



June 5, 2018

Tom Nies, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: DEIS for Amendment 8 to the Atlantic Herring FMP

Dear Mr. Nies,

Thank you for the opportunity for the Mystic River Watershed Association to comment on the Draft Amendment 8 to the Atlantic Herring Fishery Management Plan.

The Mystic River Watershed Association (MyRWA) is a grassroots organization dedicated to the protection and restoration of the Mystic River, its tributaries, and related natural resources throughout the watershed's 22 communities. MyRWA is presently undergoing its 7th annual count of the river herring that pass through the fish ladder at the Upper Mystic Lake dam. One of the great teachings of the spring arrival of the river herring is the sudden presence of wildlife to feed on these herring. First to arrive are the early scouts, cormorants and herring gulls. When the pulse of the herring run is in place, black-crowned night herons and great blue herons appear, the latter have recently established rookeries nearby. Bald eagles and osprey fly overhead keeping a watchful opportunist eye. Fishermen announce the presence of striped bass.

The Mystic River Watershed Association applauds the New England Fishery Management Council in its proposed shift, from monitoring Atlantic herring as a sustainable single species for the fishery, to including its role as a forage fish within our region's ecosystem. Atlantic herring are a primary food source for tuna, cod, striped bass, humpback whales, porpoise and seabirds within the Gulf of Maine and beyond.

We agree with the NEFMC that existing standards for the catch of Atlantic herring are not adequate to support our ecosystem. The schooling of herring and the use of modern technology to locate these schools make it possible for fishing trawlers to remove entire populations of this species. Recent studies of the Atlantic herring population appear to indicate a significant decline. This being the case, the current policy of setting catch limits based on what has been caught in previous years has put the health of the entire Atlantic herring population at risk for long-term sustainability, for the fishery, commercial and recreational fishermen, ecotourism, and our ecosystem.

We recognize that the inclusion of herring's essential role in our ecosystem is a balancing act. However, ecological trade-offs need to be considered regarding an inadequate setting of an Acceptable Biological Catch Control Rule (ABC-CR):

- Decreased food for depleted groundfish, such as cod.
- Decreased food for mammals protected by Federal laws and managed for a population recovery such as humpback and fin whales.

- Localized depletion of herring schools for seasonally migrant as well as endangered or threatened species, such as the Atlantic puffin, roseate and common tern.
- Depletion of food for ocean-wide seasonal feeders such as Bluefin tuna, which depend on herring as part of their diet.

Therefore Amendment 8 needs to contain an Atlantic herring management plan that ensures enough herring for dependent predators.

1. Due to the depletion of other forage fish (e.g., river herring, shad, menhaden, mackerel) the ABC-CR must go beyond keeping the Atlantic herring population sustainable for the fishery and set the herring biomass goal above a maximum sustainable yield.
2. Fishery cutoffs must be quickly put in place if the herring population falls to a specified minimum threshold.
3. Incremental decreases in an acceptable herring catch need to be put in place if the herring population continues to fall.
4. The ABC-CR needs to take into account seasonal predation and ecological sub-regional variations to protect local herring spawning populations.

For these reasons the Mystic River Watershed Association recommends that the **NEFMC should select Alternative 2 for the ABC Control Rule.**

So that we can reverse the recent decline of Atlantic herring and carefully monitor its recovery we recommend that the **Council should select Alternative 2 as the best alternative for setting the 3-year ABC.**

Midwater trawling has led to local depletion by their ability to remove vast amounts of Atlantic herring over a small area, depriving predators such as striped bass, tuna, whales and seabirds of an important food source. It has potentially contributed to the decline of the cod fishery. Local depletion of Atlantic herring disrupts tuna fisherman and whale watch businesses as the species they pursue search farther for food. Additionally, midwater trawling south of Cape Cod has led to the localized depletion of river herring, caught as bycatch.

To address these problems, the Mystic River Watershed Association recommends that for the Localized Depletion and User Conflict Alternative that the **NEFMC should select Alternative 6, a 50 nm buffer zone, including Areas 1B, 2 and 3, that prohibits midwater trawling gear.**

These alternatives offer the best sustainable options for the recovery of the Atlantic herring population for the commercial and recreational fishermen, ecotourism industries, and our larger ecosystem.

Sincerely,



Patrick Herron, Executive Director
Mystic River Watershed Association