

#3c



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

Additional Written Comments Received  
for Herring Amendment 5 Public Comment Period



June 2, 2012

Daniel Morris, Regional Administrator  
NMFS Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Dear Mr. Morris:

***Re: Amendment 5 Public Comment Letter***

Enclosed please read my position and supporting data concerning this most critical subject.

Although I support Amendment 5, I do not think it goes near far enough. Based on all the data, scientific and anecdotal, there is no doubt that this technique employed by the Herring Industry should **not** be allowed continue without proper monitoring or at all. I readily understand **thier** desire to keep it open - \$\$\$\$.

Why I ask , if this technique was banned here on Cape Cod in the 1960's because of its lethality, is it allowed to be used today with bigger faster boats with superior sonar devices?? It makes no sense at all.

It is my intention to continue speaking out against its continued use with a goal of an immediate 3 year moratorium.

I have been involved in all types of “clean fisheries” – yes some that appropriately use nets, for over 50 years. My cousin Charles “Tiggie” Peluso, who recently passed at the age of 86, wrote the book: “Tiggie – The Lure and Lures of a Commercial Fisherman”- I participated in many of those activities as a young man from age 12 through 20 until I entered the service. I have been involved with the Cape Cod fisheries until my present age of 77 and will continue until I am called away to fish Heaven.

I see what is happening here on Cape Cod with River herring , for example. They are at historic lows and falling. So it goes for Stripers, Cod, Haddock, flounder, mackeral.

I am not saying the Net Trawlers are fully to blame but at **500, 000 lbs of sealife per tow over hundresd of tows since about 1990- you do the math! That catch rate is not sustainable without completely decimating all sea life!**

Thank you for being so transparent and allowing us to be heard. We **FULLY** intend to take action and not words! How is it that the rest of the world clearly sees the travesty of this technique?? Take a look at my Internet Petition results that has only been on line for 3 days!!

Sincerely,



Arthur C. Costonis, Ph.D.  
PO 458  
West Chatham, MA 02669

Email; Striperart@Hotmail.com

JUN - 6 2012

April 30, 2012

**Subject: Petition to curtail activity of Monster Tandem Trawler Herring Industry**

**Content:** The monster tandem trawler herring industry is employing techniques which are currently and has already significantly reduced all documented sea life stocks where they operate. They tow in tandem at a high speed a huge net that can capture over **500,000 pounds of sea life per tow!** Please see the attached document for more information.

**Petition:** We the undersigned support immediate legislative action on the following:

- ➔ **Vote Yes on Herring Amendment 5**
- ➔ **Immediately place a three year moratorium on this current technology**
- ➔ **Conduct research to measure the affected sea life in the absence of this technology to precisely define its effects for any further actions required**

Name	Address
Rosalie Moretti	P.O. Box 458 W. Chatham MA 02669
Arthur Costanzo	70 JERICHO LN, W. CHATHAM, MA 02669
To Ann MARTIN	460 Bishops Terrace, Hyannis, Ma 02601
Reborah Smith	195 Stony Hill Rd Chatham MA 02633
Sarah Malaspino	27 Birch St. Hyannis MA 02601
Kooverij Zarembo	1409 Main St, Chatham, MA 02633
Wendy Ditcher	PO Box 1098 W. CHATHAM MA 02669
Wendy Ditcher	11 Perrys Way Harwich MA 02645
Gail Tilton	376 Stony Hill Rd. N. Chatham 02650
Madonna Hitchcock	30 Old Harbor Rd Chatham 02633
Cayn Ritchie	23B2 White's Path SY 02665
SPM	7 Jennie St. Yarmouth Port, Ma. 02675
Sue Martin	184 Depot Road, Harwich MA 02645
Scott Coayner	20 Longview Dr Orleans MA 02653
JEFFREY COLLINS	265 OLD HARBOR RD 02633
DEBBIE HEARLE	709 OLD HARBOR RD. NCHATHAM 0265

Name	Address
Ron Healy	709 Old Harbor Chatham
Tim Sylvia	40 Violet Glen Rd. S. Yarm.
Cynthia McCae	12 Regisill Ave, Wenham, MAS
Eleanor Andrews	136 Chipping Stone Rd Chatham
Mari Williams	74 Main St, Chatham MA 02633
Robert M. Nash	12 LAKEWOOD RD. S. YARMOUTH. 02633
Lauren Volk & Hall	189 Longview Dr. Centerville 02633
Ann Kenner	8 Matthews Lane S Yarmouth MA
Donie Burden	1702 1/2 Rd. 02633 Chatham 02633
Maureen O'Brien	117 Old Wharf Rd. N. Chatham
Peggy Black	441 Old Harbor Rd. Chatham 02633
Janice H. Kenner	376 Cedar St Chatham 02633
Laura Fisher	49 Sears Rd Chatham Ma 02633
OShan	17 STRIPES Ln Chatham MA 02633
John W. Geiger	15 Bay Ln Chatham, 02633
Janine Smeedy	43 may flower Terrace S. Yarmouth 02633
Katelyn McCarthy	94 Linden St Hyannis, Ma 02601
Michael Parlante	3163 Old State Hwy Wellfleet 02666
Robert K. Gold	15 Forest Glen Rd Hyannis 02601
Mary Carrahan	122 Sunset Beach Rd Olden 02633
Ann M. L.	30 Caplan Cove Rd S. Yarmouth 02633
Danielle Jeanboz	1409 MAIN ST CHATHAM MA 02633

Name	Address		
Patty Crighton	10 Homer Ave	So. Yarmouth, MA	02664
Barbara Adams	289 Old Main St	So. Yarmouth	02664
Cheryl Adams	289 Old Main St	So. Yarmouth	02664
Blanca Seldin	321 Deer Meadow Lane	Chatham	02633
Art Seldin	321 Deer Meadow Lane	Chatham MA	02633
JACY CRIGHTON	10 HOMER AVE	SO. YARMOOUTH, MA.	02664
Keith Ritchie	76 Pleasant St	So. Yarmouth dist	02664
KEV WHITING	313 BANK ST	HARWICH MA	02645
DONNA WHITING	313 BANK ST.	HARWICH MA	02645
SHANNON COHEEN	124 TELEGRAPH RD	DENNIS PORT, MA	02639
VARIANNO HARRIS	211 COUNTRYSIDE DR	JA. CHATHAM	02633
Moris Imbergamo	26 Andrews Dr.	Chatham, Ma	02633
Bill Imbergamo	9611 Masterworks Dr	VIENNA, VA	22181
Bet Patten	19 Middle Rd	So Chatham	

# Stop Monster Tandem Net Trawlers from decimating all herring and other fish stocks

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**Target:** The Monster Tandem Net Trawling Techique used by the Herring Industry  
**Sponsored by:** Arthur Costonis

**signatures: 146**

**signature goal: 1,000**

500,000 lbs of sealife killed/tow ( several per trip)  
unbalances ocean envioronment

"By- Catch" killed includes Dolphins, Cod, Striped Bass.  
Haddock, Tuna, Whales

Arthur, You signed on May 30,  
Your signature has been delivere  
The Monster Tandem Net Trawlin  
Techique used by the Herring Inc



**Alaska's Wildlife at f**  
**signatures: 46,787**

[sign petition](#)



**Fight for the Future  
Reefs**  
**signatures: 3,432**

[sign petition](#)



**Tell Power Plants to  
Up Their Act!**  
**signatures: 87,524**

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Micro fauna/flora. free floating fish eggs, spat also killed

