



Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | www.mafmc.org
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: December 11, 2012
To: Council
From: Jason Didden
Subject: Amendment 15 Scoping

The primary scoping for Amendment 15 (River Herring and Shad Management or “RH/S”) took place from October 31, 2012 (FR Notice Publication) to December 5, 2012, when the scoping comment period closed. Two scoping webinars were held on November 14 and November 15 (with listening stations in Newport News, VA and East Setauket, NY respectively) and there were hearings on November 19 in Cape May, NJ and on November 20 in Warwick, RI. The public input from these hearings is summarized below:

• Nov 14, 2012, 6 pm – 8 pm: Internet Webinar with a listening post at: Virginia Marine Resources Commission, Newport News, VA.

Attendees:

| | | |
|-------------------|------------------|-----------------|
| Lyons Gromen, Pam | Heaton, Clay | Cevoli, Kristen |
| Miller, Thomas | DiDomenico, Greg | Anderson, Lee |
| Fuller, Erica | Jesien, Roman | |
| O’Reilly, Rob | Bowden, Alison | |

Multiple participants requested that comments received as part of Amendment 14 that pertain to Amendment 15 be reviewed for the Council and considered relative to Amendment 15. A presentation which summarized those comments is included at the end of this memo.

Kristen Cevoli requested that the Council receive a review of the RH/S assessments at the December meeting.

The question of the status of the river herring ESA listing came up repeatedly and the only available answer is that a decision should be forthcoming soon and likely will have additional supporting analyses that may be relevant to Amendment 15.

Tom Miller (not of the Council's SSC), representing the Float Fisherman of VA and The Friends of the Rivers of VA, communicated those groups' concern about declines of RH/S and their desire for additional federal action regarding RH/S conservation.

Pam Lyons Gromen, representing the National Coalition for Marine Conservation (NCMC), communicated that NCMC strongly supports Council action to holistically mitigate the impacts of depleted RH/S stocks and that RH/S stocks are in need of additional conservation and management beyond actions being implemented in Amendment 14 to the MSB FMP and Amendment 5 to the Atlantic Herring FMP. NCMC submitted extensive written comments.

• Nov 15, 2012, 7 pm – 9 pm: Internet Webinar with a listening post at: New York Marine Resources Bureau Headquarters, East Setauket, NY.

Attendees:

| | | |
|----------------|-------------------|----------------|
| Neville, Kelly | Paquette, Patrick | Fuller, Erica |
| Wilkins, David | Cevoli, Kristen | Dionne, Mike |
| Zeman, Chris | Hoffman, Carol | Heins, Steve |
| Heins, Steve | Rudolph, Tom | Garber, Adam |
| Young, Byron | Hattala, Kathy | Landis, Sarah |
| Gove, Matt | Bowden, Alison | Shinners, John |

Adam Garber, representing PennEnvironment communicated that PennEnvironment supports additional and comprehensive federal involvement in RH/S management including annual catch limits, and believes that current law requires the Council to do so. The full text of his comments is included in the written comments.

Several concerned citizens communicated that they support federal management (including annual catch limits) of RH/S and that such management is necessary to conserve these species, would add resources to RH/S management efforts, and is required by existing law.

Speaking as a private individual, Chris Zeman communicated that he wanted to see a plan that, for reporting, embraces modern-day technology to reach out to the public as volunteers to assist management of a very complex fishery. Zeman also communicated that a broad range of essential fish habitat (EFH) measures should be included as well as development of a plan to address non-fishing impacts on EFH.

Patrick Paquette, representing several recreational fishing groups, communicated that he hopes Amendment 15 moves forward with implementing federal management rather than reconsidering the question of whether management is needed because federal management and conservation is needed and thus required. Paquette also noted that RH/S are caught, retained, and sold in the mackerel fishery. Paquette noted that river herring has been found by ASMFC to be in a depleted condition with at-sea bycatch a significant factor, and the acceptance by NMFS of a request to review RH as ESA candidate species demonstrates that conservation and management are needed (including rebuilding, annual catch limits, and accountability measures). Paquette also noted that recreational fishing for RH/S has been severely curtailed already. Paquette communicated that Amendment 15 should address cooperative MAFMC-ASMFC-NEFMC approaches and that additional NMFS resources would

help RH/S conservation and would result from direct Council management. Paquette also highlighted the economic and social costs of unsuccessful RH/S conservation. Paquette also communicated that the Council with the most vessels causing RH/S interactions should be the lead Council

Several participants noted that a variety of factors may be hindering participation in the scoping process, including Hurricane Sandy and a belief by previously-involved individuals that the Council already made the decision to proceed with designation of RH/S as Council-managed species.

Tom Rudolph, representing the Pew Environment Group, communicated that the additional conservation resources (e.g. assessments) that could follow from direct federal management could be critical for RH/S conservation and that a broad range of alternatives should be explored in Amendment 15, and that cooperative management approaches (MAFMC-ASMFC-NEFMC) should be explored.

