



Mid-Atlantic Fishery Management Council

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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 27, 2013
To: Council
From: Jason Didden *JDD*
Subject: Draft River Herring/Shad Approach

Per the Council's October 2013 motion regarding river herring and shad, Council staff has drafted an approach to address the motion while also facilitating integration with other on-going and pending river herring and shad conservation efforts. A description of that approach follows, and a letter from NOAA and the Atlantic States Marine Fisheries Commission regarding a collaborative approach to river herring and shad conservation is appended as well. If the Council approves of the described approach then staff will move forward.



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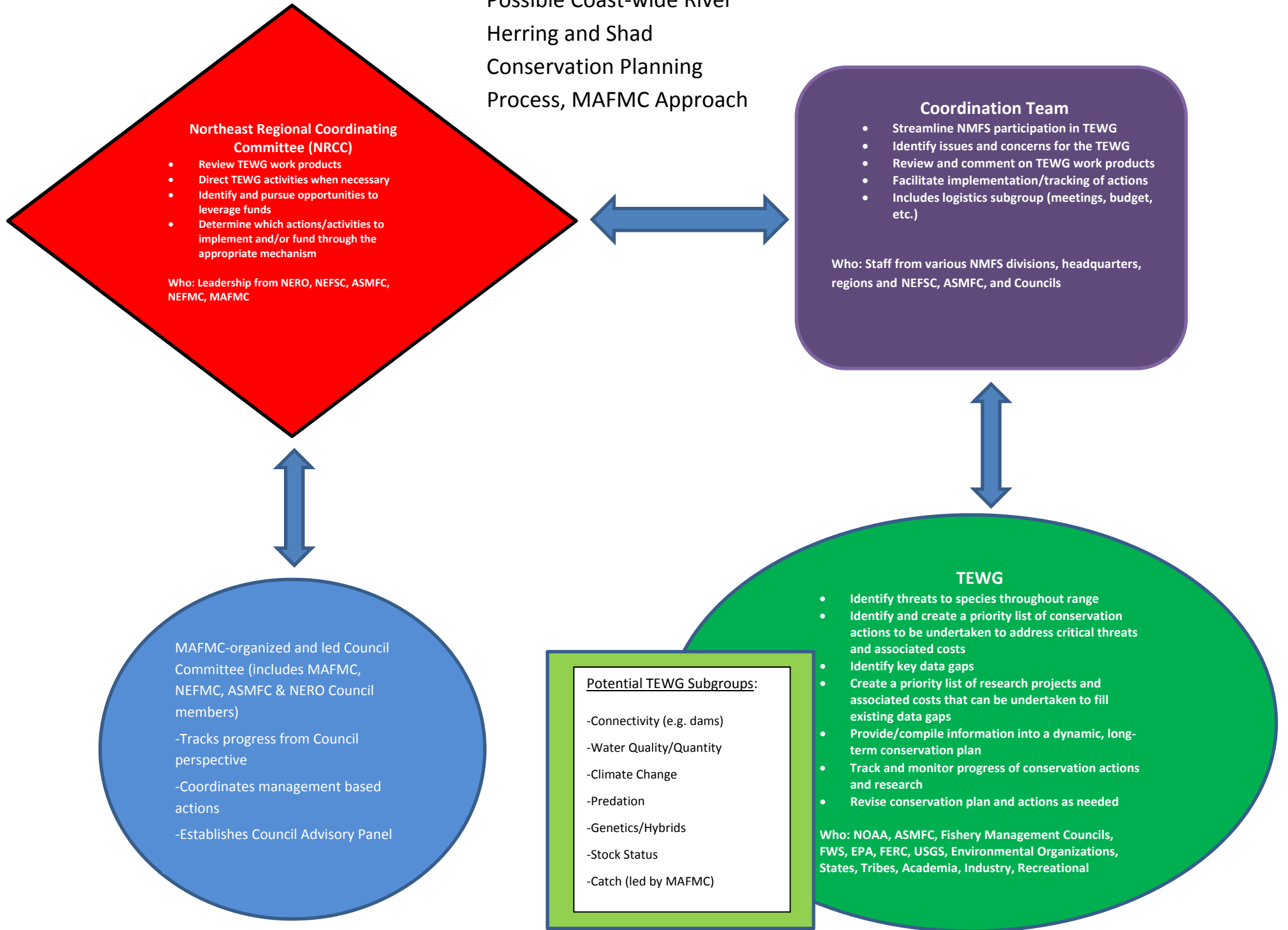
River Herring and Shad Conservation Approach

