

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

**The Westin Crystal City
Arlington, Virginia**

May 3, 2022

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ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Roy Miller, DE (GA)
Steve Train, ME (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Cheri Patterson, NH (AA)	Lynn Fegley, MD, Administrative proxy
Dan McKiernan, MA (AA)	Allison Colden, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Pat Geer, VA, Administrative proxy
Justin McNamee, RI (AA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Jerry Mannen, NC (GA)
Colleen Bouffard, proxy for J. Davis (AA)	Bill Gorham, NC, proxy for Sen. Steinburg (LA)
Bill Hyatt, CT (GA)	Ross Self, SC, proxy for M. Bell (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Heather Corbett, NJ, proxy for J. Cimino (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Spud Woodward, GA (GA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Hannah Hart FL, proxy for J. McCawley (AA)
Loren Lustig, PA (GA)	Marty Gary, PRFC
John Clark, DE (AA)	Rick Jacobson, USFWS
	Max Appelman, NOAA

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

Ex-Officio Members

Wes Eakin, Technical Committee Vice-Chair

Staff

Bob Beal	Kristen Anstead	Jeff Kipp
Toni Kerns	Katie Drew	Sarah Murray
Maya Drzewicki	Emilie Franke	Caitlin Starks
Tina Berger	Lisa Havel	Deke Tompkins
Pat Campfield	Chris Jacobs	

Guests

Karen Abrams, NOAA	Michael Brown, ME DMR	Alexa Galvan, VMRC
Ronal Amidon, MA F&G	Jeff Brust, NJ DEP	Ben German, NOAA
Pat Augustine, Coram, NY	Margaret Conroy, DE DFW	Angela Giuliano, MD DNR
Alan Bianchi, NC DNR	Nichole Lengyel Costa	Pam Lyons Gromen, WildOceans
Deirdre Boelke, NEFMC	Pam D'Angelo	Greg Hinks, NJ DEP
Jason Boucher, NOAA	Maureen Davidson, NYS DEC	Harry Hornick MD DNR
Bill Brantley, NC DENR	Lennie Day, USGS	David HU, USGS
Delayne Brown, NH F&G	John Duane	Jeff Kaelin, Lund's Fisheries

Guests (continued)

Carrie Kennedy, MD DNR
Adam Kenyon, VMRC
Rob LaFrance, Quinnipiac Univ
Tom Lilly
Jennifer Malpass, USGS
John Maniscalco, NYS DEC
Genine McClair, MD DNR
Mike Armstrong, MA DMF
Steve Meyers
Mike Millard, US FWS

Clinton Morgeson, VA DWR
Thomas Newman
Derek Orner, NOAA
Willow Patten, NC DENR
Michael Pierdinock
Eric Roach
Scott Schaffer, MA DMF
Ross Self, SC DNR
Alexei Sharov, MD DNR
Ethan Simpson, VMRC

Angela Somma, NOAA
Michael Stangl, DE DFW
Kevin Sullivan, NH FGD
John Sweka, US FWS
Mike Thalhauser, Coastal Fisheries
Alan Weaver, VA DWR
Holly White, NC DENR
Meredith Whitten, NC DENR
Chris Wright, NOAA
Jordan Zimmerman, DE DFW

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Tuesday, May 3, 2022, and was called to order at 10:15 a.m. by Chair Lynn Fegley.

CALL TO ORDER

CHAIR LYNN FEGLEY: Good morning, everybody, this is the Shad and River Herring Management Board. My name is Lynn Fegley; I am an Administrative Proxy from the state of Maryland, and I am the Vice-Chair of this Board. I'm sitting in for Justin Davis, who could not attend today. I ask your forbearance, there are some new faces around the table that I just don't know. If I struggle a little bit to call out names, just bear with me.

APPROVAL OF AGENDA

CHAIR FEGLEY: With that the first order of business is Approval of the Agenda. Are there any changes to the agenda? Okay, we'll call the agenda approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR FEGLEY: Next, you have the proceedings from the October 2021 meeting in your packet. Are there any additions or changes to those proceedings? Okay, we'll call the proceedings approved by consent.

