

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

The Harborside Hotel
Bar Harbor, Maine
October 25, 2016

Approved February 2017

TABLE OF CONTENTS

Call to Order, Chairman Bill Goldsborough 1

Approval of Agenda 1

Approval of Proceedings, May 2016 1

Technical Committee Report on the Nemasket River Sustainable Fishery Management Plan 1

**Timetable for the Five-Year Update of Shad and River Herring Sustainable Fishery
Management Plans 3**

**Review Mid-Atlantic Fishery Management Council Decision on Potential Management of
Shad and River Herring 4**

Other Business..... 5

Adjournment 5

INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of May, 2016** by Consent (Page 1).
3. **Move to approve the Nemasket River, Massachusetts Sustainable Fishery Management Plan for river herring (Page 3)**. Motion by Bill Adler; second by David Simpson. Motion passes unanimously (Page 3).
4. **Move to adjourn** by Consent (Page 5).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Steve Train, ME, GA	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sen. Brian Langley, ME (LA)	Roy Miller, DE (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Lynn Fegley, MD, proxy for D. Blazer (AA)
Mike Armstrong, MA, proxy for D. Pierce (AA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
William Adler, MA (GA)	Rachel Dean, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Bill Goldsborough, MD DNR (Chair)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
David Borden, RI (GA)	Cathy Davenport, VA (GA)
Dave Simpson, CT (AA)	Michelle Duval, NC, proxy for B. Davis (AA)
Lance Stewart, CT (GA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Rep. Melissa Ziobron, CT, proxy for Rep. Miner (LA)	Malcolm Rhodes, SC (GA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Ross Self, SC, proxy for R. Boyles (AA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (AA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Nancy Addison, GA (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Tom Moore, PA, proxy for Rep. Vereb (LA)	Martin Gary, PRFC
Andy Shiels, PA, proxy for J. Arway (AA)	Mike Millard, USFWS
Loren Lustig, PA (GA)	Derek Orner, NOAA

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

Ex-Officio Members

Brad Chase, Technical Committee Chair

Larry Furlong, Law Enforcement Representative

Staff

Bob Beal
Toni Kerns

Ashton Harp
Amy Hirrlinger

Guests

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Statesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 25, 2016, and was called to order at 5:48 o'clock p.m. by Chairman William J. Goldsborough.

CALL TO ORDER

CHAIRMAN WILLIAM J. GOLDSBOROUGH: This is the Shad and River Herring Management Board; here in the final hour of the day. We'll try and get through this quickly with your help. My name is Bill Goldsborough; I am your Chairman, at least for this meeting, more on that later.

APPROVAL OF AGENDA

CHAIRMAN GOLDSBOROUGH: You all have the agenda. Does anybody have any changes to the agenda? Seeing none; the agenda is approved as drafted.

APPROVAL OF PROCEEDINGS

CHAIRMAN GOLDSBOROUGH: The proceedings from our last meeting, which was in May, are in your package, too. Does anyone have any changes for them? Seeing none; the proceedings are also adopted. I will now allow public comment.

Since nothing on the agenda has had a public comment period, I will allow anything, even on the agenda to be brought up. Does anybody in the public want to address the board? Seeing none; we'll move on.

TECHNICAL COMMITTEE REPORT ON THE NEMASKET RIVER SUSTAINABLE FISHERY MANAGEMENT PLAN

CHAIRMAN GOLDSBOROUGH: Agenda Item Number 4, Review the Technical Committee Report on the Nemasket River Sustainable Fishery Management Plan, and that will be –

MR. BRAD CHASE: Good afternoon, I am going to present a Sustainable Fishery Management Plan to harvest river herring from the Nemasket River in Massachusetts. It is a joint plan developed by the Middleborough-Lakeville Herring Fishery Commission and the Massachusetts Division of Marine Fisheries.

It is the first fishery that has been proposed to open since the state closed all fisheries in 2005. First, let me run through the present status of river herring in Massachusetts very briefly. We have about 80 runs in the state and 33 of these runs have monitoring. About 14 of these have a census level approach, where they use electronic counters or video stations; and of these, we sample in eight of these for biological data.

At the Nemasket River it is a volunteer visual count, and most of the counts in the state have this level of counting. There are about 33 of these that have this type of counts. You can see the red brackets here show the different coastal advantage areas in Massachusetts. We've tried to have a couple counts in each of these major areas.

There are only four counts that have any real duration to them. We have four counts that go back 20 years or more. What I've done here is combine those counts to show an index for those different areas. What you can see, the start of the series going back to 1996, the numbers have been about between a million and two million herring coming back each year. Then you can see a decline around 2002, and that really was seen throughout the east coast as herring runs declined. It led to a lot of the closures. We closed our fishery after the 2005 season. After that you can see a very modest increase and improvement, and then a ramping up around 2011 to 2012. That led to some optimism and some interest in possibly looking at opening harvest again.