In October 2013, the Mid-Atlantic Fishery Management Council (MAFMC or "Council") approved the following motion:

"Move that the Council adopt a proactive coordinated approach to help the stocks of river herring and shads to recover. Specifically I propose the Council take the lead in forming a joint Council/ASMFC/State/Regional Office/Center working group to cooperatively seek to improve current management by aligning current ASMFC, individual state, and at-sea cap management measures to comprehensively address fishing mortality throughout the species range in state and federal waters, to use the Councils' SSC and other relevant scientific bodies to develop a scientific-based approach to determining the proper size of the catch cap in the mackerel and herring fisheries, and to monitor the success of current management actions by the Council and our partners, including that the Council relook at the decision to make river herring and shads stocks in the fishery in three years after we have had a chance to determine if these current efforts are working and if by assessing the proposed interim work to develop scientifically-determined caps sizes we can better justify the decision to go ahead."

The motion has the Council taking the lead in forming an interagency workgroup that would address conservation and research needs. NOAA Fisheries, related to its consideration of listing river herring as endangered species, also decided to form such a workgroup to address many of the concerns the Council has about river herring and shad. After discussion with NOAA Fisheries protected resource staff, Council staff recommends joining their effort, with the Council maintaining a leadership role as envisioned by the Council's October 2013 motion. The graphic on the following page proposes how the Council, NOAA Fisheries, and other management partners could integrate these efforts. This proposed structure would integrate Council activities and priorities with other management partners to best leverage all available resources. A brief description of each group/team follows the graphic.

Possible Coast-wide River
Herring and Shad
Conservation Planning
Process, MAFMC Approach



Technical Expert Working Group (TEWG)

The TEWG would be the workhouse of this effort. It would bring together experts on river herring, fishery management, habitat, assessment, and ecosystems as well as the public to identify threats, solutions, and data gaps. The TEWG would include Council staff or Council members, and the Council would head up a subgroup to address the monitoring and control of river herring catch. This subgroup would also explore short term approaches to setting biologically-based catch caps, much as the Council worked with the NOAA Northeast Fisheries Science Center to develop biologically-based catch advice for butterfish when there was no approved butterfish assessment on which to base catch restrictions. Other subgroups would work to address other critical issues, and again the focus would be on both developing conservation activities as well as identifying and addressing data gaps.

NMFS sent a letter on November 22, 2013 (attached below) requesting input from the Council on individuals to participate in the TEWG by December 13, 2013. Council staff could submit a preliminary list to NMFS by that date, and request that one of the agenda items for the first TEWG meeting be a review of the TEWG's composition to determine if additional expertise is appropriate. The Council could request that additional individuals be considered for the TEWG at that point.

Coordination Team

The coordination team would assist the TEWG from a policy and administrative perspective. In addition to streamlining NOAA Fisheries' participation in the TEWG, the Coordination Team would also work on facilitating implementation and tracking of projects that arise out of the TEWG. Council staff would participate on the coordination team.

Northeast Regional Coordinating Committee (NRCC)

The NRCC would serve as an Executive Steering Committee to determine which activities to implement and/or fund. The Council is represented on the NRCC by Council leadership.

MAFMC River Herring and Shad Committee

The Council would create a River Herring and Shad Committee. This Committee would track overall progress from the Council perspective, and review any reports and/or activities undertaken as a result of this effort. This Committee would also coordinate any management actions that would need to originate from the Council (such as changes to the catch caps). By keeping a committee engaged in the process, the Council would be able to effectively evaluate the progress of river herring and shad efforts in order to determine if the intent of the October 2013 motion is being met or if a different approach is necessary and/or appropriate. The Council will also form a river herring and shad advisory panel to ensure that the Council's constituents have a strong link to the Council's river herring and shad conservation efforts.