PUBLIC COMMENT

CHAIR FEGLEY: Next, we will move to Public Comment. Do I have any comment from the public? Okay, so with that, and I will just preface this that we'll be looking for a motion at the conclusion of this.

CONSIDER AMERICAN SHAD HABITAT PLANS/UPDATES FROM CONNECTICUT AND MERRIMACK RIVERS

CHAIR FEGLEY: We are going to be looking to consider American Shad Habitat Plans. There

was an update from Connecticut, and a new plan from the Merrimack River. With that I'm going to hand the presentation over to Wes Eakin. Sorry, Wes, if I didn't get that right, to walk us through those two plans. Thank you.

MR. WES EAKIN: No problem. Thanks everyone. My name is Wes Eakin; I'm with the New York State Department of Environmental Conservation. I'm currently the Vice-Chair of the Shad and River Herring TC, and like Lynn, I'm also filling in for our current Chair, Brian Neilan, who was unavailable today.

There are three things that are for your consideration today, as Lynn said the Shad Habitat Plans. We have a couple of state SFMPs, and then a prioritization task. I will for the sake of time give the presentation for the Habitat Plans, and the state SFMPs together, and then pause for questions before moving on to the last item.

A little background on the Shad Habitat Plans. Under Amendment 3 all states and jurisdictions are required to submit habitat plans, which are meant to contain a summary of information on current historical funding habitats, nursery habitats, and threats to those habitats, as well as habitat restoration programs that are occurring within each state. In February 2020, the Board agreed that these plans should be updated every five years, similar to the SFMPs, and ask states to update their existing plans that were originally approved in 2014, and for states with missing plans to submit a new habitat plan. Since then, the Board has approved 15 plans and updates from the states listed below. Last month the TC reviewed, I guess it was in April, a few months ago, or no, it was last month.

Anyway, last month the TC reviewed a plan update for the Connecticut River, and a new plan for the Merrimack. After reviewing the plans, the TC recommended the approval of both of the submitted plans with some minor recommendations for some changes. The first plan for consideration is the Connecticut River Habitat Plan Update. This was submitted by the Connecticut River Atlantic Salmon Commission.

This Plan was an update from the 2021 report, and it's a FERC Comprehensive Plan. It takes habitat-based production units by river segment, and a minimum adult annual population target. It also defines past performance metrics, and both of the above mentioned, like I said, have been accepted by FERC as a comprehensive plan.

The identified threats were fish passage, hydropower, and invasive hydrilla expansion. The TC recommended minor formatting changes be noted for future versions to consider requiring states to report more specific water quality parameters that cause degradation. I think it's also important to note here that having a FERC comprehensive plan has a little bit of teeth to it.

The TC recognizes that and it's recommending that states, if possible, have their habitat plans approved by FERC as a comprehensive plan. The next Habitat Plan is from the Merrimack River. That was submitted by the Merrimack River Anadromous Program. For the habitat assessment, American shad can only have access to 38 percent of the historical main stem habitat, and major tributaries from the mouth up to the Garvin's Falls Hydroelectric Facility.

In the accessible reaches, passage inefficiencies due to poor facility design or seasonal flow regimes limit restoration goals and improvements must be made to the FERC process and engagement with dam owners. They listed a few threats here, the Plan identifies those threats as barriers to upstream/downstream migration, hydropower, anthropogenic habitat changes and climate change.

Within the Merrimack System there have been significant and ongoing habitat restoration efforts to understand and reduce the impacts of threats to American shad and shad spawning in nursery habitats identified in the Plan. The recent restoration efforts include targeting of several dams for removal or passage installation.

Since 2009 the MRTC has maintained an active hatchery supplementation program, as well as truck and transfer of gravid fish upriver. They have coordinated water quality monitoring on the main stem and tributaries, and the respective state agencies, federal agencies, nonprofits, and power companies and others.

The TC recommended including language to define the passage standards that Massachusetts is using, which is an upstream passage efficiency of 80 percent.

CONSIDER SHAD AND RIVER HERRING SUSTAINABLE FISHERY MANAGEMENT PLAN UPDATES

MR. EAKIN: Moving into the Shad and River Herring SFMP Plan Updates. Amendment 2 and 3 of the FMP requires states looking to have a fishery to submit a sustainable fisheries management plan that will demonstrate that their stock is supporting commercial and/or recreational fishery that will not diminish the future of stock reproduction and recruitment. These plans are updated and reviewed every five years, to reassess stock status and sustainability.

