

2026 Priorities

Atlantic Herring Amendment 10

Correspondence

From: sara dodson holmes <sgdodson@hotmail.com>

Date: November 21, 2025 at 4:13:28 PM EST

To: DANIEL.J.SALERNO@gmail.com

Subject: Please protect Amendment 10

Hi Mr. Salerno,

I am a resident of Chester, CT — four towns up the Connecticut River from Long Island Sound.

Please protect Amendment 10 of the Atlantic Herring Fishery Management Plan to support Southern New England river herring (alewife and blueback herring), reducing the incidence of midwater trawl bycatch, and allowing the recovery of a dangerously depleted species.

I support setting specifications for the harvest of Atlantic herring and references “additional management measures” in the draft Proposed 2026 New England Fishery Management Council Priority List.

There has been a promising response to river herring runs in Connecticut during the past two seasons, and that may be due to the lack of at-sea interception of river herring by the midwater trawl fleet.

Let's keep on the trend of water quality improvements with more than 500 miles of habitat being reopened, 50 fishways constructed, and more than 45 dams removed. To continue this momentum and restore river herring runs to the level where the populations in Connecticut rivers can support fisheries as well as the entire ecosystem, we need the Council to reinstate the full protection of Amendment 10.

Thank you for your consideration and your dedication to protecting the river,

Sara Holmes

Daniel Salerno, Council Chair

Dr. Cate O'Keefe, Executive Director

New England Fishery Management Council

50 Water Street, Mill 2

Newburyport, MA 01950

Dear Chairman Salerno and New England Fishery Management Council Members,

I am a former fisheries scientist/manager with interest in river herring, and I request that Amendment 10 to the Atlantic Herring Fishery Management Plan (Amendment 10) be given priority in 2026.

Efforts are needed to protect river herring and your organization can promptly address some of them through the Amendment 10 process. If river herring issues are not address by Amendment 10, the issues around them resulting from the Atlantic Herring Fishery will remain and eventually become more problematic for the Council.

Therefore, action now is better than later.

Thank you for considering my comments.

Sincerely,

Paul Perra

From: BRUCE KINDSETH <bkindseth@cox.net>

Sent: Monday, November 24, 2025 3:41 PM

To: comments <comments@nefmc.org>

Subject: Comments for Dec 2-4 meeting

To: Council Chair Daniel Salerno

Executive Director Cate O'Keefe

SUMMARY

We are lucky to have an Atlantic Continental Shelf that for centuries has been one of the most productive fisheries in the world and still has the same potential that it had 50 or 500 years ago. Now the populations of most species in the Atlantic Fishery are at single digit percentages of their historic levels. Sixty years ago, a friend of mine, at the age of 8, caught a 24# cod from shore in Narragansett. In addition to cod, pollock and hake could also be caught from shore. The big difference was then; there was an abundance of a bait fish called menhaden (aka pogies or bunker) and herring around. Another man said that, as a kid, he used to get his spending money by snagging pogies in Newport and selling buckets of them to fishermen for bait.

So how do we rebuild the fishery? Stop taking away their food and the main component of their food is menhaden. About 170 years ago, when whales became scarce, it was discovered that oil could be obtained from menhaden. Since then, they have been heavily harvested and at one time there were as many as 100 reduction factories on the east coast. Now there is only one. Remarkably, after 170 years of heavy harvesting, menhaden still produce the largest tonnage of any fish on the east coast. With that record, menhaden can be our means of rebuilding the Atlantic Fishery.

The time to act is now. The population of Atlantic Herring has collapsed. I believe it is because of the heavy harvesting of menhaden, the predatory fish have turned to feeding on herring and have decimated their population. This year's allowable catch is about 3% of what was caught just 12 years ago. It was recently found that the estimate of menhaden population was off by 50%; the actual population was half of what had been previously estimated. There are not enough menhaden left to supply both the reduction fishery and the bait fishery, which supplies bait for the lobster & crab fisheries and recreational fishermen. Atlantic herring are the canary in the coal mine, and if something isn't done soon, menhaden will go the way of the Atlantic herring, and the rest of the Atlantic Fishery will be close behind.

Please contact your cohorts at the ASMFC and ask them not to let the menhaden go the way of the Atlantic herring. We need them to feed the New England Fishery.

TEXT

The Atlantic herring are the canary in the coal mine for the Atlantic fishery. The canary is mostly dead. The herring catch in 2013 was 93524 metric tons (mt). The current annual catch limit (ACL) for 2025 is 2710 mt. This is less than 3% of what the catch was only 12 years ago. The scoping document for Amendment 10 says that the stock, "is not overfished", so what is happening? A stock assessment done in 2022 "identified continued poor recruitment as the main issue driving stock status" and "a definitive explanation for continued poor recruitment has not yet been identified"

A clue to the poor recruitment is in an ASMFC document, 'Guide to Fisheries Science and Stock Assessments' that explains. <https://asmfc.org/resources/science-guiding-document/guide-to-fisheries-science-and-stock-assessments/> On the cover of this document is a graph of yield vs. population of a species. The maximum yield is at about 50% of the carrying capacity and declines to zero as it reached the carrying capacity. On p.8, it explains carrying capacity. "The concept of carrying capacity is not as easy to quantify but is based on the idea of an upper limit to population size given the limited resources needed to sustain the population (i.e., sufficient food and suitable habitat)."

