

**Atlantic States Marine Fisheries Commission
Shad & River Herring Technical Committee
Conference Call Summary
July 28, 2011**

TC: Larry Miller (Chair – USFWS), Mike Dionne (NH), Kathy Hattala (NY), Mike Hendricks (PA), Ellen Cosby (PRFC), Eric Hilton (VA), Bill Post (SC), Don Harrison (GA), Reid Hyle (FL), Harry Rickabaugh (MD), Heather Corbett (NJ), Ruth Haas-Castro (NMFS), Wilson Laney (USFWS), Bennett Wynne (NC), Mike Brown (ME), John Sweka (RH SASC Chair)

AP: Pam Lyons Gromen (AP Chair)

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Subject: Review and discussion of the Mid-Atlantic Fishery Management Council's Amendment 14 (Am14) alternatives to address shad and river herring (SRH) catch in the squid, mackerel, and butterfish (SMB) fisheries, and to discuss increased coordination between the Councils and the Commission.

Goal: The goal of the call was to get TC input on the advantages/disadvantages of federal management of shad and river herring, as well as ways the Commission and Councils scientific committees can interact to more effectively manage alosines.

The Chair stated the purpose and goal of the meeting. Some of the acronyms and terms in the discussion documents were defined. Staff then gave a summary of the history of the past interaction between the Commission and the Councils related to SRH bycatch and the development of Am14. It was noted that the alternatives in Am14 fell under 2 main categories: 1) Monitoring alternatives to assess the level of bycatch in the SMB fisheries; and 2) Management alternatives to address reducing SRH catch in the SBM fishery.

The Chair noted that specific objectives to address the two stated goals of Am14 were not provided in the documents. This would make it difficult to assess how each alternative addressed achievement of the goals, and would also make it difficult to compare the various alternatives, so that the best alternative(s) that would obtain the stated goals could be recommended.

There was a short discussion of gaps in available data that would be needed for effective management of SRH with respect to accounting for bycatch in ocean fisheries like SMB.

It was noted that this is the opportunity for the commission to have input into the Council's Public hearing document for Am14.

There was a concern expressed about the time required to implement restoration measures under any of the alternatives, realizing there was a sense of urgency with respect to getting a handle on the bycatch issue.

There was a concern that there was the lack of data for implementation of any of the alternatives. It was noted that a lack of existing information was no reason for inaction with respect to developing a plan address gathering additional information and developing a plan to deal with a very real problem of declining SRH stocks. Some data, although imperfect was available to make good management decisions.

What was lacking was a comprehensive plan that addressed management of coastal migratory anadromous SRH throughout their range. The ongoing RH stock assessment is currently attempting to utilize the existing information to develop good information.

The focus of most the discussion was on Alternative 9 **Add SRH Stocks as "Stocks in the Fishery" within the MSB FMP**. In general the TC could not reach consensus on a recommendation to leave Alt 9 in as an alternative or recommend taking it out of consideration. A central concern with Option 2: Federal Management under Mid-Atlantic Council revolved around representation of the interests of the state agencies and stakeholders that were not members of the Mid-Atlantic Council. Of concern was how Acceptable Biological Catch (ABC), Allowable Catch Limit (ACL), and Accountability Measures (AM) would be determined and applied to jurisdictions outside of the Mid-Atlantic Council. An additional concern was that while several jurisdictions have voluntarily closed river fisheries for SRH, or will soon be required to close fisheries under ASMFC SRH FMP Amendment 2 and 3 to protect spawning stock and juvenile recruitment Option 2 could sanction EEZ fisheries for SRH as incidental catch under a new SMB FMP that includes SRH as stocks in the fishery. Other TC members noted that Option 2 would rate high on accountability and implementation of a standardized management frame work for implementation of restoration and management of SRH while the stocks are in EEZ waters. There is cross representation between the councils for species managed by one council that occur in another council's jurisdiction. Including a stock in the fishery provides another tool to manage SRH in a more comprehensive manner, albeit in a more comprehensive manner. How would Alt 9 account for river fisheries and their management? NS 1 does have a way to exempt certain fisheries or divide ACL's by different jurisdictions.

There are joint plans out there, (e.g., bluefish – lead council with the ASMFC and representation from the other councils) can that be done for SRH? There was some discussion of joint plan among the Councils and the Commission to develop a joint plan. How would a joint plan have the accountability and management structure needed to effectively manage migratory anadromous SRH. A set of common goals and objectives would need to be developed. Some felt a stock in the fishery under Am14 goes too far, because it does not have adequate representation of all of the interests.

It was noted that under the current SMB FMP butterfish could be used as a surrogate for how SRH would be treated as a stock in the fishery. Butterfish are not the direct target on the fleet because mackerel and squid are the desired species. It was recognized the butterfish were being impacted when caught during fishing operations and the stock was being impacted. They were therefore included as stock in the fishery and managed accordingly under the FMP, including setting of ABC, ACL, and AM's. This included closures of the fishery if butterfish limits were reached.