• Nov 19, 2012, 7 pm – 9 pm: Congress Hall, Cape May, NJ.

Attendees:

| | | |
|------------------|----------------|-------------------|
| Allen, Russ | Reichle, Jeff | Cevoli, Kristen |
| DiDomenico, Greg | Akers, Fred | Duckenfield, Joan |
| Berg, Erling | Himchak, Peter | |

Fred Akers, speaking on behalf of The Great Egg Harbor Watershed Association & River Council, communicated that his association would like to see successful conservation of RH/S. Written comments were submitted.

Joan Duckenfield communicated that RH/S are a critical part of the food chain and should be preserved. She noted that water quality and river access issues are being addressed but that overall unsuccessful conservation is causing negative economic and social impacts and that she supports direct Council management including annual catch limits, enforcement procedures, monitoring, and rebuilding plans.

Greg DiDomenico, representing Garden State Seafood Association (GSSA), communicated that industry supports bycatch reduction but that this Amendment will not yield any benefits nor would it adhere to the intent of the Magnuson Act. He communicated that industry supports a science-based approach where any benefits to RH/S are documented before action is taken. GSSA submitted written comments.

Kristen Cevoli, representing the Pew Environment Group and the River Herring Alliance, communicated that the Magnuson Stevens Act requires preparation of management plans for species that are in need of conservation and management, and that RH/S are clearly in need of conservation and management. She noted that the MAFMC is in the middle of these species' ranges and would be an appropriate management entity and that at-sea catch needs to be further addressed. The River Herring Alliance submitted written comments.

• **Nov 20, 2012, 7 pm – 9 pm: Radisson Hotel Providence Airport, Warwick, RI.**

Attendees:

Kane, Ray

Monsen, Geir

Rowley, Joyce

Goodwin, Glenn

Egan, George

Reid, Eric

Ruhle, Phil

Geir Monsen, representing Seafreeze Ltd, communicated that he has not seen evidence of river herring as being depleted and that any depleted conclusion would have to be based on a river by river basis. He also communicated that recent runs have been increasing and that voluntary avoidance programs by industry have been working to minimize catch. He also communicated that a host of factors other than bycatch could lead to a run decline and shut down a major fishery.

Ray Kane communicated that management of RH/S should include direct federal involvement including a fishery management plan, annual catch limits, and accountability measures. His observations on Cape Cod have not involved observing large numbers of RH/S and he believes that discard rates on the back side of Cape Cod have been high. He communicated that habitat has improved so something else must be interfering with conservation/recovery.

Eric Reid, representing Deep Sea Fish, noted that RH/S are already managed by a number of entities and that primary management should be left to the states. He submitted written comments as well.

Glenn Goodwin noted that many places have seen improvements of RH/S recently and that RH/S populations typically fluctuate widely and that coastal development and predation may be key drivers.

Phil Ruhle, Jr noted that in 2012, working with the SMAST program, he and other fishery participants had very low RH/S bycatch, and that primary management should remain with the ASMFC.

| | |
|--|---|
| | |
| | <p>Am 14 to the Atl. Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP)</p> <p>River Herrings & Shads (RH/S)</p> <p>Jason Didden Plan Coordinator</p> |

| | |
|--|--|
| | <p>Public Comment</p> |
| | <ul style="list-style-type: none">■ Two points of view (POV) (written or hearings)<ul style="list-style-type: none">A) RH/S are likely substantially impacted by trawling<ul style="list-style-type: none">-Most comments reflect this POVB) RH/S are likely <u>not</u> substantially impacted by trawling<ul style="list-style-type: none">-Most comments from fishery participants reflect this POV |

| | |
|--|--|
| | <p>Public Comment (POV A)</p> |
| | <p>A) RH/S are likely substantially impacted by trawling and/or in need of additional conservation</p> <ul style="list-style-type: none">- More than 45,000 individuals- Numerous organizations |

| | |
|--|---|
| | Public Comment (POV A) |
| | Support relatively higher level of action, especially: <ul style="list-style-type: none">- Add RH/S as "stocks in the fishery"- Implement mortality caps- Implement closed areas (less frequent comment)- Increase observer coverage, esp. 100% in MWT- Discourage/regulate unobserved catch- Increase vessel and dealer reporting |

| | |
|--|---|
| | Public Comment (POV B) |
| | B) RH/S are likely <u>not</u> substantially impacted by trawling <ul style="list-style-type: none">- <100 individuals, also several corporations & organizations |

| | |
|--|---|
| | Public Comment (POV B) |
| | Support relatively lower level of action <ul style="list-style-type: none">- Some recommend total no action- Most recommend some vessel reporting, dealer reporting, and observer optimization measures. |
