



## 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:** May 29, 2014  
**To:** River Herring/Shad (RH/S) Committee/Council  
**From:** Jason Didden *JDD*  
**Subject:** June 11, 2014 RH/S Committee of the Whole, Tab Intro

Related to the June 11 2pm-3pm RH/S agenda item, please find the following documents. A running underlined page number (bottom right) has been superimposed on the tab for ease of reference.

<u>Page</u>	<u>Item</u>
2	Monitoring Committee Meeting Summary/Recommendations for RH/S Cap
6	New RH/S Advisory Panel
7	Summary of first NMFS TEWG meeting (March 27, 2014)
13	RH/S Terms of Reference - Discussion of next steps



## Mid-Atlantic Fishery Management Council

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:** May 29, 2014  
**To:** River Herring/Shad Committee/Council  
**From:** Jason Didden   
**Subject:** MSB Monitoring Committee Recommendations for River Herring/Shad (RH/S) Cap

This memo frames potential decisions for the Committee and Council, and incorporates the input of the MSB Monitoring Committee (MC). The MSB MC evaluated RH/S caps last year, and several members are highly engaged in RH/S issues. The memo concludes with a staff recommendation for the 2015 RH/S cap.

The MC examined a variety of ways to set a RH/S cap based on recent RH/S catch, mackerel quotas, and landings in the mackerel fishery (which overlaps with Atl. herring, especially in recent years). Table 1 on the following page summarizes this information. Table 2 on the page after that provides a variety of medians from the first table which could serve as RH/S caps. The current cap is 236 mt, which was based on staff analysis of observer and landings data in an attempt to simulate what the cap would have been in previous years had the quota been realized. The tables follow the same basic protocol, but are done the exact same way as the cap is actually monitored by NMFS staff. The two methods result in similar but not exactly the same results, as was expected and described last year.

The general approach used last year but done using the current quota monitoring method results in a cap of 252 mt. This (or the adopted 236 mt) should allow harvest of 33,821 mt mackerel in 2014 if the fishery can operate relatively cleanly in terms of RH/S catch compared to 2005-2012. To date, there has been minimal RH/S catch on observed mackerel trips in 2014.

Applying the same approach (with the same years) to the MC proposed 2015 mackerel quota of 20,872 mt would result in a RH/S cap of 155 mt. In other words, a RH/S cap of 155 mt should allow full harvest of the proposed 2015 mackerel quota if the fishery can operate relatively cleanly in terms of RH/S catch compared to 2005-2012.

Cap options based on medians using new 2013 data are included below, but the MC noted that using additional years to set the cap, when presumably the fishery was trying hard to avoid RH/S given ongoing management actions, creates a shifting baseline and potentially penalizes the fishery for good performance.

Cap options excluding 2011-2012 are also provided since a voluntary RH/S avoidance program was running in those years and including them could have again penalized good performance. However, since the RH/S ratios were actually relatively high in those years, eliminating them actually results in a smaller cap. This finding does not mean that the voluntary RH/S avoidance program is not working, as catch might have been higher still without it. As discussed in previous meetings, the lack of a control group and variability in RH/S distributions make it very difficult to evaluate the effectiveness of the voluntary RH/S avoidance program.

The MC concluded that any of the options in Table 2 could be justified as long as the Council makes it clear that the point is to limit RH/S interactions as a policy choice in a circumstance where biologically-based catch limits are unavailable.

Table 1. RH/S Data

FISHING YEAR	*NUMBER OF OBSERVED TRIPS RETAINING 20,001 pounds or more mackerel	RATIO (RHS/KEPT ALL)	FLEET KEPT ALL (mt) (Mackerel and other landings, mostly Atl. herring)	EXTRAPO LATED RH/SHAD (mt)	FLEET KEPT MACKEREL (mt)	Ratio mackerel /kept all (the rest is mostly Atl. herring)	New Mackerel Quota (mt)	Kept All (mt) If Mackerel Quota Caught	RHS Ratio scaled up to new quota (mt)	Old Quota (mt)	Kept All (mt) If Mackerel Quota Caught	RHS Ratio scaled up to old quota (mt)
2005	12	0.14%	46,955	67	41,502	0.88	20,872	23,615	34	33,821	38,265	55
2006	14	0.51%	63,335	323	56,127	0.89	20,872	23,552	120	33,821	38,164	194
2007	9	4.02%	28,835	1,159	22,629	0.78	20,872	26,596	1,069	33,821	43,096	1,733
2008	16	0.46%	26,338	121	19,091	0.72	20,872	28,795	132	33,821	46,660	214
2009	17	0.26%	30,818	80	22,007	0.71	20,872	29,228	76	33,821	47,361	124
2010	20	0.52%	15,774	81	9,508	0.60	20,872	34,627	179	33,821	56,109	289
2011	5	0.54%	846	5	281	0.33	20,872	62,764	339	33,821	101,704	550
2012	14	1.20%	7,981	96	5,047	0.63	20,872	33,005	398	33,821	53,481	644
2013	10	0.04%	8,146	3	4,061	0.50	20,872	41,871	17	33,821	67,847	27
* Observer data used were restricted to observed hauls on trips landing >= 20,001 lb of mackerel												
** River herring includes alewife, blueback, and species reported as "River Herring"; shad includes American & hickory												
Source: observer databases (obdbs.obspp; obdbs.obhau; obdbs.obtrp) and dealer (CDFERS) databases queried on 5/23/2014												