Say yes to amendment 5 in Fishery Manganement Plan

**we signed "Stop Monster Tandem Net Trawlers from decimating all herring and other fish stocks"**

- # 146 16:08, Jun 03, Mrs. Janet Chase, OR
- # 145 15:44, Jun 03, Ms. maria rosaria bruscia, Italy
- # 144 13:56, Jun 03, Ms. Jenine Dransfield, United Kingdom
- # 143 11:26, Jun 03, Mr. Andy Critchell, United Kingdom
- # 142 09:29, Jun 03, Mr. Michael Allen, CA
- # 141 09:19, Jun 03, Ms. Dawn Louise, United Kingdom
- # 140 08:50, Jun 03, Mr. Giovanni Floretti, Italy
- # 139 07:16, Jun 03, Ms. Tanwi Sandelwood, Belgium
- # 138 07:11, Jun 03, Mrs. Ela Gotkowska, Poland
- # 137 05:53, Jun 03, Ms. Elsie Au, Thailand
- # 136 05:14, Jun 03, Ms. Judith Abel, Switzerland
- # 135 05:08, Jun 03, Dr. William Coleman, MA
- # 134 03:02, Jun 03, Mrs. RANA AZZAM, Lebanon



- # 133 01:35, Jun 03, Ms. Danuta Watola, Poland
- # 132 01:07, Jun 03, Ms. Victoria Pohrebna, Ukraine
- # 131 00:11, Jun 03, Mr. Richard Hollister, AZ
- # 130 20:22, Jun 02, Mr. John Mark Robertson, ON
- # 129 18:30, Jun 02, Maryann Staron, IL
- # 128 10:07, Jun 02, Ms. Karen Connolly, FL  
When there are no more fish to eat, people are going to finally ask, "What happened?" Sadly, once there are no more fish, people will be eating more chic and beef. Go vegan - PLEASE!
- # 127 10:04, Jun 02, Name not displayed, United Kingdom
- # 126 09:45, Jun 02, Mrs. Ann Contreras, CA
- # 125 09:25, Jun 02, Mr. Ed Laurson, CO
- # 124 05:32, Jun 02, Ms. Reidun Carstens, Norway
- # 123 01:26, Jun 02, Mrs. Gabriela Craciunas, Romania
- # 122 00:41, Jun 02, Mrs. JAMIE GOE, CA
- # 121 16:49, Jun 01, Ms. Jo Wiest, LA
- # 120 14:59, Jun 01, Mr. Anthony Blackley, Australia
- # 119 11:35, Jun 01, Mr. alan scanner, United Kingdom
- # 118 11:01, Jun 01, Ms. Mercedes Pok, Hungary
- # 117 09:26, Jun 01, Ms. Katie Carlile, United Kingdom
- # 116 07:48, Jun 01, Mrs. Janice Cowett, ME
- # 115 06:59, Jun 01, Ms. Tara Belland, MI
- # 114 06:01, Jun 01, Mr. DB Cooper, Japan
- # 113 04:26, Jun 01, Mr. Terry King, CA
- # 112 04:01, Jun 01, Mrs. Heike Rade, Germany
- # 111 03:46, Jun 01, Ms. Liza Ruiz, MI
- # 110 02:01, Jun 01, Mr. Ian Brown, United Kingdom
- # 109 00:01, Jun 01, Ms. Kristin Weber, Germany
- # 108 21:43, May 31, Mrs. Diana Molski, IL
- # 107 20:46, May 31, Ms. Iona Kentwell, Australia
- # 106 16:01, May 31, Mrs. Masha Samoilova, United Kingdom
- # 105 15:41, May 31, Ms. Donna Varner-Sheaves, NC
- # 104 15:23, May 31, Ms. sija salonen, ON
- # 103 15:13, May 31, Ms. Jemma Browning, United Kingdom
- # 102 14:55, May 31, Ms. Eva Fidjeland, Sweden
- # 101 14:52, May 31, Ms. Helene Beck, Denmark

- # 100 14:19, May 31, Dr. Vegan World Network, Australia
- # 99 14:18, May 31, Dr. Wolfgang Zenker, ON
- # 98 12:58, May 31, Mrs. Snezana Miletic, Serbia And Montenegro
- # 97 11:07, May 31, Mr. Tim Cheung, BC
- # 96 11:06, May 31, Name not displayed, Poland
- # 95 11:04, May 31, Ms. Gabriela Voicila, Romania
- # 94 11:01, May 31, Ms. Sylwia Dawidek, Poland
- # 93 10:58, May 31, Mr. Alan Mason, United Kingdom  
Urgent control is required - this is over kill for human greed
- # 92 10:56, May 31, Mrs. MariaLuisa Oliva de Corman, Spain
- # 91 10:55, May 31, Ms. Barbara Panczyszyn, Poland
- # 90 10:54, May 31, Ms. Faith Billingham, NM
- # 89 10:34, May 31, Ms. TERESA ROZENGA, Poland
- # 88 10:34, May 31, Dr. Elisabeth Bechmann, Austria
- # 87 10:30, May 31, Mr. Jason Green, VA
- # 86 10:25, May 31, Ms. Dorota Wisniewska, Poland
- # 85 10:20, May 31, Ms. Sherebanu Kajee, South Africa
- # 84 10:08, May 31, Mrs. Anneke Andries, Netherlands
- # 83 09:59, May 31, Mr. Dan and Tina Partlow, TX
- # 82 09:41, May 31, Mr. Shawn Williamson, CA
- # 81 09:40, May 31, Name not displayed, PA
- # 80 09:36, May 31, Patrizia Scally, TX
- # 79 09:30, May 31, Mr. Ernie & Jennife MacAulay, NS
- # 78 09:20, May 31, Mrs. Elisabeth Thompson, CA
- # 77 09:18, May 31, Name not displayed, CA
- # 76 08:55, May 31, Ms. Donna Coffey, KY
- # 75 08:47, May 31, Mrs. Cathala Corine, France
- # 74 08:45, May 31, Ms. Amy Angelo, OK
- # 73 08:40, May 31, Ms. Carolyn Sheetz, IN
- # 72 08:38, May 31, Mrs. Nicole Weber, MD
- # 71 08:38, May 31, Mrs. Irma Fleischeuer, Netherlands
- # 70 08:14, May 31, Mr. michael hall, IL
- # 69 08:11, May 31, Name not displayed, Ireland
- # 68 08:10, May 31, Name not displayed, Sweden
- # 67 07:58, May 31, Mr. William Gower, CA

- # 66 07:49, May 31, Mr. Tyler Harrington, NY
- # 65 07:49, May 31, Mrs. Patricia Cannell, MB
- # 64 07:46, May 31, Ms. Beth Wilkerson, KY
- # 63 07:43, May 31, Mr. Roger Monk, United Kingdom
- # 62 07:41, May 31, Ms. Pam Fillion, CA
- # 61 07:02, May 31, Name not displayed, Mexico
- # 60 07:01, May 31, Mr. Bill Kessler, IL
- # 59 06:41, May 31, Mrs. Mary Ann Merville, PA
- # 58 06:37, May 31, Mrs. Liza Fedorovich, Russian Federation
- # 57 06:32, May 31, Mr. David Moore, CT
- # 56 05:41, May 31, Mrs. Miriam Carneiro Saraiva, Brazil
- # 55 05:10, May 31, Mr. Joe Renneke, MN
- # 54 05:08, May 31, Mrs. Joan Quigg, NB
- # 53 05:01, May 31, Ms. Bettina Lorenz, Germany
- # 52 04:54, May 31, Ms. DENA HARRIS, GA
- # 51 04:51, May 31, Ms. Donna Hamilton, United Kingdom

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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

June 8, 2012

The Honorable Samuel D. Rauch III  
Acting Assistant Administrator  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 2091

Dear Acting Assistant Administrator Rauch:

As Members of Congress concerned with the dwindling river herring and shad populations in Long Island Sound and other rivers and tributaries across the Northeast Atlantic seaboard, we request that the National Marine Fisheries Service (NMFS) ensures that robust, coast-wide, science-based conservation and management measures to protect river herring and shad are included in implementing Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP) and Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP. The New England Fishery Management Council and Mid Atlantic Fishery Management Council initiated these amendments in significant part to address the incidental, or bycatch of river herring and shad by the industrial Atlantic herring and mackerel fleets. The survival of these species has a direct impact on our local economies, ecosystems and other species and local fishermen in our Congressional Districts.

