

December 4, 2012



Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 N. State St.
Suite 201
Dover, DE 19901

RE: Amendment 15 Scoping Comments

Dear Mr. Moore:

I am writing on behalf of the Ipswich River Watershed Association to request that the Mid-Atlantic Fishery Management Council (MAFMC) include river herrings and shads in the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. These stocks are severely depleted throughout their Atlantic coast ranges with river herring and American shad populations reduced by more than 97 percent compared to historic levels. Conservation and management of these species is critical to any potential stock recovery. The Atlantic States Marine Fishery Commission (ASMFC) and individual states have made strides to improve protection and restoration efforts in waters under state jurisdiction, which we support. Unfortunately, those efforts are likely to prove insufficient because they do not address catches in federal waters.

Our organization works to improve conditions for river herring and shad during the freshwater portion of their life cycle through projects that reconnect habitat and improve water quantity and quality. We are currently working with partners to remove dams in the watershed that would restore access to more than 57 miles of freshwater habitat. These species are depleted due to a variety of factors affecting them throughout their life cycles, including significant mortality as the result of at-sea fisheries. In order for restoration efforts to be successful, it is important that management and conservation efforts address multiple factors contributing to the depletion. There are currently no catch limits or other effective conservation and management measures in place for federal waters, where these fish spend most of their lives. The important strides made in state coastal and fresh waters are unlikely to lead to meaningful recovery without protection in federal waters.

While the MAFMC's vote to improve monitoring and develop a bycatch cap for river herring was a step in the right direction, it is not enough to rebuild and sustain river herring and shad populations. Data show that a single haul by a midwater trawl net has the ability to take an entire river's population. Management by the MAFMC is necessary to ensure that catch in federal waters is limited to scientifically determined levels necessary to prevent overfishing and rebuild these populations. Further, federal management is required by law, as affirmed by a U.S. District Court that recently ruled that fishery management plans must include all stocks in a fishery that require conservation and management. To meet this legal responsibility and to support ongoing management in state waters, we urge the MAFMC to make sure that Amendment 15 includes a well-developed range of management alternatives including:

- Science-based annual catch limits to prevent overfishing and allow rebuilding;
- Accountability measures that (1) close the fishery before catch limits are exceeded (for example, at 85 to 90% of the overall catch limit) and (2) deduct any overages from the next year;

- Criteria for determining if overfishing is occurring and when a stock has reached an overfished condition;
- Rebuilding plans to restore populations;
- Identification of essential fish habitat and closures to protect habitat;
- Additional measures to avoid and minimize the incidental catch of river herring and shads, including closure of bycatch "hotspots;"
- Measures to collect the data necessary to improve stock assessments, including coast wide and river-specific assessments;
- One option to manage these stocks as part of the MSB FMP that is coordinated with the ASMFC Shad and River Herring and NEMFC Atlantic Herring plans with a clear delineation of responsibilities on necessary issues like catch limits, and a second option for joint management of river herring and shad through the appropriate FMPs.

In addition, when conducting your analysis of these and other proposed alternatives, please carefully evaluate the full range of benefits from actions proposed to protect and restore river herring and shad populations, including the ecological benefits to those species that depend on them as food and the economic benefits to coastal communities from related fisheries, tourism, and other businesses.

Thank you for considering these comments. We strongly urge the MAFMC to move forward with this amendment without delay and seize this opportunity to set the standard for managing river herrings and shads in federal waters.

Sincerely,



Brian Kelder

Restoration Program Manager