



Mr. John K. Bullard, Regional Administrator
National Marine Fisheries Service – NOAA
55 Great Republic Drive
Gloucester, MA 01930

June 21, 2013

RE: Public comment on Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP) and its Final Environmental Impact Statement (FEIS), and the Proposed Rule (NOAA-NOAA FISHERIES-2013-0066)

Last year, a broad range of conservation groups, watershed associations, anglers, and recreational enthusiasts, who work to protect and restore Long Island Sound and its tributaries, commented to the New England Fishery Management Council (NEFMC) in June 2012 requesting the Council adopt the strongest possible protections for river herring and shad in the Atlantic herring fishery. The NEFMC responded strongly, approving and recommending the implementation of an excellent program that requires: a) 100 percent observer coverage; b) measures to reduce catch at-sea; c) setting a catch cap for river herring and shad; d) accurate weighing of catch; and e) improved monitoring for herring trawlers in groundfish closed area.

Save the Sound, a program of Connecticut Fund for the Environment, is now very concerned that the proposed implementation rule appears to significantly “water down” the provisions of Amendment 5, and that several of the key reforms may not come to fruition.

Save the Sound and its members strongly urge NOAA fisheries to fully approve Amendment 5, and maintain the essential elements of the NEFMC program.

Of utmost importance is the achievement of 100% observer coverage, and adhere to the NEFMC’s requirement that all midwater trawl vessels carry an observer in order to monitor and ultimately reduce the bycatch of river herring, shad, and other species.

We believe that the proposed caps on the dumping of catch are reasonable and are not punitive, and are necessary to maintain the accuracy and reliability of catch monitoring and bycatch estimation.

We are in agreement with the NEFMC’s unambiguous intention to stop the unreliable visual estimation of catch weight and instead require the use of scales or other verifiable methods.

Additionally, it is our position that establishing a catch cap for river herring and shad is necessary and should be developed as soon as possible, per the recommendation of the NEFMC. The current level of bycatch is not acceptable and continues to be a large setback in the hard work being done to restore these populations (through opening riverine corridors).

Finally, NOAA Fisheries should approve the strengthened monitoring requirements for midwater trawlers fishing in the year-round groundfish closed areas.

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. 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 River¹. 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.² Today, their numbers have dwindled to the point that monitoring this spring (between March and June 13, 2013) at 14 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 581,000.³

River herring – both alewife and blueback herring – are a key component of 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 all of 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 proposed moratorium, 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 north Atlantic. Therefore, their recovery is dependent on the NEFMC providing strong protections for herring throughout this north Atlantic area.

We believe that ocean bycatch is a significant concern, a finding that was recently confirmed by the 2012 River Herring Stock Assessment and Peer Review. Data obtained by the Northeast Fisheries Observer Program shows that between 2 and 5 million alewife and blueback herring were caught annually between 2005 and 2010, with the majority taken in the single and paired midwater trawl fishery for Atlantic herring in New England. In some instances, hundreds of thousands of river herring have been removed in single net tows. Considering that up to a half million river herring can be destroyed by a single net tow, this is the rough equivalent of the total number of river herring monitored this spring passing up 14 of Long Island Sound's most productive rivers.⁴

¹ CT DEEP Press Release of April 3, 2012, announcing continuation of ban on river herring harvest.

² Long Island Sound Study, *Sound Update*, May/June 2009

³ CT DEEP, Weekly Diadromous Fish Report, May 1, 2012

⁴ CT DEEP, Weekly Diadromous Fish Report, June 13, 2013

Again, Save the Sound respectfully asks that NOAA Fisheries adopt Amendment 5 with the provisions expressly intended by the NEFMC.

Sincerely,

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