The Northeast Atlantic seaboard includes some of our most treasured historic and ecologically-sensitive coastal enclaves, including Long Island Sound, the Hudson River, Delaware Bay and Chesapeake Bay. These remarkable rivers and coastal waterways once supported prolific runs of river herring and shad, but in recent decades the numbers of fish returning to rivers each year has dramatically declined. This problem is particularly glaring in Long Island Sound and Connecticut as the Connecticut Department of Energy and Environmental Protection recently reported that the number of river herring returning to Connecticut rivers has dropped from millions each year to less than 500,000. River herring and American shad are key forage fish that play a vital role not only as prey for the Long Island Sound's game fish, striped bass and bluefish, but also a wide array of coastal birds and other wildlife living across the Northeast Atlantic seaboard. Despite concerted federal, state and local investments to restore these forage species, their populations are at troubling lows and their scarcity undermines the health of our ocean and our coastal economies.

In federal waters, the incidental catch of river herring and shad remains a serious concern and impedes forage fish recovery. Millions of river herring and shad are caught every year by industrial trawlers operating in federal waters. We urge NMFS to ensure that the regulations implementing Amendment 5 and Amendment 14 of the Atlantic Herring and Mackerel, Squid and Butterfish FMPs respectively include consistent and robust management measures that protect river herring and shad throughout their range in federal waters, including an annual cap,

or limit, on river herring and shad catch in the Atlantic herring and mackerel fisheries and 100 percent monitoring of industrial trawlers, in order to limit fishing mortality and to provide reliable estimates of all catch of depleted river herring and shad.

Sincerely,

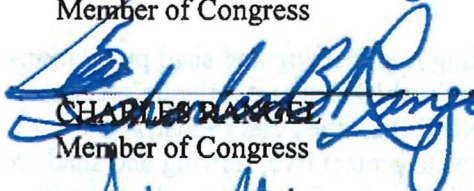
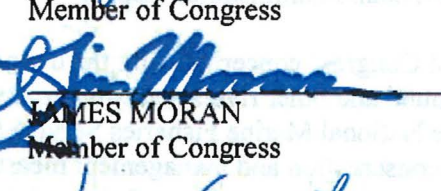
ROSA L. DeLAURO  
Member of Congress

STEVE ISRAEL  
Member of Congress

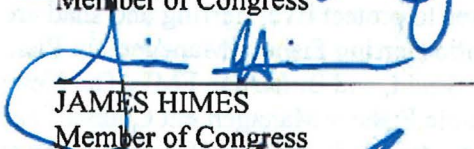
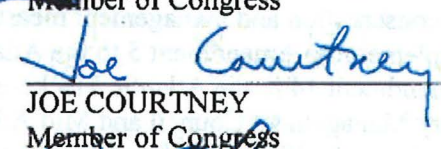
NITA LOWEY  
Member of Congress

GARY ACKERMAN  
Member of Congress

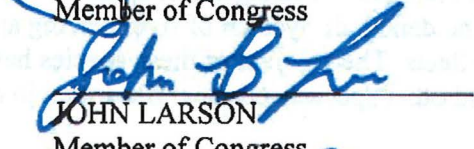
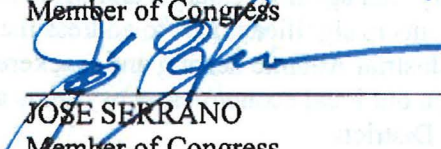
CHARLES RANGEL  
Member of Congress

JAMES MORAN  
Member of Congress

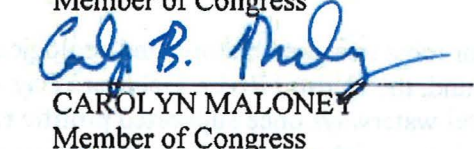
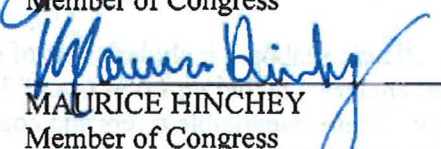
JAMES HIMES  
Member of Congress

JOE COURTNEY  
Member of Congress

JOHN LARSON  
Member of Congress

JOSE SERRANO  
Member of Congress



CAROLYN MALONEY  
Member of Congress

MAURICE HINCHEY  
Member of Congress

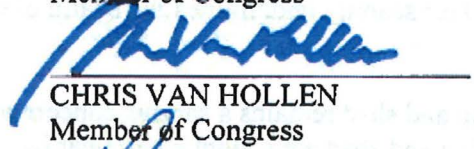
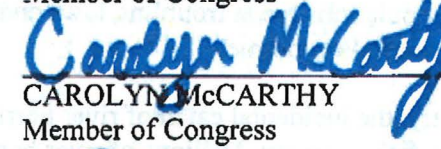
FERROL NADLER  
Member of Congress

ELIOT ENGEL  
Member of Congress



CHAKA FATTAH  
Member of Congress

JAMES LANGEVIN  
Member of Congress

CHRIS VAN HOLLEN  
Member of Congress

CAROLYN McCARTHY  
Member of Congress

CHRIS MURPHY  
Member of Congress

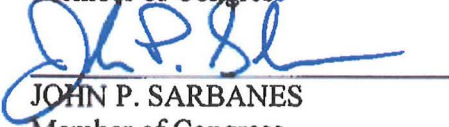
BOBBY SCOTT  
Member of Congress



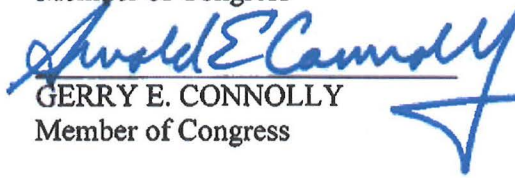
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PAUL TONKO  
Member of Congress



JOHN P. SARBANES  
Member of Congress



GERRY E. CONNOLLY  
Member of Congress



EDWARD J. MARKEY  
Member of Congress

Cc:  
Rip Cunningham, NEFMC Chairman  
Richard Robins, MAFMC Chairman  
Paul J. Diodati, ASMFC Chairman





**From:** Peter Baker [<mailto:PBaker@pewtrusts.org>]  
**Sent:** Monday, June 11, 2012 2:58 PM  
**To:** [samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov); Dan Morris  
**Cc:** Lori Steele; [jdidden@mafmc.org](mailto:jdidden@mafmc.org); Paul Howard; Chris Moore; Carrie Nordeen; [Aja.Szymulo@noaa.gov](mailto:Aja.Szymulo@noaa.gov); George Darcy  
**Subject:** Herring Alliance email re: NERO Letters on Am14 & Am 5

Dear Acting Administrator Rauch and Acting Regional Administrator Morris,

We are writing in response to the June 5, 2012 NERO letters to the MAFMC and NEFMC regarding Amendment 14 to the MSB FMP and Amendment 5 to the Atlantic herring FMP. We, along with many of our partners, have spoken to you on several occasions about the need for Agency leadership regarding the critical decisions in these two actions, and their impacts on the East Coast's forage fish populations. **Therefore we are disappointed in these 11<sup>th</sup> hour communications to the two Councils, which on many issues read as if NERO is a new participant in the development of the actions and has never seen the DEIS documents until now.** NERO in fact has been involved for nearly 5 years and approved the two DEIS's just a few short months ago. Your letters suggest a lack of understanding of the hard work done over the past 5 years by the two Councils, by many stakeholders in the fishery, and even by NERO staff. **We find many of the statements in these letters to be contradictory to a plain reading of the Amendments, the law, and in direct violation of a recent court ruling, *Flaherty v. Bryson*.** In that light, the letters seem counterproductive on some important issues.