A fisheries scientist on a video stated that if menhaden (a forage fish) are not available the predatory fish will commonly switch to herring. It's called "prey switching" So to tie these thoughts together, the low

recruitment of Atlantic herring is not caused because they are running out of food, it's because they are the food.

A healthy fishery depends on an abundance of forage fish, which we do not have. When there is an abundance of forage fish, the more valuable predatory fish, being opportunistic feeders, will consume more of them. Conversely, if there is a scarcity of forage fish, the predatory fish will consume whatever is available, and that will result a lot more young of more valuable fish being eaten. This is what is driving the 'low recruitment' numbers seen in many species, including striped bass. Speaking of striped bass, at a recent ASMCM meeting, they reported increased predation of striped bass by dogfish. Two friends of mine hooked up with stripers only to have sharks bite off half the fish. That's what the scientists call "prey switching." Rebuilding the Atlantic herring depends on rebuilding the forage fishery.

What happens when there are no menhaden available for the fish to eat?

"The fish won't starve"

"There's plenty of other fish in the sea to eat"



"It's called prey switching"

I mentioned menhaden above. Harvesting of menhaden produces the largest tonnage of any fish caught on the east coast, at over 230,000 metric tons a year. Some of it is used for bait for the lobster and crab fishery, as well as recreational fishing, but the balance, over 150,000 metric tons goes into the industrial reduction factory, where it is made into fish oil, fish meal and fish food for commercial fish farms. Menhaden have historically been the largest contributor to the Atlantic fishery food chain. They primarily spawn in the mid-Atlantic area and spend their first year in coastal bays, primarily Chesapeake Bay. After the first year, they leave their nursery areas and spread out into the Atlantic fishery, from Main to Florida. The population of menhaden has been in decline, and to meet the needs of the reduction factory, the menhaden boats are fishing for peanut bunker, which are juvenile menhaden, in Chesapeake Bay and going as far north as New Jersey in search of menhaden. Just last year, Professor Jerald Ault, a fisheries scientist who works with ASMFC discovered an error in ASMFC's estimation of menhaden population. The correct estimation is half the population that had

previously been predicted. As a result, the ASMFC staff recommended a cut of 57% in the total catch (TAC) for 2026-2028. At the ASMFC fall meeting, this was rejected, primarily by the states that need bait for the lobster and crab fishery, and the NOAA representative also voted against it. A compromise motion was passed to reduce the TAC by 20% with options to reconsider it at the 2026 and 2027 fall meetings. This is not good for anybody, and the menhaden will soon go the way of the herring.

There are not enough menhaden out there to support both the bait fishery. There is a simple solution, and this was submitted in the public comments by Paul Eidman of Menhaden Defenders. It will provide an abundance of bait fish which will drop the price of bait.

This is located at:

https://asmfc.org/wp-content/uploads/2025/10/AtlMenhadenBoardSupplemental_October2025.pdf on page 9.

“The evidence is clear: Reduction fishing and the current coastwide quota are unsustainable. To give our marine ecosystem a chance to recover and sustain the marine animals and coastal fishing economies, we urge you to:

1. Set the 2026-2028 TAC at 75,616 mt, the current TAC for the bait fishery. This level has a significantly greater than 50% chance of meeting the ERP F target, accounts for additional menhaden stock assessment and ERP model risk, and will help ensure striped bass rebuilding; and,
2. Reallocate all quota to the bait fishery to protect the bait, lobster and crab fisheries, and prohibit menhaden fishing for reduction purposes”

Since the main opposition to the greater TAC reduction was from the states with lobster and crab fisheries, we should work with them and get their support for adopting this proposal at the 2026 ASMFC meeting.

Menhaden are the perfect fish to rebuild the fishery. When whales became scarce about 170 years ago, menhaden replaced whales as a source of oil. At one time there were as many as 100 reduction factories on the east coast, now there is only 1. After 170 years of heavy harvesting, it has survived and is still provides the greatest tonnage of fish harvested from the Atlantic fishery.

