

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

The Westin Alexandria
Alexandria, Virginia
May 6, 2015

Approved May 3, 2016

Proceedings of the Shad and River Herring Management Board Meeting
May 2015

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2. **Approval of Proceedings of February, 2015** by Consent (Page 1)
3. **Move the board task the TC with conducting a meeting on data collection and standardization** (Page 7). Motion by Pat Augustine; second by Doug Grout. Motion carried. (Page 8).
4. **Move to adjourn by Consent** (Page 8).

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ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Leroy Young, PA, proxy for J. Arway (AA)
Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Mike Armstrong, MA, proxy for D. Pierce (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
William Adler, MA (GA)	Roy Miller, DE (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Tom O'Connell, MD (AA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Bill Goldsborough, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Dave Simpson, CT (AA)	Michelle Duval, NC, proxy for L. Daniel (AA)
Lance Stewart, CT (GA)	Ross Self, SC, proxy for R. Boyles, Jr. (AA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Pat Geer, GA, proxy for Rep. Burns (LA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Martin Gary, PRFC
Russ Allen, NJ, proxy for D. Chanda (AA)	Mike Millard, USFWS
Tom Fote, NJ (GA)	Kim Damon-Randall, NMFS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	

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

Ex-Officio Members

Staff

Toni Kerns	Kirby Rootes-Murdy
Katie Drew	Jeff Kipp

Guests

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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, May 6, 2015, and was called to order at 2:40 o'clock p.m. by Chairman Terry Stockwell.

CALL TO ORDER

CHAIRMAN TERRY STOCKWELL: I'm going to convene the Shad and River Herring Board.

APPROVAL OF AGENDA

CHAIRMAN STOCKWELL: We'll start off with approval of the agenda. Are there any changes or edits? Any other business? Seeing none; we'll consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN STOCKWELL: The proceedings from February of this year; are there any changes or edits? Yes, Michelle.

DR. MICHELLE DUVAL: Mr. Chairman, I just want the record to reflect that I was actually in attendance. My attendance was not noted on the sheet, and it looks like the attendance sheet wasn't around. I was here; just a quiet and productive member of the committee. Thank you.

CHAIRMAN STOCKWELL: You're very productive, too; thank you. Duly noted. Rob.

MR. ROB O'REILLY: Mr. Chairman, it was the Southern Bloc; I was also in attendance.

CHAIRMAN STOCKWELL: Duly noted; thank you. Doug.

MR. DOUGLAS E. GROUT: Mr. Chairman, I'm covering you for this meeting right now. I'm going to sign you in to make sure they don't miss you.

CHAIRMAN STOCKWELL: Yes; we're looking a little lonely over there in the northeast, Doug.

Okay, if there are no further comments, consider the proceedings approved.

PUBLIC COMMENT

CHAIRMAN STOCKWELL: Are there any public comments for items that are not on the agenda? Seeing none; I'm going to turn it right over to Kirby.

**TECHNICAL EXPERT WORKING GROUP
CONSERVATION PLAN**

MR. KIRBY ROOTES-MURDY: I'm going to go through the River Herring Conservation Plan. I have a short presentation on it. Just as some background; in August of 2013, following the 2012 benchmark stock assessment, NOAA Fisheries announced that listing of river herring under the Endangered Species Act as either threatened nor endangered was not warranted.

Also following that announcement, NMFS and ASMFC announced that they would be working together to try to coordinate a coast-wide effort to essentially identify some of the major data gaps that were highlighted in that assessment as well as try to create a dynamic conservation plan that would guide restoration efforts for river herring.

The board was sent on April 22nd the Draft Conservation Plan both in a word document form and the webpage. We were seeking any comments or edits or feedback that the board might have at that point. I will reiterate at the end of my presentation; but if there were any comments that you did have you wanted to share, just let me know after I'm done presenting. In follow-up to that announcement of a partnership between NOAA and ASMFC, NOAA Fisheries sought out experts to help identify some of these data gaps as well as address threats that are posed to river herring currently, everything from habitat to fishing effort concerns.

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These experts were formed together in what is known as the Technical Expert Working Group, the TEWG. They're comprised of approximately 87 representatives across state agencies, federal agencies, the council and commission, Native American tribes, U.S. and Canadian academia, environmental groups, U.S. and Canadian fishing and hydropower industries, as well as recreational interests.

