



March 30, 2017

Dr. John F. Quinn, Chairman
Thomas A. Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: Atlantic Herring Amendment 8

Dear Dr. Quinn and Mr. Nies,

Please accept the following comments from the Jones River Watershed Association, located in Kingston, Massachusetts, concerning the above referenced amendment to the Atlantic Herring Fishery Management Plan.

JRWA is a non-profit membership organization that has been working for thirty years to restore the qualities of the Jones River watershed, especially fisheries habitats. With our headquarters in the Jones River estuary, we cultivate and provide daily stewardship of the environmental and historic resources important to the entire region. We work closely with local, state, and federal agencies, and the public, to provide water quality and species monitoring, and to effect protection and quality improvements in the ecosystem.

We support a year-round no-fishing “buffer zone” for mid-water trawlers in New England waters that would extend from the coastline out to 50 nautical miles. This year-round closure for mid-water trawlers would include herring management areas 1B, 2, and 3, including waters off Rhode Island, Connecticut, and the backside of Cape Cod. We also support a year-round closure of Herring Management Area 1A, including waters off Maine, New Hampshire, and eastern Massachusetts.

Many marine predators would benefit from this buffer, including tuna, cod, striped bass, birds, and marine mammals. It would also benefit Atlantic herring and river herring by preventing the localized depletion that happens when midwater trawlers drag nets close to shore. Hotspots for river herring bycatch and Atlantic herring spawning occur in the areas described above¹ -- a 50 mi. buffer would prevent high levels of bycatch and protect spawning habitat.

¹ Courneau JM, Kritzer JP, and Correia, SJ. 2013. Spatial and temporal patterns of anadromous alosine bycatch in the U.S. Atlantic herring fishery. *Fish. Res.* 141: 88–94.

River herring were once a major component of the marine and coastal freshwater forage base throughout New England and the Mid-Atlantic, but they are extremely depleted today. River herring, both alewives and bluebacks, have been listed as a species of concern since 2006, and have been considered for listing under the Endangered Species Act. Just this week, on March 25th, the DC District Court remanded consideration of the status of blueback herring back to NOAA Fisheries for further review.²

Significant declines in river herring abundance have been observed in parts of southern New England. A 2016 study found that bycatch of river herring, especially by the Atlantic herring fishery, is highest for the southern New England stock of alewife and mid-Atlantic stock of blueback herring and that reducing bycatch would benefit their conservation and recovery.³ **It is critical that the proposed buffer extend into southern New England (Area 2), where river herring are failing to recover.**

In just over 30 days, the midwater trawl fleet had caught nearly 80% of its allowable bycatch of river herring and shad in the Cape Cod Management Area since January 1st. The fleet is likely catching fish that are migrating north before they have the chance to spawn, negating conservation and recovery efforts for the species, including our organization's efforts to restore diadromous fish passage and habitats in the Jones River.

The herring run in the Jones River generally occurs from March to June, and adults migrate back to Cape Cod Bay from June to October. Juveniles out-migrate from September to November. This means that river herring are likely to be close to shore in marine waters in the early spring and through fall.

Entergy's Pilgrim Nuclear Power Station is located on the coast of Cape Cod Bay in Plymouth, MA, and publishes annual reports on impingement and entrainment numbers for many coastal fish species.⁴ According to Entergy's 2014 report,⁵ blueback herring was one of the top five impinged species that year (3.6%). The species was impinged in March, April, August, and October through December. They were most abundant in December, when 43% of the annual total were impinged. Buffers should not be limited only to summer and early fall (June 1 – Sept 31), since it is clear that river herring are close to shore in marine waters in the spring and late fall. Year-round buffers are needed to help these important fish stocks rebound.

² NRDC v. S.D. Rauch/NMFS. March 25, 2017. Memorandum Opinion. Case 1:15-cv-00198-RDM Document 54 Filed 03/25/17. 50 pp.

³ Hasselman DJ, Anderson EC, Argo EE, et al. 2016. Genetic stock composition of marine bycatch reveals disproportional impacts on depleted river herring genetic stocks. *Can. J. Fish. Aquat. Sci.* 73: 951–963.

⁴ From 1980-2014, bluebacks and alewife have been impinged every year at Pilgrim. Atlantic herring have been impinged at least 90% of the time since 1980.

⁵ Entergy. April 30, 2015. Marine Ecology Studies: Pilgrim Nuclear Power Station. Report No. 85: January 2014 – December 2014.

We have organized dozens of local volunteers to help monitor Jones River herring since 2005. They carry out fish counts at the Elm Street fish ladder in Kingston, MA (Figure 1). Up to 50 individuals put in a combined 200 hours each year.