DELAWARE RIVER BASIN (AMERICAN SHAD)

MR. EAKIN: Last month the TC reviewed plans for shad in the Delaware River Basin, and river herring in the Hudson River. After reviewing the Plans, the TC recommends approval of both the plans that submitted. We'll start with the Delaware Basin American shad FMP Update. Those were submitted by the Delaware River Basin and Wildlife Management Cooperative.

The updated plan proposes a new female mortality benchmark, with more conservative thresholds and triggers relative to triggers to the current metrics already in use. Proposed changes to management include the implementation of commercial harvest quota for the state of New Jersey, and Delaware representing at 33 percent reduction from the most recent 10-year average, excluding the anomalous 2014 harvest.

Another management option is reduction in commercial creel limit from 3 fish down to 2 fish. These new metrics were developed in response to the most recent benchmark stock assessment, which indicated that there was unsustainable female adult mortality for the Delaware stock. For future potential management actions.

If one or more of the benchmarks are exceeded, the Co-op will implement management actions commensurate with the benchmark exceedance. Some options for the commercial fishery would be gear, area, seasonal restrictions, escapement periods, trip limits, quota with an in-season closure in Delaware, reduced quota in Delaware and New Jersey.

Also, an option is the closure of the commercial fishery. The other measures could be determined later. On the rec side of things, creel limit reductions to 1-fish per day, go to recreational catch and release only, seasonal area and gear, closures and restrictions. There is always the option of closure of the recreational fishery and other measures to be determined.

HUDSON RIVER (RIVER HERRING)

MR. EAKIN: For the Hudson River, River Herring SFMP Update. Stock status mortality estimates have either remained stable or decreasing, and they are below a new sustainability target. Mean length and mean length at age has been either increasing or stable. Frequency of repeat spawning has been increasing, and our YOY index has been erratic, but we are not experiencing recruitment failure.

The new sustainability threshold that's being proposed is based on the adult female total mortality using a Z40 threshold, similar to what was done in the recent shad stock assessment, and those resulting thresholds for female alewife is a Z of 1.26 and 1.19 for blueback. This is in addition to the already in use YOY index, commercial CPUE, repeat spawning,

mean length/mean length at age, benchmark or metrics in the biggest plan.

The Hudson River is requesting status quo, based on the regulations that were in place in 2013 to the continuation of a restricted fishery in the Hudson. No nets in tributaries, gear, mesh and area restrictions, 36-hour escapement period for all commercial gears, continuation of our recreational possession limit of 10-fish per person, and a moratorium in all other state waters. Proposed management actions, New York will take immediate management action following recruitment failure or unsustainable adult female mortality, and potential management actions may include, but not limited to gear restrictions, area restrictions and permit system restructuring. With that I'll pause if anyone has any questions on their habitat plans or the SFMPs.

CHAIR FEGLEY: Great, thank you, Wes, and really nice job getting through in a very concise way. Does anybody have any questions for Wes, either about the Habitat Plan for Shad, or the Sustainable Fishery Management Plan? Any questions? Bill Hyatt.

MR. WILLIAM HYATT: Just a quick question, and I might have missed something. The Delaware Plan was made necessary, because it is identified as basically the stock was identified as unsustainable in the 2020 stock assessment benchmark, and there were a couple of other stocks that were similarly identified in that benchmark, I think the Connecticut River and the Potomac.

My question has to do with, what is the timeframe required for responding to that unsustainable determination? I guess it's from the 2020 stock assessment. Delaware is doing so now, I think there are a couple that still have to be addressed, and I'm just wondering what the timeframe requirement might be if there is one.

MR. EAKIN: Yes, I can take a shot at that. Caitlin or James, feel free to jump in. But my understanding is there was no requirement to respond to the

results of the stock assessment. But, Caitlin, if you want to correct me if I'm wrong.

MS. CAITLIN STARKS: That's correct, there is no requirement.

MR. HYATT: Okay, thank you.