U.S. Department of Commerce
NOAA Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930



Atlantic States Marine Fisheries Commission
1050 N. Highland Street
Suite 200 A-N
Arlington, VA 22201

November 22, 2013

Christopher M. Moore, PhD
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore:

On August 12, 2013, NOAA Fisheries announced that listing river herring under the Endangered Species Act as either threatened or endangered is not warranted at this time. NOAA Fisheries also announced that the agency would provide funding to the Atlantic States Marine Fisheries Commission (ASMFC) so that we could join efforts and work with our partners to implement a coordinated coast-wide effort to address data gaps and proactively conserve river herring. The Mid-Atlantic Fishery Management Council (MAFMC) recently announced plans to form an interagency working group to address fishing related mortality to river herring and shad and the New England Fishery Management Council (NEFMC) is interested in joining that effort. The details of this collaborative effort are still being worked out; however, it is clear that NOAA Fisheries, ASMFC, MAFMC and NEFMC share a desire to work together to conserve river herring.

The primary objectives of this initiative are to develop for the first time a single, dynamic conservation plan to help restore river herring from Canada through Florida, in state and federal waters, to identify and help further important conservation efforts, to compile research and fill in some of the critical data gaps for these species, and to help monitor progress and adapt efforts, as needed. We request your recommendations for individuals to serve on a technical group (or possible subgroups) as part of this effort. Individuals should possess expertise related to river herring, threats to their survival, and/or methods for assessing human and non-human impacts to river herring (e.g., connectivity (e.g. dams), water quality/quantity, climate change, predation, genetics/hybrids, stock status, catch) and who meet the attached criteria. We have sent this request to the Fishery Management Councils, all state fish/wildlife agencies from Maine through Florida, relevant federal agencies, and relevant federally recognized tribes as well as state recognized tribes. We encourage you to coordinate with other agencies within your state or purview as appropriate. Ideally, this effort will draw experts from all of these organizations, as well as from the commercial and recreational fishing communities.

Given the many threats that river herring face throughout their entire life history, conservation of river herring must be holistic. We recognize the previous and on-going efforts by governmental agencies, non-profit organizations, tribal groups, academia, industry and others to further river herring restoration. The new river herring conservation plan will not duplicate those efforts, but

will coordinate and build upon them. For example, the important work of the ASMFC River Herring Technical Committee will serve as a component of this effort. Also, we hope to incorporate the work of the Atlantic Coastal Fish Habitat Partnership and the Nature Conservancy, who are leading a project to prioritize river-system specific information related to multi-region river herring habitat restoration. The coordination occurring now among NOAA Fisheries, ASMFC, MAFMC and the NEFMC is intended to maximize limited resources and identify ways to complement one another's efforts. All meetings will be open to the public. The goal of the meetings will be information gathering, whereby individual expert opinion on data, ideas, comments, or recommendations will be sought from everyone. We are not seeking consensus.

Coordination with your organization is critical to the success of this initiative. Please contact Kim Damon-Randall (Kimberly.Damon-Randall@noaa.gov) or Marin Hawk (Mhawk@asmfc.org) with your recommendations by December 13, 2013, to facilitate our planning. We hope to finalize plans for the first meeting before the end of the year. We intend to convene most meetings by conference call/webinar to allow more funds to be directed to river herring conservation. However, if travel is required, travel funds for non-federal invited participants will be provided by NOAA Fisheries and ASMFC.

Thank you for your continued contribution to river herring conservation. We look forward to working with you in this process.

Sincerely,



John K. Bullard
NMFS Northeast Regional Administrator



Robert E. Beal
ASMFC Executive Director

Attachment

Cc: Marin Hawk, ASMFC
Kim Damon-Randall, NER PRD
George Darcy, NER SFD
David Bernhart, SER PRD
Marta Nammack, F/PR



Attachment

Participant Selection Criteria:

Invited participants will be selected based on their working knowledge and recent experience with the following:

- 1) population dynamics, genetics, and life history of river herring or other anadromous species;
- 2) threats that may be impacting river herring (e.g., connectivity, water quality/quantity, climate change, predation, genetics/hybrids, stock status, catch) and possible solutions to ameliorate their impacts; and/or
- 3) methods for assessing impacts of human and non-human activities on fish.

Participants will be selected to represent both freshwater and marine areas, as well as various regions along the coast based on the expansive coast-wide range of river herring. Ideally, this initiative will include technical experts from the following categories: Federal government agencies (NOAA, U.S. Fish and Wildlife Service, Environmental Protection Agency, Federal Energy Regulatory Commission, U.S. Geological Survey, U.S. Army Corps of Engineers, etc.), East Coast Native American Tribes and First Nations, ASMFC, the Fishery Management Councils, state fish/wildlife agencies, environmental/conservation groups, scientific/academic representatives, industry (e.g., hydroelectric and fishing), and recreational interests.