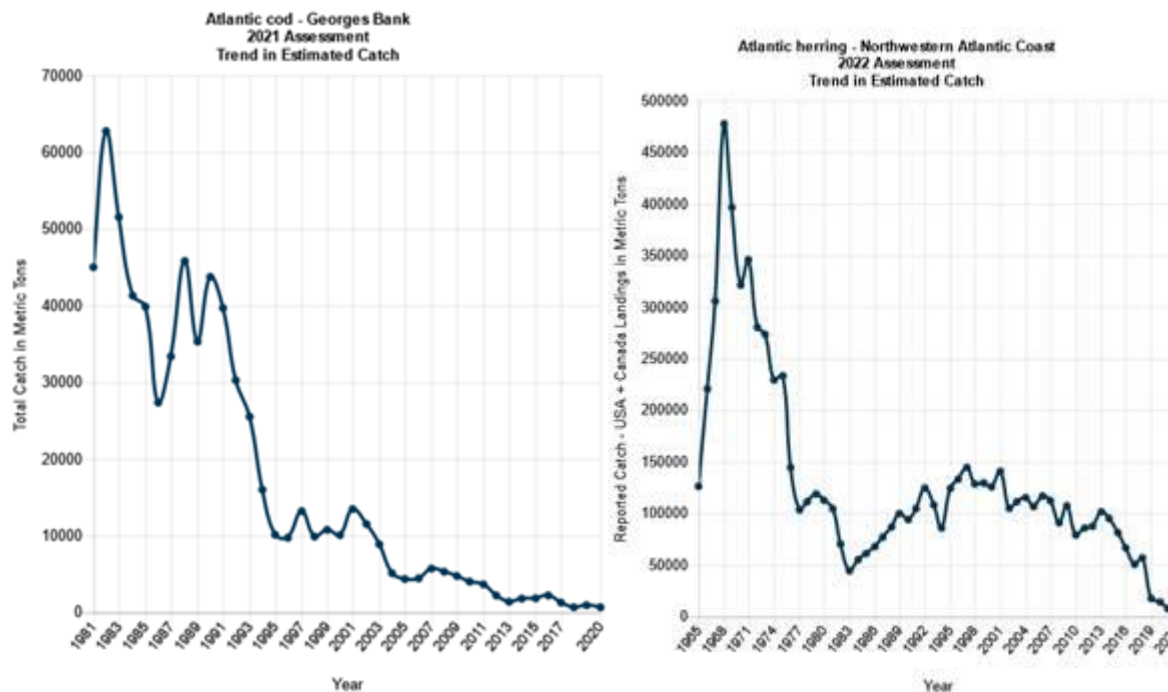
If the harvesting of menhaden for the reduction industry would be shut down, there would be over 150,000 mt of menhaden left in the ocean the first year. That would increase every year as the population and age of the menhaden stock grows. The first thing that we should expect to see is an improvement in the recruitment numbers of the herring, striped bass, and many other species as the increased numbers of menhaden lower the predatory pressure on them. Mother Nature is on our side. We really don't know how fast the recovery could be and what the upper limit could be. On the low side, if a 5% population growth rate can be maintained, in 50 years we will have a 10-fold population increase, and if the annual population growth rate is 10% then it would take only 30 years for the 10-fold increase. The growth rate could be even more explosive, but there will be growth.

Closing the menhaden reduction factory, which is a \$100 million a year business, might be difficult, but it pales in comparison to just the striped bass recreational fishery, which adds about \$8 billion a year to the East Coast economy. That alone is 80 times greater than the menhaden reduction fishery.

About 60 years ago, a friend of mine, who was 8 at the time, caught a 24# cod from shore here in PT. Judith, RI. At that time, there was an abundance of menhaden. His dad taught him how to snag the menhaden, cut it in 3 pieces and use it for bait. When that was gone, he would just snag another menhaden. Another person told how, as a kid in Newport, he would snag buckets of menhaden and sell them as bait to fishermen.

There is no reason why our Atlantic fishery can't be rebuilt to what it was 60 years ago. Look at the charts below. They may show how poorly we have managed our great resource that is our Atlantic fishery, but to

me they show a tremendous potential if we simply reverse out present **course**.



The cost to rebuild the fishery will be minimal, but it won't happen overnight. The management can be simple Just track the populations growth rate of the species in the Atlantic Fishery.

Bi-partisan support will be necessary to pass an amendment to the Magnuson-Stevens Act (MSA) to exempt the Atlantic fishery from its requirements for "Optimum Yield" and "Maximum Sustainable Yield." Sustainability is a very low bar but NOAA claims success even though the population is at single digit percentages of historical levels. Optimum Yield models require accurate data which does not exist for fish. The charts above show the failure of the current system. Instead, require that the populations demonstrate a growth rate and that harvest be limited so the population growth rate is maintained. On the issue of river herring, at a NEFMC meeting on June 24, 2024, The Council received a summary of the Amendment 10 hearings and directed "the Herring Plan Development Team (PDT) on where it should focus its efforts down the road. The tasking specified that the Herring PDT:

- Assess data availability and analyze and develop alternatives for Amendment 10 that implement time/area closures for portions of Atlantic Herring Management Areas 2 and 3 where aggregations of river herring and shad overlap with the directed Atlantic herring fishery.
- Assess data availability and analyze and develop alternatives for Amendment 10 that implement revisions to the basis of river herring and shad catch cap values that: (1) are reflective of regional river herring/shad abundance, and (2) scale with ceilings and floors to changes in Atlantic herring abundance and/or regional river herring abundance; and
- Analyze and develop recommendations for implementing improvements to the accuracy and precision of river herring and shad catch estimates in the directed Atlantic herring fishery."

<https://d23h0vhs26o6d.cloudfront.net/NEFMC-Receives-Herring-Amendment-10-Scoping-Summary-and-Provides-Guidance-Approves-2024-2028-Research-Priorities.pdf>

In the first bullet item above, it mentions "time/area closures". Time is critical as the river herring aggregate in the spring for a period prior to going upstream to spawn. There should be a lot of data from when the herring are counted to determine when they have completed their upstream migration and there should be bycatch data available to draw a map of areas where the fish congregate prior to moving upstream to spawn.