Table 2. Potential Cap Options

	Actual Extrapolated RH/S Catch (mt)	Ratio expanded to new mackerel quota (RH/S mt)	Ratio expanded to 2014 mackerel quota (RH/S mt)
2005-2012 Medians (used last year)	89	155	252
2005-2013 Medians (includes new year)	81	132	214
2005-2010 Medians (no avoidance program)	101	126	204
<p>Any of these options are justifiable ways to base a cap, it's really a policy call for the Council about how much RH/S catch it wants to allow. 252 mt is the equivalent methodology as last year. 155 mt is the same approach as last year using the new mackerel quota.</p>			

### Big-Picture Considerations

The MC strongly recommends that next year, when the Mid-Atlantic Fishery Management Council and the New England Fishery Management Council set RH/S caps, the two entities consider: a joint cap for Atl. mackerel and Atl. herring; disaggregating the cap estimation by species; disaggregating the cap estimation by area; and disaggregating the cap estimation by fleet/gear type. With a year of cap operation concluded, next year would be a good year to evaluate both alternate estimation approaches and coordination with New England.

The MC also encourages any and all efforts that would lead to information on what a biologically appropriate catch cap might be for RH/S versus basing the cap on historical performance.

### Staff Recommendation (not the Monitoring Committee)

Council staff's recommendation last year was to set the cap based on the median values when recent RH/S catch ratios are applied to the quota. The updated value for this based on the 2014 mackerel quota is 252 mt. Based on staff's understanding regarding the Council's intent in Amendment 14 to reduce RH/S catch and provide incentives for industry to avoid RH/S while attempting to land the mackerel quota, this still seems like a reasonable approach to staff.

Based on the MC's recommended new mackerel landings quota of 20,872 mt for 2015, this approach results in a RH/S cap of 155 mt. This is slightly different than was discussed on the MC call because the mackerel commercial Annual Catch Target (no discards removed - 1.26%) was used instead of the landings quota, but the MC noted that additional double-checking of the cap generation procedures was likely before finalization.

Staff does not recommend using the new 2013 data because of the shifting baseline issue described above. Staff also notes that if RH/S populations increase, maintaining a low RH/S encounter rate during mackerel fishing could become more and more difficult over time.

## River Herring and Shad Advisory Panel

The first meeting is scheduled for June 6, 2014 at 1:30 pm -

<http://www.mafmc.org/council-events/2014/river-herring-and-shad-rhs-advisory-panel-meeting>

Council staff will provide the Council with a summary of their input on the RH/S Cap and other RH/S issues immediately following the June 6, 2014 meeting. The list of advisors is below.

### ▼ River Herring and Shad

- Mr. Peter Moore - Newark, Delaware
- Capt. Paul Eidman - Tinton Falls, New Jersey
- Capt. John-Paul Bilodeau - Portland, Maine
- Capt. Dossey Pruden - Edenton, North Carolina
- Fred Akers - Newtonville, New Jersey
- Capt. Robert Ruhle - Wanchese, North Carolina
- Mr. John Punola - Madison, New Jersey
- Dr. Daniel Hasselman - Santa Cruz, California
- Mr. Joseph Gordon - Washington, D.C.
- Mr. Greg DiDomenico - Fairfax, Virginia
- Capt. Dieter Scheel - Doylestown, Pennsylvania
- Mr. William Gordon - Media, Pennsylvania
- Mr. Jeffrey Pierce - Dresden, Maine
- Dr. Eleanor Bochenek - Villas, New Jersey
- Dr. Clay Emerson - Hammonton, New Jersey
- Ms. Sara Winslow - Merry Hill, North Carolina

## **River Herring Technical Expert Working Group (TEWG)**

### Conference Call Summary

March 27, 2014

1:00-4:00pm

The River Herring Technical Expert Working Group (TEWG) held its first conference call on March 27, 2014 to discuss the following: 1) river herring conservation planning; 2) TEWG structure and process; and 3) TEWG membership and any gaps. Below is a summary of the discussions.

