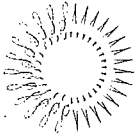


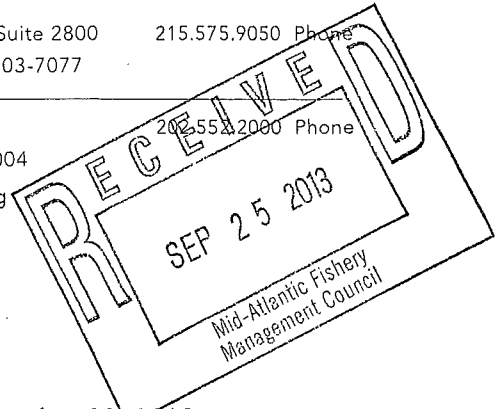
# Public Comments



THE  
**PEW**  
CHARITABLE TRUSTS

2005 Market Street, Suite 2800 215.575.9050 Phone  
Philadelphia, PA 19103-7077

901 E Street NW 202.554.2000 Phone  
Washington, DC 20004  
www.pewtrusts.org



September 23, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

**Re: Amendment 15 to the Mackerel, Squid, Butterfish FMP**

Dear Dr. Moore:

Enclosed please find approximately seven hundred forty-six (746) public comment postcards in support of Amendment 15 to the Mackerel, Squid, Butterfish Fishery Management Plan. Please include a record of these comments in the briefing book for the October 7-10 MAFMC meeting. Thank you.

Elizabeth Silleck, Senior Associate, U.S. Oceans  
The Pew Charitable Trusts

Dear Mr. Didden,

**I support the immediate inclusion of river herring and shad as stocks in the MAFMC's Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan through Amendment 15.** These important forage fish travel hundreds of miles from the Atlantic Ocean to coastal rivers to spawn, and along the way they are a key source of food for commercially valuable predators like striped bass, tuna, and bluefish. Historically, river herring and shad also supported economically productive and culturally vibrant fisheries. Today, these species are in dire need of federal conservation and management because the annual catch has declined by more than 97 percent. States have taken strong measures to rebuild these struggling forage fish populations including improving water quality, removing migration-blocking dams, and implementing moratoria on fishing for them in state waters. Now, the MAFMC must conserve and manage these species in federal waters where they spend most of their lives, and where vessels targeting other stocks can incidentally catch a river's worth of fish in a single tow. Please act now to ensure the recovery of these valuable and imperiled little fish.

Signed: Print name: Christina Rae Scott  
City: Landisville State: NJ

Check to get updates from Herring Alliance.  Email (optional): gerfernob@yahoo.com



THE  
**PEW**  
CHARITABLE TRUSTS

2005 Market Street, Suite 2800 215.575.9050 Phone  
Philadelphia, PA 19103-7077

901 E Street NW 202.552.2000 Phone  
Washington, DC 20004  
[www.pewtrusts.org](http://www.pewtrusts.org)

September 25, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

**Re: Amendment 15 to the Mackerel, Squid, Butterfish FMP**

Dear Dr. Moore:

Enclosed please find an additional thirty-eight (38) public comment postcards in support of Amendment 15 to the Mackerel, Squid, Butterfish Fishery Management Plan. Please include a record of these comments in the briefing book for the October 7-10 MAFMC meeting. Thank you.

Elizabeth Silleck, Senior Associate, U.S. Oceans  
The Pew Charitable Trusts

**Didden, Jason T.**

---

**From:** Moore, Christopher  
**Sent:** Wednesday, September 25, 2013 10:03 PM  
**To:** Didden, Jason T.; Saunders, Jan  
**Subject:** FW: Herring Petition Signers  
**Attachments:** Herring\_Shad\_Petition.jpg; Herring\_Shad\_PetitionSigners\_09252013.xls

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**From:** Bill Goldsborough - ext. 2160 [BGoldsborough@cbf.org]  
**Sent:** Wednesday, September 25, 2013 4:24 PM  
**To:** Moore, Christopher  
**Cc:** Clark, Mary  
**Subject:** FW: Herring Petition Signers

Chris,

The attached petition has been live on the Chesapeake Bay Foundation website for two days ([http://takeaction.cbf.org/p/dia/action3/common/public/?action\\_KEY=12033](http://takeaction.cbf.org/p/dia/action3/common/public/?action_KEY=12033)). The attached Excel file contains over 1600 names and addresses of people who asked us to add their name to the petition. Please consider it as public input on Amendment 15 to the Mackerel, Squid and Butterfish FMP.

Many thanks,

Bill

I strongly support, and urge NOAA Fisheries to approve, the Mid-Atlantic Fishery Management Councils' efforts to establish federal management of river herring and shad in the Atlantic mackerel fishery.

I urge NOAA Fisheries to approve the Mid-Atlantic Council's Amendment 14 to the Mackerel, Squid, Butterfish Fishery Management Plan in its entirety. This plan includes a strong catch cap, 100 percent observer coverage on all mid-water trawl vessels, accurate dealer weighing of catch, a cap on at-sea dumping (slippage) of unobserved catch, and related accountability measures. All parts of this amendment are necessary to foster river herring and shad conservation, and they were the result of an extensive public process and thoughtful deliberations.

The Magnuson-Stevens Act also requires, and I fully support, the designation of river herring and shad as stocks in the federal mackerel fishery management plan. The Mid-Atlantic Council is currently considering this designation in Amendment 15 to the Mackerel, Squid, Butterfish FMP. I strongly urge you to support adding river herring and shad to this federal fishery management plan.

This designation would enable the Council and NOAA Fisheries to:

- Set science-based annual catch limits.
- Identify and protect essential fish habitat.
- Gather better data and improve the population estimates of these fish.
- Coordinate with state efforts to restore river herring and shad.

Together we can save America's founding fish. Thank you.

1,604 of these were received from Chesapeake Bay Foundation on September 25.

Saunders, Jan

\* About 4,500 received by 9/27/13

**From:** Moore, Christopher  
**Sent:** Friday, September 20, 2013 9:25 AM  
**To:** Didden, Jason T.  
**Cc:** Saunders, Jan  
**Subject:** FW: Please adopt new safeguards for river herring and shad conservation

---

**From:** National Audubon Society [audubonaction@audubon.org] on behalf of Sandra Couch [sndrcch@yahoo.com]  
**Sent:** Thursday, September 19, 2013 6:53 PM  
**To:** Moore, Christopher  
**Subject:** Please adopt new safeguards for river herring and shad conservation

Sep 19, 2013

Dr. Chris Moore  
800 N. State St., Suite 201  
Dover, DE 19901

Dear Dr. Moore,

I'm writing to strongly encourage the adoption of new safeguards proposed by the Mid-Atlantic and New England Fishery Management Councils for river herring and shad conservation, in order to protect fish-eating birds, such as Ospreys and Bald Eagles, along with other wildlife, our economy, and an important American tradition.

First, NOAA Fisheries should entirely approve Amendment 14 for the Mid-Atlantic Mackerel Fishery Management plan. The catch caps, observer requirements, and other measures in this amendment are critical components for reducing bycatch. Studies have demonstrated catch caps, as well as occasional closures, are the most effective conservation tools for these species.

Second, NOAA Fisheries should reverse the disapproval of Amendment 5 in the Atlantic Herring Fishery Management Plan, which included on-board observers to better estimate bycatch, or offer an equally effective alternative. Significant stakeholder input and support was provided from the fisheries, agencies, and the public for this sensible plan. If it is not reversed, NOAA should make recommendations that include new and stronger protections.

Third, river herring and shad should be designated as stocks under the mackerel and Atlantic herring management plans. The regional fishery councils have indicated that this measure is a high priority, as it would allow for more informed catch limits, greater habitat protections, and increased coordination among states.

Without immediate action, birds, other wildlife, and many Atlantic fishing communities, may be in serious jeopardy. Please support strong protections to help reverse the devastating declines of our vital river herring and shad populations.

Sincerely,

Ms. Sandra Couch  
2903 Bartlett Ct  
Naperville, IL 60564-4606

## Saunders, Jan

---

**From:** Didden, Jason T.  
**Sent:** Wednesday, September 25, 2013 5:57 PM  
**To:** Saunders, Jan  
**Cc:** Clark, Mary; Moore, Christopher  
**Subject:** FW: Public Comment Submission for Mackerel, Squid, Butterfish Discussions  
**Attachments:** Pew\_River\_Herring\_Shad\_Comments\_9.25.2013\_MAFMC.xlsx; Federal River Herring and Shad Management Am 5, 14, 15.pdf

I think I would treat this the same as the other high-volume comments...include the comment and the total in the briefing book, and I will note in my memo that the list of commenters names will be posted to the Am15 page before the Council meeting. If the PEW postcards are the same as this communication, we can add the post-card tally to this tally

---

**From:** Elizabeth Silleck [<mailto:ESilleck@pewtrusts.org>]  
**Sent:** Wednesday, September 25, 2013 4:17 PM  
**To:** Moore, Christopher; Clark, Mary  
**Cc:** Didden, Jason T.; Bullard, John  
**Subject:** Public Comment Submission for Mackerel, Squid, Butterfish Discussions

Dear Dr. Moore,

Attached please find a spreadsheet which shows that, in the past few weeks, over 25,000 Americans have commented on plans at the Mid-Atlantic Council, the New England Council and NOAA Fisheries to protect and restore river herring and shad. The letter they have all signed (attached PDF) makes clear that these three management bodies should work proactively and expeditiously to address the conservation of these important species. The letter also specifically calls for the Council to advance full federal conservation for river herring and shad at the upcoming Mid-Atlantic Council meeting through Amendment 15 to the Mackerel, Squid, Butterfish Plan. Many of the signers have personalized the letter with additional comments (see Column I).

Please include this correspondence in the briefing book for the Mid-Atlantic Council's upcoming discussion of river herring and shad management at the October meeting. Thank you!

**Federal River Herring and Shad Management: Amendments 5 (Atlantic Herring FMP) and 14 and 15 (Mackerel, Squid, Butterfish FMP)**

John K. Bullard, Regional Administrator  
NOAA Fisheries, Northeast Regional Office  
55 Great Republic Dr.  
Gloucester, MA 01930

Dr. Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St., Suite 201  
Dover, DE 19901

Tom Nies, Executive Director  
New England Fishery Management Council  
50 Water St., Mill 2  
Newburyport, MA 01950

Dear Mr. Bullard, Mr. Moore, and Mr. Nies:

I strongly support, and urge NOAA Fisheries to approve, the New England and Mid-Atlantic Fishery Management Councils' efforts to establish federal management of river herring and shad in the Atlantic mackerel and herring fisheries.

I urge NOAA Fisheries to approve the Mid-Atlantic Council's Amendment 14 to the Mackerel, Squid, Butterfish Fishery Management Plan in its entirety. This plan includes a strong catch cap, 100 percent observer coverage on all mid-water trawl vessels, accurate dealer weighing of catch, a cap on at-sea dumping (slippage) of unobserved catch, and related accountability measures. NOAA Fisheries should also reverse its recent disapproval of 100 percent observer coverage, slippage caps, and dealer weighing requirements in the New England Council's Amendment 5 to the Atlantic herring plan or offer alternative, equally effective solutions. In both regions, all parts of these amendments are necessary to foster river herring and shad conservation, and they were the result of an extensive public process and thoughtful deliberations.

Although these two amendments are an important start, the Magnuson-Stevens Act also requires, and I fully support, the designation of river herring and shad as stocks in federal herring and mackerel fishery management plans. The Mid-Atlantic Council is currently considering this designation in Amendment 15 to the Mackerel, Squid, Butterfish FMP, and New England has placed a priority on consideration of a similar amendment to its Atlantic herring plan. I strongly urge you to support adding river herring and shad to federal fishery management plans. This designation would enable the councils and NOAA Fisheries to:

- Set science-based annual catch limits.
- Identify and protect essential fish habitat.
- Gather better data and improve the population estimates of these fish.
- Coordinate with state efforts to restore river herring and shad.

Please take this action as soon as possible.  
Thank you.





## Great Egg Harbor National Scenic And Recreational River Council

**Fred Akers - Administrator**  
P.O. Box 109  
Newtonville, NJ 08346  
856-697-6114  
fred\_akers@gehwa.org

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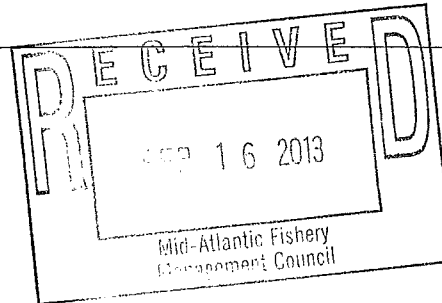
**David Brown**  
Egg Harbor Twp.

**Bill Handley**  
Upper Twp.

**Dick Colby**  
GEHWA

September 10, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901



RE: Amendment 15 to the Mackerel, Squid, and Butterfish Plan

Dear Executive Director Moore:

On behalf of the Great Egg Harbor River Council, I urge the Mid-Atlantic Fishery Management Council to develop and pass Amendment 15 to the Mackerel, Squid and Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan.

In response to public concern about protecting the environmental quality of the Great Egg Harbor Watershed and tidal estuary here in New Jersey, Congress designated 129 miles of the Great Egg Harbor River, including 17 tributaries and the tidal estuary, into the National Wild and Scenic River System in 1992.

Historically, river herring and striped bass were very abundant in the Great Egg Harbor River, but the disappearance of this abundance was one of the compelling reasons for the public to seek special federal protection through the Wild and Scenic Rivers Act.

In 1998 and 1999, the National Park Service contracted with the Maryland University Cooperative Fish and Wildlife Research Unit to sample for marine fish in the estuary, which resulted in a final report published in 2001, "Evaluation of Fisheries Resources of the Great Egg Harbor River.

The results of this research found that while there was no recruitment of striped bass in the study areas at that time, there was in fact measurable recruitment of alewife herring and significant presence of American eel.

Given the presence of these migratory fish species, the report recommended the installation of fish ladders at dams on the river to expand migratory fish habitat.

By 2006, a major fish ladder costing \$500,000 was installed at Lake Lenape on the Great Egg Harbor River, and smaller fish ladders were installed at Bargaintown Lake on Patcong Creek and at Head of River on the Tuckahoe River.

While some river herring were observed utilizing these fish ladders in 2006 and 2007, the numbers of river herring observed in the river has continued to decrease, to the point where local concerned residents no longer see them in the river or hear them breeding at night like they used to in the past.

This story of river restoration and enhancement to invest in and build fish ladders to promote the return of river herring abundance has played out in most of the major river systems in New Jersey, including the Mullica River, the Maurice River (also Wild and Scenic), and the Cohansey River.

However, today, in spite of these numerous conservation efforts, river herring and shad have declined to near historic lows and show no signs of recovery.

In 2012, the state of New Jersey completely closed the instate river herring fishery, and this year closed the instate shad fishery except for limited fishing in the Delaware River, in accordance with a sustainability plan.

For the past 3 years, the Great Egg Harbor River Council has been very concerned that the bycatch of river herring at sea in the small mesh Atlantic herring and mackerel, squid, and butterfish fisheries has very significantly depleted river herring and shad.

And while the Great Egg Harbor River Council has been heartened by the work that the MAFMC has done to adopt Amendment 14 to protect river herring and shad within the Mackerel, Squid, and Butterfish fishery, and the work that the NEFMC has done to adopt Amendment 5 to protect river herring and shad within the Atlantic Herring fishery, both the failure of NMFS to fully implement Amendment 5, and the failure of NMFS to list river herring under the Endangered Species Act, now makes **the adoption of Amendment 15 extremely important** to protect these fish.

The continuing threat to river herring and shad from ocean bycatch demands that these imperiled species come under the protection of comprehensive federal conservation and management through a designation as "stocks in the fishery", which will attempt to ensure:

- Enforceable, science-based annual catch limits and accountability measures.
- Identification of essential fish habitat by the National Marine Fisheries Service
- Improved monitoring of the industrial trawl fleet
- Better data collection and research on the status of the species

Sincerely,

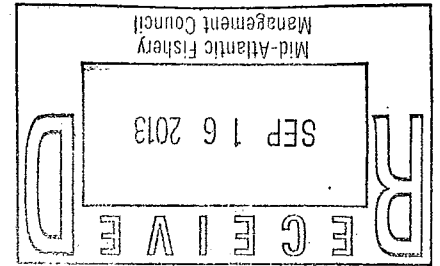


Fred Akers

# WESPAC

FOUNDATION

52 North Broadway, White Plains, NY 10603 U.S.A.



Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

September 13, 2013

Dear Dr. Moore,

WESPAC is an organization that, since 1974, has been fighting for progressive social change in Westchester County, New York. Utilizing channels such as education, proactive organization, and demonstration, we work towards food justice, environmental justice, and recognition of indigenous peoples and their rights to food, land, natural resources, and equal treatment.


We have joined the fight against hydrofracking in efforts to avoid potential contamination of the Hudson River and other nearby water bodies; we are focused on protecting natural sources of drinking water, as well as the marine ecosystem that many people rely on. This includes many of the fish species that inhabit the area, including the imperiled River Herring and Shad; additionally, many indigenous people that we work to protect rely on these waters, and these fish in particular, as a source of food.

Hydrofracking isn't the only threat to River Herring and Shad populations; general water pollution, overfishing, degradation of spawning grounds, and wasteful bycatch of these species are contributing to their rapid decline.

Without federal protection, these fish species have little to no chance at rebounding from near elimination of populations; by listing them in fishery stocks, management and protection can be ensured. This would include a concrete system for holding people accountable for continued damage to these species, along with effective catch limits that are based on collected data. Federal protection would also include increased monitoring of industrial trawl fleets that are responsible for the wasteful accidental bycatch of River Herring and Shad.

The situation that these fish species face is desperate, and without adequate recognition and support, the outlook is dim. Help these fish species and all that depend on them avoid a tragic end by passing Amendment 15.

Regards

  
Nada Khader, Executive Director  
WESPAC Foundation

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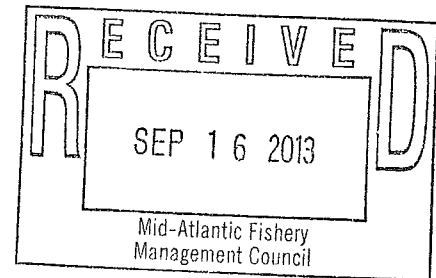


## New York Coalition For Recreational Fishing

89 Narwood Road  
Massapequa, NY 11758-5925  
Tel: 516-647-8492

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

9/12/13



Dear Dr. Moore,

The New York Coalition of Recreational Fishermen is a grassroots organization dedicated to fighting for the rights of New York recreational fishermen. Assembled in 2005, we promote and encourage the sport of fishing throughout New York State, help in the establishment of policies and actions that serve to restore, protect and regulate natural marine resources in New York, and coordinate individual and organizational efforts geared towards conservation. Additionally, we aim to raise public awareness regarding the close relationship between recreational fishing and conservation.

There are many factors that play a role in the dwindling stocks of River Herring and Shad, which include but are not limited to: marine pollution, overfishing, inhibited access to spawning habitats, and, most recently, wasteful incidental bycatch of these fish. In the fight for conservation, it is necessary for these species to come under federal management and protection by being listed as fishery stocks. This action would help ensure catch limits based on current ecological data, a system of accountability, identification and recognition of essential fish habitat by the National Marine Fisheries Service, and increased and more efficient monitoring of industrial trawl fleets. Without swift action, River Herring and Shad populations stand little chance of rehabilitation. Without them, the New York recreational fishing industry stands to lose something, as well as the ecosystems in which these species live.

Anglers support more than 828,000 jobs in the US. New York was listed as second in the top 10 states ranked by angler expenditures by the American Sportfishing Association report 2013. Our members want this fish protected and restored to its former glory. Please help these fish avoid coming even closer to being wiped out from our waters by passing Amendment 15.