Likewise, revising the catch caps should also be simple to do. The 2025 Annual Catch Limit was dropped by 89% so just cut the catch caps by 90%.

For the first 2 bullet item, the Council asked the PDT to “develop alternatives for Amendment 10”. I would recommend that those 2 bullet items be removed from item 10 and the PDT incorporate the changes in the Atlantic Herring Fishing Specifications at the next update. These two are very important as we have already missed 1 spawning season; can we get this change done before the 2026 season? The third bullet looks like a longer-term issue.

<https://d23h0vhsm26o6d.cloudfront.net/Atlantic-Herring-%E2%80%93-NEFMC-Takes-Final-Action-on-Fishing-Year-2025-2027-Specifications-Requests-In-Season-Adjustment.pdf>

Sincerely,

Bruce Kindseth

Narragansett Surfcasters



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

November 25, 2025

By Email

Cate O'Keefe, Ph.D.
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, Massachusetts 01950

Re: *Amendment 10 to Atlantic Herring Fishery Management Plan*

Dear Dr. O'Keefe:

Thank you for the opportunity to comment a second time on Amendment 10 to the Atlantic Herring Fishery Management Plan. As explained in the attached comment submitted in April 2024, the population of river herring has collapsed in Connecticut. It is imperative that we take strong action now and that is why I would like to see this project stay on the 2026 New England Fishery Management Council ("Council") priorities list.

It is my understanding that Council staff had to pause work on Amendment 10 last Spring to allow for a mid-season adjustment to increase the herring total allowable catch. Given the reduced annual quotas, Connecticut's representatives supported this increase with the understanding that work on Amendment 10 would begin again with a progress report provided at the June 2025 Council meeting. Unfortunately, the Council once again directed staff to pause Amendment 10 to address new demands issued through Executive Orders. As a vote by the Council on 2026 priorities is approaching, I urge that Amendment 10 be reinitiated and remain on the priority list as a multi-year project.

While managers can create river herring avoidance measures through the framework adjustment, not all the stakeholders' concerns are represented. Another concern is the lack of action on framework decisions from the NOAA office in Washington D.C., including the mid-season adjusted herring specifications. It is therefore critical that the work originally proposed in Amendment 10 continue and remain part of the process. The Council should also consider including the specifications package as part of the Amendment.

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Cate O'Keefe, Ph.D., Executive Director
November 25, 2025
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The priority is to reduce river herring bycatch and reverse the chronic depletion of Southern New England river herring stocks. Amendment 10 offers the best vehicle to reduce at-sea interception of these fish and support stock rebuilding. The public hearing on Amendment 10 elicited robust public comment, and the Council should ensure that stakeholder concerns are addressed.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W. Tong', with a large, stylized flourish extending from the end of the signature.

WILLIAM TONG



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

WILLIAM TONG
ATTORNEY GENERAL

April 17, 2024

By Email

Cate O'Keefe, Ph.D.
Executive Director
New England Fishery Management Council
50 Water Street, Mill #2
Newburyport, MA 01950

Re: *Atlantic Herring Amendment 10 Scoping Comments*

Dear Dr. O'Keefe:

In Connecticut, the population of River Herring has collapsed, which poses a grave and potentially catastrophic risk to our marine ecosystem and the survival of other fish and species and the biodiversity of Long Island Sound. We must take the strongest possible action now. I am submitting this comment in support of the New England Fisheries Management Council's consideration of adopting an Amendment 10 to its Atlantic Herring Fishery Management Plan. This action will provide an important opportunity to address an existing problem with the management of Atlantic and River Herring fish stocks in New England. River Herring is of particular concern in Connecticut as our rivers have seen a significant depletion of this critical species.

Data, analyses, and technical publications performed by many parties have made it clear that the Atlantic Herring trawl fishery prosecuted in management Area 2 (east of Long Island Sound) is harvesting river herring destined to spawn in Connecticut waters as an incidental take. This activity has been occurring for over 35 years and the impact on Connecticut River Herring runs and the natural and human resources that depend upon them has been severe. Beginning in 2002, the State of Connecticut prohibited the taking of River Herring from all of its waters. The State of Connecticut and its partners also have spent an enormous amount of money and effort to remove dams and build and operate fishways to restore these runs but it has not had a measurable impact because of the continued harvesting of Atlantic Herring and the River Herring as bycatch.

One solution is to close Area 2 during the late winter and early spring when and where our fish congregate prior to entering Long Island Sound in the spring. The implementation of the January 1 to May 31 landings day closure in area 1A has indirectly improved the River Herring stock in the State of Maine by creating a similar time/area closure that protects congregating pre-spawn River Herring. Such a closure of coastal waters there has been very effective in allowing River Herring runs to prosper in Maine, where the recreational and commercial harvest of River Herring is now allowed and celebrated by a strong River Herring culture. Enacting such a time area closure in

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Cate O'Keefe, Pd.D., Executive Director
April 17, 2024
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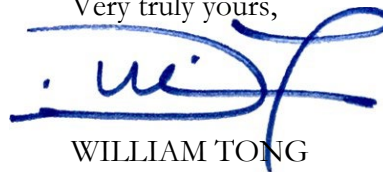
southern New England as a component of Amendment 10 would undoubtedly be a benefit to the River Herring and other ecological species that rely on these fish.

