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From: Didden, Jason T.
Sent: Wednesday, December 22, 2010 5:06 PM
To: Zeman, Christopher
Cc: Moore, Christopher
Subject: RHS Com Summary and Next Steps

Chris,

My summary is below. Chris will be in next week and maybe we can get together for a quick call to establish a plan of action...

December 13 River Herring and Shad (RHS) Committee Meeting

Chairman Chris Zeman introduced topic and reviewed prior motion that established purpose of RHS Committee. That motion centered on 2 themes: Coordination and comprehensive rebuilding/conservation. Noted that committee is temporary and investigative. Anticipate that product after several meetings will be a short memo to the Council with recommendations.

It was clarified that the purpose of the RHS Committee is to examine RHS conservation issues beyond the scope of Amendment 14. There was substantial discussion regarding what the product of the committee should be. The conversation generally centered on the need to identify the various tasks/actions that could be done (protect habitat, limit bycatch, limit landings, etc) and then figure out what mechanisms (a range including added coordination, adding RH and/or shad as a stock in the fishery, an FMP, etc) would accomplish those tasks/actions.

It was noted that states have mechanisms to protect RHS habitat and are already using a variety of tools to conserve habitat (e.g. horseshoe crabs in NJ). ASMFC also has done significant habitat work - committee could benefit from summary of current state of habitat work at federal, state, interstate levels. What are estimations of marginal gains from EFH designations within an FMP?

Another role or Council action beyond Am 14 would be institutionalizing consideration and coordination of RHS issues for when Amendments 5 and 14 are finished. One possibility would be having the ASMFC annual plan review comment on issues that need to be addressed beyond the scope/jurisdiction of the ASMFC - these comments could be passed to the Council(s) annually and the MAFMC could in turn provide a report back to the ASMFC on what actions the Council had taken in past year.

Another point raised was that identifying a single location for a RHS information clearing house would be useful. A question was raised whether one could create a "data collection FMP" that was simpler than a traditional FMP. NERO thought "NO" but will follow up with legal counsel.

Funding issues - will creation of an FMP create additional funding? Not at the Council staff level. Probably not at the NERO/NEFSC level either but could stimulate added effort re: RHS (but at a cost to other species).

Given overall lack of rebuilding, is there a role for the Council regarding general rebuilding? Given multiple stocks, would there have to be multiple rebuilding plans if an FMP was instituted?

Potential Tasks:

- Develop summary of current habitat consultation and protection measures. Describe activities of and interactions between states, NOAA, Commission, F&WS, etc. Develop range of roles for Council re: habitat.
- In terms of general recovery/rebuilding/conservation, develop details on range of possible Council activities.
- Develop proposal to formalize coordination between the Commission and the Councils. May include: the Commission including in its Annual Plan Reviews a section on issues beyond the Commission's authority; the Council(s?) reviewing the Annual Plan Review; and communicating back to the Commission on relevant Council actions/progress.
- Summarize what if any benefits could result in terms of stock assessment resources if RH&S had an FMP, or other ways to assist effective stock assessments.
- Develop a plan for creating a more central hub for RH&S information - ASMFC already has a lot of info on it's web site...may be as simple as directing people there?