We received a request from the Nemasket River herring fishery in 2013 to consider opening the fishery. It is probably the largest run in the state, it has the most available spawning and nursery habitat; about 5,000 acres. It is a very popular long term herring run. They have a herring festival, it is a two-day festival that draws 2 to 3,000 people each year, and they have one of the longest counts at 21 years.

Working with the commission, we developed a plan. The metrics are fairly straightforward. The sustainability measure is based on the visual herring count. This is a random stratified design, and it uses a sustainability target of 10 percent of the time series mean as the targeted harvest level. There is also a primary action threshold at 25th percentile of the run count series.

What happens, if there are two consecutive years at or below this level, the harvest would be cut in half to 5 percent of the time series mean. If there were three consecutive years below this threshold, the harvest would cease. Here is the run count that forms a basis for the plan; 1996 to 2015. What you can see is some fluctuations before the ban.

The ban is shown at 2006, and you can see that large decline around 2002 that prompted the ban. Since then, we've seen a very modest increase and then a ramping up in recent years; and for the past four years, the numbers have been over a half a million fish per year in the count. You can see the time series mean running across the data series, the 75 percent of the time series mean as well as the first quartile.

The blue line running across the bottom is the targeted 10 percent of the time series mean, so that would be the harvest amount. This slide just adds 2016. Those numbers didn't go into the plan, because the plan was already developed before those numbers were available. But you can see that total count

estimate was, sitting at the time series mean, about 560,000 fish. It really wouldn't change things if you add this year.

You can see the last five years have been at or above the time series mean; whereas the previous nine years were below. We have had some modest improvements. The management that's proposed is similar to what was done in previous years. They used to have the run open four days a week for the entire season, allowing 48 fish per permit holder per week, unlimited resident permits, and then 2 to 300 permits for nonresidents.

Now what's proposed again is to harvest 10 percent of the time series mean; about 55,000 river herring and again have unlimited permits for residents of the two towns; 250 permits for nonresidents; a five-week season that is open three days a week and then a bag limit of 20 fish per permit holder per week; and also to have daily catch tickets to document each harvest event.

With these numbers, the expected harvest would be five weeks times 20 fish per permit holder or 100 fish per permit holder. If there were 900 permits, the total maximum harvest would be 90,000 fish. What is assumed in this plan is there would be a 50 percent harvest rate; the maximum potential harvest, which would be 45,000 fish, which would keep the harvest under the 10 percent of the time series mean. The Technical Committee for shad and river herring received this proposal, they reviewed it. We had a conference call on October 2nd, to discuss it.

The TC wanted to have a single option for management. There were three options that were proposed. What happened, they asked for a revision for that management scenario where there would be a more conservative approach, to try to avoid overharvest. That was put into the plan that is before the board today. I would be happy to take any questions.

CHAIRMAN GOLDSBOROUGH: Any questions?
Emerson.

MR. EMERSON C. HASBROUCK: Just looking at the chart that's in the documents and I see that the Nemasket River flows northward right, up towards Bridgewater. Where does it meet tidal waters?

MR. CHASE: It's a tributary to the Taunton River, and so it flows northward to the Taunton River, which then flows south again towards Mount Hope Bay.

CHAIRMAN GOLDSBOROUGH: Any other questions for Brad? Very good, you guys must be hungry. Okay, let's move on to considering approval of the plan. Bill.

MR. WILLIAM A. ADLER: **Should I make a motion that this board approves the request of the Nemasket River? Would that be appropriate? I'll so move.**

CHAIRMAN GOLDSBOROUGH: Thank you, Bill, is there a second? Second Dave Simpson. Let's get that up on the board. Is there any discussion? Mike.

MR. MICHAEL ARMSTRONG: I would urge you to approve this very conservative plan. At 10 percent harvest, it is less harvest than any plan you've approved yet, and the local commission is really tremendous stewards of this resource. This will have the most eyes on the harvest of anything you've approved.

MR. TERRY STOCKWELL: As a Commonwealth northern border, we have a long history of successful sustainable fishery management plans that the communities have supported and enabled. I one hundred percent support this motion.

MR. ADAM NOWALSKY: I just noted the TCs comment about the revised management option on Page 7. Would this motion be that

revised option, or would we need to modify it accordingly?

MR. CHASE: Yes, the plan has been revised already, so it would be for the present single option for management.

CHAIRMAN GOLDSBOROUGH: Any other discussion? Are we ready to vote? Let's read the motion into the record. Move to approve the Nemasket River Massachusetts Sustainable Fishery Management Plan for River Herring; motion by Mr. Adler, second by Mr. Simpson. **All in favor, please raise your right hand; opposed, abstentions and null votes. The motion passes unanimously.** I hope you all weren't slighted by the lack of a caucus. It didn't seem necessary.

