



Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: May 22, 2019
To: Council
From: Jason Didden, Staff
Subject: River Herring and Shad (RH/S) Advisory Panel (AP) Summary

The RH/S AP met on May 20, 2019 to provide input on the Council's Strategic Planning process and RH/S issues. Input on Strategic Planning is summarized in another document – this memo focuses on the RH/S portion of the call. RH/S AP members included Fred Akers, Katie Almeida, Bill Gordon, Pam Lyons Gromen, Peter Moore, Jeff Kaelin, and Joseph Gordon. Other attendees during at least a portion of the RH/S call included Jason Didden (Council staff), Alan Bianchi, Amy Trice, Annie Hawkins, Brad Sewell, Carl LoBue, Jeff Deem, Purcie Bennett-Nickerson, Sara Winslow, Tim O'Brien, and Zack Greenberg.

Staff provided an overview of recent RH/S cap setting/performance and reviewed updated NMFS survey and NorthEast Area Monitoring and Assessment Program (NEAMAP) information (e.g. fall of 2018 indices). Staff noted that given when various data are available, the Council will receive the full Annual RH/S Progress and Cap Review at the August meeting. See <http://www.mafmc.org/s/RHS-Tab-v3.pdf> for last year's document. Staff noted that related to discussions at its April 2019 meeting, the Council may consider modifications to the 2019 RH/S Cap in June 2019, to potentially reopen the mackerel fishery later this year. Since the Council will likely be discussing RH/S issues at both the June 2019 and August 2019 meetings, this RH/S AP meeting was scheduled, and there will likely be another before the August 2019 meeting.

Input from AP Members:

Pam Lyons Gromen: A) Requested clarification about New England's motion to "*strike the purpose: 2) enhance coordination with MAFMC to address overlapping fisheries*" from the purpose and need for River Herring/Shad catch caps. Staff followed up on this, and the general idea was not to halt communication or potential future collaboration, but to acknowledge that the Councils have diverged in terms of the methods and AMs developed for the RH/S caps at this time. There is still strong coordination on RH/S and Mid-Atlantic Council members participate actively on New England's Herring Committee and vice versa for the relevant Mid-Atlantic Committees; this motion was primarily an effort to make recommendations about how to simplify and clarify the draft purpose and need statement in the herring specification action. B) Asked what contributed to the rapid pace of the 2019 cap closure and whether the bycatch avoidance program was ineffective this year. Staff replied the main factor was the relatively high rate (1.5%) of RH/S catch

on the two observed trips in 2019, which when combined with 2018 data (the ratio was still in the 2018-2019 transition period) resulted in a cap RH/S rate of 1.3%. The low rate of observer coverage could impact the certainty of the estimates, but NMFS has noted that the portside sampling program run by Massachusetts/SMASST detected similar encounter rates. However, as discussed during a recent Mackerel, Squid, and Butterfish (MSB) Advisory Panel call (see http://www.mafmc.org/s/2019-MSB_FPR.pdf), “the low Area 2 Atlantic herring quota and high initial RH/S cap rate drove a race to fish as fishermen feared an imminent directed herring closure or mackerel RH/S closure.”

Jeff Kaelin: A) Noted that in New England, when the herring quotas were cut by 60% the RH/S caps were not cut, which was positive from industry’s perspective given the offshore surveys show increasing RH/S trends. He stated it is positive that NMFS and the Council will be looking at balancing the realization of the mackerel quota with minimizing bycatch to the extent practicable and gig decisions will likely not be made until after the Endangered Species Act determination, but there should be an evaluation of an 89 MT cap closing the fishery with so little mackerel quota being taken. B) Vessel-specific bycatch limits would help, but until then some participants can drive a race to fish if they don’t care about how much RH/S they are catching, and this exacerbated RH/S catch rates in 2019. C) The bycatch avoidance program creates bycatch rate targets when it highlights low/medium/high cells, but historically 5% was a reasonable bycatch target (as evidenced by state allowances). We should also look at historical quotas that the foreign fishery had to provide perspective. A 1% rate will not allow full mackerel harvest given increasing RH/S populations. D) The ASMFC’s black box leading to moratoria is a travesty if you are trying to match a policy to the biology of the resource. It’s too bad that the ASMFC doesn’t allow some harvest and pits interest groups against each other. E) There should be further consideration of creating a mortality matrix so that the various sources of mortality could be ranked and better understood - then relative risks and impacts could be better understood for decision making and to facilitate achievement of optimum yield rather than focus on 10 boats and 50 people as pariahs.

