

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

The Westin Alexandria Hotel
Alexandria, Virginia
February 5, 2015

Approved May 6, 2015

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2. **Approval of Proceedings of February, 2014** by Consent (Page 1)
3. **Move to approve the 2014 FMP Review and *de minimis* status for shad for the states of Maine, New Hampshire, and Massachusetts; and *de minimis* status for river herring for the states of New Hampshire and Massachusetts for the 2015 fishery** (Page 1). Motion by Pat Augustine; second by Rick Bellavance. Motion carried. (Page 2).
4. **Move to approve the proposal from New Hampshire to discontinue monitoring on the Taylor River** (Page 2). Motion by Pat Augustine; second by Doug Grout. Motion carried (Page 3).
5. **Move to adjourn by Consent** (Page 6).

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ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)
Doug Grout, NH (AA)
Mark Gibson, RI, proxy for B. Ballou (AA)
Rick Bellavance, RI, proxy for Rep. Martin (LA)
James Gilmore, NY (AA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)
Leroy Young, PA, proxy for J. Arway (AA)
John Clark, DE, proxy for D. Saveikis (AA)

Tom O'Connell, MD (AA)
Rob O'Reilly, VA, proxy for J. Bull (AA)
Michelle Duval, NC, proxy for L. Daniel (AA)
Wilson Laney, USFWS
Steve Meyers, NMFS
Bryan King, DC

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

Ex-Officio Members

Claire Enterline, Technical Committee Chair

Staff

Bob Beal

Toni Kerns
Marin Hawk

Guests

Jason Didden, MAFMC

NOTE: SIGN-IN SHEET NOT DISTRIBUTED

**Proceedings of the Shad and River Herring Management Board Meeting
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The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 5, 2015, and was called to order at 2:15 o'clock p.m. by Chairman Terry Stockwell.

CALL TO ORDER

CHAIRMAN TERRY STOCKWELL: Good afternoon, everyone. I will convene the Shad and River Herring Board for the last meeting of the week. Thank you, skeleton crew, for being here. I want to begin by introducing our new Technical Committee Chair Claire Enterline. She is from the Maine DMR staff and it is her first meeting here.

APPROVAL OF AGENDA

CHAIRMAN STOCKWELL: Is there any other business to come before the board to add? Seeing none; are there any changes or additions to the agenda? Seeing none; we will consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN STOCKWELL: The proceedings from February 2014; are there any changes or additions? Seeing none; we will consider the proceedings approved.

PUBLIC COMMENT

CHAIRMAN STOCKWELL: Is there any public comment? Seeing none; we're going to move right into the 2014 FMP Review and State Compliance. Marin.

2014 FMP REVIEW AND STATE COMPLIANCE

MS. MARIN HAWK: This will be very brief. This is the 2014 Shad and River Herring Compliance and FMP Review. For the 2013 fishing season, landings have been steadily decreasing over time due to the moratorium that was implemented from Amendments 2 and 3. States with shad commercial landings were New Jersey, Virginia, North Carolina, South Carolina and Georgia.

State with river herring commercial landings were Maine, New Hampshire, New York, Maryland, North Carolina and South Carolina. In terms of coast-wide stocking, it is occurring in Maine, Massachusetts, Pennsylvania, North Carolina and South Carolina. For shad about 18 million fish were stocked and for alewife it was 300,000.

In terms of sturgeon interactions, 294 interactions were reported in Rhode Island, Connecticut, New Jersey, Virginia and North Carolina. All were released alive with the exception of one fatality. For de minimis, it is less than 1 percent of coast-wide landings. For shad, Maine, New Hampshire and Massachusetts have requested de minimis; and New Hampshire and Massachusetts have also requested de minimis for river herring. The PRT recommends granting all requests for de minimis. Thank you.

CHAIRMAN STOCKWELL: Thank you, Marin. Are there any questions for Marin? Roy.

MR. ROY MILLER: Those states like Delaware that are closed for river herring; I guess they don't need a de minimis classification; is that correct?

MS. HAWK: That is correct.

CHAIRMAN STOCKWELL: Are there any other questions? I would be looking then for a motion. Pat.

MR. PATRICK AUGUSTINE: **Okay, move to approve the 2014 FMP Review and de minimis requests as presented today.** Is that good enough?