#### 1). River Herring Conservation Planning

NOAA Fisheries and Atlantic States Marine Fisheries Commission (ASMFC) goal is to produce a fully coordinated and proactive plan for the conservation of both river herring species that is dynamic, easily accessed and updated. While there are many ongoing efforts for river herring from Canada to Florida, there is not an integrated plan to restore the species throughout their full range. Given the life history and distribution of these species, a coordinated approach must be taken. The goal of the effort is to develop a list of actions and consequently research projects that will contribute to river herring conservation. NOAA Fisheries and ASMFC are not trying to have a group reach consensus on these actions or research projects, but rather are seeking individual expert opinions.

Ideally, the TEWG will serve as an umbrella for the many different river herring initiatives that are occurring (including the Atlantic Coastal Fish Habitat Partnership/The Nature Conservancy habitat project and the Mid-Atlantic Fishery Management Council river herring group). The information brought out by the TEWG meetings can be useful to various management bodies, should they choose to take advantage of the information. For example, NOAA Fisheries will monitor progress toward implementing river herring conservation efforts and addressing data gaps and uncertainties to help better inform a future ESA status review. ASMFC will also relay pertinent information to their shad/river herring technical committee and management board. The same would apply for research projects.

The timeframe for the conservation planning and website is approximately one year. NOAA Fisheries has already provided the Atlantic States Marine Fisheries Commission (ASMFC) with \$95,000 to support independent research projects to help fill in data gaps and implement conservation actions for river herring. NOAA Fisheries is planning to supplement this with up to \$100,000 from Fiscal Year 2014 funds to further support these efforts. The details of this joint initiative are being finalized. Funds will be disseminated through an open and competitive process by NOAA Fisheries and ASMFC, the specifics of which will be detailed in the future. Through this effort, other alternative sources of funding can be identified for other research needs. Additionally, TEWG members are encouraged to collaborate to implement conservation actions and facilitate needed research for river herring. This part of the TEWG will be a long-term effort.

## 2).TEWG Structure and Process

### *Documents of the TEWG*

The TEWG reviewed the Terms of Reference, mission statement and expected products of the group. Several members were concerned because the TEWG will not come to consensus on any issue. While the TEWG will not provide recommendations or advice, NOAA Fisheries and ASMFC intend to capture expert opinions from the TEWG and turn those opinions into usable products. A few changes were discussed to the documents to communicate the importance of taking an integrated ecosystem approach to the issues including:

- a) clarifying that many management bodies (not just NOAA Fisheries and ASMFC) would benefit from the information;
- b) the TEWG can provide individual expert opinion on data needs but may not be able to answer questions; and
- c) the TEWG would inform and not implement actions.

These changes were made to the documents, and final versions will be available on the TEWG website (<http://www.nero.noaa.gov/protected/riverherring/tewg/index.html>).

### *Structure of the TEWG and subgroups*

NOAA Fisheries and ASMFC established the TEWG so that it consists of expertise from throughout the range of these species and in order to take a holistic look at all of the issues facing these species. Subgroups will be used to address target issues or regions.

The full TEWG will meet every three months to discuss overarching issues and to receive updates from each of the subgroups. Guest speakers will be invited as needed. Doodle polls will be distributed as far in advance as possible to ensure as many members as possible are available to attend. Where members cannot attend, ideas can be sent to Diane and Marin in advance of the meeting. All calls will be open to the public, and there will be an opportunity for public comment. Meeting summaries will be made available for all TEWG meetings.

