

Please Support Atlantic States Marine Fisheries Commission Actions to Restore River Herring Populations!

June 23, 2009

VIA U.S. MAIL AND ELECTRONIC MAIL

The Honorable Gary Locke, Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

RE: Atlantic States Marine Fisheries Commission support for Emergency Action in New England and additional resources to quantify bycatch of river herring

Dear Secretary Locke:

We write representing recreational and commercial fishing organizations, environmental and conservation-oriented organizations, fly fishing groups, marine science groups, scientists, outdoor enthusiasts, wildlife conservation groups, and faith-based organizations.

On May 6th the Atlantic States Marine Fisheries Commission's (ASMFC) Shad and River Herring Management Board overwhelmingly approved Amendment 2 to the Interstate Fisheries Management Plan for Shad and River Herring, demonstrating their grave concern for river herring stocks by agreeing to close all directed in-river fisheries by 2012 unless proven sustainable. The Commissioners also called on the New England and Mid-Atlantic Fishery Management Councils to demonstrate greater cooperation in monitoring river herring bycatch (both alewife and blueback herring) and develop measures to mitigate its impact. The ASMFC, recognizing its limited ability to address river herring bycatch, which predominantly occurs in federal waters outside the commission's jurisdiction, also asked the Secretary of Commerce to take Emergency Action with regard to implementation of river herring bycatch monitoring measures now being discussed by the New England Fishery Management Council (NEFMC).

We urge you to move swiftly on the ASMFC's request for Emergency Action in federal waters and to explore all resources and options available to assess and minimize river herring bycatch.

In your capacity as Secretary of Commerce, we believe you have considerable discretion and latitude to address river herring bycatch. Options under consideration by the NEFMC include: imposing seasonal gear restricted areas for bycatch hotspots; mandatory bycatch reporting; increasing observer coverage; increased dockside sampling, and prohibiting the dumping of

catch at sea. The NEFMC has also expressed the need to work cooperatively with the Mid-Atlantic Fishery Management Council due to the overlap between New England and Mid-Atlantic small mesh fisheries. In addition, bycatch caps have been recommended for commercial fisheries that consistently capture river herring.

Answering ASMFC's call for action will require additional resources to monitor and quantify river herring bycatch in New England and Mid-Atlantic waters. One factor that has significantly hindered an accurate river herring stock assessment is the limited data available for quantifying river herring mortality in ocean fisheries. For example, there were only 48 observed trips out of 1065 trips for mackerel vessels between 2004 and 2008. While observer coverage is projected to significantly increase in 2010 for Atlantic herring vessels, equal attention is required for other small mesh fisheries operating in New England and the Mid-Atlantic. Coverage levels in both regions must be increased to levels that allow for reliable estimation of river herring bycatch for use in the current river herring stock assessment scheduled to be complete in 2012.

A recent study conducted by Maine Department of Fisheries – using the National Marine Fisheries Service Observer database and portside sampling – estimated that in 2007, there were 1.7 million pounds of river herring bycatch in the Atlantic herring fishery. An additional 1 million pounds of annual bycatch is estimated for other small mesh fisheries (e.g., whiting, Atlantic mackerel, and squid) operating in New England and the Mid-Atlantic. Since observer coverage in small mesh fisheries is far below levels required for accurate data extrapolation, this estimate may be conservative, and bycatch may be far greater.

Thank you for considering our recommendations for measures to address river herring bycatch - measures that are long overdue. We recognize and appreciate the limited resources that are available to the federal government under our current difficult economic circumstances. However, it is our belief that time is not on the side of river herring. Large bycatch episodes have the potential to wipe out an entire spawning run of river herring. We believe deploying more observers in the small mesh fisheries and implementing bycatch reduction measures that will protect river herring populations at sea where they spend most of their lives are essential to preventing further declines in river herring stocks.

Emergency Action should be implemented as soon as possible and prior to this year's emigrations of river herring from river systems out to ocean waters.

Sincerely,

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