



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Shad and River Herring Management Board
Cc: Shad and River Herring Technical Committee

FROM: Shad and River Herring Advisory Panel

DATE: April 8, 2020

SUBJECT: Comments on state proposals to resolve management inconsistencies with Amendment 2 and 3 requirements

The Shad and River Herring Advisory Panel (AP) met via conference call and webinar on Wednesday, April 8th to review and discuss state proposals for changes to river herring and shad management plans to resolve inconsistencies with Amendments 2 and 3 to the Commission's Shad and River Herring Fishery Management Plan (FMP).

AP Attendance

Pam Lyons Gromen (Chair)
Alison Bowden (MA)
Byron Young (NY)
Jeff Kaelin (NJ)
Mike Thalhauser (ME)
Ray Brown (NC)

Additional Attendees

Mike Dionne (NHFGD)
Holly White (NCDMF)

On the call, staff provided a presentation including background information on the issue, the Technical Committee's (TC) findings and recommendations regarding management inconsistencies, and the Board directive to the states to submit proposals to follow the TC's recommendations to resolve inconsistencies. Staff also gave an overview of each state proposal submitted to the TC. The AP commented on the proposed management plans, as well as the TC recommendations regarding additional improvements to the FMP for Board consideration.

The AP discussed the following state proposals:

- **Maine:** proposed changes to existing river herring sustainable fishery management plan (SFMP), proposed new shad SFMP
- **New Hampshire:** proposed changes to existing river herring SFMP
- **Delaware:** proposed catch and release only regulations for Chesapeake Bay tributaries
- **North Carolina:** proposed changes to existing shad SFMP
- **South Carolina:** proposed changes to existing river herring and shad SFMPs, proposed Alternative Management Plan (AMP) for river herring
- **Georgia:** proposed changes to existing shad SFMP, proposed AMP for river herring
- **Florida:** proposed changes to existing shad SFMP, proposed AMP for shad river herring

AP Comments

Jeff Kaelin commented that most of the recommendations make sense. He asked if there is an estimated mortality rate for catch and release fisheries of shad and river herring, noting that this information would be important to consider.

Byron Young commented that he was troubled by the lack of data after 2015 available in the SC proposal for shad, and asked for more recent data to be provided. He also commented that NH's daily creel limit of 1 tote of river herring seemed too liberal. Mike Dionne clarified that this creel limit only applies to the Squamscott-Exeter system, where 80% of the state's river herring harvest occurs; there is no creel limit in the rest of the state. Byron also added that the aggregate creel limits for *Alosa* species in GA and FL may pose issues because the species are not easy to distinguish, and that the states should provide education to anglers.

Pam Lyons Gromen commented that the Alternative Management Plan proposals from SC, GA and FL are still somewhat concerning because the FMP is clear that an SFMP with quantitative sustainability metrics is required to allow either commercial or recreational harvest, so it would be most equitable for them to implement catch and release regulations for recreational fisheries if they cannot adequately monitor the fisheries. She added that without monitoring the states cannot be sure the level of harvest is sustainable. Amendments 2 and 3 give states a lot of latitude on how to create SFMPs. The AMPs as presented are not really alternative management programs, but more so justifications for why they should be able to maintain status quo harvest regulations without having the information to create an SFMP and monitor the fisheries. It does not seem fair that some states are following the FMP and have closed their fisheries when an SFMP is not provided, while other states have not.

Jeff Kaelin commented that the Commission and the TC should consider allowing states to have a limited personal use allowance so that individuals can take a few fish home to eat or for bait, rather than a complete moratorium. Other AP members agreed that ultimately the goal of restoring populations is to once again open up the opportunity for limited personal use harvest, however Ray Brown commented that in NC the generation that used to eat river herring are dying out, and the focus now should be on protecting river herring as part of the part of the food chain for other species. He added that he would be in favor, if it were biologically possible, to allow up to 12 river herring per person for personal use, but he would be very opposed to opening up for commercial harvest in NC, stating that the stock cannot withstand that. Jeff Kaelin also stated he would not advocate for reopening commercial fisheries.

Byron Young commented that in NY there was a small fishery for limited personal use, and when that was stopped, the fishermen understood because they were concerned about the resource. He added that he is now interested in restoring the resource so some people can take them, and there is a need to rebuild before we consider how many fish people should be allowed to take.

Mike Thalhauser commented that in Maine, they are leveraging the desire of some communities to take fish in order to restore the resource. He said the TC could recommend that some fisheries could be reopened if more data is collected, and that this could fill in a lot of information gaps along the coast. He stated that ASMFC has a duty to incentivize more data

collection for river herring and reconnect people with fish through education and citizen science. Opportunities should be created for people to get their hands on river herring by tying harvest to data collection.

Alison Bowden stated that she is sympathetic to the desire for a limited harvest allowance; in MA, are harvest records dating back to the 1600s and river herring are culturally very important. Because of this, people have made a big investment in keeping the fisheries closed so they can rebuild (in 2019 MA had 4 runs over 500,000 for the first time in decades—hoping that is the start of a trend). Towns used to get revenue from the fisheries, and that revenue helped them manage the run. If people can't use the resource, it is more difficult to sustain that stewardship. At the same time, the data says they are depleted and the objective is to bring them back to a place where they can be harvested *and* serve role in the ecosystem. She added that it is hard to view the AMPs as conservationally equivalent when there are other avenues: the alternatives are to have an SFMP or catch and release regulations. Allowing harvest by saying that there are not fish available and people are not taking them does not seem consistent with the goals of management; the regulations should just be catch and release.

Alison also said a good point was made about the connection between harvest and monitoring if the two are tied together with a system of stewardship, monitoring and take. If there is take, then there is an obligation to know what the impact of that take is. In the big open rivers in the southern states, monitoring that impact is more difficult, so the idea of the fisheries being open, unmanaged, and uncounted seems problematic.

All AP members supported the recommendations the TC provided to the Board on improvements to the FMP. Pam Lyons Gromen added that it seems, based on the 2019 Shad and River Herring Fishery Management Plan Review, that there is some inconsistency in how states are collecting and reporting bycatch information and that this is leading to problematic uncertainty in bycatch estimates; if the Board considers changes to the Amendments, this issue should also be considered. She also added that additional guidance on the Alternative Management Regimes could be more specific on incentivizing data collection in exchange for providing for a low level of personal harvest. Jeff Kaelin reiterated that he would like to see the TC continue to discuss the idea of allowing a low bag limit instead of catch and release only, because there is cultural value for these fisheries and there is some resentment due to some people getting to take fish but not others. Ray Brown agreed that there are positives associated with maintaining connections with the fishery through a small daily creel.