Thank you

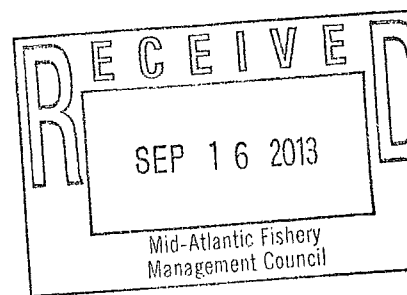
  
William A. Young  
President, NYCRF



**Operation S.P.L.A.S.H.**  
Stop Polluting, Littering and Save Harbors

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

September 9, 2013



Dear Dr. Moore,

Started in 1990, Operation SPLASH (Stop Polluting Littering And Save Harbors) is a volunteer non-profit organization with 3500 members that provides a solution to the growing problem of waterfront pollution through public awareness and individual participation. We clean up and remove debris that has found its way into our oceans and on our beaches. We run seven boats all along the south shore of Nassau County and Western Suffolk County. We are committed to improving the quality of life along our Long Island shores. And that means the animals that also inhabit our waterways or should we say used to. Our members remember when the river herring and shad runs were plentiful because we live here and we grew up here.

They are key components of the food web in our river and coastal waters, serving as prey for sport fish, such as striped bass and tuna, birds, like eagles, osprey and herons, and marine mammals. These fish are at an all time low but we still have the opportunity to bring them back if we act now. But we need your help

On behalf of Operation SPLASH, we urge the Mid-Atlantic Fishery Management Council to develop and pass Amendment 15 to the Mackerel, Squid Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan.

The continuing threat to river herring and shad from ocean by-catch demands that these imperiled species come under the protection of comprehensive federal conservation and management through a designation as "stocks in the fishery", which will ensure:

- Enforceable, science-based annual catch limits and accountability measures.
- Identification of essential fish habitat by the National Marine Fisheries Service
- Improved monitoring of the industrial trawl fleet
- Better data collection and research on the status of the species

Please act now before it's too late.

Sincerely

Rob Weltner  
President

FRIENDS OF  
THE RIVERS OF VIRGINIA **FORVA**

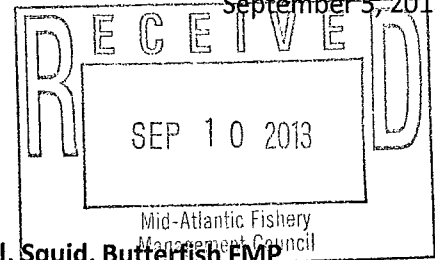
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Charles Vandervoort  
*Friends of the Shenandoah*  
Jeff Wold  
*Float Fishermen of Virginia*

September 5, 2013



Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St  
Dover DE 19901

**Re: Amendment 15 to the Mackerel, Squid, Butterfish FMP**

Dear Dr. Moore and Mid-Atlantic Fishery Management Council Members:

Friends of the Rivers of Virginia (FORVA) is a coalition of groups and individuals dedicated to river protection and conservation. We strongly recommend that the Mid-Atlantic Fishery Management Council develop a Draft Environmental Impact Statement, and vote to pass Amendment 15, designating river herring and shad as stocks in the Mackerel, Squid, Butterfish Fishery Management Plan.

FORVA's efforts to restore and improve Virginia's rivers range in scope and location from dam relicensing work on the New, James, and Roanoke Rivers to water quality improvement in the Staunton, Maury and Mattaponi Rivers. Most relevant to the decision facing the MAFMC in October is our work to restore fish habitat through dam removals and fish bypass projects on the James, Rappahannock, Shenandoah and Maury Rivers. We are currently working with the US Fish and Wildlife Service to remove the Pigg River Dam.

River herring and shad have historically been important to Virginia from both economic and cultural perspectives. Our annual political "Shad Planking" event in Wakefield originally centered around the annual spring shad run, but today shad fishing in our state is under moratorium and shad runs are notoriously low. Anglers, scientists and river restoration groups all recognize that herring and shad runs support not only community events and recreational opportunities, but a wealth of ecological value to the many predators that depend on their migration.

While the original decline of these species can be attributed to habitat impediments, overfishing in the states, pollution, predation and other factors, it is our well-documented experience that many of those situations have been and are being addressed. Dams are being removed or altered to allow for fish passage, many rivers are cleaner than they have been, and the Atlantic States Marine Fisheries Commission has ensured that only sustainable fishing on river herring and shad can take place in state waters.

In the federally-managed ocean, by contrast, progress toward management is not adequate. While we appreciate the MAFMC's efforts to address incidental catch of the species by the mackerel fleet through Amendment

FORVA DIRECTORS

William Tanger, Chair  
*Friends of the Roanoke River*  
Rick Roth, Treasurer  
*Friends of the New River*  
Del. Watkins Abbitt  
*Float Fishermen of Virginia*  
Juanita Callis  
*Friends of the Roanoke River*  
Corbin Dixon  
*Trout Unlimited*  
Karen Firehock  
*Izaak Walton League of America*  
Patti Jackson  
*FORVA*  
Howard Kirkland  
*Blue Ridge River Runners*  
Randi Lemmon  
*National Committee for New River*  
Tom Miller  
*Float Fishermen of Virginia*

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*Float Fishermen of Virginia*  
Bo Calvert  
*Blue Ridge River Runners*  
Debbie Coffin  
*James River State Park*  
Greg Garman  
*Fisheries Biologist*  
Terry Grimes  
*Jackson River Defense Fund*  
Bob Hicks  
*FORVA*  
Kim Imhoff  
*FORVA*  
Jerry Lovelace  
*Rural Planning Caucus of Virginia*  
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*Staunton River Watch*  
George Santucci  
*National Committee for the New River*  
Tom Stutts  
*Friends of the Staunton*  
Steven Tingler  
*Headwaters Watch*  
John Tippet  
*Friends of the Rappahannock*  
Charles Vandervoort  
*Friends of the Shenandoah*  
Jeff Wold  
*Float Fishermen of Virginia*

14, FORVA and others have been advocating full federal management of these species as "stocks in the fishery" for several years. This designation is the only way to ensure that catch limits are based on the best available science, that data is collected and used to manage the species, that federal managers address habitat considerations for river herring and shad, and that state plans are not undermined by wasteful incidental catch in the ocean.

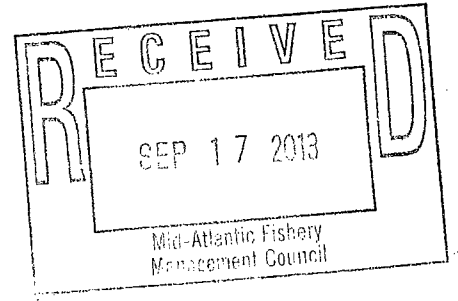
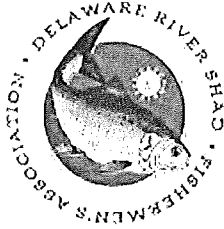
FORVA urges the MAFMC to develop a Draft Environmental Impact statement for and pass Amendment 15 to designate river herring and shad as stocks in the Mackerel, Squid, Butterfish plan. We thank you in advance for your attention to this important matter, and for your responsible stewardship of these precious resources.

Sincerely,



Bill Tanger  
Chair, FORVA

FORVA – Mackerel Amendment 15 ltr pg 2



9-9-13

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE. 19901

Dear Dr. Moore:

I am writing on behalf of the Delaware River Shad Fishermen's Association (DRSFA), we urge the MAFMC to develop and pass Amendment 15 to the Mackerel, Squid, Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan.

The DRSFA has over 800 members and is the principal conservation group working to protect preserve and restore shad and migratory fish to the Delaware River and its tributaries. The DRSFA was formed in 1974 by a group of concerned shad fishermen and conservationist for the purpose of decommissioning and defunding the federally proposed Tocks Island dam project on the upper Delaware River which we successfully achieved. The construction of this dam would have eliminated the entire northern half of the river to migratory fish. In 1989 we partnered with the Pennsylvania Fish Commission to lobby and obtain over \$1 million dollars in funding to install fish ladders at the Easton and Glenndon dams on the Lehigh River, a tributary to the Delaware River near the city of Easton. Additionally we have partnered with local watershed groups to remove many small dams on tributaries that historically supported migratory fish including the Musconetcong River, Aquetong Creek, Jordan Creek and the Little Lehigh. Beginning in the early 1990's we began receiving annual grants from PP&L electric company to fund our "Shad In Schools" program teaching middle school and high school students about the environmental and historical importance of shad and migratory fish along the Delaware River. We currently have 17 schools enrolled in this program.

Despite our efforts and the efforts of others throughout the watershed we continue to see shad and herring populations decline or remain at historically low levels. The most recent NJ Fish and Wildlife Service hydro acoustic shad population survey conducted between 1992 and 2007 concluded that the annual american shad run in the Delaware River declined from 274,800 in 1992 to 181,600 by 2007. Since this survey only very limited increases in the shad population have been seen. In addition the Pennsylvania Fish and Boat Commission continue to list Hickory Shad as an endangered species and recreational fishing for river herring was closed in 2012. I have personally witnessed a near 100% decline of river herring in the Tohickon Creek near my home in Bucks County PA. even as water quality and habitat have improved. The DRSFA strongly supports Amendment 15 to the Mackerel, Squid, Butterfish Plan and a designation for shad and river herring as "stocks in the fishery", which will create measures to protect shad and river herring from the effects of commercial fishing and by-catch mortality in the ocean.

Thank You,  
Charles Furst  
PO221  
Solebury, PA. 18963



**Saunders, Jan**

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**From:** Moore, Christopher  
**Sent:** Sunday, September 22, 2013 5:10 PM  
**To:** Didden, Jason T.; Saunders, Jan  
**Subject:** FW: Amendment 15 / GSSA  
**Attachments:** Stocks in the Fishery Designation Will Not Further Aid River Herring 09 16 13\_ii.docx

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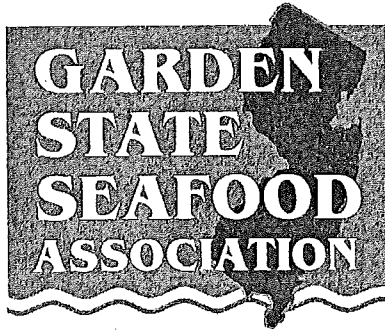
**From:** Greg DiDomenico [<mailto:gregdi@voicenet.com>]  
**Sent:** Wednesday, September 18, 2013 6:20 AM  
**To:** Moore, Christopher  
**Subject:** Amendment 15 / GSSA

Chris...

Attached you will find an additional copy of our white paper we sent yesterday.  
Apparently some formatting problems persisted and we corrected them in this version.

Thanks

Greg D



212 West State Street  
Trenton, NJ 08628  
Phone: (609) 898-1100

[www.gardenstateseafood.org](http://www.gardenstateseafood.org)  
Gregory P. DiDomenico, Executive Director  
gregdi@voicenet.com 609-675-0202

September 17, 2013

Mr. Richard B. Robins, Jr., Chairman  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901

Dear Chairman Robins:

I am writing on behalf of the Garden State Seafood Association (GSSA), in opposition to the further development of Amendment 15 to the Atlantic Mackerel Fishery Management Plan. The GSSA is comprised of commercial fishermen, shore-based processors, commercial dock facilities, seafood markets, restaurants, and various industry support businesses from around the State of New Jersey. We feel strongly that the "stocks in a fishery amendment" is unnecessary, inefficient and contrary to National Standards.

As you know, the Council has already approved Amendment 14, which establishes a suite of incidental catch management measures appropriate to the industry's duty to minimize 'bycatch', as required by National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In addition, the Council has established a catch cap on river herring species, as part of the Atlantic mackerel fishery specifications for the 2014 fishing year, which already threatens the industry's ability to realize the Optimum Yield from the Atlantic mackerel resource, on a continuing basis, as required by National Standard 1 of the Act.

Recently, the National Marine Fisheries Service has determined, based upon the best scientific information available, that the listing of alewife and blueback herring, as threatened or endangered under the Endangered Species Act, is not warranted and concluding that "trends coast-wide (including Canada)...indicate stable or significantly increasing trends for both species."

In an earlier decision to not support a Stocks in the Fishery designation for these species, as part of the Atlantic herring FMP, which now includes management measures in that fishery similar to those established in Amendment 14, the Agency concluded it is **"impracticable to manage these (river herring and shad) stocks throughout their range in federal waters and that (the best available scientific information) demonstrates that conservation and management of these stocks in federal waters would have been impracticable and unnecessarily duplicative."**

We are attaching a summary of these and related issues, which we hope the Council will consider when it meets next month to discuss additional changes to the Atlantic mackerel FMP.

We urge the Council to continue to focus on fully implementing Amendment 14 initiatives and avoid a years-long divergence of scarce Council resources, with no apparent additional benefit to river herring and shad species possible, by designating these resources, which spend their majority of their critical life history stages within State jurisdictions, as stocks in the federal Atlantic Mackerel fishery. Amendment 15 would create an unnecessary burden on the management system and the fishing industry. The development of the amendment lacks scientific justification and its premise is based upon unknown and immeasurable biological benefits. It should be determined to be "considered and rejected" by the Council.

Thank you for your attention to our concerns. Please do not hesitate to contact me if I can provide you with any additional information.

Sincerely,

*Gregory P. DiDomenico*

Gregory P. DiDomenico  
Executive Director  
Garden State Seafood Association

cc: Members, MAFMC  
Mr. John Bullard, Northeast Regional Administrator  
Mr. Samuel Rauch, Assistant Administrator for Fisheries

Attachment

## Stocks in the Fishery Designation Will Not Further Aid River

The federal Mid-Atlantic and New England fishery management councils have fully responded to the public interest in restoring river herring and shad species, in amendments 5 & 14 and should continue ongoing monitoring programs, as the national marine fisheries service's technical expert working group is convened and develops its' recommendations over the next three to five years.

### 1) The decision not to list river herring species as endangered

On Monday, August 12, 2013, the National Oceanic and Atmospheric Administration (NOAA) published a Final Rule in the Federal Register (FR) stating:

*“Based on the best scientific and commercial information available, we have determined that listing alewife (and blueback herring) as threatened or endangered under the ESA is not warranted at this time.”*

The 50 page notice includes several tables ranking risk to river herring species, throughout their range. In these tables, Dams and Other Barriers are rated in the “4-medium/high” range. **Incidental Catch is rated in the “2-medium/low” range along with Climate Change, Predation, Climate Variability, Water Withdrawal/Outfall (both physical and temperature), Dredging, Hybrids, Federal Management and State Management.** Inexplicably, Directed Harvest, which removes about 3 million pounds of river herring annually in productive rivers, is rated in the “1-low” range.

In a September, 2013 Special Supplement appearing in Commercial Fisheries News, the NOAA Fisheries Service made several important comments, expanding on the August Final Rule:

*“In order to assess extinction risk, the Northeast Fisheries Science Center conducted an analysis of the trends in relative abundance for each species both range-wide and for the specific stock complexes. The trends coast-wide (including Canada where data are available) indicate stable or significantly increasing trends for both species.”*

*“A qualitative threats assessment completed during the status review unequivocally identified dams and barriers as the most important threat to alewife and blueback herring populations both range-wide and across all stock complexes. Efforts to restore access to essential spawning habitats in rivers, streams and lakes are critical for migratory, anadromous fish like river herring.”*

In this article, the Agency clarified that it's **three to five year plan** is to “...work with our partners to collect data and information to fill in key data gaps for these two species and to develop a river herring conservation plan...a technical expert working group will be convened to help with plan development.” The Agency went on to state:

*“We have provided \$95,000 to ASMFC to assist in developing a comprehensive river herring conservation plan” and will “Attempt to quantify the impact of ongoing restoration and conservation efforts and new fisheries management measures that are being considered such as catch caps in two federal fisheries that should benefit the species.”*

This collaborative process, which will certainly include involvement with the Councils, is to include:

- An “(A)tttempt to quantify the impact of ongoing restoration and conservation efforts and new fisheries management measures that are being considered such as catch caps in two federal fisheries that should benefit the species”;
- ~~A review of “(A)ny new information produced from ongoing scientific studies on genetic analysis, ocean migration patterns, and climate change impacts that are completed in the next several years;~~
- An “Assess(ment) of available data to determine whether recent reports of higher counts of river herring in many rivers along the coast in the last two years represent sustained trends”;
- and
- A review of “(A)vailable information on the population level effects of upstream and downstream survival at remaining dams.

Concerning *commercial incidental and commercial and recreational directed catches*, the Agency stated:

*“Current directed commercial and recreational alewife and blueback herring fisheries, as well as commercial fishery incidental catch may continue to pose a threat to these species... The extent to which incidental catch is affecting river herring has not been quantified and is not fully understood.”*

Incidental catches in the Atlantic herring and Atlantic mackerel fisheries have been thoroughly analyzed by both Councils during the ongoing process to develop catch caps in these directed fisheries. These estimates are characterized by significant levels of uncertainty.

Incidental catches are estimated at being less than directed harvests, coastwide, yet these directed catches have been determined to be “sustainable” in those states making the investment in continuing those fisheries. In many states, like New Jersey, fishery regulators have found a moratorium an appropriate tool in the face of limited budgets although the health of the river herring resource cannot be monitored.

Although river herring are caught incidentally in a variety of small mesh bottom trawl fisheries, the midwater trawl fishery has taken responsibility to minimize its interaction with river herring in a program similar to that being used to minimize yellowtail flounder bycatch in the Sea Scallop fishery, in compliance with the MSA National Standard 9 requirement to minimize bycatch to the extent practicable.

River herring interactions in these fisheries are seasonal, temporal and random events, which is why real-time, third-party fleet notification of hot spots coupled with move-along strategies best address the incidental catch issue in the directed herring and mackerel fisheries.

Also, the midwater trawl fishery has been working with the Councils to quantify their interaction with river herring species and support mortality caps which both minimize interactions but allow achievement of optimum yield from the directed herring and mackerel fisheries, on a continuing basis; a National Standard 1 requirement. This is also a stated goal of the New England Council although, unfortunately, the Mid-Atlantic Council has established a cap, which will likely not allow the achievement of Optimum Yield in the mackerel fishery in one of every two years before the river herring cap is likely to close the fishery.

River herring and Atlantic herring, in particular, travel in schools that will intermix and, consequently, incidental catches of river herring have occurred in the herring fishery for decades. There is no evidence that the use of midwater trawls in the region, which has occurred since the 1970's in the domestic herring and mackerel fisheries, is a smoking gun that precipitated decades of declines in river herring populations on the Atlantic Coast. At the same time, the industry is committed to continuing its work with the Councils to fully implement Amendments 5 and 14.

Concerning *predation*, by comparison, the Agency stated:

*“The effect of predation on the persistence of river herring is not fully understood; however, predation may be affecting river herring populations and consequently, it is included as a threat in the qualitative threats assessment.”*

While the concept of “ecosystem management” is frequently discussed, neither the Councils nor the States have addressed fishery management strategies designed to minimize predation on one species by increasing fishing mortality on another. Instead, the activities of a fleet of fewer than 20 vessels today are seemingly being blamed for river herring species decline, which began sometime in the 19<sup>th</sup> century.

## 2) Stocks in the fishery, herring amendment 4

Four years ago, the New England Council, in approving Amendment 4, implementing ACLs and AMs in the Atlantic Herring Fishery decided not to establish river herring species as a “Stock in the Fishery”, instead focusing on Amendment 5 to establish an incidental catch cap of river herring species in the Atlantic herring fishery and supporting the ongoing river herring bycatch avoidance program conducted by the Sustainable Fisheries Coalition, Massachusetts Division of Marine Fisheries and the University of Massachusetts Dartmouth’s School of Marine Science. Similarly, the Mid-Atlantic Council’s Amendment 14 to the Squid, Mackerel, Butterfish FMP was created for these same purposes.

