



Atlantic States Marine Fisheries Commission

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Shad and River Herring Technical Committee Webinar and Conference Call Call Summary

Thursday, September 12, 2019
9:00 am – 12:00 pm

TC Attendance: Ken Sprankle (Chair, USFWS), Mike Brown (ME), Mike Dionne (NH), Brad Chase (MA), Patrick McGee (RI), Robert Adams (Vice Chair, NY), Brian Neilan (NJ), Josh Tryninewski (PA), Ellen Cosby (PRFC), Eric Hilton (VA), Holly White (NC), Jeremy McCargo (NC), Bill Post (SC), Jim Page (GA), Ruth Haas-Castro (NOAA)

ASMFC Staff: Jeff Kipp, Caitlin Starks

Additional Attendees: Sean Ledwin (ME DMR), Megan Ware (Maine DMR)

The Shad and River Herring Technical Committee (TC) met via conference call and webinar to address two items:

- 1) Review and provide a recommendation on Maine's proposal to modify their river herring Sustainable Fishery Management Plan (SFMP); and
- 2) Concerning the October 2017 Board task regarding improvements to Amendments 2 and 3, review the TC task group's recommendations for resolving identified harvest and monitoring inconsistencies with the Fishery Management Plan (FMP), and discuss next steps for completing the task.

Summaries and recommendations for each discussion topic are included below.

Review of Maine Proposal for Modifications to River Herring SFMP

Mike Brown of Maine DMR presented a proposed addendum to the state's SFMP for river herring. Maine proposes to allow limited harvest in six municipalities with exclusive river herring harvest rights with limited data time series (3-12 years), in addition to those currently allowed in their SFMP. In each municipality, a single harvester would be allowed modest harvest during a preliminary five year period while the data time series is expanded. In all open fisheries, three consecutive closed harvest days per week would be maintained to allow for escapement, and harvest would not occur until after May 18 to allow escapement of older spawning adults. Harvest would also be capped at 25% of the time series mean (TSM) run size, recreational fisheries above the point of commercial harvest would be closed.

To ensure sustainability, the plan would establish an annual escapement threshold of a minimum of 235 fish per surface area acre. The proposal also specifies sustainability criteria of a 20-percent repeat spawning ratio, mortality (Z) estimates of < 1.0, and an age structure that demonstrates the presence of older aged fish.

Maine's proposal to open these additional limited fisheries is based on improvements in returns given recent restoration efforts and based on Maine's unique potential for sustaining these efforts statewide. The state also believes it will provide incentive to local communities to implement and to continue restoration actions for river herring.

The TC discussed the proposal and highlighted a few concerns. First, the TC highlighted that one of the proposed runs, Meddybemps Lake, did not achieve the sustainable production target of 235 fish/acre in any of the four years of available data. Maine explained this run was included in the proposal because there are plans underway

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to remove a significant passage obstruction, after which the state believes the run size will increase to reach the target. The TC came to consensus that the Meddybemps Lake run should not be opened for harvest until after it has met the sustainability target for more than one year, and it should be removed from the proposal at this time.

Multiple TC members expressed concern about the length of the time series of available data for several of the proposed fisheries. In past evaluations of SFMPs, the TC had generally accepted 10 years as the minimum time series needed to demonstrate stock sustainability. Several members agreed a single generation of fish (less than seven years of data) is not enough to provide a good understanding of stock health, and were uncomfortable with the proposal to open harvest on the runs with shorter time series. The TC agreed that the three runs with time series under seven years should be removed from the proposal until more data is available. In addition, the group agreed to have an in depth discussion on the appropriate number of years of data that should be available before opening harvest in a system, but did not agree on a number at this time.

A number of TC members shared the concern that the proposed harvest limit of 25% of the TSM was too liberal for some of the smaller runs, especially with limited data. One TC member suggested that rather than base the harvest level off run size over the entire time series, it could be based on run size after passage improvement or restoration projects have been implemented. The TC agreed it would be appropriate to use a starting harvest rate of 15% of the run size (following restoration events in systems where they have been implemented) and a higher harvest rate could be considered once a run meets its established production goal for three consecutive years.