CHAIRMAN STOCKWELL: You're going to include the states, Pat?

MR. AUGUSTINE: Do you want me to name the states?

CHAIRMAN STOCKWELL: Yes.

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MR. AUGUSTINE: **For shad, Maine, New Hampshire and Massachusetts; for river herring, New Hampshire and Massachusetts for 2015.** All of these states were granted de minimis in the past and meet the requirements for this year.

CHAIRMAN STOCKWELL: Motion made by Pat and seconded by Rick Bellavance. Are there any comments? Seeing none; are there any objections? **Seeing none; the motion carries.** Mr. Grout.

**NEW HAMPSHIRE TAYLOR RIVER
MONITORING PROPOSAL**

MR. DOUGLAS E. GROUT: The state of New Hampshire is requesting that the Taylor River in New Hampshire be removed from our monitoring requirements. We have a fish ladder there that has been in operation for well over 30 years. We have an electronic counting tube that we have there. However, the last time we saw herring at that fishway was 2008; and that is the last time we've been able to provide any kind of biological information.

The major cause of the decline in river herring there has eutrophication of the impoundment behind this dam. The New Hampshire DOT owns the dam and has been looking at the possibility of dam removal on it; but at this point they're not moving very quickly.

We are asking for relief from this because under our monitoring we have to go out there every day during the spawning run; and it seems like it is a very efficient use of our time to go out there and see nothing going through there. We're asking to have the Taylor River removed from our monitoring requirement.

Just to be aware, there are several other rivers that are part of our state fishery's plan for river herring where we have much better runs; and we do spend a lot of time monitoring those rivers. What we're asking, again, is to have this

removed from our compliance requirements. There is a letter in your briefing describing this.

CHAIRMAN STOCKWELL: I'm going to turn to Claire for a technical committee report.

TECHNICAL COMMITTEE REPORT

MS. CLAIRE L. ENTERLINE: The technical committee agreed with removing the Taylor River. There were a lot of questions about if a commercial fishery or recreational fishery still exists below the Taylor River. It does not; recreational fishing is not allowed on the Taylor River and neither is commercial. The rivers where there is both fish and commercial and recreational fishing; those all are monitored. The technical committee also had concern about what would happen if the dam was removed.

The DOT owns it but there is maybe some movement happening on that. If that were removed, we requested that we maybe revisit or update. We asked the staff still continue not necessarily as often as they were, but just checking it every once in a while; and if fish were to show up, that they would take biological samples and we would discuss adding it back.

CHAIRMAN STOCKWELL: Are there any questions for Doug or Claire? Pat.

MR. AUGUSTINE: So you do approve?

MS. ENTERLINE: Yes, we approved it.

MR. AUGUSTINE: When you're ready for a motion, Mr. Chairman.

CHAIRMAN STOCKWELL: Yes, sir.

MR. AUGUSTINE: **Move to approve the proposal as presented by New Hampshire to remove the monitoring on the Taylor River.**

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CHAIRMAN STOCKWELL: Seconded by Doug Grout. Are there any comments from the board? Mark.

MR. MARK GIBSON: It has been a while, but if I remember was this one of the rivers that was part of the monitoring group or the index group that was part of your plan?

MR. GROUT: No, Mark.

MR. GIBSON: Okay, so it doesn't affect computation of the monitoring index or standards of performance?

MR. GROUT: No.

CHAIRMAN STOCKWELL: Are there any other questions or comments? **Are there any objections to the motion on the board? Seeing none; consider the motion approved.** Jason.

UPDATE ON NEFMC AND MAFMC ACTIONS

MR. JASON DIDDEN: Mr. Chairman, I'm going to provide an update on river herring and shad actions for the New England and Mid-Atlantic Fishery Management Councils. I'm on the staff of the Mid-Atlantic Council and the plan coordinator for the Mackerel, Squid, Butterfish FMP and also staff our River Herring and Shad Committee.

My update from the New England perspective is done kind of in advisement with Lori Steele, my colleague from up there, but obviously I have better familiarity with what is going on in the Mid-Atlantic than New England. I'll start with New England. The first thing is the stock-in-the-fishery question just came up at their last meeting.