TIMETABLE FOR THE FIVE-YEAR UPDATE OF SHAD AND RIVER HERRING SUSTAINABLE FISHERY MANAGEMENT PLANS

CHAIRMAN GOLDSBOROUGH: Okay, let's move on to discussing the timetable for the five-year update of the Sustainable Fishery Management Plans. Ashton.

MS. ASHTON HARP: There was a TC meeting where we discussed the Nemasket River Sustainable Fishery Plan, and we also discussed the timetable for updating all of the sustainable fishery management plans for river herring and shad. The TC decided that they are going to do the updates in 2017, and the board will be presented with one of two kinds of reports.

The SFP could be updated, which means the same measures but new data. In the Executive Summary, there will be specifically a summary that will say how the existing sustainable measures have supported harvest without diminishing potential future stock reproduction and recruitment. Alternatively, a state can submit a revised SFP which may include revised sustainability targets and/or new rivers.

For river herring, you'll see there are six states with SFPs. Maine and New York will present their SFMPs at the February board meeting. The other states, North Carolina and South Carolina, will present at the May board meeting.

For the shad SFPs, all states are going to present in May, except for the Delaware River Basin, which is actively underway updating their plan. It will be presented at the February board meeting. I am presenting this to you guys now, because it is a considerable amount of TC work to do this, and I just want to make sure the Board is aware of the timetable in 2017. With that, I'll take any questions.

CHAIRMAN GOLDSBOROUGH: Questions for Ashton? Michelle.

DR. MICHELLE DUVAL: Ashton, I'm just wondering if the TC plans to discuss, you know the states and jurisdictions have used the data that they think are the most appropriate to develop their sustainable fishery plans, if there has been any thought or consideration to the compliance monitoring elements.

Perhaps, while reviewing those plans looking at those, because not all states and jurisdictions are necessarily using that information that is being collected. I know that we're coming up on an update of the river herring stock assessment, as well. I just didn't know if that had entered into the conversation at all.

MS. HARP: You're wondering if the update is going to be included in the compliance materials and the FMP reviews.

DR. DUVAL: No, I'm just wondering if the Technical Committee is planning to have a conversation about perhaps the utility of all the information that's currently being collected in the compliance reports, as the TC is reviewing those sustainable fishery plans. I guess I would just encourage the TC to perhaps flag any

existing compliance monitoring elements that may not be necessary in the future; that's all.

MS. HARP: The TC is meeting in-person next. This can be added to the docket for TC consideration. Because I'm new to this fishery and I have started reviewing all of the compliance reports, actually multiple times, to try and wrap my head around them as well as the SFPs. I do see that there is overlap and information and efficiencies could be made. I recognize that and it can be added to the TC agenda.

CHAIRMAN GOLDSBOROUGH: Any other questions? Very good, let's move on.

REVIEW MID-ATLANTIC FISHERY MANAGEMENT COUNCIL DECISION ON POTENTIAL MANAGEMENT OF SHAD AND RIVER HERRING

CHAIRMAN GOLDSBOROUGH: I think most of you know under Agenda Item 7 that the Mid-Atlantic Council had been grappling with the question of bycatch of river herring and shad in certain offshore fisheries; and that they recently took this issue up again.

What they decided was that management of river herring and shad through a council FMP is not warranted. But they committed to working with partners on river herring and shad conservation and management going forward. Their decision to not add river herring and shad to the mackerel/squid/butterfish plan was based primarily on four factors; first, that they are already managed by this commission, you.

Second, their view that council catch caps have kept incidental catch relatively low compared to historic levels. Third, that they found no evidence that river herring and shad were targeted in federal fisheries, and finally their view that an FMP would not substantially improve condition of river herring and shad stocks.

That is a summary of what transpired on this at the recent Mid-Atlantic Council level. I don't know if anybody who participated in that wants to add anything or not. We have the council Chair, Mike Luisi here if we want to draft him into further comments, but any thoughts from the board? Very good, pretty straightforward; okay, let's move on to other business.

OTHER BUSINESS

CHAIRMAN GOLDSBOROUGH: Does anybody have any items of other business to bring to the board? I have one item, and that is to let you all know that this is my last meeting. I am retiring at the end of the year, which is very exciting and very scary at the same time. But just so you know, your next meeting will be chaired by our Vice-Chair, John Clark, from Delaware. Thank you, John.

ADJOURNMENT

CHAIRMAN GOLDSBOROUGH: Does anybody have any other business to bring to the board? Yes, Bill Adler.

MR. ADLER: Motion to adjourn?

CHAIRMAN GOLDSBOROUGH: Thank you, Bill. This meeting is adjourned.

(Whereupon the meeting adjourned at 6:07 o'clock p.m. on October 25, 2016.)