In the March 2, 2011 Final Rule implementing approved measures in Herring Amendment 4 (FR Vol.76, No.41) the National Marine Fisheries Service made the following statement concerning the Stocks in the Fishery issue:

*“While other species are caught incidentally when fishing for herring, herring is the target stock, and the only stock directly managed by the Herring FMP. This action established herring as a stock in the fishery...Bycatch in the herring fishery will continue to be addressed and minimized to the extent possible, consistent with other requirements of the MSA.”*

Since that time, in a June 6, 2013 communication with the Mid-Atlantic Council, the Agency sites the need to consider the National Standard 3 requirement that “to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed in close coordination” and the National Standard 7 requirement that “conservation and management measures shall, where practicable, minimize costs, and avoid unnecessary duplication”, in determining the need to include river herring species as a stock in either the herring or mackerel fishery. In using these criteria to consider the New England Council’s previous decision in A4, to include only Atlantic herring as a stock in that fishery, the Agency concluded:

*“In summary, the best available scientific information at the time Amendment 4 was approved demonstrates that it was impracticable to manage these (river herring and shad) stocks throughout their range in federal waters as a unit, was insufficient to support a finding that river herring or shad is in need of conservation and management in federal waters, and demonstrates that conservation and management of these stocks in federal waters would have been impracticable and unnecessarily duplicative.”*

Nothing has changed, since that time, which would support a different conclusion today.

### 3) Stocks in the fishery - National Standard 1 guidelines.

On January 16, 2009, NMFS published a Final Rule (FR Vol. 74, No.11) amending the guidelines for National Standard (NS) 1 of the MSA, “necessary to provide guidance on how to comply with new ACL and AM requirements for ending overfishing of fisheries managed by Federal FMPs.”

MSA National Standard 1 reads: **“Conservation and management measures shall prevent overfishing, while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.”**

In the Overview of the Major Aspects of the Final Action, the agency states:

*“The final NS1 guidelines do not require a Council or the Secretary to include all target and non-target species as “stocks in the fishery”...and do not require inclusion of particular species in an FMP...”Stocks in the fishery” need status determination criteria, other reference points, ACL mechanisms and AMs.”*

In the final rule, the agency makes a subsequent, related statement:

*“NMFS believes the Councils should retain the discretion to determine which fisheries require specific conservation and management measures. With regard to bycatch, regardless of whether a species is identified as part of a fishery or not, National Standard 9 requires that FMPs, to the extent practicable, minimize bycatch and to the extent it cannot be avoided minimize bycatch mortality.”*

### ~~4) ASMFC river herring stock assessment peer review (Stock Assessment Report no. 12-02, march 2012)~~

In discussing the population model used in the ASMFC assessment (Page 19) the Peer Review Panel stated:

*“In summary, the Panel concurred with the (Stock Assessment Subcommittee) that the DB-SRA (depletion-based stock reduction analysis) model did not adequately model river herring stock conditions and should not be used to assess status.”*

On Page 23, in reference to Term of Reference 6, concerning stock status determination, the Panel stated:

*“Coast wide status of the stock (biomass and exploitation rates) in relation to management reference points could not be determined.”*

Since the revised NS1 guidelines are clear that identifying “status determination criteria” criteria is a necessary condition for a Council to establish a species as a “stock in a fishery”, and since the ASMFC assessment is clear that these biological and fishery mortality reference points could not be determined, it is therefore impossible for river herring species to be designated as such without significantly risking future potential yields from the region’s Atlantic herring and mackerel resources, neither of which are overfished or subject to overfishing.

## **Related issues**

### **1) Essential Fish Habitat**

While some have argued that a designation of river herring species as stocks in the herring and mackerel fishery is important to protect Essential Fish Habitat (EFH) for river herring, the comments of the Agency in the August 12, 2013 Final Rule is instructive:

*“EFH has not been designated for alewife or blueback herring, though EFH has been designated for numerous other species in the Northwest Atlantic. Measures to improve habitats and reduce impacts resulting from those EFH designations may directly or indirectly benefit river herring. Conservation measures implemented in response to the designation of Atlantic salmon EFH and Atlantic herring EFH likely provide the most conservation benefit to river herring over any other EFH designation.”*

### **2) Federal authorities to protect river herring beyond the MSA**

The August 12, 2013 Final Rule discusses the “Inadequacy of Existing Regulatory Mechanisms”, commenting on ongoing Canadian river herring fisheries and lists a variety of other Federal Authorities affecting river herring life history and EFH including the:

- **Atlantic Coastal Fisheries Cooperative Act;**
- **Federal Power Act;**
- **Anadromous Fish Conservation Act;**
- **Fish and Wildlife Conservation Act;**
- **Federal Water Pollution Control Act;**
- **Rivers and Harbors Act;**
- **National Environmental Policy Act;**
- **Coastal Zone Management Act;**
- **Federal Land Management and Other Protective Designations; and**
- **Marine Protection, Research and Sanctuaries Act**

Attempting to manage river herring recovery, coastwide, principally through the MSA, as a Stock in the Fishery amendment proposes to do, creates an unfair and biologically-questionable burden on a limited number of U.S. citizens who make their living in the ocean. In addition, scarce Council resources will be squandered in the years-long, continuing debate over incidental catch impacts to the detriment of necessary action on the sustainability of other species that are the primary focus of a variety of long-established FMPs. Instead, the Councils should continue to work with the industry in implementing Amendments 5 and 14, which already establish a suite of incidental catch management measures appro-



appropriate to the industry's duty to minimize incidental catches, based upon the best scientific information available, as required by the MSA.

### 3) Stock structure

While some insist that federal fishing vessels place individual river herring runs at significant risk, the Final Rule makes this statement:

*“Migration and mixing patterns of alewives and blueback herring in the ocean have not been determined, though regional stock mixing is suspected. Therefore, experts suggested that the ocean phase of alewives and blueback herring should be considered a mixed stock until further tagging and genetic data become available. There is evidence to support regional differences in migration patterns, but not at a level of river-specific stocks.”*

Also, MSA management alone ignores Canadian mortality effects in U.S. waters. As stated in the final rule, *“intermixing between both alewife and blueback herring from U.S. and Canadian coastal waters occurs, and the extent of this mixing is unknown.”*

### 4) Federal consultation by the National Marine Fisheries Service

It has been suggested by some that a stocks in the fishery designation for river herring, in the Atlantic herring and mackerel fisheries, would create a system whereby NOAA fisheries would consult with entities potentially impacting river herring EFH but this is already available to the Councils, based upon current MSA EFH designations. MSA §305(b)(4) states:

*“(A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.*

*“(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following its recommendations.*

The MSA creates no responsibility for states to respond to Council or Secretarial concerns about river herring EFH, the majority of which lies within State jurisdiction.

### 5) The mid-water trawl fishery

Since the Herring Alliance published “Empty Rivers”, in 2007, alleging that the reason for the decline of river herring along the Atlantic coast “appears to be industrial mid-water trawlers”, a repetitive campaign of misinformation has ensued.

A Stocks in the Fishery designation for river herring and shad species will only perpetuate this myth for additional years, placing a disproportionate burden on fishermen working in otherwise sustainable fisheries and cannot reasonably be expected to provide any additional benefit to these incidentally-caught species than Amendment 5 and 14 will already do.

New England fishermen have used mid-water trawls in the herring and mackerel fisheries since the mid-to late 1970's as foreign fleets were phased out of the region's herring, mackerel, river herring and squid fisheries. European fleets have long used the mid-water trawl to capture pelagic species, which is a gear that does not damage demersal habitats and can be efficiently deployed to capture high-volume, low-value species.

As the foreign fleets departed, following the enactment of the MSA in 1977, the U.S. government employed a "Fish and Chips" policy, which allowed foreign processing vessels access to U.S. pelagic fisheries in return for access to those country's markets for these U.S.-harvested fisheries. At that same time U.S. fishermen began to use the mid-water trawl to catch herring and mackerel for the foreign processors and employ large vessels capable of carrying tanks of refrigerated seawater so that these fishery resources could eventually be delivered to developing shoreside markets as a food-grade quality product, whether the fish was destined for food or bait markets.

As the potential for "the Americanization" of the U.S. herring and mackerel fisheries evolved, the U.S. government did encourage the development of these "underutilized" fisheries through the application of Federal loan guarantees, which are no longer available for U.S. fishing vessels. There has never been any direct subsidization of these fisheries by the U.S. government, although the U.S. industry was forced to compete with subsidized Canadian fisheries for decades.

By 1996, the U.S. herring fishery had worked with the New England Council to create a Federal herring plan, which established the first hard TACs in any regional fishery. At that time, U.S. fisheries assessments projected annual catches of Atlantic mackerel of over 300,000 metric tons and Atlantic herring catches approaching 200,000 metric tons, yields which have since proved to be unsustainable. The displacement of the foreign fleets, along with these large quotas, and the underutilized designation of the herring and mackerel resources, prompted the investment in vessels and freezer plants in the region that sustain these fisheries today.

While some criticize the size of the vessels working in the herring and mackerel fishery, they are platforms sufficient to fish in heavy weather and bring the crew home safely while using technology to ensure the greatest quality and value for the fishery products they produce. Federal law now limits the size of vessels in the herring and mackerel fishery (and other US fisheries pursuant to the American Fisheries Act) to no greater than 165 feet in length overall.

In fact, the Atlantic herring and mackerel fishing industry asked Congress to impose this vessel size limitation, to restrict the entry of surplus vessels from the Pacific pollock fleet of over 300 feet in length, following the "rationalization" of the pollock fishery some 20 years ago.

An additional criticism of this fishery is that boats drag “nets the size of football fields with mesh so small that little escapes”. This could not be farther from the truth. In fact, mid-water trawls used in the pair-trawl fishery for mackerel and herring are actually about the length of two football fields. The brailer, or cod end, is made of small mesh of about 1.5 inches but this portion of the net is only about 30 fathoms (180 feet) in length. In fact, a net of this size made of twine used to build the cod end would sink like an anchor. Instead, these trawls are built with extremely large meshes, beginning at the mouth of the net and continuing into the extension piece. In a large mackerel net, these meshes measure 80 feet of stretched mesh and decrease in size proportionally to 40, 20, 10, 5, and 2.5 feet, stretched mesh, before eventually tapering in size to the small mesh brailer. A typical herring trawl usually uses meshes of about 10 feet stretched mesh in the mouth of the net.

These nets are built to specifically target herring and mackerel in the water column and minimize the incidental catch of other species like river herring. Mackerel are faster swimmers than river herring, which is why mackerel nets are built lighter for faster towing speeds and river herring incidental catches in the mackerel fishery tend to be lower than in the herring fishery, where river herring and Atlantic herring can mix in some areas and in certain seasons of the year, which can change both annually and inter-annually.

###

Summary prepared by the Garden State Seafood Association, September 2013

STATE OF MARYLAND  
OFFICE OF THE GOVERNOR

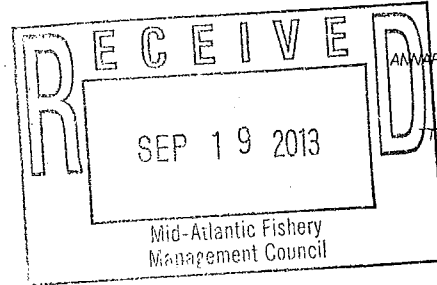


MARTIN O'MALLEY  
GOVERNOR

STATE HOUSE  
100 STATE CIRCLE  
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(410) 974-3901  
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TTY USERS CALL VIA MD RELAY

September 4, 2013



Mr. Joseph Gordon  
The PEW Charitable Trusts  
901 E Street Northwest, Floor 10  
Washington, DC 20004-2013

Dear Mr. Gordon:

Thank you for recognizing Maryland's effort towards conserving menhaden, the "most important fish in the sea," and river herring. These actions will help recover the important forage fish base that so many fish, marine mammals and birds rely upon in the Atlantic coastal ecosystem. Maryland could not have accomplished this alone, and we appreciate the advocacy and stakeholder coordination role that the PEW Foundation played in achieving these conservation efforts.

I agree that our work to restore the forage fish base in the Atlantic coastal ecosystem is not complete. Our Fisheries Service team at the Maryland Department of Natural Resources is fully aware of my interest in advancing forage fish conservation measures. They will be working with other Maryland representatives on the Mid-Atlantic Fisheries Management Council (MAFMC), Maryland stakeholders and state and federal partners to consider all information leading up to the MAFMC's decision in October to recommend establishment of a federal management plan for river herring and shad. The State of Maryland has been a leader in implementing aggressive harvest reduction strategies for these species, including harvest moratoriums, and we now need to ensure that the federal government takes the necessary complimentary conservation measures.

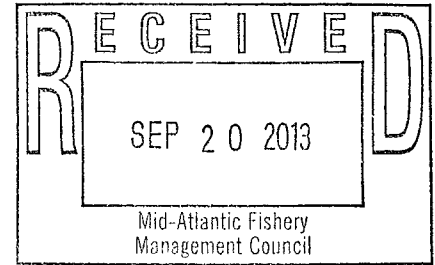
Please do not hesitate to contact our Fisheries Service Director, Tom O'Connell, at [toconnell@dnr.state.md.us](mailto:toconnell@dnr.state.md.us) or 410-260-8281 if you would like to meet to discuss this issue with him and our MAFMC representatives prior to the October MAFMC meeting.

Sincerely,

Governor

September 16, 2013

Dr. Chris Moore  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street  
Dover, DE 19901



I am writing because I support, and urge NOAA Fisheries to approve, the New England and Mid-Atlantic Fishery Management Councils' efforts to establish federal management of river herring and shad in the Atlantic mackerel and herring fisheries.

I have read that populations of shad and river herring have declined to historic lows, threatening coastal environments, economies, and traditions dating back to Colonial times (Shad helped sustain the Continental Army during the American Revolution, which writer John McPhee describes in his book *The Founding Fish*).

States have invested millions of dollars in habitat restoration projects, including dam removals, while imposing fishing restrictions designed to bring these species back. Meanwhile, millions of shad and river herring continue to be killed by industrial fishing vessels targeting mackerel and sea herring in the ocean. They need strong federal conservation and management, including increased monitoring and reporting, establishment of catch limits, and better habitat protection.

I urge NOAA Fisheries to approve the Mid-Atlantic Council's Amendment 14 to the Mackerel, Squid, Butterfish Fishery Management Plan in its entirety.

This plan includes a strong catch cap, 100 percent observer coverage on all mid-water trawl vessels, accurate dealer weighing of catch, a cap on at-sea dumping (slippage) of unobserved catch, and related accountability measures.

NOAA Fisheries should also reverse its recent disapproval of 100 percent observer coverage, slippage caps, and dealer weighing requirements in the New England Council's Amendment 5 to the Atlantic herring plan or offer alternative, equally effective solutions.

In both regions, all parts of these amendments are necessary to foster river herring and shad conservation and were the result of an extensive public process and thoughtful deliberations.

The Magnuson-Stevens Act requires the designation of river herring and shad as stocks in federal herring and mackerel fishery management plans. The Mid-Atlantic Council is currently considering this designation in Amendment 15 to the Mackerel, Squid, Butterfish FMP, and New England has placed a priority on consideration of a similar amendment to its Atlantic herring plan.

Please support adding river herring and shad to federal fishery management plans. This designation would enable the councils and NOAA Fisheries to:

- Set science-based annual catch limits.
- Identify and protect essential fish habitat.
- Gather better data and improve the population estimates of these fish.
- Coordinate with state efforts to restore river herring and shad.

I urgently ask you to please take this action as soon as possible. Herring and shad play an important role in the circle of life along the Atlantic coast. They are prey for birds, marine mammals, and other fish at sea and in rivers and once supported vital commercial fisheries.

Thank you for your help in this urgent matter.

Yours truly,

A handwritten signature in black ink, appearing to be "J. Capozzelli".

J. Capozzelli, New York



CHESAPEAKE BAY FOUNDATION  
*Saving a National Treasure*

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September 20, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street  
Dover, DE 19901

RE: Amendment 15 to the Mackerel, Squid & Butterfish Fishery Management Plan  
Dear Dr. Moore:

I am writing to express the longstanding concern of the Chesapeake Bay Foundation (CBF), its Board of Trustees and more than 200,000 members about the severely depleted state of shad and river herring in Chesapeake Bay and its tributaries and the intolerable waste of this important resource as bycatch in the offshore mackerel fishery. To address this problem we urge you to develop and pass Amendment 15 to the Mackerel, Squid and Butterfish Plan (MSB) and designate river herring and shad as stocks in the MSB Fishery Management Plan.

Since its inception in 1967 CBF has been an advocate for the restoration of Chesapeake Bay and its living resources including migratory fishes. During that time period we have been the lead private voice supporting fish passage, hatchery stocking and habitat protection. Many millions of dollars have been spent to open thousands of miles of historic riverine spawning habitat and stock billions of shad fry in Chesapeake Bay tributaries. In addition, the Bay states have severely restricted shad and herring fisheries in an attempt to reverse their decline. In 1980 Maryland closed its shad fishery. In 1990 Virginia closed its shad fishery. In 2001 the Atlantic States Marine Fisheries Commission (ASMFC) closed the coastal intercept fishery for shad. And in 2012, the river herring fisheries for both states were closed.

And yet with all this investment and effort, shad and herring stocks are at historic lows coastwide. River herring were even considered for listing under the Endangered Species Act. The impacts have been dramatic for many Chesapeake watershed communities and for the Chesapeake ecosystem. Shad supported the most valuable finfish fishery for over two hundred years in the Bay region, but it is nearly forgotten now. Shad and herring juveniles once served a key role as forage during their downriver migrations in the fall, but that component of the food web is all but eliminated. Chesapeake striped bass suffer elevated natural mortality levels likely due to a serious disease (mycobacteriosis), for which poor nutrition has been identified as a contributing cause.

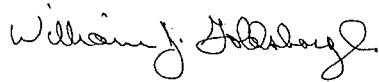
With this backdrop it is hard to imagine that uncontrolled bycatch of shad and river herring in large scale offshore fisheries is tolerated. That all directed fisheries for shad and river herring have been closed as conservation measures should demand aggressive steps to control and minimize such large scale bycatch. Anything less violates the fundamental rule of range-wide management of interjurisdictional fisheries. The requirement for range-wide consistency was embodied in the 1984 Atlantic Striped Bass Conservation Act and was the primary reason that stock experienced such a robust recovery and led Congress to extend the same requirement to all other fisheries overseen by ASMFC. That some coastal migratory stocks extend their range into federal waters does not diminish the importance of this principle.

Dr. Christopher Moore  
September 20, 2013  
Page 2

Therefore, the CBF supports, and urges the Mid-Atlantic Fisheries Management Council to adopt, the designation of shad and river herring as "stocks in the fishery" through the development and passage of Amendment 15 to the MSB Fishery Management Plan. This designation will ensure that the fisheries taking shad and herring as bycatch will be monitored and that science-based catch limits and accountability measures will be adopted.

On CBF's behalf, I thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Goldsborough". The signature is written in a cursive style with a large initial "W".

William J. Goldsborough, Fisheries Program Director  
Chesapeake Bay Foundation

**Saunders, Jan**

---

**From:** Moore, Christopher  
**Sent:** Sunday, September 22, 2013 3:08 PM  
**To:** Didden, Jason T.  
**Cc:** Saunders, Jan  
**Subject:** FW: Copy of the Letter of Support for River Herring From Long Island Chapter of Trout Unlimited with attachment  
**Attachments:** LITU letter of Support River Herring.doc

---

**From:** John Fischer [<mailto:jakross@optonline.net>]  
**Sent:** Saturday, September 21, 2013 11:06 PM  
**To:** Moore, Christopher  
**Subject:** FW: Copy of the Letter of Support for River Herring From Long Island Chapter of Trout Unlimited with attachment

Forgot to attach the document  
John

---

**From:** John Fischer [<mailto:jakross@optonline.net>]  
**Sent:** Saturday, September 21, 2013 11:04 PM  
**To:** 'cmoore@mafmc.org'  
**Subject:** Copy of the Letter of Support for River Herring From Long Island Chapter of Trout Unlimited

Hi Chris,

This is a copy of the letter of Support for River Herring the Long Island Chapter mailed into the NY council members.