**We are encouraged by NERO's support for river herring catch caps in both FMP's, and appreciate this guidance to the Councils. Nevertheless, we are also disappointed that your comments on river herring protection fall far short of NERO's obligations to conserve and manage these species in several other critical ways.**

Regarding Amendment 14, it is unfortunate that NERO continues to act in a manner that ignores the severely depleted status of river herrings and shads, particularly in view of the ruling in *Flaherty v. Bryson* which clearly lays out the Service's requirements regarding what stocks must be included in a fishery management plan. **We are strongly opposed to any further delay in taking action to bring river herring and shad under the MSB FMP.** Unfortunately, this letter may very well result in such a delay.

**NERO's apparent interpretation of Alternative Set 9 in Amendment 14 is simply incorrect.** The letter appears to interpret Alternative Set 9 as intending to only initiate council action to consider adding river herrings and shads to the MSB FMP in a future action. However, the plain language of the alternative set clearly states that if selected these stocks would be added now. Alternatives 9(b)-(e) state "Add [one or more river herrings and shads] as a stock in the MSB FMP" (*See* Amendment 14 DEIS at p.194). Alternative Set 9 would also immediately initiate an amendment to develop management measures required under the MSA, likely to be completed in one to two years.

Contrary to NERO's letter, there is indeed a federal action contemplated in this alternative: designating RH/S as non-target stocks within the MSB FMP, now. The Council is also acting in accordance with the law. As stated in *Flaherty* "Councils must make two determinations: (1) which stocks can be treated as a unit for purposes of management, and therefore should be considered a fishery, and (2) which of these fisheries then require conservation and management. The Council must *then* set ACLS and AMs [and other required management measures] for all stocks in the fishery." *See Flaherty v. Bryson*, 2012 WL 752323 at\*9. (emphasis added). This is consistent with structure of the Act, which lists as the first Council function under section 302(h)(1) the decision to "prepare" an FMP or amendment for each stock in need of conservation and management, and then lists under section 303 the required provisions of such

plans. **It is a baffling and inconsistent reading of the plain language and structure of the MSA to suggest that councils must first prepare all of the required elements of a plan for a stock of fish, and then determine whether or not the stock should be added to the plan. This would also be a highly inefficient use of Agency and Council resources. No Court would support this interpretation.** As previously mentioned, it is also a baffling and inconsistent reading of the plain language in Amendment 14 which states that the decision on whether to add the RH/S stocks is to be made upon final Amendment 14 action. That is, now not later.

Finally, **that NERO should provide this interpretation of the Alternative Set 9 only at this late juncture is also unacceptable. The Service has participated in Council deliberations on Amendment 14 for nearly two years during which time it could have voiced concerns regarding the language under the 'stocks in the fishery' alternative, and only two months ago approved the DEIS for public comment. That NERO should also wait until after the close of the public comment to release these questionable criticisms is unacceptable and has effectively denied the public the opportunity to comment on this concern.** To effectively tell the Council to pull this alternative, as written, out of the Amendment is an affront to the public processes assured by NEPA and the Administrative Procedure Act, and will result in an unacceptable delay in the critical decision about adding RH/S to the MSB FMP that is already two years in the making. The law does not allow managers to unreasonably delay the decision-making regarding the appropriate composition of a fishery given their statutory obligations to ensure that overfishing does not occur. *See Flaherty v. Bryson*, 2012 WL 752323 \*12.

We encourage the Service to carefully read the Amendment 14 comments submitted by Earthjustice on behalf of the Herring Alliance (attached to this email), prior to the Mid Atlantic Council meeting tomorrow. **We request that the Service clarify for the Council prior to its decisions on Alternative Set 9 that they can indeed make a decision to add river and shad as stocks in the fishery now, and initiate a subsequent amendment to consider alternatives for management measures that will fully integrate RH/S into the plan.** Failure to do so leaves the Council and NMFS vulnerable to suit for delaying action to add river and shad to the MSB FMP.

With regard to Amendment 5, as previously mentioned, we are pleased to see that NERO has expressed support for establishing RH/S catch caps in both Amendments but must point out that NERO has missed an opportunity to lead on this issue more effectively by failing to recommend that the NEFMC implement a RH/S catch cap immediately, rather than through a subsequent framework action. In its two letters to the Councils, NERO itself points out that for catch caps to function effectively, joint caps are necessary. Yet NERO goes on to support immediate cap implementation in the MSB fishery, and fails to call upon the NEFMC to modify its Alternative 3.3.5 to require an immediate cap. NERO should not support the indefinite postponement of RH/S conservation and management that is contemplated in its preferred Amendment 5 alternatives as expressed in this letter. In fact, **we are perplexed and disappointed that NERO has not recognized that the Herring FMP already contains the authority to implement a catch/bycatch cap through either a framework adjustment or annual specifications (this authority was implemented through Amendment 1 to the Herring FMP in 2007), and that therefore Alternative 3.3.5 as written is meaningless. Moreover, NMFS as completely ignored the question of adding RH/S as stocks in the Atlantic herring fishery, despite the opinion in Flaherty v. Bryson. This is irresponsible in view of the severely depleted condition of these stocks, and will continue to leave the fishery out of compliance with the law.**

Beyond these critical misunderstandings and questionable recommendations on river herring conservation and management, **both letters also contain disappointing, inaccurate and counterproductive statements on many other important monitoring and bycatch reduction provisions in both amendments:**

- **NERO has demonstrated a misunderstanding of the slippage measures in both amendments** that would provide a fleet-wide allowance of dumping events, after which any subsequent dumping would require trip termination. In implying that **before** the allowance is reached there may be **insufficient** controls on dumping, and that **after** the allowance is reached trip termination may be **too severe** a response, NERO misses the point that the two are **integrated parts** of a carefully blended approach. This two-phase dumping accountability approach is in fact a compromise designed to address NERO's very concerns about balancing effectiveness and legality. The allowance provides a buffer before trip termination requirements kick in. In fact, it is likely to change behavior, reduce dumping, and prevent trip termination from occurring. In addition:
  - **The dumping event allowance numbers proposed in the DEIS (Amendment 5 and 14) are not arbitrary.** The Amendment 5 DEIS presents compelling evidence (based on past dumping data and the likelihood that these measures will drive changes in behavior that dramatically reduce the number of events) that the proposed allowances actually make sense and are likely a very solid starting point for numbers that will ensure trip termination rarely rears its head. *See* Amendment 5 DEIS, at p. 433.
  - **NERO's statements that it is "concerned about the legal justification" of the slippage measures is inconsistent with NERO's own past statements about the need to properly sample dumped discards,** for instance as contained in the Final Rule implementing new slippage controls for Georges Bank Closed Area I. 75 Fed. Reg. 73979 (Nov. 30, 2010). This Final Rule contains important acknowledgements that observers simply cannot properly document catch that is not brought aboard, and that this catch is critical due to pre-sorting issues. This Final Rule also establishes the feasibility of bringing the catch aboard as further demonstration of the practicability of these measures
  - **Most of these problems are symptomatic of the fact that NERO has failed to consider, acknowledge, or even explore the success to date of the Closed Area I pilot program.** Two years in, this program, upon which the measures NERO criticizes are closely based, has succeeded in driving dumping levels to near zero, with no reported safety, operational, or practicability problems. NERO's statements that it is "concerned about effectiveness" reflect a failure to examine this model which has been proven effective.
- **In addition, we fundamentally disagree that the slippage measures place observers into any kind of enforcement role.** These measures are again carefully constructed, and based closely on successful pilot efforts in CAI, to avoid that issue. **If simply having observers record their observations is considered by NERO to be placing them in an enforcement role, we would submit that any time they record a catch in excess of a trip limit or measure a piece of gear that fails to meet regulations also places them in an enforcement role.** The eventual conclusion of this exercise is clearly absurd. We would also point out that the NEFMC Enforcement Committee has explored this issue, submitted recommendations to the NEFMC which were incorporated into Amendment 5, and expressed satisfaction at the results. Furthermore, at a recent meeting of that Committee, NEFMC staff reassured the Committee that as constructed, the slippage measures did not in fact place observers in an enforcement role.