The subgroups will meet as needed and be structured based on the discretion of the chair(s) and respective subgroup. A majority of subgroup discussion will take place via conference call, but if face-to-face meetings are necessary, this can be accommodated. The chair(s) of the subgroups will report to the larger TEWG on any progress made since the previous meeting. Diane and Marin will help coordinate the subgroups as needed. Participation in the subgroups is voluntary. It is up to each member of the TEWG whether they will participate in the subgroups, and on which subgroups they will participate. Additional NOAA Fisheries staff with expertise on specific subgroup topics will also be added to the subgroup rosters. All subgroup calls will be open to the public have an opportunity for public comment. Date and time of the subgroup meetings, as well as discussion topics, should be made available to Diane and Marin to

communicate to the rest of the TEWG and public at least a week before a call will occur. Meeting summaries of each subgroup discussion will be made available.

The TEWG discussed additional topics for the larger group and subgroups to address (e.g. cultural, socio-economic). One member proposed a new subgroup focused on ecosystem based management (EBM). There were mixed reactions to this recommendation. Some members felt that this was a good idea, while others felt that ecosystem-based management is already addressed due to the structure of the TEWG. It was suggested that EBM become a part of the stock status subgroup. However, some members were concerned that this could dilute the stock status subgroup and hinder their progress. During the subgroup discussions, members of the TEWG stressed the need for an integrative approach between the subgroups. Various options were discussed such as subgroup chairs/co-chairs meeting to ensure this occurs throughout the TEWG process. NOAA Fisheries and ASMFC committed to looking at the formation of another group that would consider an integrated approach while considering how this would impact already established groups.

### 3). TEWG Membership

Many agencies and stakeholders were contacted to nominate members to the TEWG. Despite this, there are still some gaps in membership. There is a lack of Canadian representation because some invited members declined to participate in the TEWG. NOAA Fisheries will continue to work with the Department of Fisheries and Oceans Canada (DFO) for feedback and to encourage membership in that area.

Members also raised concern with the lack of economist representation on the TEWG. If a topic warrants economic or social considerations, NOAA Fisheries will work to incorporate an expert into the discussions. Many members expressed concern about adding additional members based on the current size unless an identified gap was identified.

## V. Related Timelines

1. ASMFC River Herring Stock Assessment: The last one was done in 2012. The Commission aims to conduct an assessment every five years, so it will tentatively be done in 2017. This has not been confirmed or approved, so it is subject to change.
2. NMFS ESA Status Review: NMFS plans to initiate a new review of the status of these two species within the next five years. This conservation planning initiative is important to help fill in data gaps and continue/initiate conservation actions so this information can be considered.
3. New England Fishery Management Council: Amendment 5 recently became effective on March 17<sup>th</sup>, and it includes a comprehensive catch program for participants in the fishery, and it addresses river herring bycatch. It identifies monitoring areas with high counts of river herring and issued more monitoring and no waivers. The Council will be following that program carefully.
4. Mid-Atlantic Fishery Management Council: The Mid-Atlantic Council took a similar approach in its mackerel fishery and to a lesser degree in long fin fishery. They implemented a catch cap in the mackerel fishery. That was approved last year, and the

specifications are in final review in NMFS headquarters. The Council is mostly focused on that cap and some monitoring issues similar to New England.

5. Atlantic Coastal Fisheries Habitat Program/The Nature Conservancy Habitat Project (funded by National Fish and Wildlife Foundation): This project will develop restoration plans for river herring for several major basins which include the Connecticut, the Hudson, the Delaware, the Chesapeake, Santee Cooper, and South Carolina. Group projects will be identified for funding by the end of the calendar year. The project will gather together experts in different areas. There will be a Chesapeake Bay workshop in May and webinars for each of the basins.

#### VI. Public Comment

One member of the public noted that there is an issue with impingement and entrainment in Cape Cod Bay, Massachusetts. NOAA Fisheries and the co-chairs of the Habitat Subgroup noted that this will be a discussion in the Habitat Subgroup.

#### VII. Next Steps

1. Jake Kritzer's comments specific to subgroups will be passed along to respective chair/co-chairs. Jake could not be on the call but provided input in advance of the meeting.
2. Doodle polls should be completed.
3. Interest or changes in any subgroups should be communicated to Diane and Marin.
4. Any future speaker ideas for the TEWG should be sent to Diane and Marin.
5. Atlantic Coastal Fisheries Habitat Program/The Nature Conservancy grant information will be distributed.
6. NOAA Fisheries and ASMFC will look at ecosystem issues as it relates to TEWG and any other needed group.
7. Feedback on how to improve future calls and communications should be sent to Diane and Marin.