Fred Akers: A) Asked whether RH/S abundance is still at an all time low. Staff referenced the ASMFC’s website (<http://www.asmfc.org/species/shad-river-herring>) that based on an assessment update using data through 2015, “river herring remain depleted at near historic lows on a coastwide basis.” As follow-up, staff notes the site states that “Of the 54 stocks for which data were available, 16 experienced increasing abundance, 2 experienced decreasing abundance, 8 experienced stable abundance and 10 experienced no discernable trend in abundance over the final 10 years of the time series (2006-2015). There is no assessment information for hickory shad, but an assessment for American Shad is ongoing, and the last American Shad assessment found that as of 2005, most American shad stocks were at all-time lows and did not appear to be recovering. B) Asked whether the RH/S cap was the only RH/S management measure in federal waters. Staff noted that there are also caps for RH/S in the Atlantic herring fishery, and that state landing restrictions also constrain activities in federal waters. There are also protocols to optimize observers’ ability to document RH/S interactions on federally-permitted vessels. Staff will seek confirmation from NMFS staff that there are no other measures that are specific to RH/S in federal waters. C) We don’t seem interested in going back to high RH/S abundance because it interferes with other fisheries. If there was a rebuilding plan with RH/S as stocks in a Council-managed fishery management plan, there would be the potential for reopening the fishery and bycatch caps wouldn’t be necessary.

Bill Gordon: Asked how South Carolina can have such high RH/S possession limits given the overall RH/S conservation goals. Staff referenced the ASMFC's sustainability plan for RH in South Carolina: www.asmfc.org/files/Shad%20SFMPs/SC_RiverHerring_SFMP_2017.pdf.

Joseph Gordon: We see that there may be a couple of good runs but overall we are still at an incredibly low population per recent stock assessments. All of these populations (RH/S and mackerel) were significantly more abundant during the foreign fishery period, and it doesn't appear that couldn't happen again. It's a matter of conservation and shouldn't be just seen as a limiting choke stock issue – the focus should be on how we can achieve abundance of all these species, which would be the best for everyone. The recommendation of the Council related to mackerel will increase RH/S catch already, and we hope that the Council will maintain current catch levels to allow these species populations to explode if environmental conditions are right.

John Punola had connection issues and submitted the following later in the day after the call: 2019 Shad Report Delaware River NJ PA NY...

In the early part of March, I received a call from a Pennsylvania Shad angler that he had caught a couple of early Shad downriver in Delaware River below New Hope, Pa. I was not surprised since I discovered ten years ago Shad were in the Delaware River when I took a trip to the river about St Patricks Day, and hooked a Shad with the first cast and ended my trip with six male Shad. It was ideal fishing conditions, warm weather, clear water and favorable water temperature.

The years that followed were a repeat, I caught Shad about the time period. After I was convinced the Shad were following their journey of instinct and March was a natural time, my conclusion was Shad always came into the Delaware River same time period, no body was fishing for them including me, anglers would wait for the magic month of April for the appearance of the spring appearance of the American Shad. After being satisfied that Shad were arriving about mid-March, I began telling others and reported it in my annual Shad reports.

This spring, mid-March to April, water was hovering at about 43 degrees and was fairly clean, but the action was slow. April turned out to be a time of steady, heavy rain and once the flooding began it continued all thru the month. Many boat launches were under water and shore fishing was cold, slippery and dangerous and not many anglers fishing. However that did not stop the Shad from passing thru and they arrived in big numbers to the Upper Delaware River in New York State waters. Good Shad activity at Zane Grey Pool extended up river and shore fishing was very productive.

Good Shad fishing in the Upper Delaware River, but the lower Delaware was plagued by constant flooding and high muddy water containing a lot of floating slime that required constant removal of slime from the lures. This weather was an unwelcome visitor during April and into May. There was disappointment for the Shad Tournament that attracted more than a thousand participants, The event was held April 25,26,27,28 with the winning Shad weighting 5.444 lbs. Fishing was described as fair on April 25 & 26,and despite the muddy, high conditions, Shad were being caught. However on April 27 & 28, an abrupt drop in water temp, plus additional high water, resulted in a drastic drop in the number of Shad recorded. It is my opinion that the abnormal spring Delaware River water conditions will have some effect on the overall spawning numbers, meaning less adult Shad returning to spawn in 2022. Overall for year 2019 the Shad averaged a bit smaller than usual and I did not have any reports of any 6 or 7 lb Shad caught.