CHAIR FEGLEY: I think what I would like to do here. Are there any other questions about these two items? Okay, so we're going to need a motion, and I think what I would like to do is do two separate motions, one for habitat and one for sustainable management plans. Dr. Rhodes, I'll start with you.

DR. MALCOLM RHODES: All right, well I would move to approve and accept the American Shad Habitat Plans for the Connecticut and Merrimack Rivers.

CHAIR FEGLEY: Terrific, thank you, Malcolm Rhodes, and Jim Gilmore is that a second? Excellent, okay. Is there any discussion on this motion? Okay, I'm just going to read it into the record and call the question. The motion is to move to approve and accept the American Shad Habitat Plans from Connecticut and Massachusetts as presented today. Motion by Dr. Rhodes, second by Mr. Gilmore. Is there any opposition to this motion? **Okay, we'll consider it approved by consent.** Thank you very much, and then I'll be looking for a motion for the Sustainability Plans, Martin Gary.

MR. MARTIN GARY: I would move to consider the American Shad and River Herring Sustainable Fishery Management Plans for New York for river herring and for the Delaware River Basin Cooperative for American shad.

CHAIR FEGLEY: Excellent, is there a second? Joe Cimino, I think. All right, is there any discussion on this motion? All right, I'll read it into the record. The motion is move to approve the Shad Sustainable Fishery Management Plan for the Delaware Basin Co-op and the River

Herring Sustainable Fishery Management Plan from New York as presented today.

Motion by Mr. Gary, second by Mr. Cimino. Is there any opposition to this motion? Excellent. **Okay, we'll consider that approved by consent.**

CONSIDER TECHNICAL COMMITTEE REPORT ON BOARD TASK ON PRIORITIZING SYSTEMS FOR SHAD RECOVERY AND DEVELOPING INVENTORY OF AVAILABLE DATA TO SUPPORT DEVELOPMENT OF FISH PASSAGE CRITERIA

CHAIR FEGLEY: The next item on the agenda is to look at the tasks that the **Board presented to the TC**, which was to prioritize systems for shad recovery, and develop that inventory of data. I think we're going back to Wes for that.

MR. EAKIN: A little background on this task. Following a 2020 stock assessment, in which they examined fish passage performance and its effects on shad production potential, they used standardized data and simulation modeling, and determined that the overall dams completely or partially blocked nearly 40 percent of the historical American shad habitat.

In May, 2021, at the TCs recommendation the Board tasked the TC with prioritizing systems for shad recovery, and developing an inventory of available data that would support the development of fish passage criteria. In response to that task the TC formed a task group to develop information and draft recommendations for TC review.

The steps taken in development of the task, a query of FERC projects currently or soon to be relicensed in the next decade. U.S. Fish and Wildlife and NOAA have Section 18 Fish Passage Prescription Authority, which is a legal tool to have FERC direct hydro project donors to implement and evaluate passage and protection measures.

As a result of that a total of 158 FERC projects were identified from Maine to Florida, based only on the FERC license status and schedule. The TC members from each state were then asked to decide whether

a project in their state was a priority, based on the following criteria. Whether they have an existing recovery plan, have performance standards, upstream passage, downstream passage and is Alosine passage needed, and is the system a state priority?

Ultimately the TC developed a list of 34 priority FERC license projects based on the above criteria. I apologize, I don't think the table is coming up were included in the briefing material. For each priority project the TC recommends that the relevant state and federal agencies determine the extent to which their existing restoration or management plans are current and relevant for information to best address upstream and downstream passage, specific to their goals and/or objectives.

This includes considering the following, which if an existing plan information doesn't suitably address fish passage, the plan should be updated with state and federal participation with staff familiar with both Section 18 Authorities, and water quality certifications. Specific passage performance criteria should be discussed and developed by agencies. Criteria should rely on a first set of information for supporting the rationale, including but not limited to the plan goals and objectives. Performance targets should address rates of passage success that include percent passage success for fish arriving at a project area, a time component to address delay as part of passage success, and survival rates with project passage.

Then as Lynn mentioned earlier, plans should be submitted to FERC for status as comprehensive management plans requiring FERC licensees to address these plans. This is a table of the summarized FERC projects by state, with the questionnaire responses. As you can see, we ended up with a total of 34. This takes that same 34 priority projects and identifies the river systems that they're located in, and how many projects per river system. I'll be glad to take any questions on this as well.