Additionally, the council should seriously consider revising and reducing the current river herring/shad catch caps associated with the Atlantic Herring fishery. The current river herring/shad catch cap for the Atlantic Herring fishery in Area 2 is 251.9 metric tons. Reducing these catch caps would result in great escapement of shad and river herring and would encourage Atlantic Herring vessels to avoid the known river herring/shad incidental take "hot spots", resulting in more returning River Herring in Connecticut.

I encourage this council to take these important steps to support the Atlantic and River Herring fisheries.

Thank you for the opportunity to comment on these important issues.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W. Tong', with a large, stylized flourish extending from the end of the signature.

WILLIAM TONG

Daniel Salerno, Council Chair
Dr. Cate O'Keefe, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Priorities – Atlantic Herring Amendment 10

Dear Chairman Salerno and Council Members,

On behalf of the undersigned organizations representing thousands of recreational anglers, commercial fishermen, charter boat captains, guides, Indigenous People, and river herring advocates along the Atlantic Coast, **we write to strongly support setting Atlantic Herring Amendment 10 as a priority in 2026.** Despite their ecological and socioeconomic importance, Atlantic herring and other key forage fish populations are in crisis due to industrial-scale fishing, including midwater trawling in the Atlantic herring and mackerel fisheries. As reflected by the Council in defining Amendment 10's purpose, the amendment is necessary to help the Council meet its legal obligations to attain optimum yield in the fishery, rebuild Atlantic herring, avoid and minimize catch of depleted river herring and shad populations, and reduce user conflicts.

The Council made significant progress but delayed Amendment 10 to complete the management flexibility framework. The problems leading to initiation of the amendment persist, and are more pressing now because Atlantic herring, mackerel, and river herring are all indicating signs of recovery following what was effectively a shutdown of the Atlantic herring and mackerel fisheries. Scoping showed overwhelming support for Amendment 10. Many important issues were raised including the need for improved monitoring and protection of known spawning grounds from midwater trawling. The broadest support was distributed equally among the need to address the impacts of midwater trawling on the resource, the need to address user conflicts between different fishermen as well as with other user groups, and the need for significantly greater protections for river herring and shad.

The reasonable measures contemplated in Amendment 10's problem statement, like spatially and temporally explicit gear restrictions, area closures, possession limits, and meaningful river herring catch caps, will help with the recovery and sustainable management of our forage stocks and increase the amount of forage fish available to predators, benefiting a range of user groups in near shore waters. These measures can also protect spawning grounds and egg beds, ensure river herring hotspots are avoided to help bring back economic opportunities and cultural practices to Tribes and local towns, and reduce conflicts between industrial trawlers, recreational and commercial fishermen, and others as forage fish rebuild.

The Council has been struggling to address the negative impacts caused by the introduction of midwater trawling for over 20 years. The most successful measure to date was the 2007 implementation of the purse seine/fixed gear only area in the Gulf of Maine, which has improved Maine river herring runs, multiple marine fisheries, and reduced conflicts. Amendment 10 recognizes the importance of sustainably managing the Atlantic herring fishery for the greatest

benefit to all New Englanders. Thank you for considering our comments and we urge you to finish your work on Amendment 10 in 2026.

Sincerely,

Rob Kramer
Wild Oceans

Roger Fleming
Blue Planet Strategies

Jason Schratwieser
The International Game Fish
Association

Mike Waine
American Sportfishing
Association

Andrew Jacobs,
Maria E. Abate, Ph.D.
Wampanoag Tribe of Gay
Head (Aquinnah)

Dale Oakley
Mashpee Wampanoag Tribe

Willy Hatch
Cape Cod Charter Boat
Association

Scott Travers
Rhode Island Saltwater
Anglers Association

Steven Hasselbacher
Connecticut Surfcasters
Association

Bruce Kindseth
Narragansett Surfcasters

Tom Chrosniak
Connecticut River Salmon
Association

Douglas Erickson
Herring Warden
Massachusetts

George M. Loring III
Weymouth Herring Run
Wardens
Weymouth, MA

Donovan McElligatt
Shellfish Constable
Herring Warden
Town of Oak Bluffs, MA
Shellfish Department

Mike Thalhauser
Board Member, Alewife
Harvesters of Maine
Member, ASMFC River
Herring and Shad Advisory
Panel

Captain Pete Kaizer
F/V Althea k
Fisheries Representative for
the County Commissioners of
Nantucket