At this point we haven't had any additional communication with the Department of Fisheries and Oceans in Canada, but that is goal moving forward for the TEWG. Again, the hope was that these experts would be able to help with really identifying where there were the needs to fill in data gaps that were identified in that 2012 benchmark stock assessment.

Just giving again this background of the TEWG, the way the TEWG works is that there are subgroups. There is the fisheries' subgroup, the species interaction subgroup, habitat, genetics, hybrid landlocked subgroup, stock status subgroup and climate change. Each of these subgroups meet to discuss specific research needs within each of these topics and essentially provide information to the TEWG through an intermediary committee called the Ecosystem Integration Committee.

This Ecosystem Integration Committee is comprised of the chairs of each of those subgroups. In collating that information and bringing it forward to the entire TEWG, overall it has been a process to work up from the ground essentially and identify where the most relevant needs are moving forward.

In taking those issue areas and breaking out more where the research needs are and current lay of the land, the TEWG has helped inform this conservation plan over the last few months. As I said, it was provided to the Board in a word document to ease the ability of providing feedback and review, but it will be made live to the public in a webpage. As a webpage, it can be updated regularly.

The conservation plan has in essence about five different areas it will be highlighting to people. First is the coast-wide perspective; second is ongoing management and monitoring. The third is the plan components which really brings it back to what subgroups of the TEWG have been meeting and discussing – and then research and conservation efforts and lastly some of the conclusions and implementation that is current ongoing. I was going to walk through each of these tabs briefly so that the Board is aware of what each section deals with.

As I said, the first is the coast-wide perspective. In that document that was shared with you are on Pages 5 through 7, and that really gives an overview of the species range for alewife and blueback herring while highlighting some of the big threats that river herring encounter across the coast, including climate change, dams that block or impede access to spawning and nursery habitat, poor water quality, predation and fishing efforts.

The second tab, ongoing management and monitoring, just really gives the lay of the land of some of the main federal statutes that are in place, how monitoring is broken down at the state level in part through the commission's process, as well as the sustainable fishing plans that are in place. Those are on Pages 8 through 16.

The next is, as I said before, the plan components which comprises Pages 17 through 30 and really brings back a link to each of the TEWG subgroups where the topics of stock status, habitat, climate change, fisheries, species' interactions, genetics, outreach and ecosystem considerations are delved into a little bit more.

Next is the research and conservation needs, which is Pages 31 through 48. This section provides more of an extensive overview of some of the current research and conservation efforts that are ongoing by local, state, and

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federal actors. What is also highlighted here is some of the recent research awards that were mentioned earlier this year.

One was in Barnegat Bay and Raritan River and the other was a partnership with Massachusetts DMF and UC-Santa Cruz. These are on Pages 31 through 48. Lastly, in this section are conclusions and looking forward, Pages 49 through 52. This section reiterates some of the work that is currently under way to assist river herring conservation and habitat restoration.

This section walks through some of the funding opportunities that are also available for states to consider. While NOAA currently doesn't have an open and active grant for 2015 or FY 2016 at this point, one of the things that I wanted to highlight to the Board was that there are other funding opportunities that states could pursue such as NFWF's river herring program which is currently accepting proposals for their fall 2015 RFP.

That pre-RFP, pre-proposal essentially is due June 2nd, and it needs to be sent in by then for an invitation to submit a full grant proposal in August of this year. Other opportunities that I wanted to bring to the Board's attention were the Atlantic Coastal Fish Habitat Partnership in conjunction with the National Fish Habitat Partnership – U.S. Fish and Wildlife administers the grant – which has a funding opportunity that will be available later this year that deals specifically with habitat restoration but has yet to be announced.

A third one that is of importance is the U.S. Fish and Wildlife National Coastal Wetlands Program also has a grant process that has RFPs open through June 24th. The last one was one that you all should be familiar with, which is the Fish Passage Program that will be having an RFP process later this year.

In providing a summary of some of the main things that Board members should consider moving forward from the conservation plan;

there are a number of research and restoration funding opportunities. The NFWF fall 2015 herring program pre-proposals are June 2nd. ACFHP and the National Fish Habitat Program funding cycle will be for the fall 2015; but that date has yet to be finalized.

Then the National Wetlands Conservation Grant has a program where RFPs are due June 26th. If states have any questions about this and would like to get some more information or have some help with coordination or reaching out to their local U.S. Fish and Wildlife Office, staff is willing to provide additional communication and support if needed.