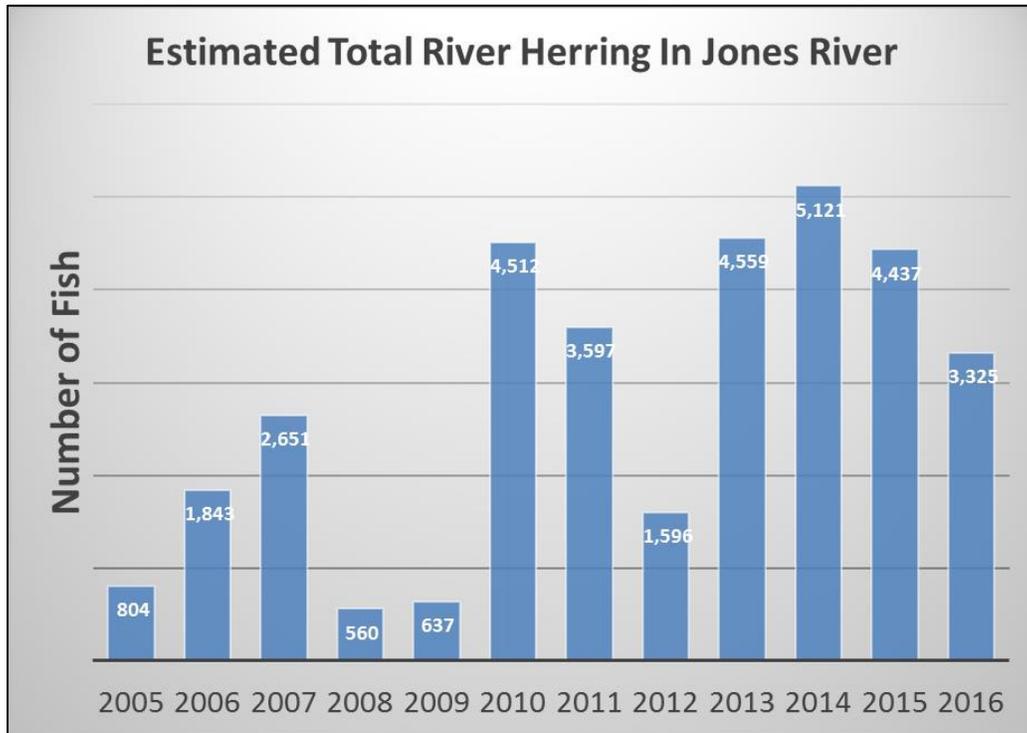


Figure 1

Our Wapping Road Dam removal project, which was completed in 2011, focused on providing river herring passage to Silver Lake headwaters. The removal project cost approximately \$750,000 in local, state, federal, and private funds to complete. Our project to remove the head of tide dam at Elm Street is currently underway and could exceed the previous dam removal costs. These two major projects for Jones River habitat restoration, in addition to our efforts to improve management at Silver Lake and the Brockton Dam, have required more than \$2M in funding over the past ten years. Support and efforts for this restoration work have come from a partnership of businesses, foundations, state, and federal entities including the Town of Kingston, MassBays, Mass. Department of Environmental Protection, Mass. Division of Ecological Restoration, Mass. Division of Marine Fisheries, Mass. Environmental Trust, Gulf of Maine Council on the Marine Environment, NOAA/NMFS, Sheehan Family Foundation, Patagonia, Stantec, and others. The head of tide dam removal and restoration project, currently underway, is on track to require a million dollars of public investment.

River herring bycatch in herring management areas 1A, 1B, 2, and 3 adversely impact conservation and recovery efforts throughout New England, including decades of efforts in the Jones River.

In addition, over the past few years large midwater trawlers have operated within Stellwagen Bank National Marine Sanctuary (SBNMS) under the Herring Research Set Aside program between the months of October and December (for herring and mackerel). This is having significant negative impacts on the fisheries, especially forage fish, and important habitats within SBNMS. The Sanctuary Advisory Committee recently passed a motion⁶ to protect forage fish and SBNMS from this type of research fishing in shallow areas. This type of full water column dragging is counterproductive to management and destructive to the ecosystem.

The Herring Committee should fully analyze how river herring are affected by midwater trawl gear and related bycatch at specific times and places, and how the species would benefit from a buffer zone. We fully support a year-round “buffer zone” for mid-water trawlers in New England waters that would extend from the coast out to 50 nautical miles (including herring management areas 1A, 1B, 2, and 3) in order to protect and recover river herring populations throughout New England – until improved gear, management, and elimination of by-catch is achieved.

Thank you for considering our comments.

Sincerely,



Pine duBois
Executive Director
Jones River Watershed Association
55 Landing Rd, Kingston, MA 02364

⁶ Motion: The SAC recommends or advises the sanctuary Superintendent to pursue one or both of the following potential remedies: a. Continue to work with the RSA researchers and industry representatives to revise the Responsible Fishing Agreement such that no RSA fishing would occur in less than 120 feet or 20 fathoms (but allow it elsewhere in the sanctuary); b. Continue to engage in the Fishery Council process to protect all or a portion of SBNMS from commercial fishing for forage fish.