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By Alex Mansfield, Jones River Watershed Association

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OF NUCLEAR INTEREST: River herring: illegal to take...for most of us

In May of 2012, The Atlantic States Marine Fisheries Commission (ASMFC) released the new River Herring Benchmark Stock Assessment. This comprehensive report concluded that the East Coast-wide population is depleted to near historic lows. The full stock assessment report and state specific stock summaries can be found at www.asmfc.org.

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River herring is the collective term for two very similar fish species: alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*). River herring abundance throughout Massachusetts has declined to historically low levels. As a result of these declines, the Massachusetts Division of Marine Fisheries established a three-year moratorium in 2005 on the sale and harvest of river herring throughout the state. In 2008, the moratorium was extended through 2011 because of a lack of recovery of river herring in the commonwealth. Since January 2012, the moratorium has been extended under the oversight of ASMFC. In addition, the National Marine Fisheries Service (NMFS) has listed blueback herring and alewife as "species of concern."

The depletion of river herring throughout the commonwealth that lead to the moratorium can be seen in the Jones River. From 2005 to 2011 the estimated size of the Jones River herring run was as low as 560 fish in 2008 and only as high as 4,512 fish in 2010. It is impossible to compare this to historic levels, because population estimates were not conducted in the past. They didn't need to be, because there was never a concern about lack of fish. River herring were abundant enough to be used as a primary food, bait and even as fertilizer. Journals from earlier Colonial settlers frequently commented on the abundance of herring in the area.

The moratorium on river herring take is strictly enforced when it comes to citizens. Under Massachusetts law, "Whoever takes, kills or hauls onshore or disturbs, injures, hinders or obstructs the passage of any herring, alewives or other swimming marine food fish in a fishery created by a city or town, without its permission, contrary to its regulations, shall be punished by a fine of fifty dollars" (MGL Chapter 130 section 95). And keep in mind that \$50 is per fish. So a recreational fisherman who grabs a bucket of herring to use for bait could see fines of hundreds of dollars.

Despite the historically low population levels and regulatory efforts to protect the species, Pilgrim Nuclear Power Plant continues to impinge and kill large numbers of river herring on the screen of their cooling water intake structure. Based on annual extrapolated totals, Pilgrim Nuclear Power Station impinges an average of 2,481 river herring per year and have been known to impinge as many as 41,128 river herring in a single year. These excessively high impingement rates have been occurring for decades. This includes well before concerns over the status of the species, but also in very recent years when the vulnerability of the species was well known. For example, in 2010 alewives were the second most impinged species at the plant at an estimated total of 12,951 river herring. This is more than three times greater than the total number of river herring estimated for the entire 2010 Jones River population.

At \$50 per fish that should be quite a substantial fine. It certainly would be for any of you readers. Yet, the take at Pilgrim is essentially unregulated. The cooling water intakes are permitted under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES). These permits are administered by the federal Environmental Protection Agency and in Massachusetts by the Department of Environmental Protection. Pilgrim's NPDES permit expired about 18 years ago. EPA and DEP have been allowing the permit to extend, without review, without the explicitly required oversight, and in violation of its conditions since the 1990s.

Alex Mansfield is the Ecology Program director for the Jones River Watershed Association. The JRWA ecology program focuses on river restoration, including revival of anadromous fish runs.

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