The Chair acknowledged the above concerns and asked if there was a possible alternative that could be proposed that would better address the issues expressed by TC members and still achieve the goals and objectives of Am14. The TC then focused on Option 1 in Alt 9 No Federal Management. The biggest concerns with this option were inadequate accountability, uncertain process, reduced resource allocation priority for management actions, lack of an existing management structure, and uncertain enforcement authority. A joint plan may be able to address this, and put all the stakeholders in the process. However, it was uncertain if all of the provisions of NS 1 under MSA and how that would impact state river fisheries. Some entity would also need to take ownership of the process and be accountable for its development and

implementation. The TC did have consensus that this option needs to be further explored and that many of the concerns could be addressed. This led to a discussion of increased coordination between the Councils and the Commission on SRH restoration and management.

A potential model that was mentioned was the Pacific salmon management framework; however the effectiveness and structure of the west coast salmon model was not readily apparent to the TC and would require additional analysis and familiarization.

It was noted that the Commission through an amendment to the ASMFC SRH FMP could have or can ask the Secretary of Commerce to implement measures in the EEZ. This was removed from Amendment 2 before it was passed. It was removed because the SRH Board request emergency actions to protect RH and felt that this would address the bycatch concern. However the Secretary did not implement emergency measures as he felt the issue would be addressed through the upcoming councils' amendments. Commission does have jurisdiction over state waters and river waters, and Council exercises authority only over federal permit holders. Complementary management can be set up, and total control would not be handed over to NOAA-Fisheries for state waters. This is an important consideration for state interests. This needs to be made clearer. The commission still does have jurisdiction in the state waters. This is a point of confusion, and clearing this up could put state managers more at ease with Am14. The operational and process aspects of federal management are not clear to the TC. It may be more properly stated in Am14 as "Federal Management under joint MAFMC and ASMFC..."

Some felt that Option 1 under Alt 9 with emphasis on joint management between the Council and the Commission could be a good path forward to address SRH management and the issue of bycatch. It was noted that implementation could be difficult due to a scarcity of management resources among the agencies.

The TC then discussed the other management alternatives. The consensus was that **Alternative Set 6: Mortality Caps** and **Alternative Set 7: Restrictions in areas of high SRH catch** were good alternatives to consider. The ability of **Alternative Set 8: Mesh Requirements** to achieve the desired objectives was uncertain because there was not adequate information available to assess the ability this alternative to effectively reduce catch of SRH. It was noted that the mesh sizes proposed may allow younger smaller SRH to escape capture only to be susceptible to capture at a later life stage. This could provide a measure of protection for SRH, however it was uncertain to what degree that would be or if it would be adequate to provide the needed assessment.

Alternatives 6 and 7 require making appropriate selections in alternatives 1 through 5. Particularly that a cap (in which a fishery would be closed when x number of SRH have been captured) in alternative 6 would require increased observer coverage, weekly vessel reporting, reduced number of slipped nets and better evaluation of the catch at dealers/processors (including daily electronic reporting). In the case of area closers to avoid SRH VMS (critical in order to insure trawlers are staying out of closed areas), increased observer coverage, reduction in slipped nets and evaluation of the catch at dealers/processors become more important than weekly or daily reporting.

A combination of Alternatives 6 and 7 may also be desirable. Bottom-line is better information is needed on the bycatch in SMB fishery.

The avoidance area method of bycatch reduction should result in decreased SRH bycatch, but if it does not (which could happen if SRH movements are not closely monitored) there is no repercussion to the mackerel or squid fisheries. Hence, this technically does not insure a reduction in SRH bycatch. However, there is considerable research currently being done in area. This appeared to be a good alternative to consider.

The TC felt that its limited knowledge of the Atlantic mackerel and squid fisheries precluded it from making recommendations on the exact level of observer coverage or dealer sampling needed, what mesh sizes would allow for a reduction in SRH bycatch without greatly reducing the catch of the target species, what the proper notification time for placement of observers may be, or how to properly limit the practice of slipping hauls.

Most of the TC felt that effective measures to drastically reduce ocean fishing mortality are well past the point of needing to be implemented. If there was ever a time for the Commission and the councils to come together for the restoration of a fisheries resource, this would seem to be it. Designating river herring as part of the Atlantic mackerel/squid/butterfish management unit (and not bycatch) would be one way to approach this; however effective changes in the ocean fisheries impacting river herring may not occur in a timely manner with a protracted management planning process.

Some felt there should be a way, via a high level Memorandum of Agreement between ASMFC and the Council(s) or some other mechanism, to implement effective measures (fishing mortality caps, area/time restrictions, adequate observer coverage, etc.) by 2013. Some stated the states are doing their part, and some even want to step up our river herring recovery efforts, but the time has come to make substantial cuts to fishing-related mortality on the high seas.