Note: Draft Agenda and background materials can be found at:  
<https://www.nero.noaa.gov/protected/riverherring/tewg/index.html>

## **TEWG Members**

Alan Weaver  
Les Kaufman  
Pingguo He  
Jeff Kaelin  
Kim de Mutsert  
Karin Limburg  
Eric Schultz  
Jon Hare  
Joseph Gordon  
Roger Rulifson  
David Bethoney  
Janet Nye  
Erica Fuller  
Bob Richter  
Tom Schultz  
Lindsay Staszak  
Bennett Wynne  
David Coughlan  
Jason Didden  
Kevin Sullivan  
Daniel Hasselman  
Adrian Jordaan  
Joe Hightower  
Wilson Laney  
Katie Drew  
Mary Beth Tooley  
Eric Palkovacs  
Michael Bailey  
Trevor Avery  
Diane Borggaard  
Marin Hawk  
Kim Damon-Randall  
Paul Jacobson

Fritz Rohde  
Lee Anderson  
James Sykes  
Michael Alexander  
Eric Nelson  
Theodore Willis  
Kiersten Curti  
Ben Gahagan  
Genine Lipkey  
Carolyn Hall  
Greg DiDomenico  
Phil Edwards  
Paul Jacobson  
Jud Crawford  
Jeffrey Pierce  
Lori Steele  
Alison Bowden  
Tim Brush  
Bill Post  
Ruth Haas-Castro  
Matt Ogburn  
Desiree Tommasi  
Steve Gephard  
Karen Capossela  
Frank Borsuk  
Claire Enterline  
Drew Trested  
Johnny Moore  
Dennis Logan  
Phong Trieu  
Michael Piehler  
Stephen McIninch  
Stephanie Lamster

**Public**

Erica Fuller  
Gerry O'Neill  
Dennis Erkan  
Derek Orner  
Toni Kerns  
Kate Taylor  
David Sutherland  
Jacque Benway  
Benson Chiles  
Brad Schondelmeier  
Kristine Reed  
Steve Meyers  
Mary Andrews  
Steven Leach  
Matt Cieri  
Dan Kircheis  
Sarah Laporte  
Pine duBois  
Scott McNamara  
Andrew Jones  
James Becker  
Ray Brown  
Steve Meyers  
Glenn Chamberlain  
Marjorie Mooney-Seus  
Tara Trinko Lake  
Joel Llopiz  
L. Axelsson  
Jim Turek  
Aaron Kornbluth  
Paul Bisulca  
Patrick Paquette  
John Duane  
John Irving  
Kristen Cevoli  
Joel Sohn  
Ellen Cosby  
Julia Beaty  
Beth Casoni  
Leigh Habegger  
Laura Williams

**April 2014 Council Meeting  
Montauk Yacht Club, Montauk, NY  
April 8-10, 2014**

**River Herring and Shad**

RH/S Committee Terms of Reference

a. Develop approaches to recommending RH/S catch caps that are based on and appropriate for the abundance and/or population dynamics of RH/S rather than historic catch rates of RH/S.

-Part of understanding this question will likely involve investigating the relative effects of catch in federal fisheries on RH/S stock health compared to other sources of mortality (habitat issues, inshore catch, climate, predation, etc.)

-The Council's Scientific and Statistical Committee (SSC) will be engaged for this term of reference.

b. Consider additional ways to cooperate with the New England Fishery Management Council (NEFMC) on RH/S efforts by recommending catch caps interdependently, for example potentially aligning RH/S catch caps for the Atlantic mackerel and Atlantic herring fisheries in Mid-Atlantic and southern New England waters so as to appropriately address overall RH/S catch.

c. Develop RH/S cap recommendations for the Council and regularly evaluate the overall operation of any Mid-Atlantic (or joint) RH/S catch caps including: cap determination, monitoring, data needs, enforcement, data interpretation, etc.

d. Evaluate additional ways to align MAFMC activities with NOAA Fisheries, the ASMFC, the TEWG, state, and non-governmental activities regarding RH/S.

e. Develop "success criteria" to evaluate MAFMC efforts regarding RH/S given the Council's commitment to regularly evaluate progress (beginning in June of 2014) and to reconsider the overall decision whether or not to make RH/S "stocks in a fishery" under a MAFMC fishery management plan in October 2016. This would likely include consideration of factors such as: Are RH/S stocks improving? Has incidental catch in federal fisheries been limited and/or reduced? Has information about RH/S improved (life history, abundance, etc.)? Has coordination between the entities that are involved in RH/S management improved?

Move to accept above terms of reference.

Anderson from Committee

Approved by consent