For your consideration

John Fischer  
Conservation Committee  
Long Island Chapter of Trout Unlimited





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## *Long Island Chapter*

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September 17, 2013

Jim Gilmore  
NYSDEC Bureau of Marine Resources  
205 Belle Meade Rd  
E. Setauket, NY 11733

Stephen Heins  
NYSDEC Bureau of Marine Resources  
205 Belle Meade Rd  
E. Setauket, NY 11733

Dr. Anthony DiLernia

Captain John McMurray

Dear New York Council Members:

We represent the Long Island Chapter of Trout Unlimited, a New York-based organizations and are writing to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as “stocks in the fishery” in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, **river herring and shad are in need of stronger protection through full federal conservation and management.** We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as “stocks in the fishery” in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in New York, particularly in the Hudson River, Long Island Sound and their tributaries. As prey for ecologically important predators, these little fish underpinned thriving ocean and river ecosystems, and the coastal economies of New York with the fishermen who have depended on them for centuries.

Here on Long Island our members have partnered with other conservation organizations and local towns to provide safe dam passage, conducted annual surveys and ecosystem studies to provide increased habitat access for river herring. We need these protections, so that all our efforts will not be in vain.

**Our state and local governments have devoted millions of dollars, countless hours and significant energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and improving access to spawning sites.** Downstate, the Peconic Estuary Program has worked in recent years to raise at least \$1 million for fish passage in Long Island, while the Hudson River Estuary Program has identified the 100 most important fish blockages on that important river and is working to orchestrate removal projects. The removal of the American Legion dam in Norwich has opened access to six miles of anadromous fish habitat, and



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## *Long Island Chapter*

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New Yorkers continue to identify and capitalize on opportunities to improve inshore access for these species. Furthermore, New York has imposed severe restrictions on fishing for river herring, including complete closures in parts of the Delaware River, and a complete moratorium on fishing for American shad in NY since 2010.

**In light of our state's commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15.** NOAA Fisheries' Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that New Yorkers have worked hard to achieve.

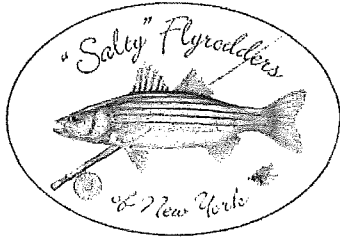
Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- Managers collect and use better data about the biological status of these species to inform decisions

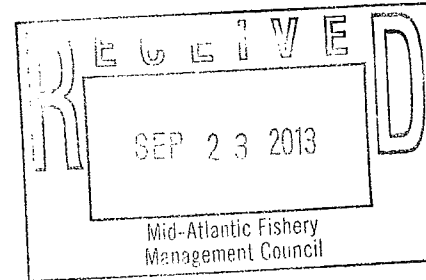
We all strive for healthy, thriving aquatic ecosystems—for the good of New York's environment, economy and culture. We thank you, in advance, for representing New York's coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

John Fischer  
Conservation Committee  
Long Island Chapter of Trout Unlimited



"Salty" Flyrodders of New York  
345 East 57<sup>th</sup> Street, Suite 2C  
New York, NY 10022



Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

September 17, 2013

Dear Dr. Moore,

The Salty Flyrodders of New York was started in 1966 and has over 200 active members. Our club is actively involved in marine conservation, fisheries management and in the all-important fight for beach access. We love to fish. Period. That is why we are so concerned about the dwindling numbers of river herring and shad.

They are key components of the food web in our river and coastal waters, serving as prey for sport fish, such as striped bass and tuna, birds, like eagles, osprey and herons, and marine mammals. These fish are at an all time low but we still have the opportunity to bring them back if we act now. But we need your help

We urge the Mid-Atlantic Fishery Management Council to develop and pass Amendment 15 to the Mackerel, Squid Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan.

The continuing threat to river herring and shad from ocean by-catch demands that these imperiled species come under the protection of comprehensive federal conservation and management through a designation as "stocks in the fishery", which will ensure:

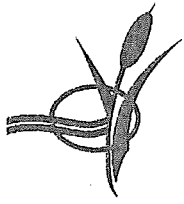
- Enforceable, science-based annual catch limits and accountability measures.
- Identification of essential fish habitat by the National Marine Fisheries Service
- Improved monitoring of the industrial trawl fleet
- Better data collection and research on the status of the species

Please act now before it's too late.

Sincerely

  
Joel Filner

Director



## North Fork Environmental Council

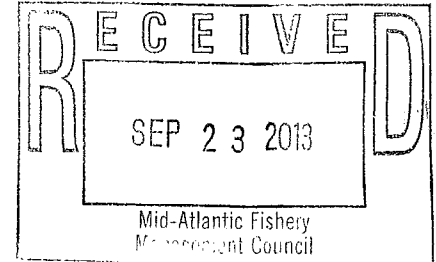
Save What's Left!

North Fork Environmental Council  
12700 Main Road  
PO Box 799  
Mattituck, NY 11952

Phone: 631.298.8880  
Fax: 631.298.4649  
Web: [www.NFEC1.org](http://www.NFEC1.org)

18 September 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901



Dear Dr. Moore,

The North Fork Environmental Council (NFEC) is a grassroots conservation organization based on Long Island's North Fork. Incorporated in 1972, we have:

- successfully raised public awareness on key environmental issues for over 41 years
- over 1,100 members and supporters who are dedicated to preserving land, sea, air and quality of life on North Fork
- educated the public and public officials about critical environmental issues that directly impact resident quality of life
- provided input and guidance on key policies and legislation related to environmental health, and
- fought for the public's voice to be heard when few cared or were listening

As an organization committed to environmental health, the NFEC is concerned with the issue of dwindling populations of River Herring and Shad. These fish are a large part of our established recreational fishing industry, and also comprise a major part of the diets of many birds on Long Island. As such, this environmental problem directly affects our constituents and our community.

I personally have witnessed and been affected by the loss of these and other related feeder fish in the area, including shad, river herring, bunker and alewife. It's one reason the NFEC and its members supported the creation of the fish passageway at Grangebél Park, Riverhead, NY, and plans for other passageways on the Peconic River, to restore spawning runs of alewife, American eel and other native fish.

River Herring and Shad stocks are decreasing in size for several reasons:

- the general pollution of water bodies
- careless commercial overfishing, and
- blocked access to spawning habitats mostly due to dams.

Additionally, in more recent years, industrial trawler nets have unintentionally caught huge numbers of these fish, which are simply discarded; incidental bycatch is now a leading factor contributing to the critical condition of River Herring and Shad stocks.

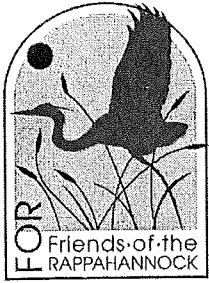
Industrial trawling vessels are poorly monitored, and these fish species are offered no protection in federal waters. Efforts to protect what fish are left in our local waters are undermined by this lack of federal protection. By designating them as "stocks in the fishery" under federal recognition, it can be ensured that conservation measures will be taken. This would include enforceable catch limits, a concrete system of accountability, improved monitoring of industrial trawlers, and an increase in efficient data collection and research on these species.

By passing Amendment 15, you can help ensure that these fish species, which hold historical significance for fishermen, bird watchers, naturalists, scientists, and the greater Long Island community, are provided federal protection.

Sincerely,

A handwritten signature in black ink, appearing to read "William Toedter". The signature is written in a cursive style with a long horizontal stroke at the end.

William Toedter  
President, NFEC on behalf of the NFEC Board of Directors



## Friends of the Rappahannock

Advocacy • Restoration • Education

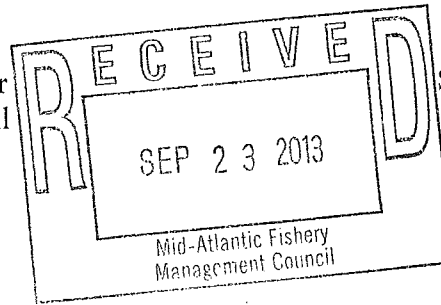
**Headquarters**

3219 Fall Hill Ave. Fredericksburg, VA 22401 • 540-373-3448

**Tidal Office**

512 N. Church Ln. Office B, Tappahannock, VA 22560 • 804-443-3448

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901



September 18, 2013

Dear Dr. Moore:

The Friends of the Rappahannock (FOR) is a grassroots group whose goal is to maintain the water quality, living resources, and scenic beauty of the Rappahannock River and its tributaries. We support the development of Amendment 15 to the Mackerel, Squid Butterfish Plan (MSB) managed by the Mid-Atlantic Fishery Management Council, as a tool to comprehensively manage ecologically important river herring and shad.

FOR's most significant investment in anadromous fish restoration came with our intricate involvement in the removal of the Embury Dam, which opened 104 miles of river herring and shad spawning habitat to facilitate the recovery of a severely depressed local population. By now, we had expected to see signs of a significantly revitalizing headwater fishery. However, it appears that the headwater restoration has outpaced the work offshore. FOR continues to manage a robust program for stormwater runoff reduction to improve water quality, in large part to ensure a healthy habitat for fish and other aquatic life.

River herring and shad populations, despite habitat restoration including the work on the Rappahannock, remain at dismally low numbers. The Atlantic States Marine Fisheries Commission has imposed fishing bans on river herring and shad where no sustainable fishing plan is in place. Organizations like FOR, in collaboration with state and federal agencies, have invested millions of dollars to facilitate passage for these historically abundant prey fish.

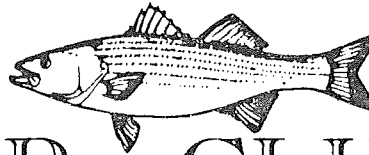
By contrast, the continued incidental catch by commercial mackerel fishing boats offshore in the Mid-Atlantic is responsible for killing millions of these fish, which others are working hard to conserve. Current measures to address the issue are not sufficient—without proper monitoring, fishing limits based on the scientific, biological needs of the species, and accountability, the current system is unlikely to be effective to bring river herring and shad back to abundance.

Please proceed with Amendment 15, to comprehensively address bycatch of these depressed species, for the good of their predators, the Rappahannock, and estuaries and rivers all along the Atlantic Coast. Thank you for your consideration.

Regards,

John Tippett, Executive Director  
Friends of the Rappahannock

# GATEWAY



# STRIPER CLUB INC.

September 13, 2013

Louis J. DeRicco  
Gateway Striper Club  
56-30 49<sup>th</sup> Street  
Maspeth, NY 11378

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

Dear Dr. Moore,

On behalf of Gateway Striper Club, I am writing in support of the development of Amendment 15 to the Mackerel, Squid, Butterfish Plan, which would require full federal management of river herring and shad by listing them as "stocks in the fishery". This is a very important issue to us.

Gateway Striper Club, which was established in 1977, has a long history of balancing the pleasure of fishing with the valued principle of environmental conservation. In fact, our club motto is "Conservation First". We currently have close to thirty members, all of whom are upstanding citizens, who contribute both to our community and our economy. As a general practice, almost all of our members release most of the striped bass that they catch in addition to most of the other species of fish that they catch. Our interest in river herring is twofold. We have seen the declines in our local population, and have very serious concerns for their future.....as we might have for any other local fish population. Secondly, and perhaps more selfishly, we are concerned about how that decline will impact our striped bass fishery. Every one of our members certainly knows, and anyone else can logically reason, that when predators have enough to eat, they will grow bigger, healthier and be more abundant. Given striped bass' known predilection for river herring as a bait fish, and also given the fact that several coastal states, including New York, have heavily restrained fishing for them because of their scarcity, I am greatly disturbed by the river herring by-catch issue that has continued under the Council's jurisdiction.

I understand that the Council has taken some action in an attempt to address the waste of these fish, and we all appreciate that, but I also believe that what has been done is not enough. The

mackerel fleet continues to fish without sufficient monitoring, and the recent cap passed by the Council was not geared toward actually rebuilding populations, nor will it. Without accountability and enforcement in place, not much can change. In this situation, where a species is clearly in trouble, and many citizens have already had to make sacrifices to facilitate restoration, it seems illogical and unjust to allow a large-scale commercial operation to catch these fish in unlimited or unregulated numbers.

There was a time when our members experienced phenomenal feeding frenzies during the herring runs....."bass blitzes".....as we call them. Striped bass and bluefish splashing on the surface of the water, gannets and herring gulls diving from above.....a spectacle of life that one might only see on a National Geographic video.....a time when a striped bass fisherman could have a legitimate shot at a fifty pound bass. That was a healthy picture of Long Island waters. It is a picture that we all hope to see again.

I know that many people in New York, and several other coastal states, are working hard to ensure that alewives, shad, striped bass, eels, and other migratory fish will be able to get up into the rivers and tributaries to spawn and create the next generations. Many anglers have given up their rights and privileges, in most cases, to catch river herring and shad to reach that end. Please do not allow the potential benefit of all of this work and sacrifice to be thwarted by offshore fishing that does not even target these species. The thought of contributing to the demise of river herring , while targeting mackerel, or any other fish, seems ludicrous.

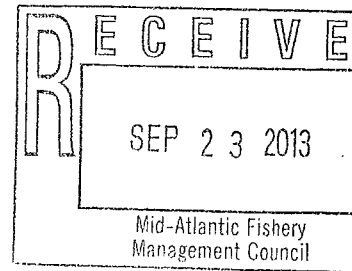
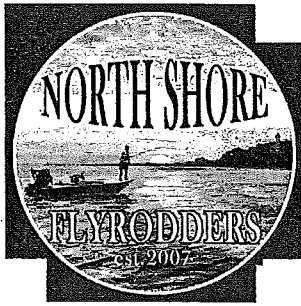
I have hope, that with responsible management by the Council, these important prey fish can rebound from the many pressures they've faced. I hope and expect that they can contribute to healthier oceans, estuaries and rivers. I implore you to do your part by passing Amendment 15. The long term benefits far outweigh the short term sacrifices. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Louis J. DeRicco".

Louis J. DeRicco  
Treasurer  
Gateway Striper Club





September 13, 2013

Dr. Christopher Moore  
Mid Atlantic Fishery Management Council  
800 North State Street  
Ste. 201  
Dover, DE 19901

Dear Dr. Moore,

I'm writing you to express our club's support of moving forward with Amendment 15 to the Squid, Mackerel and Butterfish FMP.

North Shore Flyrodders is a fishing club headquartered here on the North Shore of Long Island, New York. Our membership consists of nearly three-dozen anglers with a geographical reach of approximately sixty miles of coastline along Long Island Sound. As a grass roots fly fishing based club we strongly advocate catch and release practices as well as stewardship towards important environmental causes. Many of the target fish of our club: Striped Bass, Bluefish, Weakfish and Small Tuna predate on river herring and shad.

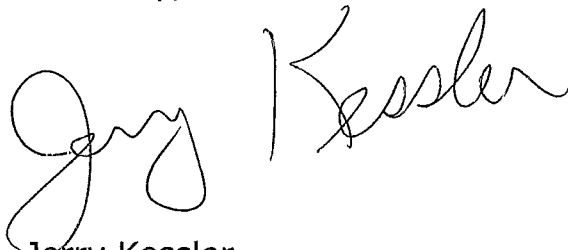
Our support for "stocks in a fishery" designation for river-herring is important to our club as our local waterway, Long Island Sound is home to a number of rivers that could help establish a strong and viable biomass of this important species. Your support for this designation would not only help restore this species back to historic levels, but would provide predators of Long Island Sound and it's adjacent waters another large sized forage species besides Menhaden which are also facing problems on a large scale level.

This federal designation, would ensure better data is collected, limits on the mackerel fishery are based on the biological needs of species, and the industry is held accountable to wasteful by catch of river herring and shad. We also advocate for proper onsite observation of mackerel operations that would reduce the waste and by catch that presently goes mostly unmonitored, to the detriment of our local species as well as our overall eco-system.

Some of our members once looked forward to river herring migrating out to Long Island Sound, creating fantastic and rewarding experiences to be on the water. With your support for Amendment 15 perhaps within our lifetime this could become a reality.

Thank you for your consideration of this movement.

Sincerely,

A handwritten signature in black ink that reads "Jerry Kessler". The signature is written in a cursive style with a large, looped "J" and a long, sweeping "K".

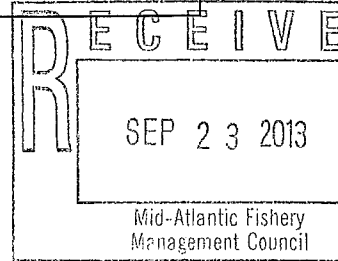
Jerry Kessler  
President

Northshore Flyrodders  
PO. Box 241  
Huntington, NY 11743



# Coastal Research & Education Society of Long Island, Inc.

150 Idle Hour Boulevard  
c/o Department of Earth and Marine Sciences  
Dowling College  
Oakdale, NY 11769-1999  
(631) 244-3352 ~ <http://www.cresli.org>



**Board of Directors:**

Arthur Kopelman, Ph.D.  
*President*  
*SUNY-FIT*  
*Dowling College*

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901  
September 18, 2013

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Douglas Schmid  
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- John Turner

Dear Dr. Moore,

The Coastal Research and Education Society of Long Island, was founded 17 years ago to promote and foster the understanding and stewardship of coastal ecosystems through research and education by experts in marine mammal science, environmental sciences, education and conservation. CRESLI was formed for the purposes of conducting research, providing educational experiences and promoting conservation of coastal ecosystems.

Our research programs revolve around marine mammals like fin and humpback whales, harbor and grey seals whose diets consist of fish and namely herring. They are key components of the food web in our rivers and oceans, serving as prey for sport fish, such as striped bass and tuna, birds, like eagles, osprey and herons, and marine mammals. River herring and shad have declined to near historic lows and show little signs of recovery. Some runs have declined to as few as 100 fish returning to spawn each spring. These fish are at an all-time low but we still have the opportunity to bring them back if we act now. But we need your help.

We urge the Mid-Atlantic Fishery Management Council to develop and pass Amendment 15 to the Mackerel, Squid Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan.

The continuing threat to river herring and shad from ocean by-catch demands that these imperiled species come under the protection of comprehensive federal conservation and management through a designation as "stocks in the fishery" which will ensure:

- Enforceable, science-based annual catch limits and accountability measures.
- Identification of essential fish habitat by the National Marine Fisheries Service
- Improved monitoring of the industrial trawl fleet
- Better data collection and research on the status of the species

The recent failure by NMFS to list river herring under the Endangered Species Act makes the situation more urgent—federal managers must take action to address the continued wasteful incidental catch of the species.

Please pass Amendment 15 and lets give river herring and shad a chance to rebuild so that our marine life and our ecosystems can prosper.

Sincerely,

Arthur H. Kopelman, Ph. D.  
President,  
Coastal Research and Education Society of Long Island

*To promote and foster understanding and stewardship of coastal ecosystems through research and education.*



**CHRISTINA CONSERVANCY, INC.**  
202 Brecks Lane, Wilmington, Delaware 19807

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JOANNE C. RUFFT  
1st VICE-PRESIDENT

JOHN L. DEMING  
2nd VICE-PRESIDENT

LORRAINE M. FLEMING  
SECRETARY

CHRISTOPHER S. ROWE  
TREASURER

DIRECTORS

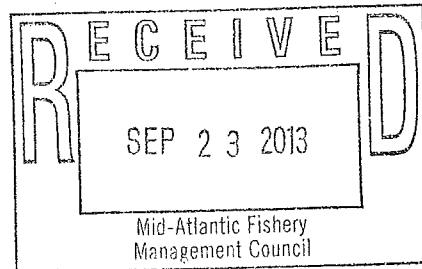
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NANCY W. PARKER

September 20, 2013

Mr. Christopher Moore  
Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street  
Dover, DE 19901



Dear Mr. Moore:

On behalf of Christina Conservancy board of directors, I urge the Mid-Atlantic Fishery Management Council to develop and pass Amendment 15 to the Mackerel, Squid Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan.

The mission of the Christina Conservancy is to promote preservation, restoration and conservation of natural and historical resources of the Christina River watershed. It is in our interests to see the return of fish at historic levels.

The Christina River contains numerous tidal fresh water marshes that provide nursery habitat for the small fish. We see some shad come up the Christina to Smalley's Pond where they nest by the dam. With our 22 annual cleanups, education for streamside owners to prevent runoff, the water quality IS improving. We want to be able to look forward to good recreational fishing in the future. We request protection for the anadromous herring and shad in the Atlantic Ocean so the numbers returning to spawn will increase.