CHAIR FEGLEY: Great, thank you, Wes. Are there any questions on this for Wes? Wes, I had one for you. I was very interested when I read the Merrimack Plan, or maybe it's for Massachusetts or New Hampshire that there are 7 dams in the Merrimack that would, if there were projects implemented, would double access to spawning area. I wonder, are those 7 dams included on this prioritization?

MR. EAKIN: That is a good question. I am not sure. I was not part of this task group, but Caitlin was more involved than myself. She might be better able to answer that.

CHAIR FEGLEY: It was a curiosity question.

MR. EAKIN: I have listed three as priority projects. I would assume that they would be.

CHAIR FEGLEY: Okay, well in the interest of time we'll move on. I think the next step is Caitlin, we need to have possible action to approve the prioritization. Is that what we're doing?

MS. STARKS: The Board can take an action if it wishes, but I don't believe any action is needed. Essentially the presentation of this is the final product of the task that the Board asked for. The table that you see here is not the only product, there is an extensive Excel Spreadsheet that we will send out to the Board.

That contains all of the information on each of those river systems, what the TC identified as needed in those systems, and what data are available for the development of passage standards. The idea is for the states to be able to take that information and use it when they are looking at their own passage improvements, I guess, across the coast.

CHAIR FEGLEY: Excellent, thank you, Caitlin. In the interest of time, we'll move on. We'll assume since there are no questions and there doesn't appear to be any objections, we will accept. Oh, Bill Hyatt, sorry, apologies. Go ahead.

MR. HYATT: I almost forgot I had my hand up. Yes, I just had a real quick question and it's just curiosity as to why the prioritization effort was limited to FERC projects alone. Part of the reason I'm asking is, I know that there is a high priority project on a large dam facility that isn't FERC regulated as part of the Connecticut River Basin. Just a general question as to why this prioritization effort was limited exclusively to FERC projects.

MR. EAKIN: I'm not sure. I'm going to assume that this was a low hanging fruit that we are able to access the FERC database. But Caitlin, if you have any other insight.

MS. STARKS: Beyond that it is lower hanging fruit. The TC thought it was appropriate to focus on these FERC projects, because they are coming up for relicensing in the next 10 years or so, and those relicensing periods provide a really good opportunity to add some requirements to those projects to improve fish passage for shad and river herring. That is why the TC focused on FERC projects in this case.

MR. HYATT: If I could follow up, Lynn. I'll just add, I totally understand that. Just point out that sometimes prioritization lists are used in process of awarding grant monies and making decisions, and just that recognizing that compiling a FERC list is easiest, and obviously covers almost all of the priorities that there might be some priority projects that might want to be considered that don't fall under the FERC umbrella.

CHAIR FEGLEY: Thank you, Bill, I think that is well noted for the record. Unless there is any objection, oh and Roy Miller has a question, followed by Chris Wright.

MR. ROY W. MILLER: Just a quick follow up to Bill Hyatt's question. I noticed the absence of any New Jersey/Delaware listing there. Can I assume, is this the total list of FERC projects, or is it an incomplete list? Specifically, I guess the dams on the Lehigh and the Schuylkill on the

Delaware Basin are not are not FERC projects, hence they are missing from this list. Is that correct that this is the totality of FERC projects?

MS. CAITLIN: No, this is a list of FERC projects that the TC identified as priorities through the process that Wes described in his presentation. There was an original list that was much larger.

CHAIR FEGLEY: Chris Wright, you're up.

MR. CHRIS WRIGHT: I just wanted, we at NOAA Fisheries wanted to thank the TC for the report. This will be a valuable resource for FERC relicensing negotiations and other inputs. But we just wanted to thank the TC for the report and their work on this effort. It's going to help us a lot in the future. Thank you.

CHAIR FEGLEY: Okay, are there any other questions? I think right now what we're going to do is we're going to move forward with this prioritization list, oh and we've got Alan Weaver, you're up.