- **NERO demonstrates a misunderstanding of the status quo on catch weighing.** Appendix I to the AMENDMENT 5 DEIS states it quite simply when it says “herring are not often weighed.” The June 5 letter from NERO to the two Councils actually captures the core of the problem with current practice in the fisheries well, stating that “we use the weights provided by the dealers, regardless of the methods used to determine weights.” This is exactly the problem that the weighing alternatives in the two amendments are supposed to solve. The two letters also state that “we are unable to evaluate, either annually or for individual transactions, the sufficiency of the [landed weight] information submitted.” Again, this describes a woefully inadequate status quo, and **we cannot understand much less accept NERO’s casual dismissal of the problems and the real solutions presented in the DEIS’s.**
- **We are disappointed, especially in light of the clearly inadequate monitoring regime in these fisheries, that NMFS does not express support for industry funded observer coverage as contemplated by the two Councils. NMFS has previously urged the Councils to make sure that industry-funded options were included in both amendments, and claims in these letters that it “supports improvements to fishery dependent data collections” including “through expansion of monitoring at sea.” We cannot reconcile this inconsistency.**
- **The NERO letter to the NEFMC is dismissive of proposed measures to rescind access to year-round Groundfish Closed Areas for midwater trawl vessels, and to require them to apply for and receive an Exempted Fishing Permit (EFP) in order to regain access to these areas for experimental fishing.** The letter cites analyses in the DEIS which indicate that midwater trawl vessels are not catching significant amounts of groundfish inside the closed areas. This position completely ignores the critical role of the closed areas in groundfish rebuilding and even more egregiously ignores information in the Amendment 5 DEIS plainly showing that groundfish bycatch rates are higher inside the closed areas. *See* Amendment 5 DEIS at p. 490.

We request that you carefully consider these comments on the positions presented in your letter as you formulate Agency guidance and recommendations to the Councils next week, and before voting. We also request you carefully review our public comment letters on both Amendments, which outline important additional rebuttals to several of the positions in your letters that are ill-advised in our view. The Councils and many stakeholders including the 50+ member groups of the Herring Alliance have been working hard on comprehensive and responsible reforms to these two FMP’s to better monitor and reduce bycatch of all species including severely depleted river herrings and shads. **NMFS comments do not sufficiently acknowledge these efforts, nor do they reflect the overwhelming public support and clear legal basis for many of the measures.**

I have attached Herring Alliance comments on both Amendments 5 & 14 for your review.

Thank you,

Peter Baker, Director  
Herring Alliance  
[www.herringalliance.org](http://www.herringalliance.org)

CC: Lori Steele; Jason Didden; Paul Howard; Chris Moore; Carrie Nordeen; Aja Szymulo; George Darcy

**From:** Gary Libby  
**Sent:** Tuesday, June 12, 2012 8:04 AM  
**To:** Rip Cunningham; Paul Howard  
**Subject:** herring amendment 5

I would like to support the committee motion on groundfish closed areas for alternative 4, option 4a for 100% observer coverage. I still have some concern about spawn groundfish in closed areas, I think there should be a definition of what mid-water is meaning how close to bottom the net can be towed. I worry about changing spawning activity in groundfish closed areas. I'm also concerned about the river herring measures, I think a catch cap for river herring is something that should be considered, and a in shore buffer zone during times of the year when river herring is highest.

The catch monitoring, I think that including the category C vessels isn't necessary because they only land about 2% of the total catch paying for at sea monitoring wouldn't be cost effective for the C vessels. This is maybe where the use of 100% dockside monitoring would be better. I'm in favor of at sea catch monitoring for the A&B category vessels because they catch about 98% of the catch, I also think the vessels that pier seine should be considered a different category than trawl vessels because their by-catch composition is different.

Most of my suggestions are probably going to be used in a framework if at all but I you will consider them as good alternatives

--

Captain Gary Libby  
Never stop fighting till the fight is done.  
Live long, live strong, eat seafood.



**From:** Jake Kritzer  
**Sent:** Wednesday, June 13, 2012 7:18 PM  
**To:** Paul Howard; Lori Steele  
**Subject:** Herring A5 submission

Dear Paul and Lori,

Adrian Jordaan of Stony Brook University and I have been collaborating on a study of environmental impacts on river herring populations. Among the variables we included in the multivariate regression analysis were Atlantic herring landings as a proxy for bycatch impacts. As the Council deliberates Amendment 5, we felt these results might be useful and wanted to communicate them, even though the final analysis and report are not yet complete. Lori advised that comments submitted at least three days before the Council meetings begin can still be considered.

Best,  
Jake





Capt. Paul Howard, Executive Director  
and  
Ms. Lori Steele, Herring Plan Coordinator  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

June 13, 2012

Dear Paul and Lori,

We are nearing completion of a multivariate analysis that is looking for environmental correlates of river herring population trends in a series of watersheds along the U.S. Atlantic coast. The study is being prepared for publication, and the results related to river flow, drought, oceanography, and other climate-related variables will be summarized and communicated to the National Marine Fisheries Service as it evaluates climate effects on river herring as part of its ESA status review.

Our study also included data on Atlantic herring landings as a possible explanatory variable, data that in our estimation serve as a proxy for bycatch impacts. As NEFMC considers measures to reduce bycatch of river herring in the Atlantic herring fishery as part of Amendment 5 to the herring FMP, we wanted to share our working results for that component of the analysis with the Council. Therefore, appended to this letter is a brief summary report.

As other components of the study are completed, including the climate-related outcomes and finally the full analysis, we will forward those reports to the Council as well. In the meantime, please do not hesitate to contact us with any questions or comments on our work.

Best of luck as the Council confronts these important management issues.

