

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SHAD AND RIVER HERRING MANAGEMENT BOARD**

**Beaufort Hotel
Beaufort, North Carolina
Hybrid Meeting**

October 16, 2023

Approved August 7, 2024

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of August 1, 2023** by consent (Page 1).
3. **Move to approve the Shad and River Herring Fishery Management Plan Review and state compliance reports, and de minimis requests for ME, NH, MA, and FL for American shad and NH, GA, and FL for river herring for the 2022 fishing year** (Page 3). Motion by Doug Grout; second by Spud Woodward. Motion approved by unanimous consent (Page 3).
4. **Move to adjourn** by consent (Page 3).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Steve Strain, ME (GA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Rep. Allison Hepler, ME (LA)	John Clark, DE (AA)
Renee Zobel, NH, proxy for C. Patterson (AA)	Roy Miller, DE (GA)
Doug Grout, NH (GA)	Lynn Fegley, MD (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Allison Colden, MD, proxy for Del. Stein (LA)
Melanie Griffin, MA, proxy for D. McKiernan (AA)	Pat Geer, VA, proxy for J. Green (AA)
Raymond Kane, MA (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Conor McManus, RI, proxy for J. McNamee (AA)	Malcolm Rhodes, SC (GA)
David Borden, RI (GA)	Ben Dyar, SC, proxy for Sen. Cromer (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Doug Haymans, GA (AA)
Justin Davis, CT (AA)	Spud Woodward, GA (GA)
Bill Hyatt, CT (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Craig Miner, CT, proxy for Rep. Gresko (LA)	Gary Jennings, FL (GA)
Marty Gary, NY (AA)	Ingrid Braun-Ricks, PRFC
Emerson Hasbrouck, NY (GA)	Rick Jacobson, USFWS
Joe Cimino, NJ (AA)	Allison Murphy, NOAA
Jeff Kaelin, NJ (GA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Delayne Brown, Law Enforcement Committee Rep.

Staff

Bob Beal	Katie Drew	Tracey Bauer
Toni Kerns	James Boyle	Jeff Kipp
Tina Berger	Caitlin Starks	Jainita Patel
Madeline Musante	Chelsea Tuohy	Kristen Anstead

Guests

Pat Augustine	Julie Evans	Steve Meyers
Jason Avila	Emily Farr, Manomet	Allison Murphy, NOAA
Alan Bianchi, NC DMF	Maria Fenton	Josh Newhard, US FWS
Emily Bodell, NEFMC	Tony Friedrich, ASGA	Conor ODonnell, NH FGD
Jason Boucher, NOAA	Marty Gary, NY (AA)	Jeffrey Pierce, Alewife
Colleen Bouffard, CT DEEP	Pat Geer, VMRC	Harvesters of Maine
Allen Burgenson, Lonza	Allie Hayser, Manomet	Michael Pierdinock
Benson Chiles	Derrek Hughes, NYS DEC	Paul Risi
Margaret Conroy, DE DNREC	Jon Hurdle, NJ Spotlight	Jeffrey Sabo, PA FBC
Jamie Cournane, NEFMC	Chip Lynch, NOAA	Christopher Scott, NYS DEC
Caitlin Craig, NYS DEC	John Maniscalco, NYS DEC	Melissa Smith, MA DMR

Proceedings of the Shad and River Herring Management Board – October 2023

Renee St. Amand, CT DEEP
Kevin Sullivan, NH FGD
John Sweka, US FWS

Mike Thalhauser, Maine Center
for Coastal Fisheries
Verewe Wang, ECU
Craig Weedon, MD DNR

Chris Wright, NOAA
Darrell Young, Alewife
Harvesters of Maine
Renee Zobel, NH FGD

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Rachel Carson Ballroom via hybrid meeting, in-person and webinar; Monday, October 16, 2023, and was called to order at 4:50 p.m. by Chair Lynn Fegley.

CALL TO ORDER

CHAIR LYNN FEGLEY: It looks like we are in order. My name is Lynn Fegley; I'm the Administrative Commissioner for the state of Maryland, happy to serve as your Chair. I have had enough Swedish fish at this point to talk very fast. I think we're going to roll right through this. The first order, well, first let me just remind everybody that we have James Boyle here to my right, Dr. Katie Drew to my left, to help with today's presentations.