MR. ALAN WEAVER: Yes, I just joined about ten minutes ago. For Virginia, I'm the fish passage coordinator for Virginia, I see Appomattox. We also have Emporia Dam on the Meherrin River in Virginia. You know it has shad and herring actually, we know shad and herring get to that site. That site has a lot of issues. The fishway on the Appomattox at Brassfield Dam is certainly operational. It hasn't really been put to the test that much yet, because we just opened up downriver some dams, and we don't know if target fish are getting there yet. But we know target fish are getting to the Emporia Dam, and I'm just wondering how the Emporia Dam project did not make this list, I guess is my question.

MS. STARKS: Wes, I can try to take this one, since you weren't involved in this task group. But if you did not see the beginning of the presentation that might have explained it. I have a large list of projects. This will be sent out to the states. You can review that list when we send it out, and let us know. I don't know if Emporia Dam is FERC, and

whether it's coming up for relicensing, but that affected the list of 34 that the TC prioritized.

MR. WEAVER: Yes, I mean it's a priority for NOAA, Fish and Wildlife Service, us, you know DWR. I mean it's a priority for fish passage. I don't know how this list affects what FERC is going to do about that site, but anyway. If there is another list. If there is more information that will be coming, I'll wait to look at that. I just wanted to mention the Emporia site.

CHAIR FEGLEY: I think what we're going to do is this list is going to be distributed. We have a stock assessment underway. I think what we're recognizing is that there are non-FERC dams that are not on this list. We have that noted for the record. I think this group is going to be very busy with this upcoming stock assessment.

CHAIR FEGLEY: But what we may want to do is go back around, and once that stock assessment is completed and we see the results of that. We may want to think again about maybe taking a deeper look at some of these non-FERC dams. If that is acceptable to the Board, I think we'll go ahead and move forward. Does anybody have any more comments on this? Okay, good.

**CONSIDER SHAD AND RIVER HERRING FMP
REVIEW AND STATE COMPLIANCE FOR THE
2020 FISHING YEAR**

CHAIR FEGLEY: With that the next item on the agenda is Fishery Management Plan Review and Compliance. I think for that we're going over to James Boyle.

MR. JAMES BOYLE IV: Good morning, everybody. As mentioned, yes, I am going to be going through the Shad and River Herring FMP Review AND State Compliance for the fishing year of 2020. As a quick overview of the presentation, I'm going to start with a short reminder of historical landings over time, and then get into the 2020 fishing year specifically.

Then, next I will move on to some of the monitoring and the compliance reports, including fish passage, stocking efforts and sturgeon bypass interactions. Finally, I'll end with the de minimis requests and the report and recommendations from the Plan Review Team. Just a quick reminder of the historical context. This figure shows the trajectories of commercial landings for river herring and American shad since 1950.

Starting in the 1970s river herring landings fell drastically and then steadily decreased over time. For shad there has also been a steady decrease in landings over time, which is of course in part due to the moratoria implemented through Amendments 2 and 3. It's difficult to see what is going on at the end of that time series in the first figure.

This is a zoom in of landings since 1990, where there is a little more variation for river herring with landings increasing from 2016 to 2019 until decreasing a little bit in 2020. For shad you see a general downward trend in landings since the 1990s. Moving on to 2020. This table shows state landings and coastwide totals for our commercial shad and river herring, excluding confidential data. For river herring coastwide commercial landings, including bycatch, the total is just over 2 million pounds, which is a 36 percent decrease from the 2019 landings. Some of you may notice that the numbers here are slightly different than in the draft FMP report.

Since drafting the document I did some digging into the dramatically reduced bycatch landings for river herring, and found additional landings to include in this column, so this number of 167,445 pounds is the latest updated number. That is still a significant reduction in bycatch at 77 percent from 2019, which is almost entirely attributable to lower bycatch reported in Massachusetts.

Although it is important to note that as of the 2020 fishing year, Massachusetts eliminated their state portside sampling program, only reporting NOAA Northeast Fishery Observer Program or NEFOP data. For American shad the total 2020 commercial landings, directed and bycatch, reported in

compliance reports was 407,479 pounds, which is a 49 percent increase from landings in 2019.

