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September 20, 2013

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street
Dover, DE 19901

RE: Amendment 15 to the Mackerel, Squid & Butterfish Fishery Management Plan
Dear Dr. Moore:

I am writing to express the longstanding concern of the Chesapeake Bay Foundation (CBF), its Board of Trustees and more than 200,000 members about the severely depleted state of shad and river herring in Chesapeake Bay and its tributaries and the intolerable waste of this important resource as bycatch in the offshore mackerel fishery. To address this problem we urge you to develop and pass Amendment 15 to the Mackerel, Squid and Butterfish Plan (MSB) and designate river herring and shad as stocks in the MSB Fishery Management Plan.

Since its inception in 1967 CBF has been an advocate for the restoration of Chesapeake Bay and its living resources including migratory fishes. During that time period we have been the lead private voice supporting fish passage, hatchery stocking and habitat protection. Many millions of dollars have been spent to open thousands of miles of historic riverine spawning habitat and stock billions of shad fry in Chesapeake Bay tributaries. In addition, the Bay states have severely restricted shad and herring fisheries in an attempt to reverse their decline. In 1980 Maryland closed its shad fishery. In 1990 Virginia closed its shad fishery. In 2001 the Atlantic States Marine Fisheries Commission (ASMFC) closed the coastal intercept fishery for shad. And in 2012, the river herring fisheries for both states were closed.

And yet with all this investment and effort, shad and herring stocks are at historic lows coastwide. River herring were even considered for listing under the Endangered Species Act. The impacts have been dramatic for many Chesapeake watershed communities and for the Chesapeake ecosystem. Shad supported the most valuable finfish fishery for over two hundred years in the Bay region, but it is nearly forgotten now. Shad and herring juveniles once served a key role as forage during their downriver migrations in the fall, but that component of the food web is all but eliminated. Chesapeake striped bass suffer elevated natural mortality levels likely due to a serious disease (mycobacteriosis), for which poor nutrition has been identified as a contributing cause.

With this backdrop it is hard to imagine that uncontrolled bycatch of shad and river herring in large scale offshore fisheries is tolerated. That all directed fisheries for shad and river herring have been closed as conservation measures should demand aggressive steps to control and minimize such large scale bycatch. Anything less violates the fundamental rule of range-wide management of interjurisdictional fisheries. The requirement for range-wide consistency was embodied in the 1984 Atlantic Striped Bass Conservation Act and was the primary reason that stock experienced such a robust recovery and led Congress to extend the same requirement to all other fisheries overseen by ASMFC. That some coastal migratory stocks extend their range into federal waters does not diminish the importance of this principle.

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Therefore, the CBF supports, and urges the Mid-Atlantic Fisheries Management Council to adopt, the designation of shad and river herring as “stocks in the fishery” through the development and passage of Amendment 15 to the MSB Fishery Management Plan. This designation will ensure that the fisheries taking shad and herring as bycatch will be monitored and that science-based catch limits and accountability measures will be adopted.

On CBF’s behalf, I thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Goldsborough".

William J. Goldsborough, Fisheries Program Director
Chesapeake Bay Foundation