They're basically taking a similar approach to the Mid-Atlantic Council that they're going to continue working with the TEWG. Lori Steele is on the fisheries subgroup of the TEWG that I chair. Mary Beth Tooley is the co-chair of that. They're already very integrated into the TEWG.

They will continue working on their caps and related observer issues and also revisit the stock-in-the-fishery question in three years; so a very similar approach as the Mid-Atlantic.

They also have a slippage framework that they passed a while back. That is kind of in the environmental assessment and development phase, working on document perfection with NMFS. The third is both the Mid-Atlantic and New England are working on a joint omnibus action, looking to find ways to allow industry to fund observer coverage of really kind of any fleet, in general a framework, but then specifically in the action add coverage for the Atlantic herring and Atlantic mackerel fisheries.

That has proven to be a very challenging issue because of a wide variety of legal constraints and funding constraints that NMFS has. The original intent had been to pass last week out of New England and next week with the Mid-Atlantic a draft amendment for public hearings. However, a variety of kind of things have been identified with the current draft.

New England also added some options for – it was primarily looking at how could industry fund observer coverage. We still never got around this issue that it costs about eight hundred bucks a day for the at-sea portion and about \$400 a day for the NMFS management side of things, very expensive.

They added in an option where they were going to try to have like essentially a monitor that would really be focused on discards and slippage documentation. They want to develop that more in order to kind of compare the cost of these full observers versus these kinds of slippage monitors.

They requested additional development of that; also kind of adding in some more development in the document and trying to provide a way to move eventually to portside side monitoring of these fisheries – they retain almost all their catch – coupled with some electronic

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monitoring to make sure that they're retaining almost all their catch; so that you can move to portside monitoring of these fisheries.

The various technical groups have said for a long time as long as you can account for the at-sea discards, really the way to monitor these fisheries is portside because of their high-volume nature. Then also a variety of issues with some of the economic analyses were identified; and they sent that back wanting more work.

That is going to be picked up at the Mid-Atlantic Council next week. I don't know exactly what the Mid-Atlantic Council will do with it. However, it is a joint amendment so what New England kind of did will influence – and I'm not even sure if the Mid-Atlantic could move forward with it since New England is not in the joint, but that will be a topic of discussion next week, and we will kind of figure that out.

I anticipate that if the Mid-Atlantic Council follows suit, the additional analyses and development will probably result in it coming back to the councils maybe in the June time frame; that they would then move out for public hearings after that. It is in a little bit of state of flux. It depends what the Mid-Atlantic Council does next week; but that is the summary there.

The last thing is they do have caps for river herring and shad in place for the Atlantic herring fishery for 2015; and later this year they will be setting their caps for that moving forward. It is being tracked right now. If you type NMFS quotas in the google, it will go to their quota monitoring webpage and you can kind of go see – whether it is on the mackerel fishery or the herring fishery, it is by gear type and area; and you can actually see how the quotas are tracking.

I think several of theirs are fairly low. The Southern New England Bottom Trawl one kind of spiked up pretty quickly. I think they're

watching that pretty closely and just kind of have to see how – you know, it is really dependent on both the ratios of bycatch and the total catch in the fishery, and we'll just kind of have to see how that plays out.

With the Mid-Atlantic, again fairly similar. We have the same kind of TEWG participation and coming down to the commission and trying to keep people involved and apprised of what is going on. We had the same three-year revisiting the stock-in-the-fishery question for us. It will be October 2016 where the council comes back and revisit that.

There is a variety of legal actions related to that stock-in-the-fishery question that has not been resolved yet; so it kind of remains to be seen exactly what happens with that; but for the time being we're kind of in this participate with the TEWG, work collaboratively with management partners and revisit the question and the council will take another look at it in October 2016 is the current plan.

We have the slippage framework; the same thing, working on a few document perfections. That should be moving to a proposed rule in the relatively near future with us. We have the Omnibus Observer Amendment that both councils are working on that I just described. Like New England, we have a river herring and shad cap in place on the mackerel fishery.

We do have major concerns because of the new standardized bycatch reporting methodology that has been implemented, being implemented. It is essentially zeroing out coverage for the Mid-Atlantic Midwater Trawl Fishery and really drastically reducing the observer coverage that we've had in recent years for the New England Midwater Trawl Fishery.