However, bycatch landings of shad are down 24 percent. Reported hickory shad commercial landings was 92,023 pounds, which is a 36 percent decrease from 2019. I will note that the directed and bycatch totals are both confidential, as individually they don't satisfy the rule of three, but the sum of both is the correct number, so the 92,000 is accurate.

As part of the requirements in Amendments 2 and 3 for river herring and shad, passage counts are required on select rivers in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland and South Carolina, 6.25 million counted river herring represents a 4.4 percent decrease compared to 2019, and 713,520 shad is a 63 percent increase compared to 2019.

Although it is important to note, as will come up again later, that many states could not complete all of their monitoring requirements due to the COVID 19 pandemic. For passage monitoring for river herring in the Androscoggin River in Maine and the Schuylkill River in Pennsylvania was not able to be completed, as well as three locations on the Susquehanna River in Pennsylvania, Maryland and Delaware, could also not complete their monitoring for both shad and river herring.

During 2020 hatchery reared American shad fry were stocked in the Pawtucket River in Rhode Island and the Santee River in South Carolina, totaling 14.7 million American shad. That is a 22 percent increase from 2019. Maine also continues to participate in trap and transfer stocking of adult pre-spawning alewife of wild origin on the Androscoggin River. As we said before, we're only talking about nursery hatched fry so not wild caught fish.

For sturgeon interactions in 2020 there were 73 reported interactions with 0 fatalities. Although there is a note to that that New Jersey gillnetters report the weight of discarded

sturgeon not individuals. They reported 2,921 pounds. Of those 73 interactions, 39 were identified as Atlantic sturgeon, 5 as short nose, and 29 were unclassified. Rhode Island, as a quick note, reports NOAA, NEFOP and At-Sea Monitoring Data, which is available after the compliance report submission deadline. Therefore, their data lags by one year, so for the 2020 fishing year Rhode Island reported 9 interactions from 2019, and then we will see the 2020 interactions in this year's compliance report in July. The upcoming fishing year Maine, New Hampshire, Massachusetts and Florida have requested de minimis status for their shad fisheries, and New Hampshire, Georgia and Florida request de minimis status for river herring.

They have all met the requirements and qualify for de minimis status based on their commercial landings being less than 1 percent of the coastwide landings. In evaluating the state compliance reports the PRT did note some inconsistencies with requirements in Amendment 2 and 3. The only issue that seems worthy of note is the monitoring that was not completed due to the pandemic.

A full description of the missing monitoring can be found in Table 6 of the FMP report, so we have like an inventory of everything that was missed. Some other small inconsistencies with the new compliance report template that this is only the second, I think time it's been used, but it's working very well.

This is not including some sections, even just to say not applicable, but we'll work with the state to correct these in future reports that again didn't rise to the level of concern for the PRT. With those minor issues, and given the circumstances regarding the monitoring. The PRT did not feel that it should be held against the states, and recommended approval for the compliance reports for 2020.

The PRT did have one recommendation, which is to move Section 8B, which provides the result of hickory shad monitoring to the appendices. This change would allow states to conduct hickory shad monitoring a place to share the results, while removing optional data from the main body of the

compliance report, thereby further streamlining the compliance review process of this new format.

With that information the action for the Board is to consider approval of the 2020 shad and river herring FMP review, the state compliance reports and de minimis status for Maine, New Hampshire, Massachusetts, Georgia and Florida. Are there any questions? Thank you.

CHAIR FEGLEY: Excellent, thank you so much, James. Okay, any questions from the Board? Allison Colden, you're up.

DR. ALLISON COLDEN: Thank you, James for that presentation. I noted when you mentioned earlier that the river herring bycatch numbers have been adjusted, but also that the portside monitoring program in Massachusetts had ended, and they were only reporting the fishery observer data. Do you have any indication or context on how the observer program may have been impacted by COVID, in terms of numbers of days lost in the Observer Program or any other information?

MR. BOYLE: I don't have any of that context. But I can look into that. I'm not sure if anybody else has any knowledge of that from NOAA.

CHAIR FEGLEY: It doesn't look, Allison, like anybody around the table can offer additional information on that. It's noted on the record, and if some information can be turned up, we can certainly forward that to you. Are there any other questions on FMP review and state compliance? Okay, so I'll be looking for a motion to approve these, and I have Pat Keliher.

