

Atlantic States Marine Fisheries Commission

Shad and River Herring Management Board

August 4, 2020
8:30 a.m. – 12:00 p.m.
Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*M. Armstrong*) 8:30 a.m.
2. Board Consent 8:30 a.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2019
3. Public Comment 8:35 a.m.
4. Consider 2020 Shad Benchmark Stock Assessment **Action** 8:45 a.m.
 - Presentation of Stock Assessment Report (*M. Bailey*)
 - Presentation of Peer Review Panel Report (*K. Limburg*)
 - Consider Acceptance of Benchmark Stock Assessment and Peer Review Report for Management Use (*M. Armstrong*)
 - Consider Management Response to the Assessment and Peer Review (*M. Armstrong*)
5. Break 10:10 a.m.
6. Consider State Proposals to Resolve Inconsistencies with Amendments 2 and 3 **Final Action** 10:25 a.m.
 - Presentation of State Proposals and Technical Committee Recommendations (*K. Sprankle*)
 - Presentation of AP Comments on State Proposals and Technical Committee Recommendations (*P. Lyons Gromen*)
 - Consider Approval of State Proposals
7. Update on River Herring Technical Expert Work Group Activities (*C. Starks*) 11:35 a.m.
8. Update on Timeline for Shad Habitat Plan Updates (*C. Starks*) 11:45 a.m.
9. Elect Vice-Chair (*M. Armstrong*) **Action** 11:55 a.m.
10. Other Business/Adjourn 12:00 p.m.

MEETING OVERVIEW

Shad and River Herring Management Board Meeting

August 4, 2020

8:30 a.m. – 12:00 p.m.

Webinar

Chair: Mike Armstrong (MA) Assumed Chairmanship: 10/19	Technical Committee Chair: Ken Sprankle (FWS)	Law Enforcement Committee Representative: Furlong (PA)
Vice Chair: VACANT	Advisory Panel Chair: Pam Lyons Gromen	Previous Board Meeting: October 30, 2019
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2019

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider 2020 American Shad Benchmark Stock Assessment (8:45-10:10 a.m.) Action

Background

- The American Shad Benchmark Stock Assessment was initiated in October 2017. After delays in the proposed timeline, the scheduled completion date was moved to August 2020.
- The final Assessment Workshop was held November 18-22, 2019 in Charleston, SC.
- The assessment evaluated the condition of Atlantic coast American shad stocks and habitat availability on a system-specific and coastwide metapopulation basis (**Briefing Materials**).
- The assessment was peer-reviewed virtually by a panel of independent experts June 2-5, 2020. The Peer Review Report provides the panel's evaluation of the assessment findings (**Briefing Materials**).

Presentations

- Overview of Benchmark Stock Assessment by M. Bailey
- Presentation of Peer Review Report by K. Limburg

Board actions for consideration at this meeting

- Consider the stock assessment for management use
- Consider management response to the assessment and peer review

5. Break (10:10-10:25 p.m.)

6. Consider State Proposals to Resolve Inconsistencies with Amendments 2 and 3 (10:25-11:35 a.m.) Final Action

Background

- In October 2017 the TC identified several inconsistencies between state SFMPs and the requirements of Amendments 2 and 3. Subsequently, the Board tasked the TC to develop proposed improvements to the Amendments with regard to several items: 1) Management and monitoring of rivers with low abundance and harvest of shad and river herring; 2) Standardization of Sustainable Fishery Management Plan (SFMP) requirements; 3) Incorporation of stock assessment information into SFMPs and discussion on the timeline for renewing plans; 4) Clarification of *de minimis* requirements as they pertain to SFMPs; and 5) Review of the number of years of data required before developing a SFMP.
- In October 2019, the TC presented a report on inconsistencies with Amendments 2 and 3, describing state inconsistencies with the FMP and case-by-case recommendations to resolve issues. The Board requested that all states with identified inconsistencies submit updated or new SFMPs or Alternative Management Plans (AMPs) following the TC recommendations. During spring 2020, the TC reviewed state proposals from ME, NH, DE, NC, SC, GA, and FL. The TC recommended approval of all proposals (**Briefing Materials**).
- The Advisory Panel also met in April 2020 to review the proposed management plans, as well as the TC recommendations regarding additional improvements to the FMP for Board consideration (**Supplemental Materials**).
- In addition to SFMP and AMP proposals, NH submitted a request to keep the river herring fishery open in 2020, despite not meeting the SFMP's fishery-independent target of a 3 year average of 350 fish per acre of spawning area; NH asserts that the target was not met due to fish counter malfunctions that caused gross underestimations of run counts at the Cocheco River Fishway, rather than population concerns. The TC has reviewed NH's request and supports this approach (**Briefing Materials**).
- The TC also reviewed a proposal from GA to modify the Savannah River sustainability metric in the American shad SFMP; reductions in commercial fishing activity in the Savannah River have rendered the current fishery-dependent SFMP sustainability metric insufficient for management. GA proposes use of a fishery-independent state sampling program for the metric instead. The TC recommends approval of this proposed change (**Briefing Materials**).

Presentations

- Technical Committee Recommendations on State Proposals to Resolve Inconsistencies with Amendments 2 and 3 by K. Sprankle
- Advisory Panel Comments on State Proposals and TC Recommendations by P. Lyons Gromen

Board actions for consideration at this meeting

- Approval of proposed updates to SFMPs and AMPs to resolve inconsistencies with Amendments 2 and 3.

7. Update on River Herring Technical Expert Working Group Activities (11:35-11:45 a.m.)

Background

- The River Herring Technical Expert Work Group (TEWG) was established in 2014 to address significant data deficiencies for river herring species, and compile information for use by NOAA Fisheries and ASMFC in the development of a conservation plan.
- Recently, NOAA Fisheries has secured funding for a contractor to work on revising the 2015 River Herring Conservation Plan. The goal of this work will be to update and synthesize

information on river herring threats, data and research needs, and recommended conservation actions into one document that will support conservation and restoration efforts for river herring along the Atlantic coast.

- TEWG leadership has also been considering renaming the group to reflect the change in function from a work group to an information exchange forum.

Presentations

- Update on River Herring Technical Expert Working Group Activities by C. Starks

8. Update on Timeline for Shad Habitat Plan Updates (11:45-11:55 a.m.)

Background

- Amendment 3 to the Shad and River Herring FMP requires all states and jurisdictions to submit a habitat plan for American shad. A majority of the habitat plans were approved by the Board in February 2014, and it was anticipated that they would be updated every five years.
- The states have begun the process of reviewing their American shad habitat plans, however, many states have encountered delays due to COVID-19. As such, it is unlikely that states will be able to provide updated plans for consideration at the 2020 Annual Meeting. Staff recommends states provide updated plans for consideration at the Winter 2021 ASMFC meeting.

Presentations

- Update on Timeline for Shad Habitat Plan Updates by C. Starks

Board actions for consideration at this meeting

- Direct states to provide updated shad habitat plans for consideration at the Winter 2021 ASMFC meeting.

9. Elect Vice-Chair (11:55-12:00 p.m.)

10. Other Business/Adjourn



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

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.