

The Nature Conservancy



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December 4, 2012

Christopher M. Moore
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901
via email nmfs.ner.msam15@noaa.gov

Re: Scoping Document for Amendment 15 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan

Dear Dr. Moore:

The Nature Conservancy offers the following comments on the scoping document for Amendment 15 to the Atlantic Mackerel, Squid and Butterfish (MSB) Fishery Management Plan.

The mission of The Nature Conservancy (the Conservancy) is to conserve the lands and waters on which all life depends. With the support of more than one million members, the Conservancy has protected more than 120 million acres and 5,000 river miles around the world. We currently run more than 150 marine conservation projects in 32 countries and every coastal state in the U.S.

Through its work with both freshwater and marine species and habitats, the Conservancy helps to connect terrestrial, freshwater and marine conservation efforts by building on the Conservancy's network of partners and innovative approaches developed at sites around the world to pursue integrated coastal conservation. River herring and American shad (RH/S) provide a vital link in both freshwater and marine food webs and require an integrated conservation approach that crosses habitats and political boundaries. They are a focus of our work all along the Atlantic coast, under a comprehensive restoration strategy that aims to address access to and from spawning habitats and habitat restoration, as well as fishing rates.

- *Is the fishery already adequately managed consistent with the policies and standards of the MSA? Are current Council efforts and planned measures sufficient to address the incidental catch of RH/S in federal fisheries?*

RH/S populations are at historic lows and have shown little sign of recovery despite considerable efforts to improve river habitat and protect remaining populations. Bycatch in federal waters is an important factor affecting rebuilding efforts and we are pleased that the MAFMC has recently voted to adopt new measures to monitor and reduce incidental catch of these species in Amendment 14. The depleted status of these species coastwide justifies consideration of additional steps that may be needed for recovery and protection. The Council has agreed that bycatch limits are needed and should be established in Amendment 14, but they have not yet been implemented.

- *What specific management actions could be taken by the MAFMC to improve the condition of RH/S stocks that cannot be effectively implemented under the current management system?*

The Council should adopt measures to monitor and reduce incidental catch of these species that will complement conservation measures in state waters. This will help ensure measures are most likely to protect and recover RH/S and could identify cost efficiencies by working with the states.

The poor condition of RH/S, and the fact that significant numbers of these species are caught in fisheries in Federal waters, suggests that implementation of measures for these fish, as stocks managed under the SMB fishery management plan, such as ACLs, EFH, and rebuilding timeframes, are warranted.

However, the lack of coastwide reference points for RH/S presents a challenge to developing these measures for these fish as a stock under the FMP. Section 303(b)(12) of the MSA offers the Council some potential flexibility in how it goes about recovering and protecting these species.¹ At a minimum, the Council should develop coastwide biological reference points, establish and implement an enforceable bycatch mortality limit for RH/S, improve monitoring of bycatch, and allow for adaptive management as new information becomes available. The Council should consider an alternative exploring the likelihood of successfully recovering these species through a portfolio of such management actions.

- *Can RH/S be effectively managed as a unit throughout its range in Federal waters or not, given that the scale of available information is on a river-by-river basis? If not then at what scale should management occur? How might the river run-by-river run variability of RH/S impact management? How would the current data limitations for RH/S impact management?*

Significant biological and genetic research including examples like the SFC/SMASST bycatch avoidance project, an effort in which The Conservancy is a funding partner, is currently taking place to assess the impact of nearshore bycatch events on populations of RH/S. There is more to learn about spatial variation of impacts, e.g., where directed fishing versus bycatch is a greater impact on certain stocks. It is difficult to quantify benefits without this information, but a risk-averse approach is called for while a better monitoring framework, benchmarks and biological reference points are developed and implemented.

The most important consideration is that the poor condition of RH/S coastwide is clear, even without formal reference points, and mortality must be reduced. Similar challenges have been addressed before in the MSB plan. When butterfish was added as a stock, a new, workable assessment approach was developed.

It is important to devote resources to answering these questions in order to better quantify tradeoffs among alternatives. Is there another way to get the information and management needed with less economic impact? The FMAT would benefit from analytical assistance from Northeast Fisheries Science Center to address this challenge in developing Amendment 15. Ongoing assessment needs will likely require higher priority of river herring and shad in NMFS data collection programs as well.