Another note that comes out of the conservation plan that will be touched on shortly by Dr. Drew is a recommendation from the technical committee for a Data Collection Standardization Meeting later this year. It would involve technical committee members from all the states as well as federal partners.

Lastly, as I mentioned earlier, the conservation plan will be available online soon. If there are any comments or feedback that the Board would like to offer before it goes live – really the last comment period before it goes live was for the Board to provide any feedback. Once I've heard from Board members or if there is no additional feedback, it will be made available to the public shortly.

We also have with us today Kim Damon-Randall from NOAA Fisheries to answer any additional questions people might have about some of the ongoing work between NOAA and ASMFC in trying to look at funding in the coming years. With that, I'll take any questions Board members have at this point. Thank you.

CHAIRMAN STOCKWELL: Are there any questions or comments on the TEWG Conservation Plan? Emerson.

MR. EMERSON C. HASBROUCK, JR.: Thank you, Kirby, for your presentation. I'm just wondering

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does the River Herring Technical Expert Working Group receive any operational funds to fund its structure and operation or is it just based on the participation of employees of the various agencies and groups and so forth that make it up.

MR. ROOTES-MURDY: I'll take a stab at answering that and then maybe Kim might be able to give you some clarity. My understanding is there is not any operational budget currently for the TEWG. It is really done on the volunteer basis of the states and staff to help coordinate it at this point.

CHAIRMAN STOCKWELL: Kim is nodding her head. Do you have anything else to add, Kim? Bill.

MR. WILLIAM A. ADLER: Kirby, when you say plan will be available soon; now, we deal with plans and then there is plans and then there is plans. This particular thing that is coming out; it is a conservation plan, which it isn't a fishery management plan, right?

MR. ROOTES-MURDY: That is correct, Mr. Adler; it is a plan in the sense that it outlines really a lay of the land of where there is the current ability for management at the federal, state and local level, where there is monitoring programs at the state level, where there are research and funding opportunities and where there could be additional partnerships in the future. There are no components currently in the same way that we have our fishery management plans.

MR. LEROY YOUNG: Thank you, Kirby, for your report. I might have missed this, but did you give a date for when you'd like comments from board members?

MR. ROOTES-MURDY: It was mentioned when we submitted the conservation plan and word document to the Board that we were seeking comments ahead of the Board meeting, which is today, May 6th. Unless there are any other

additional comments that the Board wanted to provide at this point, we were not planning to extend the comment period beyond today.

MS. KIM DAMON-RANDALL: I was just going to add that once the plan goes live on the website, we still have the opportunity to change it. It is supposed to be an adaptive management plan; so if you don't meet today's deadline, we still have the opportunity to make changes to the plan.

MR. PATRICK AUGUSTINE: The intention then of I guess you, Kirby, or ASMFC would be to follow through on searching out funding for all of the areas that you've discussed. You had a list of four or five that would have been applied for by June 2nd. Has funding been requested from them also; and what kind of money are we talking about?

Has this group envisioned what it is going to take, roughly, a hundred thousand dollars, a number of some kind? On the cover it looks like it turned out to be quite an expansive dedicated effort that might require one or two or more technical people; so can you flesh it out just a little more for us?

MR. ROOTES-MURDY: In the research and habitat restoration funding opportunities that I was highlighting; those are just a short list of ones where the deadlines are on the horizon. They're coming up in the next few months. The conservation plan has a dedicated page that lists all of the different granting opportunities.

As Kim had mentioned before, the goal is for this to be a dynamic website that can be updated. As part of what staff is trying to provide to the TEWG and in turn the Board is the ability to offer the board these notices and highlight where they can seek out funding at the state level and where possible collaborative funding.

The range of funds vary depending on the agency that is granting it. I know NFWF's grants

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vary between ten and a hundred thousand dollars whereas some of the U.S. Fish and Wildlife grants also have dramatic ranges, sometimes just a few thousand dollars to tens of thousands of dollars. There is not one set amount that any of these specific grants are speaking to.

DR. DUVAL: Obviously, this plan came out of a significant effort on the part of the commission, the councils, various other experts to address the challenges of management of these species across multiple jurisdictions and to address some of the long-standing problems that confront us that extend beyond the things that we can control through this body.