Sincerely,

Adrian Jordaan, Ph.D.  
Quantitative Ecologist  
School of Marine and Atmospheric Sciences  
Stony Brook University  
Stony Brook, NY  
[Adrian.Jordaan@sunysb.edu](mailto:Adrian.Jordaan@sunysb.edu)

Jake Kritzer, Ph.D.  
Director of Spatial Initiatives  
Oceans Program  
Environmental Defense Fund  
Boston, MA  
[jkritzer@edf.org](mailto:jkritzer@edf.org)

# Correlations between Atlantic herring landings and river herring abundance

Adrian Jordaan<sup>1</sup> and Jacob P. Kritzer<sup>2</sup>

<sup>1</sup>School of Marine and Atmospheric Sciences, Stony Brook University, Stony Brook, NY, 11794

<sup>2</sup>Environmental Defense Fund, 18 Tremont Street, Suite 850, Boston, MA 02108

## Introduction

As part of a study of oceanographic, watershed and anthropogenic drivers of river herring abundance, we examined correlations between landings of Atlantic herring and trends in a series of river herring populations along the eastern seaboard. The larger study considers a range of possible explanatory variables, and aims to develop hypotheses about the relative magnitude of different factors, and which are consistent among multiple rivers or unique to one or few. Our full analysis is nearing completion, and is being prepared for publication. Here, we summarize and discuss working results for correlations between Atlantic herring landings and river herring abundance in our focal rivers to inform the New England Fishery Management Council as it considers measures to address river herring bycatch.

## Methods

Time series data on river herring abundance for 21 rivers spanning five states were used in the analysis (Table 1). The length of each river herring population time series varied from 4 to 40 years. Abundance trends for most rivers were estimated by electronic or visual counts at fish ladders. Exceptions include the Connecticut River, for which estimates are based on the number of fish lifted at the Holyoke Dam, and the Chowan River, for which estimates are derived from the 2005 stock assessment conducted by the North Carolina Division of Marine Fisheries. Most data sets combine alewives and blueback herring into a single “river herring” count, as the species are difficult to distinguish visually. However, species-specific data were available for the Monument River due to biological sub-sampling by the Massachusetts Division of Marine Fisheries that enabled estimation of species composition. Also, North Carolina’s 2005 stock assessment produced separate estimates for the two species. More information on most of the population time series utilized can be found in the Atlantic States Marine Fisheries Commission’s recent river herring stock assessment report (ASMFC 2012), with additional information on the Rhode Island runs provided by Edwards (2011). The Merrimack River was not included in the Stock Status Report, but data were available from the U.S. Fish and Wildlife Service<sup>1</sup>.

The full analysis (in progress) includes 41 potential explanatory variables spanning the watershed and ocean environments, and including attributes that are both natural and anthropogenic in nature. Some variables are unique to individual river systems, such as flow patterns. Others are used for a sub-set of rivers, such as state-specific drought indices. Still others were used in the analysis for all population time series, including Atlantic herring landings from the most recent stock assessment by the Transboundary Resource Assessment Committee (Shepherd et al. 2009). This summary report focuses on the results for correlations with Atlantic herring landings.

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<sup>1</sup> <http://www.fws.gov/northeast/cnefro/returns.html>

All time series were normalized (Z-transformed) or standardized prior to analysis to eliminate scale effects during comparisons, including river counts (n=22 time series from 20 rivers; Table 1) and environmental variables. Multiple regressions were run to identify significant correlates with each population time series. Forward selection stepwise regression has no initial predictors, and instead predictors are evaluated using increases in  $r^2$  achieved by adding each to the model. The predictor that provides the largest increase is added first, as long as the predictor contributes to an overall significant regression model. Once no predictors satisfy these constraints the analysis stops.

## **Results and discussion**

The results of the analysis are summarized in Table 1. The majority of significant results were for Atlantic herring landings from the Gulf of Maine, with half of the 22 river herring population trends significantly correlated with that variable. Of those significant correlations, four were positive and seven were negative. Although we focus only on results for correlations with Atlantic herring landings in this summary report, no other range-wide variable showed as many significant results as Atlantic herring landings from the Gulf of Maine.

Correlation does not necessarily equate to causation, and significant relationships might reflect similar responses to some other factor when positive or opposite responses to a common factor when negative. Where correlations with Atlantic herring landings do reflect some sort of ecological linkage, Atlantic herring landings might be a proxy for an impact upon river herring (i.e., bycatch mortality), but landings might also be a proxy for Atlantic herring abundance (although biomass estimates from the Atlantic herring stock assessment would be a much more direct measure). If Atlantic herring landings alias abundance, positive relationships might represent common responses to ocean temperatures, plankton abundance, predator abundance, or some other factor, given the similarities in oceanic ecology of the species. Those ecological similarities make it less likely that negative relationships reflect independent responses to the same causal factor, with the possible exception of hypotheses related to competition.

Alternatively, correlations might reflect coincidental responses of Atlantic and river herring to completely unrelated causal factors. Atlantic herring landings reached extremely low levels in the early 1980s, before climbing again through the mid-1990s. Several of the river herring time series begin around the same time, typically due to initiation of monitoring following fish passage projects. The Merrimack River population was extensively stocked during the 1980s and 1990s, and trends in that system are most likely driven more by the supplemental spawners than any other factor. Therefore, river herring runs rebuilding through active restoration at the same time as recovery of the Atlantic herring stock following overfishing would show a positive correlation that does not reflect any linked ecological responses. A next step for our study is to test this hypothesis by running the analysis beginning 5-7 years into each river herring time series to eliminate effects of initial stock growth from very low levels.

Atlantic herring landings perhaps more likely represent an impact on river herring, in which case negative correlations would indicate significant bycatch impacts. There is some geographic pattern in the results, particularly the absence of significant relationships for the northernmost rivers in Maine. River herring are known to migrate into Canadian waters, including the Bay of Fundy and Scotian Shelf, during their ocean phase. Although migratory patterns specific to individual rivers or states are unknown, if river

herring from rivers further north in the U.S. are more likely to move beyond U.S. waters, then those fish might have greater refuge from bycatch impacts in U.S. waters. Notably, river herring populations in Maine are generally faring better than populations elsewhere (ASMFC 2012).

At the other end of the range of the data, population trends in five of the seven southernmost rivers showed significant negative correlations with Atlantic herring catch in the Gulf of Maine. If fish from rivers in southern New England and further south do not migrate as far north during the ocean phase as river herring from rivers in the Gulf of Maine watershed, then those populations might be subject to greater bycatch impacts in U.S. waters. Our analysis does contain a sizable gap in geographic coverage between Connecticut and North Carolina due to the lack of time series of river herring counts within that region. We are therefore unable to describe patterns through the Mid-Atlantic region.

An emerging hypothesis is that river herring experience the greatest bycatch impacts in waters just north of their natal river. If true, that would suggest the general absence of significant correlations with Atlantic herring landings from Southern New England and George's Bank is due to fish from our study rivers largely migrating north of those waters. On the other hand, fish from the South Atlantic and Mid-Atlantic rivers that are largely absent from our analysis might be more affected by bycatch off Southern New England and/or George's Bank.

This study provides the first quantitative evidence that bycatch in the Atlantic herring fishery might be a significant driver of river herring abundance. As a correlation analysis, the results should be used to develop, compare the likelihood among, and ultimately test competing hypotheses. A key component of testing certain hypotheses will be better mapping the oceanic migrations of river herring from different rivers, an objective being met by a series of coordinated genetic studies along the coast. Hypotheses can also be developed and evaluated by other analyses, and our final paper will report the full results of the multiple regression analysis, including other environmental variables, as well as insights from other multivariate statistical techniques applied.

### **Acknowledgements**

This study was conducted through funding from the National Fish and Wildlife Foundation and the Gordon and Betty Moore Foundation. The preliminary report benefited from comments by and discussion with Gary Nelson, Wilson Laney, Karin Limburg, John Waldman, Jamie Cournane and Doug Rader. However, the content remains the sole responsibility of the authors.