Actually there will be more coverage for the small-mesh bottom trawl; so we'll get some coverage in the mackerel fishery through that, hopefully, but there is a lot less observer

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coverage coming up than we've had in recent years and less observer coverage will mean more erratic estimates in these caps.

That's a major concern, but it is kind of what SBRM, the Standardized Bycatch Reporting Methodology, and the lack of flexibility that it has to have because of the related lawsuits it has kind of pinned us into. Again, that's why the councils are working on some of these ways to alternatively fund observer coverage. Those are some of the similarities.

A few things that are different; we do have a River Herring and Shad Committee; and it has the terms of reference – if you go on our website, it should pop up pretty easily, but there are terms of reference that it has vetted out. I just highlighted a few. One is it really wants to engage our SSC in helping set the river herring and shad caps. We will start that process in March.

We've basically set the caps on kind of some historic catch rates applied to the mackerel quota so far. The council wants to move to setting that on something that is more biologically based in river herring and shad and not just on recent catch. That will be an ongoing process. We have these kinds of caps that are operating at the same time for Atlantic herring in Southern New England and some other Atlantic herring in New England and then the mackerel cap that spans the whole mackerel fishery.

There is overlap between them; and I think based on how they're set, it is okay. However, it probably makes more sense given the overlapping of the mackerel and Atlantic herring fisheries to have them integrated. I don't know if that is going to be able to happen or not; but we're trying to see is there a way to have kind of one cap that was on both the fisheries, especially for Southern New England, as an ongoing thing.

That committee is kind of tracking how technical staff might be able to make that happen. The other is they've identified essentially a report that I'll create and present to them every June that is essentially a progress review; is the council making some progress on the river herring and shad question.

Even though they decided to not go down the Stock-in-the-Fishery FMP approach, they still want progress to be made in a variety of ways. Essentially it is a list of questions that they want me to kind of address and flag how is progress being made in terms of what has the cap done, what has recent catch been, what observer coverage levels are, was the cap set, what the cap based on just catch or have we moved to more a biologically meaningful cap, is there new information on river herring and shad abundances since whenever the last assessment was.

The alignment issue; just a summary of coordination that has been going on. Obviously, we're heavily involved in the TEWG, also. I won't get into that detail today. Marin, you're going to talk a little bit about the TEWG. You know, has the SSC gotten involved and given some recommendations on setting the cap and just anything else.

I'll be working on that kind of review and those are the questions that they wanted me to try to take whack at; and I'll be doing that for the first time and presenting that to the River Herring and Shad Committee for June. And then I imagine some additional actions may be requested by the committee at that point. That is my quick overview.

CHAIRMAN STOCKWELL: Questions for Jason? Okay, we're going to move on to the update on the TEWG from Marin.

**UPDATE ON THE TECHNICAL EXPERT
WORKING GROUP ACTIVITIES**

MS. HAWK: As you all know, the River Herring Technical Expert Working Group is moving

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forward and they will be finalizing their conservation plan, which will be complete this March. The board can review that at the next subsequent Shad and River Herring Meeting. In the meantime, the TEWG has funded two projects to fill in data gaps and help with conservation.

(Whereupon, the meeting was adjourned at 2:35 o'clock p.m., February 5, 2015.)

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Massachusetts DMF, UC-Santa Cruz and a couple of other partners will collect biological samples and conduct genetic analysis on river herring that are caught in the mackerel and herring fisheries. The focus on that research is at-sea and early life stage mortality.

The second project that was funded is with the Barnegat Bay Partnership and Rutgers University; and that research will improve understanding of historic and current distribution of river herring spawning habitat in New Jersey. That is my TEWG update.

CHAIRMAN STOCKWELL: Are there any questions for Marin? Seeing none; is there any further business to come before the board? Doug.

MR. GROUT: I don't know if I'm going to jump anybody's gun here but I heard that this is going to be Marin's last meeting here. I would like offer our sorrow that you're leaving but know that you're moving on to something that is going to be fantastic working with Marine Stewards Council. I thank her for the great work that she has done over the years she has been with the commission. (Applause)

MS. HAWK: Thank you, everyone. I'm not much for words but I'll definitely miss all of you. I'll be back and see you; don't worry.

ADJOURNMENT

CHAIRMAN STOCKWELL: Doug, you stole my thunder, but thank you, Marin. This meeting is adjourned.