Yours sincerely,

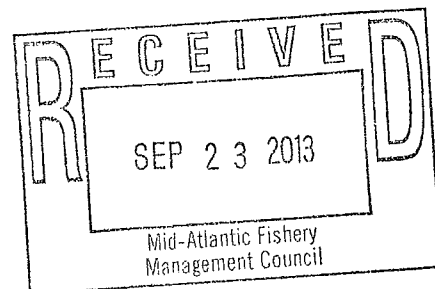
Lynn W. Williams  
President  
Christina Conservancy

# BLUE OCEAN INSTITUTE

*Inspiration, Information, Action*

September 13, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901



Dear Dr. Moore,

We are writing to urge the Mid-Atlantic Fishery Management Council to designate river herring and shad as stocks in the Mackerel, Squid, and Butterfish Fishery Management Plan through Amendment 15.

River herring and shad are key components of the food web in our river and coastal waters, serving as prey for important fisheries species, such as striped bass and tuna, birds, like eagles, osprey and herons, and marine mammals. They have also long been major cultural and economic resources along the U.S. Atlantic Coast. However, today, river herring and shad are near historic low abundances and show little sign of recovery. Rebuilding their populations is essential to sustaining our coastal ecosystems and fisheries.

Atlantic coast states have devoted enormous energy and millions of dollars to restoring important coastal habitats for river herring and shad, and have severely restricted fishing for these species in state waters. Yet, inadequate protection for these species in federal waters has undermined these conservation efforts. The continued bycatch of river herring and shad by industrial mackerel and Atlantic herring trawlers is currently one of the greatest threats to river herring and shad populations. We commend the recent steps taken to help reduce this wasteful catch by setting a catch cap through Amendment 14, but further action is needed.

Including river herring and shad in the Mackerel, Squid, and Butterfish Fishery Management Plan will ensure scientific-based catch limits are established for these species, essential habitat is identified, and improved research and monitoring. We urge you to give river herring and shad the **comprehensive federal protection** they need and help support healthy aquatic ecosystems and our coastal communities.

We appreciate the opportunity to comment and thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Carl Safina". The signature is fluid and cursive.

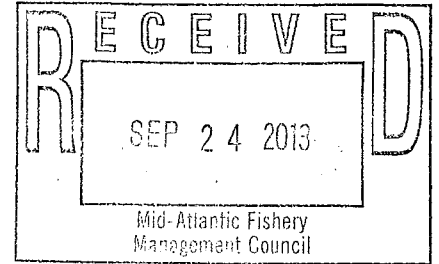
Carl Safina, PhD  
Founding President, Blue Ocean Institute



## Huntington-Oyster Bay Audubon Society

September 18, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901



Dear Dr. Moore,

The Huntington Oyster Bay Audubon Society, as a chapter of the National Audubon Society, works towards the protection of birds and associated wildlife, as well as the habitats and ecosystems upon which these organisms depend. Through educational outreach, conservation through action, and public advocacy, we commit to defending these organisms on Long Island.

Our conservation efforts include, but are not limited to, wading bird species and seabirds all of which depend on River Herring and Shad as a major food source. Seabirds are in fact one of our most rapidly declining groups of birds. Continued decline in the populations of these fish will be soon followed by a decline in many bird species that we work to protect. Numbers of River Herring and Shad have fallen to near historic lows, and chances for recovery appear bleak; some runs have declined to as few as 100 fish returning to spawn each spring.

Overfishing, water pollution, and limited access to spawning grounds from human action (such as dams) have all directly contributed to the severe decline in River Herring and Shad numbers. Additionally, accidental bycatch of these species by industrial fishing vessels has recently become a factor that threatens the existence of these fish.

The continuing threat to River Herring and Shad from ocean bycatch demands that these imperiled species come under the protection of comprehensive federal conservation and management through a designation as "stocks in the fishery", which will ensure:

- Enforceable, science-based annual catch limits and accountability measures.
- Identification of essential fish habitat by the National Marine Fisheries Service
- Improved monitoring of the industrial trawl fleet.
- Better data collection and research on the status of the species

The situation is decisively urgent; failure to list River Herring and Shad under the Endangered Species Act is inhibiting any chance of population recovery. Federal managers must take action to address the wasteful incidental catch of these species.

In 2011 birding generated more than \$92 billion in total industry output, 759, 000 jobs, and \$12 billion in local, state, and federal tax revenue. Birders have become valuable contributors to the economy!

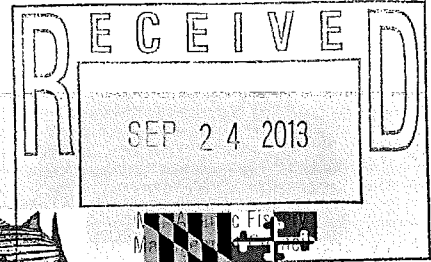
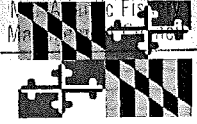
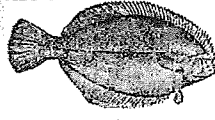
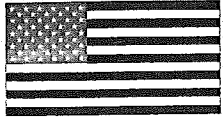
Please pass Amendment 15 to give these marine species and the ecosystems that depend on them a chance at recovery.

Sincerely

*Stella Miller*

Stella Miller  
President

# OCEAN PINES ANGLERS CLUB



Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

19 September, 2013

Dear Dr. Moore:

I represent the Ocean Pines Anglers Club, a saltwater sport-fishing club on the Eastern Shore of Maryland with roughly 150 members. While the nature of our club is non-political -- we mainly meet to share fishing stories, tips and camaraderie--when important issues arise that concern Maryland's fisheries, we will comment as representatives of the recreational fishing community.

At the October meeting of the Mid-Atlantic Fishery Management Council, fisheries managers will have an opportunity to make progress toward strong federal management measures for river herring and shad while they are in the ocean and at risk of being caught "incidentally" by commercial mackerel gear. I write to express my support for Amendment 15 to the mackerel, squid, butterfish plan, which would incorporate river herring and shad into that plan as "stocks in the fishery". I am sure that many of our club members share my position.

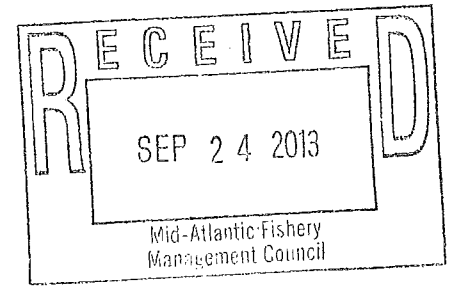
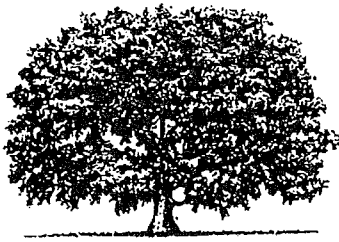
River herring are known prey for some of our favorite fish to catch, including striped bass. Our members can recall the thrill of catching shad, a fighter of a fish that anglers have enjoyed for centuries. Because of their low populations, shad fishing in Maryland has been closed to our state's residents since 1980. In addition to shad hatchery programs, dam removals and fish bypass projects, the recent ban on fishing for river herring in the state represents the continued sacrifices that have been made in Maryland to relieve pressure on these species.

Meanwhile, hundreds of thousands of pounds of these fish are caught by commercial vessels in the ocean, in waters that are managed by the Mid-Atlantic Fishery Management Council. Please pass Amendment 15 to the mackerel, squid, and butterfish plan, for the benefit of we anglers and the general public in Maryland and all Atlantic coast states.

Sincerely,

A handwritten signature in black ink that reads "Walt Boge".

Walt Boge, Administrator  
Ocean Pines Anglers Club  
23 Harborview Drive  
Ocean Pines, MD 21811



## Maryland Conservation Council

[www.MDConservationCouncil.org](http://www.MDConservationCouncil.org)

September 18, 2013

John K. Bullard, Regional Administrator  
NOAA Fisheries, Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930

Dr. Chris Moore, Executive Director  
Mid-Atlantic Fisheries Management Council  
800 N. State Street, Suite 201  
Dover, DE 19901

Tom Nies, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Federal River Herring and Shad Managements 5 (Atlantic Herring FMP) and 14 and 15  
(Mackerel, Squid, Butterfish FMP)


Gentlemen:

The Maryland Conservation Council urges all federal and regional agencies responsible for the management of shad and river herring to use all management techniques available to stop the decline of populations of these species and to restore them to their previous abundance.

In Maryland the decline in shad populations led to the imposition of a moratorium on harvest in 1980 that persists. More recently the decline in the populations of river herring led to a moratorium on harvest in 2012. The state has done all within its authority to address these declines through moratoria on harvest and stocking programs without success.

The problem lies in the federal jurisdiction in the ocean where shad and river herring are taken as bycatch in the Atlantic herring and mackerel fisheries. Therefore federal agencies must address this problem through time and area closures, more observers on commercial boats and other measures. The decline in shad and river herring populations has been permitted for far too long and we request that you adopt corrective measures now.

Respectfully,

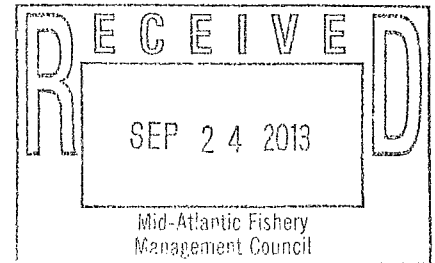
  
Paulette Hammond  
President

cc: Tom O'Connell, MD DNR Fisheries



September 19, 2013

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901



Dear Dr. Moore,

On behalf of the Atlantic Coast Chapter of the Maryland Saltwater Sportfishing Association (MSSA), we urge the Mid-Atlantic Fishery Management Council to develop and pass Amendment 15 to the Mackerel, Squid Butterfish Plan (MSB), and designate river herring and shad as stocks in the MSB Fishery Management Plan. As key prey species that support many of the fish that Maryland's anglers know and love, river herring and shad are fundamental to the MSSA's mission: to preserve and protect the rights, traditions, and the future of recreational fishermen in Maryland.

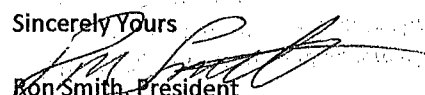
Responsible for an estimated *billion dollars of revenue* for the state, Maryland's recreational fisheries are synonymous with what it means to be a Marylander. Historically, river herring and shad have been icons in the state's culture, economy, and natural resources. But they are now at alarmingly low levels with landings having declined by more than 96 percent since 1950. This is to the detriment of some of our favorite fish to catch and eat, like striped bass, bluefish, and tuna. The more time that is delayed or allowed to elapse in protecting these species because of inaction results in further decimation to the stocks of river herring and shad. It is also causing serious damage to the health of our striped bass and pelagic species that need these fish for food and nutrition.

Historically, American shad spawned in virtually every accessible river and tributary along the Atlantic coast from the Bay of Fundy, Canada to the St. Johns River, Florida. Presently, the Susquehanna, Nanticoke, and Patuxent Rivers are the primary systems that support viable American shad stocks in Maryland. Restoration efforts are ongoing in the Choptank River through hatchery contributions and perhaps more importantly, the state's American shad fisheries have been closed since 1980. Unlike striped bass, a species that rebounded nearly immediately after a fishing moratorium was instituted; shad have never come back sufficiently to even discuss lifting the ban. Yet no meaningful protections have been extended to American shad in the federally-managed ocean, where they are incidentally caught by the millions by trawlers.

More recently, on December 26, 2011, a statewide moratorium on the harvest of river herring in Maryland waters was implemented to facilitate restoration. And yet, in federal waters, trawlers can catch 500,000 pounds of fish in one tow of their nets – more fish than return to many of the region's rivers to spawn each year.

The continuing threat to river herring and shad from ocean bycatch demands that these imperiled species come under the protection of comprehensive federal conservation and management through a designation as "stocks in the fishery", through Amendment 15, which will ensure more data is collected, decisions about fishing limits are based on biology, and habitat is considered and protected.

Sincerely Yours

  
Ron Smith, President  
Atlantic Coast Chapter of MSSA



September 19, 2013

John K. Bullard, Regional Administrator  
NOAA Fisheries, Northeast Regional Office  
55 Great Republic Dr.  
Gloucester, MA 01930

Dr. Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St., Suite 201  
Dover, DE 19901

Tom Nies, Executive Director  
New England Fishery Management Council  
50 Water St., Mill 2  
Newburyport, MA 01950

Dear Mr. Bullard, Mr. Moore, and Mr. Nies:

On behalf of Audubon and our millions of members and supporters we strongly encourage the adoption of new safeguards proposed and under consideration by NOAA Fisheries, the Mid-Atlantic and New England Fishery Management Councils for river herring and shad conservation, in order to protect fish-eating birds, such as osprey and bald eagle, along with other wildlife, our economy, and an important American tradition.

First, NOAA Fisheries should entirely approve Amendment 14 for the Mid-Atlantic Mackerel Fishery Management plan. The science-based river herring and shad catch caps, 100% at-sea catch monitoring on mid-water trawlers, and measures to discourage wasteful slippage of catch, and other accountability measures in this amendment are critical components for reducing bycatch. Studies have demonstrated catch caps, as well as occasional closures can be effective conservation tools for these species ([Cournane et al, 2013](#)), but improved catch monitoring and accountability are critical to ensure success of the caps.

Second, NOAA Fisheries should reverse its decision to disapprove key elements of Amendment 5 in the Atlantic Herring Fishery Management Plan, including the requirement for on-board observers on all mid-water trawl vessels, the slippage caps, and accurate catch weighing or offer equally effective solutions. Significant stakeholder input and support was provided from the fisheries, agencies, and the public for

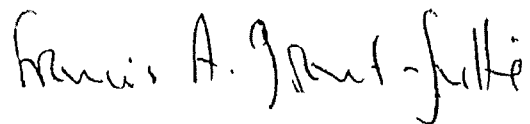
this sensible plan. Additionally, NOAA Fisheries and the New England Council should proceed with setting a strong catch cap in New England that reduces incidental catch of river herring and shad.

Third, river herring and shad should be designated as stocks under the mackerel and Atlantic herring management plans. The Mid-Atlantic Council faces an important decision in October concerning whether to achieve this designation through Amendment 15 to the Mackerel Plan, and Audubon supports full federal management through inclusion of river herring and shad in the plan. This measure should be a high priority for both councils, as it would allow for more informed catch limits, greater habitat protections, and increased coordination among states.

Without immediate action, these important fish species, birds, other wildlife, and many Atlantic fishing communities, may be in serious jeopardy. Please support strong protections to help reverse the devastating declines of our vital river herring and shad populations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Francis A. Grant-Suttie". The signature is written in a cursive, slightly slanted style.

Francis Grant-Suttie

Vice President, Atlantic Flyway

Audubon

1200 18<sup>th</sup> St. NW, Suite 500

Washington, DC 20036

Howard King  
240 Harbor Lane  
Queenstown, MD 21658  
hjgbking@verizon.net

Michael Luisi  
Director, Estuarine and Marine Fisheries Division  
Maryland DNR Fisheries Service  
580 Taylor Avenue - B2  
Annapolis, MD 21401  
mluisi@dnr.state.md.us

Steven Linhard  
1004 Jackson Street  
Annapolis, MD 21403  
slinhard@comcast.net

Dear Maryland Council Members:

We represent seven Maryland-based organizations and are writing to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as “stocks in the fishery” in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, **river herring and shad are in need of stronger protection through full federal conservation and management.** We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as “stocks in the fishery” in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in Maryland, particularly in the Chesapeake Bay and its tributaries. As prey for ecologically important predators, these little fish once underpinned thriving ocean and river ecosystems, and the coastal economies of Maryland with the fishermen who depended on them for centuries.

**Our state and local governments have devoted millions of dollars, countless hours and significant energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and improving access to spawning sites.** Most recently, the multi-million dollar Patapsco River project accomplished the removal of the Union and Simkins dams, and the pending removal of the Bloede Dam will open up at least 44 more miles of spawning habitat to river herring and shad. Maryland’s landmark Fish Passage Program demonstrates that this commitment extends to citizens, as it leverages partnership with Marylanders to restore habitat. Furthermore, Maryland has imposed moratoria on fishing for river herring, and shut down fishing for American shad in state waters over 30 years ago, in 1980.

**In light of state’s commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15.** NOAA Fisheries’ Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every

year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that Marylanders have worked hard to achieve.

Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of Maryland's environment, economy and culture. We thank you, in advance, for representing Maryland's coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

Bill Goldsborough, Fisheries Program Director  
Chesapeake Bay Foundation  
Annapolis, MD

David Curson, Director of Bird Conservation  
Audubon Maryland/DC  
Washington, DC

Timothy Junkin, Executive Director  
Midshore Riverkeeper Conservancy  
Easton, MD

Drew Koslow, Riverkeeper  
Choptank Riverkeeper  
Cambridge, MD

Karen Lukacs, Executive Director  
Wicomico Environmental Trust  
Salisbury, MD

Erik Michelson, Executive Director  
South River Federation  
Edgewater, MD

Chris Trumbauer, Executive Director  
West Rhode Riverkeeper  
Shady Side, MD

Dr. Lee Anderson  
206 Sypherd Dr  
Newark, DE 19711

David E. Saveikis, Director  
Division of Fish and Wildlife  
89 Kings Highway  
Dover, DE 19901

Stewart Michels  
Division of Fish and Wildlife  
89 Kings Highway  
Dover, DE 19901

Dear Delaware Council Members:

We represent eight organizations with an interest in Delaware's environment and are writing to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as "stocks in the fishery" in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, **river herring and shad are in need of stronger protection through full federal conservation and management.** We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as "stocks in the fishery" in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in Delaware, particularly in the Delaware River Basin. As prey for ecologically important predators, these little fish underpinned thriving ocean and river ecosystems, and the coastal economies of Delaware with the fishermen who have depended on them.

**Our state and local governments have devoted monetary resources, time and energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and crafting plans to improve access to spawning sites.** Delaware's commitment to anadromous fish is gaining momentum, as demonstrated by the impending White Clay Creek dam-removal and fish passage project, the first stage of which will open 4.8 miles of fish passage. Our state will also soon leverage federal funding to remove two dams on the Brandywine River and install a rock ramp right in the city of Wilmington. Furthermore, Delaware has closed fishing for river herring in state waters and allows only limited fishing for American shad in the Delaware River Basin in accordance with a sustainable fishing plan.

**In light of our state's commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15.** NOAA Fisheries' Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that Delawareans have worked hard to achieve.

Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat

- Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of Delaware’s environment, economy and culture. We thank you, in advance, for representing Delaware’s coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

Brian Winslow  
Executive Director  
Delaware Nature Society  
Hockessin, Delaware

Dr. Amy Roe  
Conservation Chair  
Sierra Club, Delaware Chapter  
Wilmington, Delaware

Maya K. van Rossum  
The Delaware Riverkeeper  
The Delaware Riverkeeper Network  
Bristol, Pennsylvania


William Moyer  
President  
Inland Bays Foundation  
Sussex County, Delaware

Lynn Williams  
President  
Christina Conservancy, Inc.  
Wilmington, Delaware

Gary Robbins  
Founder  
350.org Delaware  
Newark, Delaware

Captain Emmett Duke  
Riverkeeper  
Sassafras River Association  
Georgetown, Maryland

Melinda Hughes-Wert  
President  
Nature Abounds  
DuBois, Pennsylvania



North Carolina League of  
**CONSERVATION VOTERS**

Louis Daniel, Director  
NC Department of Marine Fisheries  
Headquarters  
P.O. Box 769  
Morehead City, NC 28557

Chris Batsavage, Special Assistant for Councils  
NC Department of Marine Fisheries  
Headquarters  
P.O. Box 769  
Morehead City, NC 28557

Preston Pate  
1391 Highway 24  
Newport, NC 2857

Dewey Hemilright  
PO Box 667  
Wanchese, NC 27981

Dear North Carolina Council Members:

We are writing today as North Carolina based organizations and individuals to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as “stocks in the fishery” in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, **river herring and shad are in need of stronger protection through full federal conservation and management.** We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as “stocks in the fishery” in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in North Carolina. As prey for ecologically important predators, these little fish underpinned thriving ocean and river ecosystems, and the coastal economies of North Carolina with the fishermen who have depended on them for centuries.