### **References**

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- Edwards, P. 2011. Marine Sport Fishery Investigations: Restoration & Establishment of Sea Run Fisheries, American Shad & River Herring Restoration & Enhancement. Progress Report for F-26-R, USFWS Sportfish Restoration. Rhode Island Department of Environmental Management. West Kingston, RI.
- Shepherd, G., M. Cieri, M. Power, and W. Overholtz. 2009. Gulf of Maine/Georges Bank Atlantic Herring Stock Assessment Update. Transboundary Resources Assessment Committee Reference Document 2009/04.

**Table 1.** Results of forward selection stepwise multiple regression analysis of the relationship between catch of Atlantic herring in major management units and abundance of river herring in selected rivers along the Atlantic coast. Rivers are listed from north to south. Elements of the table indicate the *p* value and direction of significant relationships. Blank cells represent results that were not significant at least at the 0.05 level or higher.

<b>River</b>	<b>State</b>	<b>Time series</b>	<b>Southern New England</b>	<b>George's Bank</b>	<b>Gulf of Maine</b>
Saint Croix River	ME	1981-1994			
Union River	ME	1982-2007			
Damariscotta River	ME	1977-2007			
Androscoggin River	ME	1983-2008			
Saco River	ME	1993-2007			
Cochecho River	NH	1976-2007			
Oyster River	NH	1976-2007			(+) 0.05
Lamprey River	NH	1972-2007			(-) 0.001
Exeter River	NH	1975-2007			(+) 0.05
Winnicut River	NH	1977-1991; 1998-2007			
Taylor River	NH	1976-2007		(-) 0.05	(-) 0.001
Merrimack River	MA	1983-2009			(+) 0.05
Parker River	MA	1972-1978; 2000-2007			
Monument River – Alewife	MA	1980-2007			(+) 0.001
Monument River – Blueback	MA	1980-2007			
Mattapoissett River	MA	1988-2007			(-) 0.05
Nonquit River	RI	1999-2007			
Buckeye River	RI	2003-2007			
Gilbert-Stuart River	RI	1981-2007	(+) 0.001		(-) 0.05
Connecticut River	CT	1966-2007			(-) 0.01
Chowan River – Alewife	NC	1972-2003			(-) 0.01
Chowan River – Blueback	NC	1972-2003			(-) 0.05



June 12, 2012

Governor Dannel P. Malloy  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106



Dear Governor Malloy:

The undersigned organizations – representing a broad range of conservation groups, watershed associations, anglers, and recreational enthusiasts working to protect and restore Long Island Sound and its tributaries – urge you to request that Connecticut’s representatives at the New England Fishery Management Council (NEFMC) adopt the strongest possible protections for river herring in the Atlantic herring fishery.

Long Island Sound’s rivers and waterways once supported prolific runs of alewife and blueback herring, but in recent decades the number of fish returning to rivers each year has dramatically declined, to the point that they are now being considered for listing under the Endangered Species Act.<sup>1</sup> According to the Connecticut DEEP, millions of river herring once returned annually to Connecticut, but environmental officials say that by 2006, only 21 passed the Holyoke Dam on the Connecticut River<sup>2</sup>. According to the Long Island Sound National Estuary Program, herring populations have declined precipitously in all Long Island Sound rivers over the past few decades.<sup>3</sup> Today, their numbers have dwindled to the point that monitoring this spring (between March and May 1, 2012) at 13 coastal rivers, generally considered to be the State’s most productive herring river runs, recorded a total number of alewife and blueback herring of less than 500,000.<sup>4</sup>

River herring – both alewife and blueback herring – are a keystone species to the food web of the Sound. Not only are they critical forage food for our major Sound game fish – striped bass and blue fish – but a wide array of coastal birds and other wildlife feed on a combination of adult or young herring.

For these reasons, our organizations, in collaboration with the Connecticut Department of Energy and Environmental Protection and the New York Department of Environmental Conservation, have worked diligently to open rivers and streams that feed into the Sound, with substantial success. This public-private partnership has already opened up more than 150 miles of valuable freshwater spawning habitat that was previously blocked by dams. In addition, we continue to support the State of New York’s exploration, and State of Connecticut’s continued renewal of a moratorium on river herring harvest in the Sound. While we do everything we can to open up more breeding habitat and conserve herring in our coastal areas, this alone is not enough. We know our herring spend most of their adult life in the

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<sup>1</sup> NOAA Release, November 1, 2011, announcing consideration of listing river herring under ESA

<sup>2</sup> CT DEEP Press Release of April 3, 2012, announcing continuation of ban on river herring harvest.

<sup>3</sup> Long Island Sound Study, *Sound Update*, May/June 2009

<sup>4</sup> CT DEEP, Weekly Diadromous Fish Report, May 1, 2012

We appreciate your consideration of our concerns and thank you for your continued leadership and commitment to the sustainable management and conservation of our State's natural resources.

Sincerely,

Curt Johnson  
Program Director  
Save the Sound, a program of Connecticut Fund  
for the Environment  
New Haven, CT

Margaret Miner  
Executive Director  
Rivers Alliance of CT  
Litchfield, CT

Andrienne Esposito  
Executive Director  
Citizens Campaign for the Environment  
New York & Connecticut

Sandy Breslin  
Director of Governmental Affairs  
Audubon Connecticut  
Greenwich, CT

Albert E. Caccese  
Executive Director  
Audubon New York  
Albany, NY

Robert Crook  
Executive Director  
Coalition of Connecticut Sportsmen  
Hartford, CT

Carol DiPaolo  
Executive Director  
Coalition to Save Hempstead Harbor  
Sea Cliff, NY

John Rumpler  
Environment Connecticut  
West Hartford, CT

Eileen Fielding  
Executive Director  
Farmington River Watershed Association  
Simsbury, CT

Mary V. Rickel Pelletier  
Executive Director  
Park Watershed  
Hartford, CT

Patricia Aitken  
Executive Director  
Friends of Oyster Bay  
Oyster Bay, NY

Lynn Werner  
Executive Director  
Housatonic Valley Association  
Cornwall Bridge, CT

Jennifer E. Herring  
President and CEO  
The Maritime Aquarium  
Norwalk, CT

Jack Stoecker  
President  
Mianus River Watershed Council  
Greenwich, CT



Hugh Rawson  
Member and Past Chairman  
Roxbury Conservation Commission  
Roxbury, CT

Ted L. Gardziel  
Member and Past President  
Trout Unlimited Hammonasset Chapter  
Guilford, CT

Daniel Snyder, Ph.D.  
Shoreline Shellfish, LLC &  
Sound Marine Skills, Inc.  
Branford, CT

Don Watson  
Trumbull Conservation Commission  
Trumbull, CT

Tim Visel  
Coordinator  
The Sound School  
New Haven, CT

Steve Gangi  
Wetlands Commissioner, Town of Branford  
Branford, CT

Gaboury Benoit  
Professor  
Yale School of Forestry and the Environment  
New Haven, CT

CC:

Commissioner Daniel C. Etsy, Connecticut DEEP  
Director David G. Simpson, Marine Fisheries Division, Connecticut DEEP  
Mark Alexander, Supervising Fisheries Biologist, Connecticut DEEP  
Executive Director, Paul J. Howard, New England Fishery Management Council

June 10, 2012

James B. Vaill  
109 Carpenter Road  
Monson, MA 01057

Ms. Carrie Nordeen  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Re: Herring Amendment 5 DEIS

Dear Carrie,

I am writing today to offer my comments on the Draft Environmental Impact Statement (DEIS) for Herring Amendment 5.

