at the meeting in February.

November Board meeting

The Shad and River Herring Board meeting in November started well past its expected 3:30 pm scheduled time due to earlier Board meetings (striped bass, SF/scup/BSB) going over. Board motions were passed approving the sustainable fishing definition, the use of Z30 as a mortality index rather than an overfishing definition, and the juvenile recruitment failure definition. There was some confusion as to whether Z30 was adopted as a “mortality index” (what the official motion was) or a “mortality benchmark” (change that was requested but never read into record). This will be brought up at the February meeting for the Board to clarify. Additionally, the use of Z30 as either a “mortality index” or “mortality benchmark” leaves no overfishing definition. This issue will be brought up to the Board as well. One Board member expressed concern over the use of Z30 as an overfishing definition, since it is a measure of more than fishing pressure. Kathy expressed that TC members should make their Board members aware that Amendment 3 is a step forward from Amendment 2, and that Amendment 3 should not be made to look like Amendment 2. There are differences between the documents because the species are not the same. There needs to be a better understanding of this at the Board level.

Wilson suggested that staff or Kathy make a statement at the beginning of the meeting addressing this concern. In those cases where the TC thinks Amendment 2 has the more appropriate measures then TC members need to re-enforce this to their Board members. A subset of Commissioners (Duvall (NC), Stockwell (ME), Simpson (CT), and Laney (USFWS)) will be meeting on Thursday (1/14) to discuss motions for the February Board meeting. Wilson suggested that the motions at the previous Board meeting were made not to make Amendment 3 look like Amendment 2, but rather to have consistency between the two documents. It was suggested that this could later be accomplished through an Addendum. Amendment 2 is a final document, approved by the Board at the May 2009 meeting, and can only be modified through an Addendum.

As the SASC is going through the river herring assessment, several gaps have been identified in data collection. These are similar to gaps that were seen in the American shad stock assessment process. Important changes in Amendment 3 include shared responsibility for shared water bodies and increased coordination with freshwater sections. Some of this already happens, but Amendment 3 formalizes the process to keep the data flowing in.

Kathy brought up that Amendment 3 makes it clear that if a state or jurisdiction cannot complete the required monitoring due to lack of funding, then the Board should be notified, an alternative monitoring program should be proposed, and alternative funding should be sought. If nothing can be approved or found, then the fishery can be closed. In Amendment 2 it states that the Board can find a state in compliance even if the required monitoring is not completed and there are no consequences. It was brought up that the Board has always had the authority to allow a state fishery to continue, even if that state is not found in compliance with required monitoring.

Bycatch

Kathy discussed bycatch requirements in Amendment 3. The document states that states will monitor bycatch within their state waters. This has been identified by the TC as a high priority item. We do not want the bycatch monitoring to be taken out to amendment 3. It was identified as THE reason for amendment 2, but it was taken out. This is something we have to start working on it. Kathy requested that TC members go to their Board members to keep the bycatch monitoring intact.

Bycatch in the ocean is not occurring on adult fish, but rather juvenile fish. Board members need to know that there is mortality in the ocean that has not been quantified. If it does get quantified then we don't know what to assign it as. It's really difficult to quantify it in terms of F. It can be done for striped bass, but not American shad. And we can only quantify F that's happening in our rivers. We went to Z30 because bycatch is so hard to measure. The only way to go about it is to use Z.

Larry asked what it means when overfishing is occurring. Kathy responded that it's when overall mortality is too high and needs to be controlled. Can try fishing first, but other sources may be driving it up. Larry expressed that Board members would be concerned about penalizing the fishermen for the sins of others.

Kathy brought up FERC relicensing as another area that needs to be pushed. Questioned the use of the 50 year relicensing process that currently occurs, which is not on an acceptable timeline when biological effects need to be taken into account. Larry mentioned that the original intent of the 50 year timeline was to protect those that invested in the project. Kathy believed that it is possible to produce the power without killing anadromous fish populations, as seen in the Columbia River.

Mike Brown expressed that he would like to see Z30 as a benchmark but not as an overfishing definition. There are not a lot of shad in ME and no commercial fishery. He's sure the state wouldn't meet Z30. But the state does have a lot of passage. The shad choose to not use them. The state also has a shad hatchery. Kathy thought that the bycatch that is occurring in the Bay could be contributing to the decline of shad in the state. Larry believed that a benchmark would determine when you should take some sort of meaningful action.

Management Options

During the previous conference call, the TC developed the following recommendation for Amendment 3:

Reduce Harvest or Close Fisheries (Exceptions for Systems with Sustainable Fisheries)

In order to maintain a fishery at its existing level or open an American shad fishery, states and jurisdictions would have to demonstrate that their American shad stock could support a sustainable fishery. Data to substantiate these claims may include repeat spawning ratio, spawning stock biomass, total mortality rates, juvenile abundance levels, fish passage counts, and hatchery contribution to stocks. States must petition the Management Board for a fishery in the state fishing and recovery plan (Section 6). The Management Board will have the authority to permit an American shad fishery on any system under its jurisdiction. Exceptions can be made on a system-by-system basis.

If a state or jurisdiction does not demonstrate that a fishery is sustainable, it must reduce harvest or close the fishery. Each state or jurisdiction may recommend approaches to reduce harvest, including but not limited to, gear and season restrictions, area closures, commercial trip limits and limited access. Harvest reduction or closure is most appropriate for shad stocks exhibiting high or increasing total mortality and declining abundance.

Minority opinion was voiced to state that the “reduce harvest” clause is not strong enough and that a specific objective needs to be associated with the reduction: “Reduce harvest to achieve a sustainable fishery” over a specified timeframe. For example: If X % (to be determined by the jurisdiction) in harvest does not meet the sustainability criteria within three years, then the fishery(ies) must closure.

The TC would implement Amendment 3 no later than January 1, 2011. They recognize that this is a tight timeline for jurisdictions to follow, but that the implementation of A3 is critical. To delay it longer due to differences in jurisdictional administrative regulatory procedures will lessen the importance of what this amendment is trying to achieve.

The TC will maintain this position.

Kathy re-iterated the need to keep Amendment 3 as is and that there was backtracking at the last Board meeting which was simplifying Amendment 3. There was a lot of thought put into the monitoring requirements. Hopefully the Board will approve Amendment 3 and then we can bring up Amendment 2.

Sustainable Fishery Plans

- Sustainable plans submitted by: ME, NH, NC (research set-aside);
- States that will be submitting: VA, SC, Joint DE River Plan (NY, PA, NJ, NY)