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Vehicles ↓	Stock Assessments/Science Resources	Catch Reporting/Fishery Evaluation	Directed Fishing Mortality
ASMFC	ASMFC conducting stock assessments infrequently and dependent on states (once every 10-12 years). State resources are limited due to budget cuts in most states.	ASMFC Creates annual "FMP Reviews" that describe fishery- http://www.asafc.org/shadRiverHerring.htm . Catch reporting is coordinated through SAFIS/ACCSP. States have to submit compliance reports to ASMFC that document state commercial and recreational landings.	Directed fishery in state waters is under state control and the ASMFC is proposing to implement moratoria on directed fishing unless states have accepted sustainability plans no later than 2012 for river herring and 2013 for shad.
Am 14	Unless A14 includes RH/S as stock in fishery, then no additional measures beyond ASMFC measures above. If RH/S stock in fishery, then FMP measures below apply.	There has been some increased at-sea observer and port sampling of relevant fisheries in recent years in response to public interest. Am 14 contains a variety of measures for catch reporting/monitoring/observing for the Mackerel and Loligo fisheries. Am 5 for Atl Herring has the same for that fishery. Amendments 5 and 14 also describe sources of fishing mortality.	Mortality presently not in control in federal waters and total mortality is unknown (~160,000 pounds for all RH/S species in dealer data in 2010 (preliminary). Am 14 and Am 5 do not include measures to directly control RH/S caught, landed, and sold.
FMP	Federal resources would contribute toward stock assessments probably to a greater degree than currently occurs. A monitoring committee would be established and the SSC would evaluate science for ABC purposes, make research recs, etc...	RH/S fishery would be described and all significant sources of mortality would be identified. Catch reporting methodology to account for mortality on an annual basis would be implemented.	An FMP would require ACLs/Ams and status determination criteria which would lead to control of fishing mortality at least in federal waters. Total control would be dependent on coordination with ASMFC
Other	Allocation of NMFS funding for RH/S is discretionary. NMFS currently plays a minor role in RH/S assessments. The frequency, success, and/or failure of ASMFC stock assessments hinges on the availability/participation of state biologists. Council could make a request for additional federal involvement through SEC. 402. INFORMATION COLLECTION MSA provisions.	Likely NA	TBD. If RH/S level reach jeopardy levels, then ESA protections would limit/control all sources of mortality. NOAA/MAFMC could implement complementary measures in federal waters.

Vehicles ↓	Incidental Catch Control	Habitat Conservation	MAFMC/ASMFC/NEFMC Coordination
ASMFC	Some bycatch controls (e.g. American shad). ASMFC generally looking to work cooperatively with Councils on bycatch issues. Part of sustainability plans includes documentation of bycatch and justification of why bycatch is sustainable.	Historical and new non-fishing impacts significant source of habitat degradation. ASMFC makes general recommendations to management partners and sometimes comments on FERC dam relicensing and dam removal projects. See http://www.asmfc.org/diadromousSpeciesDocument.htm that details habitat needs.	Coordination has improved in recent years, but challenging due to multiple agency involvement, overlapping legislative authority and jurisdictional issues.
Am 14	Through Am14 and Am5 the fisheries that account for most incidental catch of river herrings/shads can be addressed. Am14 can also consider adding river herrings/shads as a "stock in the fishery" which would then trigger status determination criteria, other reference points, ACL mechanisms and AMs (EC designation likely not applicable for RH/Ss).	If RH/S not a stock in the fishery, then no ability to designate EFH and no additional measures beyond ASMFC measures above. If RH/S is a stock in the fishery, EFH would trigger EFH designation and measures for FMP discussed below.	All management partners are participating in Amendment development.
FMP	If RH/S had an FMP then they would automatically be stocks in the fishery with requirements as described above. Could institute some indirect controls (e.g. GRAs) on other directed fisheries that incidentally catch RH/S but direct controls would likely still occur within those other FMPs.	EFH would be designated, triggering mandatory federal agency consultation requirement with NOAA for any activity that may impact EFH.	Coordination would be required.
Other	TBD. If RH/S level reach jeopardy levels, then ESA protections would limit/control all sources of mortality. NOAA/MAFMC could implement complementary measures in federal waters.	Council could get more involved in RH/S habitat issues through its Habitat Committee - authority restricted because no RH/S EFH designated. Since RH/S are prey species for Council-managed species, this tie might mean that RH/S are under Council's "authority" in some fashion and trigger 305(b)(3)(B): Each Council can comment on and make recommendations concerning activities that likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority. NMFS could take a more active role in RH/S consultation work under existing statutes (e.g. prey-EFH linkages, Fish and Wildlife Coordination Act, National Power Act (dam relicensing negotiations)).	RH/S Committee is Ad Hoc and intended to be temporary. Annual coordination reporting between MAFMC and ASMFC where ASMFC to provide RH/S stock status update and MAFMC to provide summary of federal fishery catch/discard estimates is in the works. Commission and Council are also linking webpages to make information easier to find.