Carl Boise
F/V Topspin Nantucket

Bob DeCosta
F/V Albacore

Brian Borgeson
F/V Absolute

Jay Star
F/V starfish

Fred Tonkin
F/V Herbert T

Capt. Corey Gamble
Bill Fisher Tackel

Tom Malesko
Captain Tom's Fishing
Charters

Arthur F. Benner
Alewives Anonymous, Inc.
Rochester, MA

Remy Moncrieffe
National Audubon Society

Annie Chester
American Bird Conservancy

Joyce Leiz
Executive Director
The Connecticut Audubon
Society

Andrew Gottlieb
Executive Director
Association to Preserve Cape
Cod

John Turner
Seatuck Environmental
Association

Andrew Fisk, Ph.D.
Northeast Regional Director
American Rivers

Matt Best
Riverkeeper

Fred Akers
Great Egg Harbor Watershed
Association
Newtonville, NJ

Christa Drew
Friends of Herring River
Wellfleet, MA

Lisa Kumpf
Charles River Watershed
Association
Boston, MA

The Board of the Herring
Ponds Watershed Association
Sagamore Beach, MA

Nicole Wright
Woonasquatucket River
Watershed Council
Rhode Island

From: Jon Lee <Jon.Lee.1290349550@yourconstituent.com>

Sent: Tuesday, November 25, 2025 11:58 AM

To: comments <comments@nefmc.org>

Subject: Protect river herring: include Amendment 10 on 2026 Priorities List

I appreciate the opportunity to comment on Amendment 10 of the Atlantic Herring Fishery Management Plan and recommend it remains on the Council's Priorities List for 2026. Amendment 10 is a crucial tool in protecting Southern New England river herring (alewife and blueback herring), reducing the incidence of midwater trawl bycatch, and allowing the recovery of a dangerously depleted species.

The first item related to herring on the Draft Proposed 2026 New England Fishery Management Council Priority List concerns setting specifications for the harvest of Atlantic herring and references "additional management measures." I support combining the provisions of Amendment 10 with that priority.

I understand that the Council's staff time is limited, and there's been a decrease in the availability of NOAA fisheries scientists to conduct stock assessments. But we saw a fantastic response to our river herring runs in Connecticut during the past two seasons, and that may be due to the lack of at-sea interception of river herring by the midwater trawl fleet.

The 2025 blueback herring run resulted in the highest final count since 1997. There were record returns registered at three long-term alewife monitoring locations. The combined runs in Connecticut totaled 414,000 river herring, a 39% increase in abundance from 2024.

Still, from a historical perspective those are low numbers; there should be closer to 11 million river herring in Connecticut.

Water quality is improving, more than 500 miles of habitat has been reopened, 50 fishways have been constructed and more than 45 dams removed. To continue this momentum and restore river herring runs to the level where the populations in Connecticut rivers can support fisheries as well as the entire ecosystem, we need the Council to reinstate the full protection of Amendment 10.

Thank you for your consideration.

Daniel Salerno, Council Chair
Dr. Cate O’Keefe, Executive Director
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Priorities – Atlantic Herring Amendment 10

Dear Chairman Salerno and Council Members,

Founded by conservation-minded sportfishermen, Wild Oceans’ mission is to keep the oceans wild to achieve a vibrant future for fishing by building coalitions with recreational, commercial, and conservation stakeholders to advance ecosystem-based solutions. Atlantic herring, river herring, and shad resources are crucial to our mission, as they serve as vital forage for marine food webs, sustaining our blue economy, recreational culture, and the coastal ecosystem.

Strong action is required to respond to years of overfishing which have left Atlantic herring and the Atlantic’s forage base in crisis. As the Council has completed its management flexibility action and the issues which Atlantic Herring Amendment 10 was originally created to address still persist, the Council must continue critical conversations to meet its legal obligation to achieve Optimum Yield (OY) and rebuild Atlantic herring, safeguard depleted river herring and shad populations, and reduce user conflicts.

Thank you for the original initiation of Amendment 10 as the Council continues to recognize Atlantic herring’s role as a critical, yet overfished, part of the prey base and to ensure that river herring are properly accounted for in management.

We request that the Council prioritize Amendment 10 and complete the process which continues to engage hundreds of affected stakeholders.

Optimum Yield

Since at least 2020, Atlantic herring have been overfished. Landings have collapsed from 109,000 MT in 1996 to 2,298 MT as of November 1, 2025—a 98% decline in less than 30 years. Additionally, spawning stock biomass was projected to be only 26% of the target in the most recent stock assessment.¹ This means we are currently 323,000,000 pounds of Atlantic herring short of the minimum sustainable biomass target. These declines occur at the same time as other key forage species, such as Atlantic mackerel, river herring, and shad are at historically low levels, putting the entire Atlantic ecosystem at risk.

¹ Atlantic Herring - 2024 Management Track Assessment Report, *available at* <https://apps-st.fisheries.noaa.gov/stockmart?stockname=Atlantic%20herring%20-%20Northwestern%20Atlantic%20Coast&stockid=10572>

The Council stated Amendment 10 is intended to develop management actions to attain OY and improve Atlantic herring's conservation status. The Fishery Management Plan² states that achieving OY in Atlantic herring requires:

- (1) protecting spawning herring and egg beds,
- (2) maximizing domestic use and value-added utilization, and
- (3) promoting resource use that maximizes social and economic benefits while accounting for ecosystem protection.