As such, it doesn't actually have any regulatory teeth. It provides a portal for interested management organizations to coordinate and collaborate on meeting different data gaps, data needs or a one-stop shop for finding funding resources, things like that. I read through the document and I didn't see and perhaps I just need to visit the website a little bit more; but is there a future evaluation of how well this collaborative non-regulatory type effort is working? In other words, are we going to go back and examine sort of this conservation plan after four years – I don't know, something like that – to see how well we're doing with regard to meeting some of these challenges?

MS. DAMON-RANDALL: Yes; NOAA Fisheries talked to ASMFC and started this effort because when we made the listing determination we recognized that there were a lot of data gaps and a lot of uncertainties. We had committed at that time when we made the listing determination that we would be revisiting the species within three to five years. The whole idea is to be implementing these conservation efforts and to be addressing the data gaps so that we can look at the species again, hopefully tied to a new stock assessment possibly, which would be ideal because that will give us a lot of information that we can rely on as well as what

is going on with the TEWG and the conservation plan. It will be continually assessed as we move through the process.

DR. DUVAL: It is really just one more comment, and it is based on that last summary slide that Kirby had up there about the evaluation of the monitoring – let's see the Data Collection Standardization Meeting later this year.

I would just encourage at that meeting – I mean, I think almost everyone sitting around this table, all states and jurisdictions, expend a pretty significant amount of resources in monitoring these species; and yet we also have our Sustainable Fishery Plans which contain management targets and triggers and thresholds.

In North Carolina we hit one of our management thresholds and had to ratchet back harvest of American shad, which I'm happy to say it has worked and we are moving forward from there. But if there are surveys that are simply not being used, then we need to know that and we need to eliminate them. I mean, just in this economic climate the states and jurisdictions don't have the resources to continue monitoring efforts that are not helping to inform future stock assessments.

TECHNICAL COMMITTEE REPORT

CHAIRMAN STOCKWELL: Any other questions or comments for Kirby? Okay, seeing none, thank you, Kirby. We will turn it over to the technical committee report from Katie.

**TECHNICAL COMMITTEE'S
RECOMMENDATIONS FOR THE
ASSESSMENT SCHEDULE**

DR. KATIE DREW: Unfortunately, Shanna stole some of my thunder today at the Policy Board Meeting when we discussed this; but in case you were not there or were not paying attention, I will just briefly go over the technical committee's recommendations for the assessment schedule for shad and river herring.

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We recommend an assessment update for shad in 2017. That will be basically ten years after the last benchmark, and there has not really been anything in between there. The technical committee is open to the idea of potentially a benchmark at that point, but we're not optimistic that data has improved to the point where we could offer a new analyses or basically do anything better than the last benchmark did.

As we go through the data collection process, we will evaluate the quality of the data, any new data sources that could support new or better analyses; and if a benchmark is warranted, we would recommend that to the board. At the moment we're recommending an assessment update for shad in 2017 and then an assessment update for river herring, which would be a five-year assessment update, which is what we recommended coming out of the last benchmark to do an update in five years and then another benchmark for river herring in ten years.

We anticipate that the shad assessment process will also allow us to gather river herring data at the same time. There is a lot of the same data sources being used in both, so hopefully we can do the data-gathering process in a fairly coordinated way between the two species and then just do the update for shad in one year and the update for river herring in the next.

The other issue that we discussed is related to what Kirby just brought up, which is this River Herring Data Collection and Standardization Meeting. This is a product of some of the recommendations from the last benchmark assessment, the discussions of the Technical Expert Working Group and the discussions of the technical members who participate in both the technical committee and some people are also part of the TEWG.

We recommend putting together this workshop to establish sort of standard methodology for data collection for shad and river herring, most

river herring, on the Atlantic Coast and also to sort of evaluate the current data and current data-collection methodology. The technical committee and I think the TEWG also felt that this kind of the best compromise between something that can improve the available data in a short timeframe with minimal input of extra money and still provide something of value that would be helpful for the assessment update going forward.

The goals are to kind of provide sort of a set of best practices for river herring data collection on the Atlantic Coast and in a way to frame it both in terms of what can you do to standardize your surveys now, not creating new surveys but given the available data collection, what can you do to make those programs as effective and standardized as possible to make it easier to compare data across states and regions and to make sure that we're getting the most use out of money that you've already dedicated to this monitoring, which is sort of the baseline minimum.

Then on top of that, I think we'd also like to discuss the question of what is the ideal; that if we had money or if we could access money through some of these funding opportunities, what would be the best practices to make sure that those programs starting up are consistent, standardized and easily understood and shared across the coast. Those would be the goals of that meeting, and the technical committee recommends having this meeting and participating in this meeting.