- *If the MAFMC ends up managing RH/S, are any of the following bases for management units appropriate (Biological, Geographic, Economic, Technical, Social, Ecological)?*

Several alternatives for management units, including technical, geographic, a biological (or combinations) could be appropriate. Alternatives explored in amendments 14 and 5, such as fleet-area management (e.g., midwater trawls in Mid-Atlantic) may be a practical approach to define vessels that are subject to caps or catch limits. A geographic unit was studied extensively in consideration of closed areas, and a biological unit

¹ “include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations”

could be informed by stock structure information gathered by NMFS in consideration of ESA listing and other ongoing research. For example, using information from seasonal inshore and offshore US and Canadian trawl surveys, Cournane, A'mar and Glass are constructing expected oceanic distribution models and estimating oceanic population sizes for alewife and blueback herring. This information is combined with published literature on hypothesized alewife and blueback oceanic population substock structure to estimate spatial and seasonal changes in potential stock components (oral presentation ICES CM 2012/N:17).

- *If the MAFMC ends up managing RH/S, can the MAFMC and ASMFC fully accomplish management of RH/S throughout its range without doing a joint FMP with the New England Fishery Management Council or not? Why or why not? How should the MAFMC coordinate management with other agencies?*

Alternatives for cooperative management, with joint meetings and shared decision making among MAFMC, NEFMC and ASMFC/coastal states are essential. Ideally, management will look holistically at fishing, habitat loss, climate change, and other factors affecting RH/S mortality. The process of developing recent ASMFC and Council amendments has led to new and beneficial collaborations across geographic and institutional boundaries; Amendment 15 can build on this foundation.

Additionally, consideration should be given to alternatives to coordinate with the significant fishery in Canadian waters that likely includes fish of mixed origin, plus the shared St. Croix River system. Current management approaches for Atlantic salmon, cod, haddock and yellowtail flounder include international cooperation and may provide useful lessons for RH/S.

- *If the MAFMC ends up managing RH/S, management measures for RH/S may add management costs or may shift costs from one level of government to another, from one part of the private sector to another, or from the government to the private sector. Can you comment on any ways that costs of management may or should be redistributed or how they should be compared to any potential benefits?*

We recommend that the Council establish clear metrics for determining the effectiveness of management measures that take advantage of existing, long-term investments in river herring. The Council should develop management alternatives that incorporate existing management and monitoring systems and coordinate across jurisdictions. For example, coastal states have conservation and management measures for RH/S in place; how might the effectiveness of actions taken in the Federal waters be evaluated using systems and monitoring already put in place by the states? To what extent may existing monitoring systems for Federal fisheries be modified to capture additional data on RH/S, or is there an opportunity to modernize those monitoring systems to expand their capability at comparable or even reduced costs – after the initial investment?

We favor approaches that meet conservation requirements and that involve strong collaboration with fishermen. When evaluating alternatives, it is important to consider the value of a rebuilt fishery to both human and natural communities that rely on healthy and abundant RH/S populations.

The Conservancy looks forward to collaborating with the Council in supporting improved management of the SMB and Atlantic herring fisheries as well as recovery efforts for river herring and other species. The Conservancy welcomes the opportunity to work with the MAFMC, NEFMC, ASMFC and other partners to support appropriate funding to quantify bycatch in ocean fisheries, as well as for funds needed to implement recommendations for conservation and restoration of habitats for diadromous fishes. And, we appreciate this opportunity to provide comments to this scoping document for Amendment 15.

We applaud the Councils and ASMFC for their efforts to create a unified approach to bycatch reduction across habitats and jurisdictions. Due to the important role of these species as forage fish, we look forward

to articulation of ecosystem level goals and objectives informed by the ongoing work of the ecosystem subcommittee of the Scientific and Statistical Committee.

Thank you for your consideration of these comments. If you have any questions, please contact Alison Bowden at 617-532-8360 or abowden@tnc.org.

Sincerely,

A handwritten signature in cursive script that reads "Lise A. Hanners".

Lise A. Hanners, Ph.D
Director of Conservation, Eastern U.S. Conservation Division