Meeting these requirements supports conservation and management measures in Amendment 10 that regulate when and where vessels using different gear types fish, including midwater trawls, to help ensure a healthy Atlantic herring population, commercial or recreational fishing opportunities for predator fish that depend on Atlantic herring or other fish caught in the fishery for forage, and otherwise protects the ecosystem. It is important to note that because spawning protections are included in the FMP definition of OY, which was specifically included as part of the scoping request for comments, and the public understood this and provided scoping comments supporting the development of measures protecting spawning grounds and egg beds, additional scoping on this topic is not required.

The fishery's current conditions and management regime prevent attainment of OY. Key unresolved issues include:

Lacking Spawning Ground Protections

In a 2019 NEFMC review, Atlantic herring were scored high in their vulnerability to fishing effects with respect to habitat since their eggs are attached and aggregated on the bottom, thus making them vulnerable to various bottom tending gears. Van Overzee and Rijnsdorp (2015) found herring were considered among the most vulnerable species to fishing effects during all aspects of spawning and would therefore be expected to benefit from a range of spawning protection(s).³ Midwater trawl gear is known to be fished on or near the bottom, and to make regular contact with the bottom. The lack of spatial/temporal protections for sensitive Atlantic herring spawning grounds undermines rebuilding due to Atlantic herring's unique spawning vulnerabilities to fishing. Protections through Amendment 10 can help fill this gap in management.

Declining Recreational Fishing Opportunities

A 2019 study commissioned by the McGraw Center for Conservation on Atlantic striped bass found that the recreational striped bass fishery has a \$7.7 billion dollar impact and supports

² Atlantic Herring Fishery Management Plan, available at: https://d23h0vhsm26o6d.cloudfront.net/herring_FMP.PDF

³ Review and analysis of Atlantic herring (*Clupea harengus*) spawning on Georges Bank, available at https://d23h0vhsm26o6d.cloudfront.net/2_Herring-Spawning-Review-191122.final.pdf

104,876 jobs.⁴ In recent years, recreational striped bass catch in New England has been as high as 8,825 MT, but in 2024 was down to only 1,747 MT.⁵ This represents a 80.2% decrease in landings. Atlantic herring are a critical part of the prey base and predators, like striped bass, require sufficient food to have healthy populations. Development of management measures that recognize and facilitate herring's role as a forage species for striped bass or other predators will help the fishery to achieve OY through recognition of the economic value of herring as forage, increasing recreational fishing opportunities, and improving ecosystem health.

Declining Commercial Fishing Opportunities

The Atlantic herring fishery has shrunk and become dominated by large midwater trawl vessels. Midwater trawl vessels have consistently accounted for more than 50% of landings since the late 1990s. Since 2014, when the earliest data on herring permits is publicly available, there has been a decrease in overall herring permits by 18%, and of the 316 non-renewed permits, 310 are from small herring vessels (permits C, D, E).⁶ Massachusetts has seen the greatest decline in herring permits from 2014 to 2023, with 178 fewer permits, of which 172 were small herring vessels.⁷ Additionally, the historic weir fishery and other fixed gears have all but been eliminated from the fishery.

Other fisheries that rely on ample Atlantic herring as forage, such as haddock, cod, and other groundfish, have also declined significantly. These species also have a long history of being caught as bycatch by midwater trawl vessels. Groundfish populations require a healthy and well-managed Atlantic herring fishery to rebuild and support sustainable fisheries.

Since Amendment 10 was paused, these OY issues have not disappeared or diminished. Rather, amid a broader East Coast forage crisis, they have intensified. Amendment 10 is needed to minimize potential detrimental biological, ecological, and socioeconomic impacts of the directed herring fishery on the marine ecosystem and other user groups who depend on adequate availability of Atlantic herring to support business and recreational interests.

River Herring Bycatch

When Amendment 10 was initiated, its problem statement included river herring and shad because of their depleted statuses and the fishery's high-volume bycatch. Average yearly river herring bycatch over the last 15 years exceeds Connecticut's annual river returns by more than tenfold. This at-sea bycatch—mostly sold within the Atlantic herring fishery—stands in sharp

⁴ The Economic Contributions of Recreational and Commercial Striped Bass Fishing, *available at*: https://mcgraw.org/wp-content/uploads/2022/01/McGraw-Striped-Bass-Report-FINAL_compressed.pdf

⁵ Atlantic herring landings data, NOAA Fisheries, *available at*: <https://www.fisheries.noaa.gov/foss/f?p=215:200:2707632533522:::>

⁶ Greater Atlantic Region Vessel Permit Data, *available at*: <https://www.greateratlantic.fisheries.noaa.gov/public/public/web/NEROINET/aps/permits/data/index2015.html>

⁷ Greater Atlantic Region Vessel Permit Data, *available at*: <https://www.greateratlantic.fisheries.noaa.gov/public/public/web/NEROINET/aps/permits/data/index2015.html>

contrast to the commercial and recreational moratoria in Connecticut, Rhode Island, and Massachusetts since as early as 2002. These states have invested hundreds of millions in fish passage construction, dam removal, and habitat restoration, yet only Maine, which benefits from an inshore time/area closure to midwater trawlers, has experienced run recovery sufficient to support a directed fishery.