MR. PATRICK C. KELIHER: I would move to approve the Fishery Management Plan Review, state compliance reports and de minimis requests for Maine, New Hampshire, Mass and Florida for American shad, and New Hampshire, Georgia and Florida for river herring for the 2020 fishing year.

CHAIR FEGLEY: I have Doug Haymans, I believe for a second. Okay, I will read it into the record. Move to approve Fishery Management Plan Review, state compliance reports and de minimis requests for Maine, New Hampshire, Massachusetts, and Florida for American shad, and New Hampshire, Georgia and Florida for river herring for the 2020 fishing year.

Motion by Mr. Keliher, second by Mr. Haymans. Is there any discussion on the motion? **Okay, is there any opposition to the motion?** That's brilliant

UPDATE ON THE 2023 RIVER HERRING BENCHMARK STOCK ASSESSMENT

CHAIR FEGLEY: We are moving on to our next agenda item which is going to be Dr. Katie Drew is going to lead us through an update on the 2023 River Herring Benchmark Stock Assessment.

DR. KATIE DREW: Basically, we have a benchmark scheduled. The terminal end result of the assessment will be presented to the Board at the annual meeting in 2023, so about a year and a half from now. This is the current timeline. You can see the data submission deadline is going to be July 1st, 2022, followed by a data workshop which will be virtual, July 12 through 14. We have then a methods workshop, and an assessment workshop to be followed after that to have a peer review in August of 2023. This is the current broad timeline.

DISCUSS STOCK ASSESSMENT SUBCOMMITTEE MEMBERSHIP

DR. DREW: This will be an ASMFC external peer review, so there is a little bit of flexibility in this timeline if things become difficult, but this is kind of what we're shooting for right now. The main component that we're sort of updating you about, and we would like some feedback on is basically we are requesting nominations for the Stock Assessment Subcommittee at this point.

The deadline for that is May 20th, and we are, as a reminder, looking for expertise in river herring biology and stock assessment, especially data pool

methods for this species complex. I believe the call for nominations was sent to the Administrative Commissioners earlier, or at the end of last month, and the deadline will be coming up soon for that. I'm happy to take any questions on the stock assessment process.

CHAIR FEGLEY: Thank you very much, Katie. Are there any questions on the stock assessment? Jason McNamee.

DR. JASON McNAMEE: Hey Katie, wondering what you guys are thinking about, you know the potential for those missing data elements, if you guys are thinking ahead of that a little bit, what you might do there.

DR. DREW: I think this is going to be one of our, throw everything at the wall and see what sticks assessments. Obviously, this is a data limited stock, and we have limited data that is different from river to river, so we have to be kind of creative in terms of what we're doing. I think we'll follow the shad assessment in a lot of the things that they sort of moved the ball forward with for these species. But I think it's going to be hard to figure out the exact details until we see all of the data in front of us, and figure out what we have and what we don't have.

CHAIR FEGLEY: Any other questions about the upcoming benchmark? Okay, that's great.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

CHAIR FEGLEY: We have one final item of business, and that is to review and populate the Advisory Panel membership, and we are going to send it over to Tina Berger for that.

MS. TINA L. BERGER: I offer for your consideration and approval a new nomination from Maine, Deborah Wilson, who has been involved in Maine fisheries and fisheries management for over 40 years. Her nomination form and information were provided in the main meeting materials. Thank you.

CHAIR FEGLEY: I'm looking at a hand raised from Marty Gary.

MR. GARY: Madam Chair, I just move to approve that nomination.

CHAIR FEGLEY: Okay, and I have a second from Pat Keliher. Is there any discussion on this motion? I think she's going to be a great asset to this group. I will read the motion into the record then. The motion is to approve the nomination of Deborah Wilson from Maine to the Shad and River Herring Advisory Panel. We had a motion by Martin Gary, second by Pat Keliher. Okay, is there any opposition? **Great, we are approved by consent.**

ADJOURNMENT

CHAIR FEGLEY: At the very last order I'll ask, is there any opposition to adjourning this meeting? Okay, we stand adjourned, well done.

(Whereupon the meeting adjourned at 11:00 a.m.
on Tuesday, May 3, 2022)