CHAIRMAN STOCKWELL: Thank you, short and sweet. Questions for Katie? Pat.

MR. AUGUSTINE: It sounds exciting, Katie. Can we budget this or will it be budgeted, Bob or Toni?

MS. TONI KERNS: Pat, we budgeted for a day and a half meeting so any additional time we need to find funds in the budget for that. That was our original intention and we're working

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with NOAA to see if they can find additional funds in the budget to in particular get NOAA folks at the meeting because the commission is not allowed to pay for our federal partners to come to meetings, as well as I think we're looking for some Canadian individuals. I will let Kim fill in any additional pieces here.

MR. AUGUSTINE: A follow-on, Mr. Chairman; it is probably a pretty straightforward request and the presentation was pretty clear. When you're ready for a motion, it sounds like we need to make a motion on developing or setting up a committee requirement. Let's have discussion around the table, if you'd like, Mr. Chairman, and then I'll call a motion.

CHAIRMAN STOCKWELL: Kim, do you have anything to add to Toni's narrative?

MS. DAMON-RANDALL: We are definitely going to have some funds that we can put towards the workshop, and we might have some additional funds that could be used after the workshop if there is something that needs to be done to kind of follow on from the results of the workshop. We're still working through our final budget numbers, so we should have some definite funds for the workshop.

CHAIRMAN STOCKWELL: Any other questions for Katie? Rob.

MR. O'REILLY: Mr. Chairman, I just wanted to find out from Katie about the standardization; so are you talking looking at information that already exists from the states and trying to make sure that the sampling or the collections over time and in space are optimal in terms of standardization that way or are you talking about something else?

DR. DREW: Yes; number one, I think making sure that what you are doing actually achieves the goal of what your sampling project is trying to determine; but also doing things like making sure that if people are taking run counts, you can compare those run counts across different

rivers because not everybody is using the same methodology; or, if you're sampling your harvest, making sure you're collecting the same types of information on the biology of the fish.

If you're doing a young-of-year survey, is everybody using similar methods to calculate the index to do the sampling and things like that; so that when you compare across states or across programs, those results are as consistent and comparable as possible.

CHAIRMAN STOCKWELL: Before I go to Pat, are there any other questions? Pat.

MR. AUGUSTINE: **I move the board task the technical committee with setting up and conducting a meeting on data collection and standardization – do you need any more than that – on river herring and shad.** That makes it a complete statement.

CHAIRMAN STOCKWELL: I think we'll dress it up for you. Is there a second; seconded by Doug Grout.

MR. AUGUSTINE: Mr. Chairman, did you want to add shad and herring to that to make it complete or is it just inferred?

CHAIRMAN STOCKWELL: Staff is good with that motion. Are you okay with your motion, Pat?

MR. AUGUSTINE: It is fine.

CHAIRMAN STOCKWELL: The motion is move that the board task the technical committee with conducting a meeting on data collection and standardization. Motion by Mr. Augustine and seconded by Mr. Grout. **Is there an objection to the motion on the board? Seeing none; the motion carries.** Pat.

MR. AUGUSTINE: Mr. Chairman, it looks like we need another motion on recommending that the American shad be added to the assessment schedule. Is that going to be an issue or a problem or can we do that, Toni?

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MS. KERNS: We are okay on the assessment schedule, Pat. That was approved by the Policy Board this morning.

MR. AUGUSTINE: I wasn't there so I didn't know. It won't require a motion so that's fine.

OTHER BUSINESS

CHAIRMAN STOCKWELL: Is there any further business to come before the – Michelle, I thought you wanted to get out early?

DR. DUVAL: I do, but just really quickly I just want to update everyone on the status of North Carolina's River Herring Fishery Management Plan. We previously had a discretionary river herring set-aside just around the four days of the Herring Festival around Easter. With the effective date of Amendment 2 to our fishery management plan, which took effect on May 1st, that discretionary harvest has been eliminated. One of the goals of having that was to provide some data for our management of the fishery, and it was simply not meeting that need so we've eliminated it. We'll be updating our SOP accordingly.

ADJOURNMENT

CHAIRMAN STOCKWELL: Unless there is any further business to come before the board, this meeting is adjourned.

(Whereupon, the meeting was adjourned at
3:10 o'clock p.m., May 6, 2015.)