**Our state and local governments have devoted millions of dollars, countless hours and significant energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and improving access to spawning sites.** From the landscape-scale efforts to restore fish passage on the streams of the Little River watershed to the recent construction of a state-of-the-art fish ladder on the Cape Fear River’s Lock and Dam No. 1, North Carolina’s anadromous fish restoration projects reflect our deep commitment to river herring and shad conservation. Furthermore, the state of North Carolina has crafted sustainability plans which include restrictions on fishing inshore for American shad and river herring to reduce fishing mortality and foster the return of these species to abundance.

**In light of our state’s commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15.** NOAA Fisheries’ Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that North Carolinians have worked hard to achieve.



Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of North Carolina’s environment, economy and culture. We thank you, in advance, for representing North Carolina’s coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration.

Sincerely,

Dan Crawford  
Director of Governmental Relations  
NC League of Conservation Voters

Sharon Britt  
Director  
NC Herring Festival

Walker Golder  
Deputy Director  
Audubon North Carolina

Herbert Cecil  
Chair  
Jamesville Ruritan Club

Dick Hamilton  
CAMO Coalition  
Camouflage Coalition Coordinator

Edward Keel  
Mayor  
Jamesville

Allie Sheffield  
President  
Pender Watch & Conservancy

G. Warren Elliott  
822 Shatzer Orchard Road  
Chambersburg, PA 17202  
wdelliott@comcast.net

John Arway, Executive Director  
Pennsylvania Fish & Boat  
Comm.  
1601 Elmerton Avenue  
Harrisburg, PA 17110-9299  
jarway@state.pa.us

Leroy Young  
Division of Fisheries Mgmt.  
Pennsylvania Fish & Boat  
Comm.  
450 Robinson Lane  
Bellefonte, PA 16823-9616  
leyoung@pa.gov

Dear Pennsylvania Council Members:

We represent thirteen Pennsylvania-based organizations and are writing to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as “stocks in the fishery” in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, **river herring and shad are in need of stronger protection through full federal conservation and management.** We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as “stocks in the fishery” in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in Pennsylvania, particularly in the Delaware River Basin. As prey for ecologically important predators, these little fish underpinned thriving estuarine and river ecosystems, and the river communities of Pennsylvania with the fishermen who have depended on them for centuries.

**Our state and local governments have devoted at least tens of millions of dollars, countless hours and significant energy towards restoring our rivers by regulating pollution, monitoring water quality and improving access to spawning sites.** Pennsylvania’s Growing Greener Program allocated over \$250 million to river restoration, almost \$30 million of which will go specifically to fish hatchery and dam repair projects. At least 44 dams have been removed between 2010-2012, and the Pennsylvania Fish and Boat Commission has invested heavily in shad monitoring and restoration on the Susquehanna River since at least 2002. Pennsylvania also has closed its fisheries for river herring and shad, with only a recreational catch-and-release fishery for American shad in specific locations.

**In light of our state’s commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15.** NOAA Fisheries’ Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that Pennsylvanians have worked hard to achieve.

Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of Pennsylvania’s environment, economy and culture. We thank you, in advance, for representing Pennsylvania’s river communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

Charlie Furst, President  
Delaware River Shad Fishermen’s Association  
Solebury, PA

Michael Helfrich  
Lower Susquehanna RIVERKEEPER®  
Stewards of the Lower Susquehanna, Inc  
Wrightsville, PA

Bob Hetz, Nursery Manager  
3-C-U Trout Association  
Fairview, PA

Brenda Lynn Smith, Executive Director  
Nine Mile Run Watershed Association  
Pittsburgh, PA 15221

James E. Jordan, Jr., Executive Director  
Brandywine Valley Association  
Red Clay Valley Association  
West Chester, PA

Homer S. Wieder, Chairman  
Susquehanna River Heartland Coalition for  
Environmental Studies  
Lewisburg, PA

Steve Stroman, Policy Director  
Citizens for Pennsylvania’s Future (PennFuture)  
Harrisburg, PA

Scott McDonough, President  
Delaware River Fishermen's Association  
Philadelphia, PA

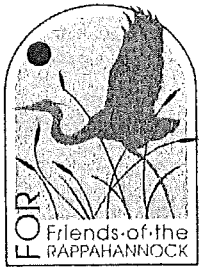
Bill Reichert, President  
Schuylkill Headwaters Association, Inc.  
Pottsville, PA

Mark Susinno  
Game fish, Fly Fishing and Angling Artist  
Harrisburg, PA

Melinda Hughes-Wert, President  
Nature Abounds  
DuBois, PA

Donna Smith-Remick, President  
Friends of Poquessing Watershed, Inc.  
Philadelphia PA

Tom Fuhrman  
Lake Erie Region Conservancy  
Erie, PA



## Friends of the Rappahannock

*Advocacy • Restoration • Education*

### **Headquarters**

3219 Fall Hill Ave. Fredericksburg, VA 22401 • 540-373-3448

### **Tidal Office**

512 N. Church Ln. Office B, Tappahannock, VA 22560 • 804-443-3448

September 25, 2013

Jack G. Travelstead  
Marine Resources Commission  
2600 Washington Ave, 3rd Fl.  
Newport News, VA 23607  
jack.travelstead@mrc.virginia.gov

Robert O'Reilly  
Marine Resources Commission  
2600 Washington Ave, 3rd Fl.  
Newport News, VA 23607  
Rob.Oreilly@mrc.virginia.gov

Richard B. Robins, Jr.  
5103 Mariners Cove  
Suffolk, VA 23435  
richardbrobins@gmail.com

Jeff Deem  
8934 Telegraph Rd.  
Lorton, VA 22079  
deemjeff@erols.com

Dear Virginia Council Members:

We represent twelve Virginia-based organizations and are writing to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as "stocks in the fishery" in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, **river herring and shad are in need of stronger protection through full federal conservation and management.** We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as "stocks in the fishery" in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in Virginia, particularly in the Chesapeake Bay and its tributaries. As prey for ecologically important predators, these little fish underpinned thriving ocean and river ecosystems, and the coastal economies of Virginia with the fishermen who have depended on them for centuries.

**Our state and local governments have devoted millions of dollars, countless hours and significant energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and improving access to spawning sites.** Virginian efforts to restore shad and river herring habitat have ranged from smaller-scale projects like the new fish passage on the Chickahominy River's Walker's Dam with contributions from the municipality of Newport News, to the multi-million dollar Embrey Dam removal on the Rappahannock River which leveraged funds from federal and state sources. Furthermore,

Virginia implemented a moratorium on commercial and recreational fishing for river herring in January 2012, and American shad fisheries have been closed since 1994.

**In light of our Commonwealth's commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15.** NOAA Fisheries' Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that Virginians have worked hard to achieve.

Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of Virginia's environment, economy and culture. We thank you, in advance, for representing Virginia's coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

**John Tippett, Executive Director**

Friends of the Rappahannock  
Fredericksburg, VA

**William Tanger, President**

Friends of the Rivers of Virginia  
Roanoke, VA

**Robin Broder, Vice President**

Potomac Riverkeeper  
Washington, DC

**Jeff Keble, Riverkeeper**

Shenandoah Riverkeeper  
Boyce, VA

**William Tanger, President**

Float Fishermen of Virginia  
Roanoke, VA

**Jamie Brunkow, Lower James Riverkeeper**

James River Association  
Williamsburg, VA

**Karen W. Forget, Executive Director**

Lynnhaven River NOW  
Virginia Beach, VA

**Edward E. Clark, Jr., President**

Wildlife Center of Virginia  
Waynesboro, VA

**Lewis Barnett, President**

Richmond Audubon Society  
Richmond, VA

**Roberta (Robbi) Savage, Executive Director**

Rivanna Conservation Society  
Charlottesville, VA

**Nathan Lott, Executive Director**

Virginia Conservation Network  
Richmond, VA

**Gene Adesso, President**

Roanoke River Basin Association  
Danville, VA

## Saunders, Jan

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**From:** Moore, Christopher  
**Sent:** Wednesday, September 25, 2013 10:07 PM  
**To:** Didden, Jason T.; Saunders, Jan  
**Subject:** FW: Amendment 15, Member support attached  
**Attachments:** 092513LetterfromTTAGSattachment.docx

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**From:** Philip Eggleton [ttags2@gmail.com]  
**Sent:** Wednesday, September 25, 2013 3:07 PM  
**To:** Moore, Christopher  
**Cc:** Clark, Mary  
**Subject:** Amendment 15, Member support attached

Dear Dr. Moore,

I am sending you this letter on behalf of 45 groups who want the advancement of Amendment 15. We are businesses and fishing groups who want to include river herring and shad as stocks in the mackerel, squid, butterfish plan with inclusion in the briefing book for the MAFMC meeting on October 7th.

Thank you,  
Phil Eggleton

--

Phil and Dave Eggleton  
Trout Town Adventures and Guide Services, LLC.  
P.O. Box 402  
Roscoe, NY 12776  
Office: (607)-498-4444  
Cell Phil: (845)-665-9521  
Cell Dave: (845)-665-2079  
[TTAGS2@gmail.com](mailto:TTAGS2@gmail.com)  
[www.trouttownadventuresandguideservice.com](http://www.trouttownadventuresandguideservice.com)

Urban Fly Guides  
Brendan McCarthy, Captain  
Brooklyn NY

Coastal Research and Education  
Society of Long Island  
Arthur H. Kopelman, Ph. D., President  
Oakdale, NY

Operation SPLASH  
Rob Weltner, President  
Freeport, NY

Coastal WG Charters  
Ralph Towlen, Captain  
Hampton Bays, NY

New York Coalition for Recreational Fishing  
William A. Young, President  
Massapequa, NY

Fishermen's Conservation Association  
John Malizia, Vice President and Staten Island  
Chapter President  
Staten Island, NY

Staten Island Tuna Club  
John Malizia, Director and past president  
Staten Island, NY

WESPAC Foundation  
Nada Khader, Executive Director  
White Plains, NY

Huntington Oyster Bay Audubon Society  
Stella Miller, President  
Huntington, NY

North Fork Environmental Council  
Bill Toedter, President  
Mattituck, NY

Citizens Campaign for the Environment  
Adrienne Esposito, Executive Director  
Farmingdale, NY

Seatuck Environmental Association  
Enrico G. Nardone, Esq., Executive Director  
Islip, NY

Rise Fishing  
Steve Bechard, Owner  
East Hampton, NY

Point to Point Charters  
Bryan Goulart, Captain  
East Hampton, NY

Shark Angels  
Julie Andersen, Executive Director  
New York, NY

Salty Flyrodders of NY  
Joel Filner, Director  
New York, NY

League of Women Voters of Brookhaven  
Judith Bird, Secretary  
Brookhaven, NY

Nautical Adventures  
Don Harris, Captain  
Freeport, NY

Friends of the Bay  
Paul DeOrsay, Executive Director  
Oyster Bay, NY

New York Whale and Dolphin Action League  
Taffy Williams, Executive Director  
Yonkers, NY

Environment NY  
Eric Whalen, Field Organizer  
New York, NY

Southampton Oyster Company  
William Pell, Owner  
Southampton, NY



Brooklyn Urban Anglers Assoc  
Michael Louie, Blog Editor  
Brooklyn, NY

Paumanok Recovery Group, Inc  
Christopher Toften, Corporate Secretary/  
CIO of IT and Communications  
Freeport, NY

Riverkeeper, Inc.  
Phillip Musegaas, Esq., Director  
Hudson River Program  
Ossining, NY

Long Island Chapter of Trout Unlimited  
John Fischer, Conservation Chair  
Hicksville, NY

Gateway Striper Club  
Louis J. DeRicco, Treasurer  
Maspeth, NY

North Shore Flyrodders  
Jerry Kessler, President  
Huntington, NY

Blue Ocean Institute  
Carl Safina, Founding President  
Stony Brook, NY

Mark Susinno  
Gamefish, Fly Fishing and Angling Artist  
Harrisburg, PA

Atlantic White Shark Conservancy  
Cynthia Wigren, Executive Director  
Cape Cod, MA

Wild Trout Flyrodders  
Glenn Erikson, PhD, President  
Long Flat, NY

North East Council Federation of Fly Fishers  
Leslie Wrixon, President  
Manchester-by-the-sea, MA

International Federation of Fly Fishers

Dr Rick Williams, Board of Directors,  
Chair of Conservation Committee  
Boise, ID

Trout Town Adventures and Guide Services  
Philip Eggleton, Co-Owner and New York State Licensed Guide  
Roscoe, New York

Sierra Club LI Group  
Diane Ives, Coastal Waterways Chair  
West Sayville, NY

Tie One On Charters  
John Tondra, Captain  
Sherman, CT

Joey Charters  
Vinny Catalano, Captain  
Brooklyn, NY

Blitzbound Charters  
Jason Dapra, Captain  
Middletown, NY  
Frequent Fly-er  
Ken Courilangus, Captain  
Levittown, NY

Long Island On The Fly  
[www.flylifemagazine.com](http://www.flylifemagazine.com)  
Andrew Derr, Captain and editor

Greenport, NY  
Mike Fox, Fisherman  
York, PA

Mike Hiss, Fisherman  
Stowe, VT

Bruce Eberle, Fisherman  
Clarksville, MD

Dennis Omahen, Fisherman  
Flanders, NJ

**Saunders, Jan**

---

**From:** Moore, Christopher  
**Sent:** Wednesday, September 25, 2013 10:02 PM  
**To:** Didden, Jason T.; Saunders, Jan  
**Subject:** FW: Amendment 15 to the Mackerel, Squid, Butterfish FMP

---

**From:** Brian Smith [bsmith@earthjustice.org]  
**Sent:** Wednesday, September 25, 2013 4:25 PM  
**To:** Moore, Christopher  
**Cc:** Clark, Mary  
**Subject:** Amendment 15 to the Mackerel, Squid, Butterfish FMP

Dr. Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St., Suite 201  
Dover, DE 19901

Dear Dr. Moore,

Earthjustice, a public interest law organization, collected 5,367 public comments on current issues including Amendment 15 to the Mackerel, Squid, Butterfish FMP.

The default comment letter is below. The entire set of comments from the Mid-Atlantic region has been compiled into two attached pdf files. Thank you for carefully considering these arguments.

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I strongly support, and urge NOAA Fisheries to approve, the New England and Mid-Atlantic Fishery Management Councils' efforts to establish federal management of river herring and shad in the Atlantic mackerel and herring fisheries.

I urge NOAA Fisheries to approve the Mid-Atlantic Council's Amendment 14 to the Mackerel, Squid, Butterfish Fishery Management Plan in its entirety. This plan includes a strong catch cap, 100 percent observer coverage on all mid-water trawl vessels, accurate dealer weighing of catch, a cap on at-sea dumping (slippage) of unobserved catch, and related accountability measures. NOAA Fisheries should also reverse its recent disapproval of 100 percent observer coverage, slippage caps, and dealer weighing requirements in the New England Council's Amendment 5 to the Atlantic herring plan or offer alternative, equally effective solutions. In both regions, all parts of these amendments are necessary to foster river herring and shad conservation, and they were the result of an extensive public process and thoughtful deliberations.

Although these two amendments are an important start, the Magnuson-Stevens Act also requires, and I fully support, the designation of river herring and shad as stocks in federal herring and mackerel fishery management plans. The Mid-Atlantic Council is currently considering this designation in Amendment 15 to the Mackerel, Squid, Butterfish FMP, and New England has placed a priority on consideration of a similar

amendment to its Atlantic herring plan. I strongly urge you to support adding river herring and shad to federal fishery management plans.

This designation would enable the councils and NOAA Fisheries to:

- \* Set science-based annual catch limits.
- \* Identify and protect essential fish habitat.
- \* Gather better data and improve the population estimates of these fish.
- \* Coordinate with state efforts to restore river herring and shad.

Please take this action as soon as possible.

-----  
Brian Smith  
Campaign Manager  
50 California Street, Suite 500  
San Francisco, CA 94111  
T: 415.217.2014  
F: 415.217.2040  
earthjustice.org

[facebook.com/earthjustice](https://facebook.com/earthjustice)  
[twitter.com/earthjustice](https://twitter.com/earthjustice)



*Because the earth needs a good lawyer*

Jim Gilmore  
NYSDEC Bureau of Marine Resources  
205 Belle Meade Rd  
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Stephen Heins  
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205 Belle Meade Rd  
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Dr. Anthony DiLernia  
Kingsborough Community College  
Maritime Technology  
2001 Oriental Boulevard  
Brooklyn, NY 11235-2398  
*Anthony.DiLernia@kbcc.cuny.edu*

Captain John McMurray  
2887 Alfred Ct  
Oceanside, NY 11572  
*johnmcmurray@optonline.net*

September 25, 2013

Dear New York Council Members:

We represent 45 organizations and are writing to request that the Mid-Atlantic Fishery Management Council (MAFMC) take the lead on federal management of river herring and shad by including these species as "stocks in the fishery" in the Mackerel, Squid, Butterfish (MSB) Fishery Management Plan (FMP) through Amendment 15. The MAFMC has taken some positive first steps to address the ocean catch of these depleted species by passing improved monitoring and authorizing a catch cap through MSB Amendment 14. However, river herring and shad are in need of stronger protection through full federal conservation and management. We ask that you continue development of the Draft Environmental Impact Statement and proceed through final rulemaking to implement Amendment 15, adding river herring and shad as "stocks in the fishery" in the MSB FMP.

River herring and shad spawning runs historically supported a wealth of life in New York, particularly in the Hudson River, Long Island Sound and their tributaries. As prey for ecologically important predators, these little fish underpinned thriving ocean and river ecosystems, and the coastal economies of New York with the fishermen who have depended on them for centuries.

Our state and local governments have devoted millions of dollars, countless hours and significant energy towards restoring our coastal estuaries and rivers by regulating pollution, monitoring water quality and improving access to spawning sites. Downstate, the Peconic Estuary Program has worked in recent years to raise at least \$1 million for fish passage in Long Island, while the Hudson River Estuary Program has identified the 100 most important fish blockages on that important river and is working to orchestrate removal projects. The removal of the American Legion dam in Norwich has opened access to six miles of anadromous fish habitat, and New Yorkers continue to identify and capitalize on opportunities to improve inshore access for these species. Furthermore, New York has imposed severe restrictions on fishing for river herring, including complete closures in parts of the Delaware River, and a complete moratorium on fishing for American shad in NY since 2010.

In light of our state's commitment to bringing river herring and shad back, we are counting on you to lead and ensure that the Council does everything it can to stop the wasteful incidental catch of these fish in the ocean, including full support for Amendment 15. NOAA Fisheries' Northeast Fisheries Science Center estimates that millions of river herring and shad are caught and killed every year by industrial mackerel and Atlantic herring trawlers operating in federal waters, where these fish spend most of their lives. Taking juveniles and sexually mature fish at sea before they have the chance to spawn impedes the recovery that New Yorkers have worked hard to achieve.

Including river herring and shad as stocks in the Mackerel, Squid, Butterfish FMP will ensure that:

- River herring and shad are protected from overfishing through science-based annual catch limits and accountability measures
- Fisheries managers can provide input on land-based projects that could affect essential fish habitat
- Managers collect and use better data about the biological status of these species to inform decisions

We all strive for healthy, thriving aquatic ecosystems—for the good of New York's environment, economy and culture. We thank you, in advance, for representing New York's coastal and estuarine communities and urging the Council to bring river herring and shad under full federal protection.