We have just one action item, which is FMP Review, so I'll be looking for a motion for that towards the end of the meeting.

APPROVAL OF AGENDA

CHAIR FEGLEY: The first order of business is Board consent on the agenda. Does anybody have any suggested changes or modifications to the agenda? Okay, seeing none; we'll consider that approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR FEGLEY: You have the proceedings from the May, 2023 meeting in your materials. Are there any edits, modifications, changes? Okay, seeing none; I'll consider that approved by consent. Next on the agenda is Public Comment. I know we have in our materials one letter from a Jeffrey Pierce. I would encourage everybody to read that.

PUBLIC COMMENT

CHAIR FEGLEY: Is there any other public comment in the room? Okay, is there anybody online who would like to make public comment? All right, and again, I would just

encourage everybody to read the letter from the Alewife Harvesters of Maine, there is some really interesting information in there.

PROGRESS UPDATE ON RIVER HERRING BENCHMARK STOCK ASSESSMENT

CHAIR FEGLEY: Moving on from that, we're going to move right over to, Katie Drew is going to give us a progress update on the river herring benchmark.

DR. KATIE DREW: If you recall from our August meeting, we were at the August Board meeting about to go into our August assessment workshop for the river herring assessment. After the conclusion of that workshop at the end of August, the SAS felt that we needed additional time to complete this assessment, that our original schedule was to have the assessment peer reviewed at the end of this year, and then presented to the Board in February.

But based on we were at the end of August, we felt that was not a reasonable timeline to produce the best product. We are pushing the assessment deadline back one meeting cycle, so that now the assessment will be peer reviewed in February or March, so that it can be presented to the Board at the May meeting, instead of at the February meeting of next year. That's the major progress update for that. We continue to work forward on that, and that seems like I think right now we're going to make that deadline, but I'm happy to answer any questions about that schedule change, or anything else about the assessment if you still have questions.

CHAIR FEGLEY: Are there any questions for Dr. Drew on the assessment timeline shift? Okay, nice work. With that, we're going to move on.

CONSIDER FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2022 FISHING YEAR

CHAIR FEGLEY: James is going to give us the FMP Review and State Compliance, and again, I'll be looking for a motion at the end of this.

MR. JAMES BOYLE IV: I'm going to try to go through this relatively quickly, I know the time crunch. Here is an outline for the presentation. I'm going to start with a short reminder of historical landings over time, and then cover the 2022 fishing year specifically. I'll move on to some of the monitoring efforts in the Compliance Reports, including fish passage, stocking efforts and sturgeon bycatch interactions.

Finally, I'll end with the de minimis requests and recommendations from the Plan Review Team. First a very quick reminder of the historical context. This figure shows the trajectories of commercial landings for river herring and American shad since 1950. Starting in the 1970s, river herring landings fell drastically, and then steadily decreased over time.

For shad there has also been a steady decrease in landings over time, which is of course due in part to the moratorium implemented through Amendments 2 and 3. For this next slide we're just going to zoom in since the 1990s for a better view. If you look at the landings since 1990, there is more variations from river herring, and for shad you can see a general downward trend in landings since the '90s.

I will note that the river herring number needs to be updated, which I'll get into a little bit shortly. Moving on to 2022. Again, the river herring number needs to be corrected, but this table shows state landings and coastwide totals for shad and river herring, excluding confidential data. The river herring coastwide commercial landings, including bycatch, totaled about 2.8 million pounds, so we'll correct that.

The Maine number is about 2.6 million pounds that should be in that table, so that updates the numbers accordingly. The nonconfidential bycatch data values increased by 761 percent from 2021 to 3,865 pounds, although bearing in mind as we talked about the last FMP review, that only 451 pounds were reported last year.

Additionally, Massachusetts reported 27,558 pounds of combined shad and river herring bycatch data from NEFOP. For American shad, the total 2022 commercial landings, directed and bycatch included, reported in compliance reports was 110,027 pounds, which is a 44 percent decrease from landings of 2021.

Bycatch landings of shad also decreased 75 percent, and represent 8 percent of total landings. Reported hickory shad commercial landings were 98,962 pounds, which is a 0.5 percent decrease from 2021. Although bycatch landings increased by 40 percent, but they still represent only 3 percent of total landings. As part of the requirements in Amendments 2 and 3 for river herring and shad, respectively, passage counts are required on select rivers in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland and South Carolina, 4.55 million river herring were counted, which represents a 2.4 percent increase compared to 2021, and 483,587 shad is a 27 percent increase compared to 2021. Though I will note that this is still excluding Pennsylvania's passage numbers, as I'll get into shortly.