Based on mortality estimates for existing fisheries that are doing well, the TC agreed the proposed sustainability criterion of Z-estimates < 1.0 may be unachievable. In the river herring stock assessment, Z-estimates between 2 and 3 were indicative of stock decline, so the TC recommended Maine use a Z-value more consistent with the stock assessment results.

Taking into consideration the concerns addressed above, as well as the strict measures Maine proposed for managing and monitoring these fisheries, the TC recommended Maine revise their proposal to remove Meddybemps Lake, Chemo Pond, and Pushaw Pond, and incorporate the recommended changes for the remaining three runs. They also asked for the proposal to include more detail on the criteria for meeting sustainability targets (on average or for several consecutive years) and the types of management responses that would be taken if sustainability targets are not met. Maine agreed to send the revised proposal back to the TC with these changes. **The TC recommends Board approval of Maine's proposal with the specified revisions.**

Review of Task Group Recommendations regarding October 2017 TC Task

Background:

In October 2017, after the TC and the PRT identified several cases of state management and monitoring programs inconsistencies with the requirements of Amendments 2 and 3 to the FMP, the Board tasked the TC to develop proposed improvements to Amendments 2 and 3 with regard to the following items:

1. Management and monitoring of rivers with low abundance and harvest of shad and river herring
2. Standardization of Sustainable Fishery Management Plan (SFMP) requirements: content, metrics, and management responses to triggers
3. Incorporation of stock assessment information into SFMPs and discussion on the timeline for renewing plans
4. Clarification of *de minimis* requirements as they pertain to SFMPs
5. Review of the number of years of data required before developing a SFMP

In November 2018, a TC Task Group was established to compile information from the states on management and monitoring, develop draft recommendations for resolving each case of inconsistency with Amendments 2

and 3, and discuss potential improvements to the FMP related to the issues identified. The Task Group developed a database of management and monitoring programs by river system, and a document detailing each area of concern as well as potential options for resolving each inconsistency. Generally, the Task Group identified three types of inconsistency and provided consistent recommendations for those categories as follows:

1. Tributaries of river systems that do have SFMPs and monitoring, but the tributaries are not explicitly addressed in the SFMP
Recommendation: Include tributaries of larger systems under the SFMP for the mainstem, and apply management metrics and responses to those tributaries
2. Rivers with harvest addressed by a SFMP, but with no or insufficient monitoring to support sustainability metrics
Recommendations: Apply management metrics and response from other appropriate monitored system(s), or implement catch and release only regulations
3. Rivers legally open to harvest without a SFMP and/or monitoring, but where no harvest of shad or river herring is suspected
Recommendations: Consider development of an alternative management regime, or implement catch and release only regulations

The TC Task Group also noted in Florida there are several rivers (Pellicer, Tomoka and Nassau) that the state does not consider to be part of the shad or river herring ranges. The state does not have any data available on alosine presence in these rivers. The TC recommended the FMP be modified to redefine the shad and river herring ranges, such that rivers excluded from the alosine range would be exempt from the FMP requirements.

The TC reviewed the work of the Task Group and agreed with all of the draft recommendations put forward to the states to resolve regulatory inconsistencies. Detailed descriptions of each case and the associated TC recommendations can be found in the *Technical Committee Report on Inconsistencies with Amendments 2 and 3*. The TC acknowledged that the states would need to submit any changes to their SFMPs, new SFMPs, or new Alternative Management Regime proposals to the TC for evaluation. The TC requested each state inform the TC Chair and ASMFC staff of their expected changes and timeframe for submitting their proposals.

The TC also considered the Task Group's suggestions for improvements to Amendments 2 and 3. First, the Task Group discussed the idea of allowing states to maintain a low recreational bag limit in areas with limited monitoring as an alternative to requiring catch and release only regulations. The group also proposed modifying the required monitoring tables in each of the amendments to provide more clarity and consistency in the requirements. Another suggestion was to require more definitive management responses to sustainability metrics in SFMPs. Lastly, the group proposed adding language to the Alternative Management Regime section of the FMP to provide more detailed guidance for when and how this option can be applied. Due to time limitations the TC was unable to come to any consensus recommendations on these ideas, and plans to have a dedicated discussion on potential FMP changes at a future meeting.