Thank you for your consideration,

Urban Fly Guides  
Brendan McCarthy, Captain  
Brooklyn NY

Coastal Research and Education  
Society of Long Island  
Arthur H. Kopelman, Ph. D., President  
Oakdale, NY

Operation SPLASH  
Rob Weltner, President  
Freeport, NY

Coastal WG Charters  
Ralph Towlen, Captain  
Hampton Bays, NY

New York Coalition for Recreational Fishing  
William A. Young, President  
Massapequa, NY

Fishermen's Conservation Association  
John Malizia, Vice President and Staten Island  
Chapter President  
Staten Island, NY

Staten Island Tuna Club  
John Malizia, Director and past president  
Staten Island, NY

WESPAC Foundation  
Nada Khader, Executive Director  
White Plains, NY

Huntington Oyster Bay Audubon Society  
Stella Miller, President  
Huntington, NY

North Fork Environmental Council  
Bill Toedter, President  
Mattituck, NY

Citizens Campaign for the Environment  
Adrienne Esposito, Executive Director  
Farmingdale, NY

Seatuck Environmental Association  
Enrico G. Nardone, Esq., Executive Director  
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Steve Bechard, Owner  
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Bryan Goulart, Captain  
East Hampton, NY

Shark Angels  
Julie Andersen, Executive Director  
New York, NY

Salty Flyrodders of NY  
Joel Filner, Director  
New York, NY

League of Women Voters of Brookhaven  
Judith Bird, Secretary  
Brookhaven, NY

Nautical Adventures  
Don Harris, Captain  
Freeport, NY

Friends of the Bay  
Paul DeOrsay, Executive Director  
Oyster Bay, NY

New York Whale and Dolphin Action League  
Taffy Williams, Executive Director  
Yonkers, NY

Environment NY  
Eric Whalen, Field Organizer  
New York, NY

Southampton Oyster Company  
William Pell, Owner  
Southampton, NY

Brooklyn Urban Anglers Assoc  
Michael Louie, Blog Editor  
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Paumanok Recovery Group, Inc  
Christopher Toften, Corporate Secretary/  
CIO of IT and Communications  
Freeport, NY

Riverkeeper, Inc.  
Phillip Musegaas, Esq., Director  
Hudson River Program  
Ossining, NY

Long Island Chapter of Trout Unlimited  
John Fischer, Conservation Chair  
Hicksville, NY

Gateway Striper Club  
Louis J. DeRicco, Treasurer  
Maspeth, NY

North Shore Flyrodders  
Jerry Kessler, President  
Huntington, NY

Blue Ocean Institute  
Carl Safina, Founding President  
Stony Brook, NY

Mark Susinno  
Gamefish, Fly Fishing and Angling Artist  
Harrisburg, PA

Atlantic White Shark Conservancy  
Cynthia Wigren, Executive Director  
Cape Cod, MA

Wild Trout Flyrodders  
Glenn Erikson, PhD, President  
Long Flat, NY

North East Council Federation of Fly Fishers  
Leslie Wrixon, President  
Manchester-by-the-sea, MA

International Federation of Fly Fishers  
Dr Rick Williams, Board of Directors,  
Chair of Conservation Committee  
Boise, ID

Trout Town Adventures and Guide Services  
Philip Eggleton, Co-Owner and  
New York State Licensed Guide  
Roscoe, New York

Sierra Club LI Group  
Diane Ives, Coastal Waterways Chair  
West Sayville, NY

Tie One On Charters  
John Tondra, Captain  
Sherman, CT

Joey Charters  
Vinny Catalano, Captain  
Brooklyn, NY

Blitzbound Charters  
Jason Dapra, Captain  
Middletown, NY

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York, PA

Mike Hiss, Fisherman  
Stowe, VT

Bruce Eberle, Fisherman  
Clarksville, MD

Dennis Omahen, Fisherman  
Flanders, NJ

Saunders, Jan

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**From:** Moore, Christopher  
**Sent:** Wednesday, September 25, 2013 10:00 PM  
**To:** Didden, Jason T.; Saunders, Jan  
**Subject:** FW: NY support for Amendment 15 River Herring and Shad  
**Attachments:** RH&S\_NY\_state sign on letter.pdf

---

**From:** Rob Weltner [operationsplash@optonline.net]  
**Sent:** Wednesday, September 25, 2013 7:09 PM  
**To:** Moore, Christopher  
**Cc:** Clark, Mary  
**Subject:** NY support for Amendment 15 River Herring and Shad

Dear Dr. Moore

Please disregard the first letter sent to you from Phil Eggleton from Trout Town Adventures. He inadvertently sent you the wrong version.

Please find the updated version of the letter attached.

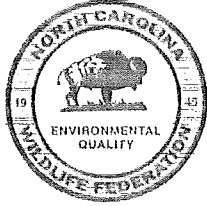
The letter represents the support of 45 businesses and fishing groups who want the advancement of Amendment 15 to include river herring and shad as stocks in the mackerel, squid, butterfish plan with inclusion in the briefing book for the MAFMC meeting on October 7th. As you can see, we range from environmental organizations to fishing business and we know the importance that these little fish have in our ecosystems.

Thank you

*Rob Weltner*

President  
Operation SPLASH  
PO Box 228  
Freeport, NY 11520  
(516) 378-4770  
[www.operationsplash.org](http://www.operationsplash.org)



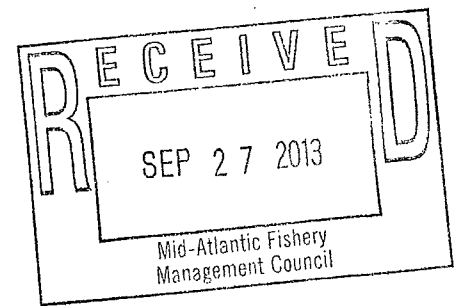


**North Carolina  
Wildlife Federation**

*Affiliated with the National Wildlife Federation*

2155 McClintock Rd.  
Charlotte, NC 28205  
(704) 332-5696

1024 Washington St.  
Raleigh, NC 27605  
(919) 833-1923



September 23, 2013

Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St. Suite 201  
Dover, DE 19901

Dear Mr. Moore:

I am writing to submit comments from the North Carolina Wildlife Federation regarding the proposed Amendment 15 that would include river herring and shad in the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan. The North Carolina Wildlife Federation (NCWF) is a statewide, non-profit, conservation organization established in 1945 and represents tens of thousands of members and supporters, conservationists and sportsmen and women in North Carolina.

NCWF is dedicated to the protection of fish and wildlife habitats and the fish and wildlife resources of North Carolina. Our comments are consistent with this mission.

In waters of the Atlantic coast river herring (Blueback Herring and Alewife) and shad (American and Hickory) are severely depleted and in need of conservative management throughout their range along the Atlantic coast. We support the strides the Atlantic States Marine Fisheries Commission (ASMFC), North Carolina and other states are making to protect and restore river herring and shad in coastal waters under ASMFC and state jurisdiction, but we remain concerned that this management is insufficient because it fails to address the significant catch in federal waters.

The MAFMC recognized this problem when it initiated Amendment 14 and then consideration of adding river herring and shad as federally managed stocks in Amendment 15. More than 46,000 individuals and over one hundred organizations along the East Coast have supported the Council in taking this new direction and securing the strong conservation and management of these species in federal waters. We are encouraged to see the MAFMC continuing to take concrete steps toward this goal, and urge the Council to follow through on this commitment.

Many agencies, organizations and communities in North Carolina have worked to improve habitat, monitor water quality, and clean waterways to help restore river herring and shad populations. State fisheries management agencies have curtailed harvest of river herring and restricted the harvest of shad in NC waters. Despite these efforts, most river herring and shad runs have not recovered and additional conservation measures are needed in the Atlantic Ocean where these fish spend much of their lives

According to the ASMFC's 2012 stock assessment report, at-sea fisheries have been a significant factor in the decline of river herring populations over the last 50 years. NOAA Fisheries' Northeast Fisheries Science Center estimated that several million shad and river herring are caught in federal waters each year, with the largest catches taken by small-mesh midwater and bottom trawls. Data show that a single haul by a midwater trawl net has the ability to take an entire river's population. Management by the MAFMC is necessary to ensure that catch in federal waters is limited to scientifically determined levels necessary to prevent overfishing and to rebuild these populations. For these reasons we urge the MAFMC to adopt Amendment 15 and take the management actions needed to restore these culturally and economically valuable populations.

Thank you for the opportunity to comment.

Sincerely,



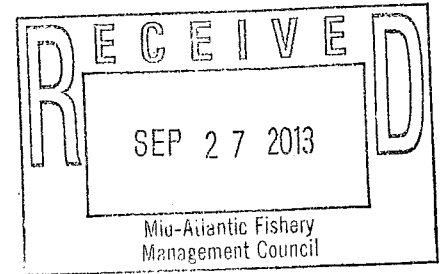
Tim Gestwicki  
Chief Executive Officer  
NC Wildlife Federation



1200 18th Street, NW  
Suite 500  
Washington, DC 20036  
Tel: 202-861-2242  
Fax: 202-600-7990

September 19, 2013

John K. Bullard, Regional Administrator  
NOAA Fisheries, Northeast Regional Office  
55 Great Republic Dr.  
Gloucester, MA 01930



Dr. Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 N. State St., Suite 201  
Dover, DE 19901

Tom Nies, Executive Director  
New England Fishery Management Council  
50 Water St., Mill 2  
Newburyport, MA 01950

Dear Mr. Bullard, Mr. Moore, and Mr. Nies:

On behalf of Audubon and our millions of members and supporters we strongly encourage the adoption of new safeguards proposed and under consideration by NOAA Fisheries, the Mid-Atlantic and New England Fishery Management Councils for river herring and shad conservation, in order to protect fish-eating birds, such as osprey and bald eagle, along with other wildlife, our economy, and an important American tradition.

First, NOAA Fisheries should entirely approve Amendment 14 for the Mid-Atlantic Mackerel Fishery Management plan. The science-based river herring and shad catch caps, 100% at-sea catch monitoring on mid-water trawlers, and measures to discourage wasteful slippage of catch, and other accountability measures in this amendment are critical components for reducing bycatch. Studies have demonstrated catch caps, as well as occasional closures can be effective conservation tools for these species (Cournane et al, 2013), but improved catch monitoring and accountability are critical to ensure success of the caps.

Second, NOAA Fisheries should reverse its decision to disapprove key elements of Amendment 5 in the Atlantic Herring Fishery Management Plan, including the requirement for on-board observers on all mid-water trawl vessels, the slippage caps, and accurate catch weighing or offer equally effective solutions.

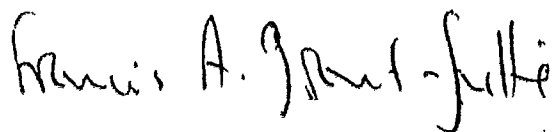
Significant stakeholder input and support was provided from the fisheries, agencies, and the public for this sensible plan. Additionally, NOAA Fisheries and the New England Council should proceed with setting a strong catch cap in New England that reduces incidental catch of river herring and shad.

Third, river herring and shad should be designated as stocks under the mackerel and Atlantic herring management plans. The Mid-Atlantic Council faces an important decision in October concerning whether to achieve this designation through Amendment 15 to the Mackerel Plan, and Audubon supports full federal management through inclusion of river herring and shad in the plan. This measure should be a high priority for both councils, as it would allow for more informed catch limits, greater habitat protections, and increased coordination among states.

Without immediate action, these important fish species, birds, other wildlife, and many Atlantic fishing communities, may be in serious jeopardy. Please support strong protections to help reverse the devastating declines of our vital river herring and shad populations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Francis A. Grant-Suttie". The signature is written in a cursive, slightly slanted style.

Francis Grant-Suttie

Vice President, Atlantic Flyway

Audubon

1200 18<sup>th</sup> St. NW, Suite 500

Washington, DC 20036

New form submission via Mid-Atlantic Fishery Management Council:

Name: Paul Eidman

Email Address: [paulfish@reeltherapy.com](mailto:paulfish@reeltherapy.com)

Message: September 26, 2013

Dear members of the Mid-Atlantic Fishery Management Council-  
Recreational fishermen from Maine to Florida are deeply concerned about the dramatic decline of river herring and American shad populations and we are counting on the MAFMC to follow through with its commitment to these vital forage species by advancing Amendment 15.

To do this, it is critical that the Council move forward with the development of Environmental Impact Statement (EIS) at your October meeting. Our membership agrees that this is an important step in the process of restoring the once abundant river herring runs to the Mid-Atlantic region.

Given the success of the MAMFC in ending overfishing for other species it manages, ACN is optimistic that the same can be accomplished with river herring and shad. Establishing river herring and shad as stocks in the fishery under a Federal Management Plan would give these fish a fighting chance of recovery.

Thank you in advance for your hard work to protect these vital forage species,

Cheers,

Capt. Paul Eidman

Anglers Conservation Network

Tinton Falls, New Jersey



EARTHJUSTICE

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

September 24, 2013

Richard Robins, Chairman  
MAFMC  
800 N. State St.  
Suite 201  
Dover, DE 19901  
[richardbrobins@gmail.com](mailto:richardbrobins@gmail.com)

Dr. Chris Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
Suite 201  
800 State Street  
Dover, DE 19901  
[cmoore@mafmc.org](mailto:cmoore@mafmc.org)

Dear Mr. Robins and Dr. Moore:

We are writing to reiterate our views<sup>1</sup> on the guidance you received on June 6 from the Regional Administrator regarding federal management for river herring and shad. Unfortunately, this guidance is seriously flawed.<sup>2</sup> The guidance misreads the law and ignores a federal district court opinion that specifically rejects the core legal interpretation set forth in the letter. As a result, the Agency's "advice" unnecessarily complicates and undermines, rather than supports, the efforts of the Mid-Atlantic Fishery Management Council ("Council") to meet its obligations under the Magnuson-Stevens Act and to help restore river herring and shad through development of a reasonable set of management measures for federal waters in Amendment 15 to the Mackerel Squid Butterfish Fishery Management Plan ("MSB FMP").<sup>3</sup>

The first major flaw in NMFS's guidance is the failure to acknowledge that the Court in *Flaherty v. Bryson* specifically rejected the fundamental message of the letter - that the only time federal management is required under "existing authority" is when the Agency determines that a stock is overfished under the Act and National Standard 1 guidelines.<sup>4</sup> While overfished status is one specific instance Congress highlighted where an FMP is required, a plan is also required "for any

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<sup>1</sup> See June 8, 2013 Letter from Earthjustice to MAFMC Executive Director Chris Moore.

<sup>2</sup> See June 6, 2013, Letter from Regional Administrator John Bullard to MAFMC Executive Director Dr. Christopher Moore, at 1 (advising the Council that a stock must be "overfished" as defined by the National Standard 1 guidelines in order to require federal management, and that determination of the need for "additional Federal conservation and management" should be based specifically upon National Standard Guidelines for National Standards 3 and 7).

<sup>3</sup> As of this writing, the white paper being developed by the Fishery Management Action Team ("FMAT") in response to NMFS's guidance has not been made available for public comment.

<sup>4</sup> *Flaherty v. Bryson*, 850 F. Supp. 2d 38, 55 (D.D.C. 2012).

stock of fish that ‘requires conservation and management.’”<sup>5</sup> The guidance contradicts itself on this point, because it opens by correctly stating that a plan is required “for each fishery under its authority that requires conservation and management. 16 U.S.C. § 1852(h)(1).” It is simply irresponsible for the Agency to go on to suggest that the Council would somehow be acting “beyond existing authorities” by adding river herring and shad to the FMP if it did so by determining they require conservation and management, consistent with the plain language of section 302(h)(1) of the Act. 16 U.S.C. § 1852(h)(1).

The second major flaw in NMFS’s guidance is the suggestion that the National Standard 7 Guidelines provide the applicable criteria for determining whether a stock is in need of conservation and management. The Magnuson-Stevens Act establishes a simple two-step process when adding a stock to an FMP: 1) determine whether the stock belongs in an FMP because it requires conservation and management, and if so, 2) determine the conservation and management measures required. By relying on the National Standards and their guidelines for its determination, NMFS conflates the two decisions, confusing and complicating the questions before the Council.

The relevant criteria for determining whether a stock requires conservation and management are provided by the Magnuson-Stevens Act’s definition of “conservation and management.”<sup>6</sup> In law, statutory language always controls over regulations, or in this case, guidelines that by definition do not have the force of law.<sup>7</sup> Specifically, the statutory criteria include the need for rebuilding, restoring, or maintaining any fishery resource and the marine environment; assuring among other things, a food supply and recreational benefits; and avoiding long-term adverse effects on fishery resources and the marine environment.<sup>8</sup>

It is *after* a stock is added to a fishery, that councils should look to the other requirements of the Act, including the National Standards, in order to develop the management measures in the fishery. *See e.g.*, 16 U.S.C. § 1853 (Contents of Fishery Management Plans); 16 U.S.C. § 1851(a) (“Any fishery management plan prepared, and any regulation promulgated to implement any such plan . . . shall be consistent with the following national standards for fishery conservation and management.”). The National Standard 3 and 7 Guidelines relate to how a stock is to be managed, and provide criteria to be applied to the *measures* developed for the stocks in the FMP, not the decision whether to add the stock to the FMP as NMFS suggests. *See*

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<sup>5</sup> *Id.* at 54-5, citing §1852(h)(1) (“It is true that the MSA requires management measures when NMFS finds overfishing. But it certainly does not follow that in the absence of overfishing NMFS may simply rubber stamp the Council’s decisions.”).

<sup>6</sup> 16 U.S.C. § 1802(5).

<sup>7</sup> 16 U.S.C. § 1851(b). The *Flaherty* opinion made clear that the National Standard Guidelines cannot override the plain language of the Act and Congressional intent. *See* 850 F. Supp. 2d at 55 (rejecting NMFS’s reliance on a National Standard 1 guideline to claim that it was solely left to the Council’s discretion to determine what stocks are in the fishery, “A mere regulation can never override a clear Congressional statutory command.”).

<sup>8</sup> 16 U.S.C. § 1802(5).

e.g. 16 U.S.C. § 1851(a)(7) (“Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.”).<sup>9</sup>

By conflating elements of the two step process, the Regional Administrator’s guidance unlawfully raises the bar for determining when stocks must be added to a fishery by suggesting it is only required if a stock is officially deemed overfished by NMFS, and by seeking to introduce a cost/benefit analysis and other factors through the National Standard 7 Guidelines that are inconsistent with the plain language of the Magnuson-Stevens Act contained in 16 U.S.C. § 1852(h)(1).<sup>10</sup>

The Council is scheduled to decide whether to continue development of Amendment 15 and its DEIS, which would add river herring and shad to the MSB FMP, at its October 2013 MAFMC meeting. In the past, this Council has shown regional leadership in its efforts to restore depleted populations of river herring and shad through federal management. Please do not allow this misguided advice to derail the Council’s progress, delay the approval and development of alternatives and the associated Draft Environmental Impact Statement, or inappropriately affect the scope of your staff’s analysis. As the Council moves forward to conserve and manage these species, it must meet its obligations under the Magnuson-Stevens Act, as it has in the past, and it should not rely on this legal guidance.

Thank you for considering these comments. If you have any further questions please do not hesitate to call me at 978-846-0612.

/s/ Roger Fleming  
Roger Fleming, Attorney  
Erica Fuller, Attorney  
Earthjustice

*On behalf of their clients in Flaherty v. Bryson*

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<sup>9</sup> The Risenhoover Memorandum attached to the NMFS letter is also misleading, and flawed for many of the same reasons outlined here.<sup>9</sup> This was prepared in response to the Court Order in *Flaherty*, and was objected to as a legally and factually flawed *post hoc* rationalization for the Agency’s decision declared unlawful by the Court. The Court is yet to examine the memorandum and rule on its inadequacy, again. See *Flaherty v. Blank*, Civ. No. 1:11-00660, Plaintiffs’ Response to Defendants’ Supplemental Explanation of its Consideration of Amendment 4’s Fishery Definition, Doc. 43.