In 2022, 14.64 million hatchery reared American shad fry were stocked in the Pawcatuck, Nanticoke stock tank, for Casco, Potomac, Edisto, and the Santee Rivers, which is a 10 percent decrease from 2021. Maine also continues to participate in trap and transfer stocking of adult pre-spawning alewife of wild origin on the Androscoggin River, although it's not included in the table in the document.

For sturgeon interactions in 2022, there were 49 reported interactions with three fatalities. However, New Jersey gillnetters report the weight of the sturgeon rather than the number of individuals, so they reported 653 pounds. Of those 49 interactions, 36 were identified as Atlantic sturgeon, and 13 as short nosed.

Rhode Island also reports NOAA NEFOP data and at-sea monitoring data, which is available after the compliance report deadline, so their data lagged by one year. In this compliance report for the 2022 fishing year, they reported 23 actions in 2021, and

we will see the 2022 interactions in next year's compliance report in July.

For the upcoming fishing year, Maine, New Hampshire, Massachusetts and Florida have requested de minimis status to their American shad fisheries, and New Hampshire, Georgia and Florida request de minimis status for river herring. They all continue to meet the requirements and qualify for de minimis status, based on their commercial landings.

In evaluating the state compliance reports, the PRT noted some inconsistencies with the requirements in Amendments 2 and 3. First, the PRT did not receive a compliance report from Pennsylvania. Also, similarly last year, there are just a few longstanding issues that are related to funding, staffing choices primarily.

If a state either cannot complete a survey or can take samples and not process them, for example, and there were some other small inconsistencies within compliance report template, such as not including a copy of the state's fishing regulations or a link to the regulations, or a sex on hickory shad, which the PRT requests, even if that section is not applicable to that particular state.

With those minor issues, the PRT recommended approval for the compliance report for 2022. Also, in this year's compliance reports, the PRT requested more detailed information on the sources of bycatch data, in response to the last FMP review. The results showed quite a wide variety of sources, included some states reporting that they had no information available. Therefore, the PRT is recommending the Board consider the inconsistency of bycatch reporting sources coastwide, and was impacted on evaluating bycatch annually.

With that information, the action before the Board is to consider approval of the 2022 shad and river herring FMP Review, State Compliance Reports and de minimis status for Maine, New

Hampshire, Massachusetts, Georgia and Florida. With that I am happy to take any questions.

CHAIR FEGLEY: Excellent, thank you, James. Any questions on James' presentation? Questions from the Board. Okay, seeing none; does anybody have a motion around this? Anybody? Doug Grout.

MR. DOUGLAS E. GROUT: I **move to approve the shad and river herring Fishery Management Plan Review and State Compliance report for 2022**, and if you'll put up the list of states that requested de minimis, I'll be glad to list those.

CHAIR FEGLEY: I was waiting to see if you were going to be able to remember all that. While they're getting the motion up, is there a second? All right, Spud, Spud Woodward, thank you very much. Okay, we'll wait for the motion to come up.

MR. GROUT: **And de minimis requests for Maine, New Hampshire, Massachusetts, and Florida for shad and New Hampshire, Georgia and Florida for river herring for the 2022 fishing year.**

CHAIR FEGLEY: Okay, I think that looks about right. We have a motion on the Board, is there any discussion about this? Okay, I'm going to read it into the record really quick. **Move to approve the shad and river herring Fishery Management Plan Review and State Compliance Reports and De Minimis requests from Maine, New Hampshire, Massachusetts and Florida for American shad, and New Hampshire, Georgia and Florida for river herring for the 2022 fishing year.**

Motion by Mr. Grout, second by Mr. Woodward. **Is there any objection to this motion? All right, seeing none; this motion is approved by consent, thank you very much.**

ADJOURNMENT

CHAIR FEGLEY: With that we're going to go right on to Other Business. Does anybody have any other business to bring before the Board? Okay, seeing none; unless there is an objection, I would move to

adjourn this meeting. It's been a long day,
thank you, everyone.

(Whereupon the meeting adjourned at 5:01
p.m. on October 16, 2023)