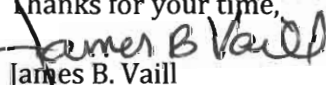
As a fisherman, I am greatly impacted by the management of the herring fishery. I have seen firsthand the negative impacts created by the large midwater trawlers for myself and everyone else in the region. For too long these boats have been able to fish with rules that are totally inadequate given the size and fishing power of the fleet. The Council must ensure that these problems are finally addressed when decisions are made for Amendment 5.

At minimum, the following actions should be approved:

- 100% observer coverage on Category A and B herring vessels in order to provide reliable estimates of all catch, including bycatch of river herring, cod, haddock, bluefin tuna, and other marine life (Section 3.2.1.2 Alternative 2).
- Closed Area I (CAI) provisions with trip termination after 10 dumping events in order to reduce dumping on Category A and B vessels. Given the nature of the gear being used in the fishery, it is critical that rules are put in place to make sure that unsampled dumping is not occurring. (Section 3.2.3.4 Alternative 4C)
- Prohibit herring midwater trawl vessels from fishing in Groundfish Closed Areas. These boats should have never been allowed in to begin with. (Section 3.4.4 Alternative 5)
- Implement measures to require weighing of catch across the fishery so that managers have accurate data on how much herring is being landed in the fishery. (Section 3.5.1 Option 2)

By taking these steps, the Council will be able to fix many of the most pressing problems in this fishery. Please do what is right and approve these measures.

Thanks for your time,

  
James B. Vaill





Ocean River  
INSTITUTE

Protecting the Commons



"All at last return  
to the sea—to Oceanus,  
the ocean river, like the  
ever-flowing stream of  
time, the beginning  
and the end."

— Rachel Carson,  
*The Sea Around Us*

June 13, 2012

Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, Massachusetts 01950

Dear Mr. Howard,

We are concerned about the industrial Atlantic herring fishery and its damaging impact on coastal fisheries and wildlife, especially on our river herring. Most Atlantic states prohibit harvest and possession of river herring in state waters, and New Hampshire only allows limited fishing under an approved plan.

Industrial trawlers catch river herring without limit or regulation in ocean waters. A new river herring stock assessment confirms that river herring are depleted to near historic lows and bycatch is a threat to their recovery. Approximately 4 million river herring are killed incidentally each year, 70 percent of which is caught by large midwater trawlers.

This month the New England Fishery Management Council has an opportunity to close this loophole and protect river herring in federal waters. In advance of this crucial decision, please ask your Council representatives to hold these industrial trawlers accountable and promote river herring recovery by supporting:

1. Immediate implementation of a river herring catch cap to control the harvest of these critical forage species.
2. 100% at-sea monitoring on industrial trawl ships to provide accurate estimation of all catch, including catch of river herring.
3. An accountability system to discourage the wasteful slippage, or dumping, of catch, including a fleetwide limit of five slippage events for each herring management area

Thank you for considering these comments and for your continued commitment to healthy coastal and marine environments.

Sincerely,

Rob Moir, Ph.D.  
Executive Director

Along with 367 signers with comments

Lynnda Strong  
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2309 Halibut Point Road, #34  
Sitka, AK 99835

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No matter what state or country, we need to protect our fish and our waterways. If we don't, we will have no food. No food for our beautiful creatures living off the land and no food for humans that keep raping the land of its beauty and bounty. Please, sustainability is our goal.

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The New England Fishery Management Council has an opportunity to close this loophole and protect river herring in federal waters. In advance of this crucial decision, please hold these industrial trawlers accountable and promote river herring recovery by supporting: 1. Immediate implementation of a river herring catch cap to

control the harvest of these critical forage species. 2. 100% at-sea monitoring on industrial trawl ships to provide accurate estimation of all catch, including catch of river herring. 3. An accountability system to discourage the wasteful slippage, or dumping, of catch, including a fleetwide limit of five slippage events for each herring management area

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Even though these fish are on the other side of our continent, they are vitally important to the fishing industry. AND, we DO buy fish here.

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Marine biodiversity is critically important. Responsible stewardship of our oceans and natural resources is a definitive issue for me as a voter. I encourage you to protect our waters and support fishing caps, and accountability with regards to fishing and pollution.

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We need to do all we can to be proper, ethical, moral, and smart stewards of this world and the living creatures that live in it. They in turn, provide life for all of us.

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We need to be responsible stewards of our  
lands and seas by protecting them at every  
turn.

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I urge you to do all you can to prevent the depletion of river herring.

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Sustainable practices are essential to maintain the ecological balance on the earth. Common sense dictates that selling out the oceans for profit will hurt everyone.

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The environment matters. All species matter!

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Healthy waters + healthy fish = healthy  
environment = healthy people.

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I am originally from Massachusetts and New  
Hampshire. Saving the wildlife in our oceans  
will save us in the long run. Don't be  
shortsighted. Thank you.

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I feel that every living thing should be  
protected and saved. I love to watch fish while  
they swim and feed. They are very interesting,  
and to think of any waterway without them in  
there just wouldn't be the same. We have to  
save all living things! They all have a very  
important part in the world.

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We are concerned about the industrial Atlantic herring fishery and its damaging impact on coastal fisheries and wildlife, especially on our river herring. SAVE the herring population/species NOW!

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The health of our waterways affects us all, we all need to do a better job of taking care of our planet.  
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Please keep the balance of our ocean ecosystems. Keep herring (and all fish populations) in abundance.

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Fish are important no matter how big or small. We are all connected in some small and some big ways. Sustainability must be upheld.

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We need to stop destroying our earth and  
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Growing up in MA, I remember plentiful  
herring that fed lobster pots for bait and wild  
animals. They were also a tourist attraction.  
Save them.  
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River herring are like oxygen to the rest of the  
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For over 40 years I've lived near the Herring river in North Harwich, MA, where the spring herring run was always an abundant and joyous celebration of life. It's tragic to see the numbers of herring dwindle each year. Please help set up policies to reverse this trend.

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As responsible voters and members of government, we have a duty to be conservators of our natural resources. Lacking that, future generations will not have these resources on which to rely.

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All fish in rivers and in the oceans are important to me.

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River herring are at the base of the marine food pyramid. They support highly valuable fish such as cod, haddock, stripers and tuna. We must restore balance and productivity to the marine ecosystem by protecting its base. We also need to protect flow in coastal rivers where herring spawn by establishing protective safe yield water withdrawal limits. As a boy, my grandparents took me to experience the herring run in Brewster, MA. I still recall the excitement of sticking my hand in the water and feeling the herring bumping into it. Will my grandchildren have that same opportunity?

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The more our species can learn the art of moderation, both individually and collectively, the longer we can all survive, and the better off the earth as a whole will be. Thank you.

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The river herring are an important forage species, responsible as a keystone species for keeping entire ecosystems in balance. The wasteful bycatch of these fish should be stopped.

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It's time to become responsible for our  
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our own demise.  
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We are the stewards of the wind and the  
water and the wood. It is our supreme  
responsibility to protect and foster the future  
generations of all species that we impact. The  
river herring need immediate action to

prevent the further unwinding of an ecosystem that already suffers so many of our burdens. I urge you to act swiftly and responsibly.

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These fish are needed to keep the balance in our rivers. Thank you for your concern!  
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Without the "little" fish, the big fish don't eat. Without the "big" fish, humans don't eat. Our Gulf Coast has been grossly harmed by the BP disaster. Our coastline and estuaries have suffered tremendously. We can't afford any more additional environment damage, much less, more loss of the "little" fish.  
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Why do people feel the need to destroy every thing in their path? Nature is beautiful and provides us with beauty and sustenance. Yet we harness it to our wants, not for our needs. We are leaving little or nothing of the the beauty and health our earth has provided for our children. Please save a small part of earth by keeping it free from harvesting. Thank you for your time.

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