<sup>10</sup> Even though the most recent stock assessment for river herring was unable to determine overfished or overfishing status for the coastwide stock complex, of the 52 in-river stocks of alewife and blueback herring for which data were available, 22 were found to be depleted. The stock assessment was clear in concluding that federal management is needed, stating that “due to the poor condition of many river herring stocks, management actions to reduce total mortality are needed . . . include[ing] reductions in directed commercial or recreational fishery mortalities, [and] reductions in total incidental catch (retained and discarded fish). ASMFC, 2012 Stock Assessment Report No. 12-02 River Herring Benchmark Stock Assessment, Volume II, Section C River Herring Stock Assessment Report for Peer Review- Executive Summary, at 58. Further, although the National Standard 7 guidelines are not the appropriate criteria for making the determination whether to add river herring and shad to the MSB FMP, the facts overwhelmingly support the addition of river herring and shad to the plan, even under these criteria.





September 25, 2013

Richard Robins, Chairman  
MAFMC  
800 N. State St.  
Suite 201  
Dover, DE 19901

**RE: Amendment 15 Comments**

Dear Chairman Robins,

On behalf of Wild Oceans, I am writing to reiterate our strong support for federal management of shads and river herring, which the Council appropriately voted to pursue through Amendment 15 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (MSB FMP). Shads and river herring are retained and sold in MSB fisheries, and for all intents and purposes, should be considered fishery management unit species. **When the Council convenes in October, we urge you to press forward with Amendment 15 and approve the development of alternatives and the associated draft environmental impact statement.**

We, along with thousands of other stakeholders, have submitted numerous comments on this issue over the last three years. The public comment record, which is comprised of a rich body of thoughtful and insightful recommendations, provides thorough rationale for why shads and river herring are in need of federal conservation and management and proposes solutions for how this might be accomplished. The diversity of stakeholders, organizations and agencies weighing in with their support on this issue stands as testimony to the tremendous economic, social and ecological value of river herrings and shads as resources for our nation.

As of this writing, the Amendment 15 white paper crafted by the Fishery Management Action Team (FMAT) has not been made publically available. Nonetheless, we are grateful to have been able to join the FMAT webinar held on September 17<sup>th</sup>, and we provide the following comments based on the call participants' deliberations.

First and foremost, we remain concerned that the federal management debate has been incorrectly framed around National Standard 7. The primary question before the Council is whether or not river herring and shad are in need of conservation and management in accordance with the definition of conservation and management provided in the Magnuson-

**4 ROYAL STREET, S.E. • LEESBURG, VA 20175  
WWW.WILDOCEANS.ORG**

Stevens Fishery Conservation and Management Act.<sup>1</sup> As Earthjustice explained in their June 8, 2013 letter to the Council, “Specifically, the statutory criteria include the need for rebuilding, restoring, or maintaining any fishery resource and the marine environment; assuring among other things, a food supply and recreational benefits; and avoiding long-term adverse effects on fishery resources and the marine environment.”<sup>2</sup> Once a decision is reached that conservation and management are warranted, the national standards provide guidance for the development of FMPs and associated management measures. **National standards describe how to fairly and effectively manage marine resources, and should not be used to constrain Council decisions as to what resources merit federal management.**

The Council need look no further than the recent river herring Endangered Species Act (ESA) listing decision to find strong justification for federal management that complements the current state management program coordinated through the Atlantic States Marine Fisheries Commission (ASMFC). Through a qualitative threat assessment, the ESA Status Review Team (SRT) identified 22 potential threats to alewife and blueback herring. Range-wide, incidental catch in federal fisheries was ranked as a moderate threat, meaning that it is likely to affect the species now and into the foreseeable future.<sup>3</sup> It is noteworthy that incidental catch was second only to dams and barriers in terms of its overall threat significance, and it also ranked well above directed catch.<sup>4</sup> While the SRT points to Atlantic Herring Amendment 5 and MSB Amendment 14 as avenues for addressing incidental catch, the National Marine Fisheries Service’s unfortunate decision to disapprove key catch monitoring components of these amendments (e.g., observer coverage, slippage caps and dealer reporting measures) substantially weakens the councils’ ability to achieve accurate and precise estimates of shad and river herring catch.

In terms of reducing incidental catch, a federal management approach is the only means to bridge the inconsistencies between the New England and Mid-Atlantic Councils’ FMPs. We have lauded the Mid-Atlantic Council for its efforts to implement a robust river herring/shad cap that achieves the goal of reducing incidental catch. However, by the Council’s own analysis, this cap is unlikely to be effective at reducing the overall incidental catch in federal waters unless the industrial mid-water trawl fishery that targets both Atlantic herring and mackerel, especially during the Quarter 1 winter fishery, is managed under a single cap.<sup>5</sup> To date, a coordinated cap effort between the New England and Mid-Atlantic Councils has not materialized.

Finally, we are concerned that a recommendation may be put forth to the Council to delay Amendment 15 - to “wait and see” if the patchwork of actions created by the ASMFC, New

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<sup>1</sup> 16 U.S.C. § 1802(5).

<sup>2</sup> Earthjustice. Letter to Dr. Chris Moore, MAFMC Executive Director. 8 June 2013.

<sup>3</sup> “Endangered and Threatened Wildlife and Plants; Endangered Species Act Listing Determination for Alewife and Blueback Herring,” 78 Federal Register 155 (12 Aug. 2013), pp. 48944-48994.

<sup>4</sup> Ibid, See Figure 3 (p. 48972) and Figure 4 (p. 48978).

<sup>5</sup> Mid-Atlantic Fishery Management Council (MAFMC) in cooperation with the National Marine Fisheries Service. 5 Aug. 2013. Amendment 14 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan Final Environmental Impact Statement, pp.161-162. Retrieved from: <http://www.nero.noaa.gov/regis/2013/August/13smbamend14prfeis.pdf>

England and Mid-Atlantic Councils may add up to a successful recovery plan. There are simply too many holes in this piecemeal management approach and too much at risk, considering the value of shad and river herring to recreational fishermen, to commercial fishermen, to coastal communities, to the general public and to the Atlantic forage base.

We close with a quote from the August 7, 2013 NOAA Fisheries press release announcing the ESA decision:<sup>6</sup>

“NOAA Fisheries intends to establish a technical working group and to continue to work closely with the Commission and others to develop a long-term and dynamic conservation plan for river herring throughout both species’ range from Canada to Florida.”

We can think of no greater opportunity than that provided by the ongoing Amendment 15 process to bring such a plan to fruition.

Sincerely,



Pam Lyons Gfomen  
Executive Director

Cc: Dr. Chris Moore, MAFMC Executive Director  
Jason Didden, MSB Plan Coordinator

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<sup>6</sup> NOAA Fisheries Northeast Regional Office. 7 Aug 2013. Endangered species act listing for river herring not warranted at this time. Retrieved from: <https://www.nero.noaa.gov/mediacenter/2013/08/RiverherringESAlisting.html>.



Dr. Chris Moore  
Rick Robins  
Mid Atlantic Fishery Management Council

25 September 2013  
via email

Dear Chris and Rick:

I write today in support of the Council's efforts to proceed with Amendment 15 to the Fishery Management Plan for Squid, Mackerel and Butterfish that will add river herring and shad as stocks in the fishery. I urge the Council to proceed with AM 15, draft the DEIS for public comment and take the necessary steps to place this group under federal management as stocks in the fishery.

There is no doubt now that these species are in serious decline in the Mid Atlantic area, in Virginia, few fish of these species return to spawn in our rivers. Both ASMFC and US Fish and Wildlife Service have collected data on the decline of these species over the years. This situation has worsened over the years and is little different in neighboring states. The directed fisheries for RH/S are closed at the state level throughout the Mid Atlantic. At the same time, data from NMFS indicates that RH/S are caught in federal waters in fisheries targeting other species. The efforts in AM 14 seek to address this problem.

Yet the most effective tool for managing our fisheries remains active management under FMPs via the provisions of Magnuson-Stevens, affording the fish stocks the best opportunities for recovery and the Councils and NMFS the greatest versatility and widest range of options for recovery.

Recovering the RH/S stands to benefit recreational and commercial fisheries by substantial increasing forage fish, increasing prey for larger species and increasing prey for the largest gamefish such as bluefin tuna. Recovery can mean a benefit for ecosystem function and for fisheries up and down the coast.

I look forward to participating in the upcoming discussions concerning AM 15 and am confident the Council has the foresight to proceed with AM 15 and include RH/S as a managed species under Council leadership.

Sincerely,

Peter L. deFur, Ph.D.

**Didden, Jason T.**

---

**From:** Clark, Mary  
**Sent:** Monday, September 30, 2013 10:05 AM  
**To:** Didden, Jason T.  
**Subject:** FW: Comments relative to River Herring  
**Attachments:** MAFMC Letter, Sept 2013.docx

-----Original Message-----

From: Byron Young [<mailto:youngb53@optimum.net>]  
Sent: Wednesday, September 25, 2013 10:31 AM  
To: Moore, Christopher; Clark, Mary  
Cc: Heins, Stephen; Gilmore, Jim; McMurray, John; [tilefish1@optonline.n](mailto:tilefish1@optonline.n); [Anthony.DiLernia@kbcc.cuny.edu](mailto:Anthony.DiLernia@kbcc.cuny.edu)  
Subject: Comments relative to River Herring

Chris:

Attached you will find some general comments relative to the issue of River Herring. I recognize that this issue crosses traditional boundaries of fishery management but we have been there before and worked out reasonable compromises, I trust that this will be the case here.

Thank you for the opportunity to comment.

Sincerely,

Byron Young

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Dover, DE 19901

Dear Dr. Moore:

I am New York's Citizen Advisory Panel member to the ASMFC Shad and River Herring Board, a member of the Peconic River Fish Restoration Commission on Long Island, and a volunteer with the three Long Island estuary management programs concerning the restoration and management of River Herring. Before my retirement, I worked for the New York Bureau of Marine Resources as Unit leader for the Anadromous Fisheries Unit and finally as the Section Chief for the Fisheries Program.

Currently, I am working with several groups attempting to increase diadromous fisheries passage on Long Island. We have completed several projects in the recent past and have several additional projects in various states of development. Our biggest success to date has been the Peconic River on Eastern Long Island where a permanent natural fish passage has been constructed in the first barrier on the river. Four more barriers remain to be passed.

I have been monitoring, on a volunteer basis, the alewife spawning run in the Peconic River since the installation of the new fish passage in 2010. Each spring (March through April) beginning in 2010, biological data has been collected from the alewife spawning run in the Peconic River. Observational estimates relative to the size of the spawning run are made for each visit. Based upon these crude estimates the alewife spawning run has increased approximately three fold from 25,000 spawning adults to approximately 80,000 spawning adults. Attempts to quantify that increase utilizing video technology have not been completely successful to date. We are considering another attempt during the spring of 2014.

My point here is that the State's, Local Estuary Management programs, and local citizen groups have committed hundreds of hours and millions of dollars to restore connectivity in local streams and river for spawning American Shad and River herring. Increasing access to historic spawning grounds and improving existing spawning grounds is an important component to the restoration of viable shad and river herring stocks on an annual basis. I am not suggesting the magnitude of potential increases in spawning population or resultant juvenile production but any increase no matter how small is important at this point in time.

While increasing access to historic spawning areas and thus production of new recruits to the resource, the management of the adult stocks is equally as important. Under the auspices of ASMFC, states have reduced or closed their River Herring Fisheries. A state wishing to allow harvest of River Herring must first complete a

Sustainable Fishery Plan for such harvest. This generally occurs in systems with good data regarding the size of the spawning runs and any harvest is controlled. The ASMFC Shad and River Herring Board reviews the status of each fishery annually and considers whether additional management options are necessary or that current sustainable fishery plans are working.

The remaining fishery where impacts are not as fully understood is the small mesh trawl fishery and the bycatch in other gears prosecuted in the EEZ. I appreciate the efforts done to consider this issue. It is critically important that the Councils do not allow River Herring harvest and bycatch in the EEZ to undermine the efforts of the states and local interests to rebuild these valuable stocks. Likewise any major harvest of mixed river herring stocks in the EEZ are a concern to the well being of the resource.

I encourage the Mid-Atlantic Fishery Management Council to:

1. Work closely with the ASMFC in it's efforts to rebuild the stocks of Shad and River Herring;
2. Monitor to the maximum extent practicable the bycatch and harvest of river herring in the EEZ; and
3. Consider additional regulations to protect river herring in concentration areas, such as Block Island Sound, the New York Bight, off Cape Cod or any other areas that the current data suggest a seasonal concentration of river herring occurs.

Finally, I encourage the Mid-Atlantic Council to consider their role in the rebuilding of this resource and to take any action necessary to assist their state partners in these efforts. There are some encouraging signs for the river herring resource, but we still have a long way to go in rebuilding these stocks.

Sincerely,

Byron Young



September 25, 2013

Richard Robins, Chairman  
MAFMC  
800 N. State St.  
Suite 201  
Dover, DE 19901

**RE: Amendment 15 Comments**

Dear Chairman Robins,

On behalf of Wild Oceans, I am writing to reiterate our strong support for federal management of shads and river herring, which the Council appropriately voted to pursue through Amendment 15 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (MSB FMP). Shads and river herring are retained and sold in MSB fisheries, and for all intents and purposes, should be considered fishery management unit species. **When the Council convenes in October, we urge you to press forward with Amendment 15 and approve the development of alternatives and the associated draft environmental impact statement.**

We, along with thousands of other stakeholders, have submitted numerous comments on this issue over the last three years. The public comment record, which is comprised of a rich body of thoughtful and insightful recommendations, provides thorough rationale for why shads and river herring are in need of federal conservation and management and proposes solutions for how this might be accomplished. The diversity of stakeholders, organizations and agencies weighing in with their support on this issue stands as testimony to the tremendous economic, social and ecological value of river herrings and shads as resources for our nation.

As of this writing, the Amendment 15 white paper crafted by the Fishery Management Action Team (FMAT) has not been made publically available. Nonetheless, we are grateful to have been able to join the FMAT webinar held on September 17<sup>th</sup>, and we provide the following comments based on the call participants' deliberations.

First and foremost, we remain concerned that the federal management debate has been incorrectly framed around National Standard 7. The primary question before the Council is whether or not river herring and shad are in need of conservation and management in accordance with the definition of conservation and management provided in the Magnuson-



Stevens Fishery Conservation and Management Act.<sup>1</sup> As Earthjustice explained in their June 8, 2013 letter to the Council, “Specifically, the statutory criteria include the need for rebuilding, restoring, or maintaining any fishery resource and the marine environment; assuring among other things, a food supply and recreational benefits; and avoiding long-term adverse effects on fishery resources and the marine environment.”<sup>2</sup> Once a decision is reached that conservation and management are warranted, the national standards provide guidance for the development of FMPs and associated management measures. **National standards describe *how* to fairly and effectively manage marine resources, and should not be used to constrain Council decisions as to *what* resources merit federal management.**

The Council need look no further than the recent river herring Endangered Species Act (ESA) listing decision to find strong justification for federal management that complements the current state management program coordinated through the Atlantic States Marine Fisheries Commission (ASMFC). Through a qualitative threat assessment, the ESA Status Review Team (SRT) identified 22 potential threats to alewife and blueback herring. Range-wide, incidental catch in federal fisheries was ranked as a moderate threat, meaning that it is likely to affect the species now and into the foreseeable future.<sup>3</sup> It is noteworthy that incidental catch was second only to dams and barriers in terms of its overall threat significance, and it also ranked well above directed catch.<sup>4</sup> While the SRT points to Atlantic Herring Amendment 5 and MSB Amendment 14 as avenues for addressing incidental catch, the National Marine Fisheries Service’s unfortunate decision to disapprove key catch monitoring components of these amendments (e.g., observer coverage, slippage caps and dealer reporting measures) substantially weakens the councils’ ability to achieve accurate and precise estimates of shad and river herring catch.

In terms of reducing incidental catch, a federal management approach is the only means to bridge the inconsistencies between the New England and Mid-Atlantic Councils’ FMPs. We have lauded the Mid-Atlantic Council for its efforts to implement a robust river herring/shad cap that achieves the goal of reducing incidental catch. However, by the Council’s own analysis, this cap is unlikely to be effective at reducing the overall incidental catch in federal waters unless the industrial mid-water trawl fishery that targets both Atlantic herring and mackerel, especially during the Quarter 1 winter fishery, is managed under a single cap.<sup>5</sup> To date, a coordinated cap effort between the New England and Mid-Atlantic Councils has not materialized.

Finally, we are concerned that a recommendation may be put forth to the Council to delay Amendment 15 - to “wait and see” if the patchwork of actions created by the ASMFC, New

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<sup>1</sup> 16 U.S.C. § 1802(5).

<sup>2</sup> Earthjustice. Letter to Dr. Chris Moore, MAFMC Executive Director. 8 June 2013.

<sup>3</sup> “Endangered and Threatened Wildlife and Plants; Endangered Species Act Listing Determination for Alewife and Blueback Herring,” 78 Federal Register 155 (12 Aug. 2013), pp. 48944-48994.

<sup>4</sup> *Ibid*, See Figure 3 (p. 48972) and Figure 4 (p. 48978).

<sup>5</sup> Mid-Atlantic Fishery Management Council (MAFMC) in cooperation with the National Marine Fisheries Service. 5 Aug. 2013. Amendment 14 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan Final Environmental Impact Statement, pp.161-162. Retrieved from: <http://www.nero.noaa.gov/reqs/2013/August/13smbamend14prfeis.pdf>

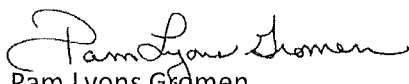
England and Mid-Atlantic Councils may add up to a successful recovery plan. There are simply too many holes in this piecemeal management approach and too much at risk, considering the value of shad and river herring to recreational fishermen, to commercial fishermen, to coastal communities, to the general public and to the Atlantic forage base.

We close with a quote from the August 7, 2013 NOAA Fisheries press release announcing the ESA decision:<sup>6</sup>

“NOAA Fisheries intends to establish a technical working group and to continue to work closely with the Commission and others to develop a long-term and dynamic conservation plan for river herring throughout both species’ range from Canada to Florida.”

We can think of no greater opportunity than that provided by the ongoing Amendment 15 process to bring such a plan to fruition.

Sincerely,



Pam Lyons Gromen  
Executive Director

Cc: Dr. Chris Moore, MAFMC Executive Director  
Jason Didden, MSB Plan Coordinator

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<sup>6</sup> NOAA Fisheries Northeast Regional Office. 7 Aug 2013. Endangered species act listing for river herring not warranted at this time. Retrieved from: <https://www.nero.noaa.gov/mediacenter/2013/08/RiverherringESAlisting.html>.



Dr. Chris Moore  
Rick Robins  
Mid Atlantic Fishery Management Council

25 September 2013  
via email

Dear Chris and Rick:

I write today in support of the Council's efforts to proceed with Amendment 15 to the Fishery Management Plan for Squid, Mackerel and Butterfish that will add river herring and shad as stocks in the fishery. I urge the Council to proceed with AM 15, draft the DEIS for public comment and take the necessary steps to place this group under federal management as stocks in the fishery.

There is no doubt now that these species are in serious decline in the Mid Atlantic area, in Virginia, few fish of these species return to spawn in our rivers. Both ASMFC and US Fish and Wildlife Service have collected data on the decline of these species over the years. This situation has worsened over the years and is little different in neighboring states. The directed fisheries for RH/S are closed at the state level throughout the Mid Atlantic. At the same time, data from NMFS indicates that RH/S are caught in federal waters in fisheries targeting other species. The efforts in AM 14 seek to address this problem.

Yet the most effective tool for managing our fisheries remains active management under FMPs via the provisions of Magnuson-Stevens, affording the fish stocks the best opportunities for recovery and the Councils and NMFS the greatest versatility and widest range of options for recovery.

Recovering the RH/S stands to benefit recreational and commercial fisheries by substantial increasing forage fish, increasing prey for larger species and increasing prey for the largest gamefish such as bluefin tuna. Recovery can mean a benefit for ecosystem function and for fisheries up and down the coast.

I look forward to participating in the upcoming discussions concerning AM 15 and am confident the Council has the foresight to proceed with AM 15 and include RH/S as a managed species under Council leadership.

Sincerely,

Peter L. deFur, Ph.D.