Not until the effective shutdown of the Atlantic herring fishery—driven by extremely low quotas—have Southern New England states seen modest river herring rebounds in the last two years. For example, the Poquetanuck Brook run in Connecticut, which has previously completed a dam removal in 2015 (Straight Pond Dam) and fish passageway in 2013 (Hallville fishway), has only seen rebounds in the last three years. The run went from 1 herring counted in 2022 to 10,873 counted from 2023-2025.

This data aligns with a 2008 Maine–Massachusetts report noting that most river herring bycatch occurs around Cape Cod and Southern New England from late fall through spring and genetic studies which suggests that much of the river herring bycatch is coming from runs in Southern New England (Palkovacs et al. 2014; Reid et al. 2022), adding to concerns that ocean bycatch is hindering the rebuilding of these species.⁸ Indeed, from 2014 when river herring catch caps were put in place until 2019 prior to Atlantic herring’s overfished status and quotas being cut, directed herring vessels which operated outside of the Gulf of Maine (Cape Cod, Southern New England) accounted for 100.00%, 93.71%, 99.81%, 97.95%, 99.79%, and 86.22%, respectively, of recorded river herring catch that counted towards catch cap cumulative catch.⁹ In 2018, Cape Cod Midwater Trawl vessels were allowed to take 201% of their river herring catch cap – a record high – and, more recently in 2024 took 111.70% of their allowable catch cap.¹⁰

The best available science and data show why Maine’s river herring restoration model is not replicable elsewhere: habitat improvements alone cannot offset heavy at-sea bycatch. Maine’s added advantage—protection from at sea bycatch—explains why it has realized \$14,776,382 (inflation adjusted, 2025 dollars) in river herring commercial harvest since 2002 while Connecticut State, Indigenous People, Massachusetts Herring Wardens on behalf of local towns, and other historic river herring harvesters have realized none.

Persistent bycatch problems, combined with Maine’s demonstrably effective model, underscore the need to continue developing at-sea protections for river herring and to reprioritize Amendment 10 in 2026. Abandoning Amendment 10 would mark a significant departure from the Council’s obligations under National Standard 9 to minimize bycatch and National Standard 4 to ensure equity in conservation measures, particularly when workable regional protections already exist but are unevenly applied.

⁸ ASMFC River Herring Benchmark Stock Assessment and Peer Review Report, *available at:* https://asmfc.org/wp-content/uploads/2025/01/RiverHerringAssessment_PeerReviewReport_2024.pdf

⁹ River Herring / Shad Catch Cap Monitoring, *available at:* https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Mackerel_RHS/Mackerel_RHS.htm

¹⁰ River Herring / Shad Catch Cap Monitoring, *available at:* https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Mackerel_RHS/Mackerel_RHS.htm

User Conflicts

User conflicts include: direct gear interactions including gear loss; loss of fishing or recreational opportunities because of loss of prey species (bait) in the area; or other disruptions to fishing or recreational opportunities attributable to the directed herring fishery.

When the midwater trawl fishery was at full scale, there were numerous accounts of direct user conflicts from fishermen across many directed and recreational fisheries. Lobstermen and gillnetters had their gear ripped off the ocean floor. Cod, haddock and other groundfish fishermen had their trips disrupted and witnessed their juvenile fish – the future of their stocks – discarded. Charter boat captains and recreational anglers are forced to end or relocate their fishing trips when midwater trawl vessels moved through, and bait balls were completely extracted. Whale watch tours are disrupted as whales swim away to avoid disturbance or to find prey. And striped bass fishermen saw juvenile bass tossed overboard as dead discards. These conflicts cost these users their time and commercial and recreational fishing activities. They lost money when their gear was lost or damaged and when they are unable to locate their target due to prey loss, and their future livelihoods were put at risk due to bycatch. These boats – which are smaller vessels – are unable to operate in water further offshore.

Additionally, the ongoing bycatch from the Atlantic herring fishery directly conflicts with Indigenous Peoples' sustenance and cultural rights of access to river herring and other ocean resources. In the past, and with readily available infrastructure, the Wampanoag Tribe of Gay Head (Aquinnah) supported its historic canned herring industry as well as recreational herring bait sales – two distinct user groups. Given the historic landings of the Tribe and the price of per fish from recreational fish based on Maine harvest prices, the Tribe is currently missing out on a minimum of \$30,000 of canned herring revenue and \$240,000 of recreational bait sales.

Similarly, local towns like Middleborough, Massachusetts once had river herring permits which were utilized by 10,852 people from 2001-2005. Through this system, they were able to generate \$25,000 in inflation adjusted revenue per year (2025 dollars) with just a 15% average exploitation rate of their river herring runs, leaving the vast majority of river herring to return to sea. There are many Massachusetts towns with Herring Warden infrastructure that are unable to provide this recreational bait service to their community and cannot collect revenue to invest in their towns.

User conflicts will only intensify if fishing pressure from midwater trawl vessels is able to continue inshore without additional management measures adopted through Amendment 10.

Public Mandate¹¹

In the summer of 2024, public engagement in the scoping process for Amendment 10 reached a high level. Across written submissions and in-person meetings, a total of 894 public comments were received. Of these, 811 written comments were submitted by 795 individuals and

¹¹ Summary of Public Scoping Comments for Amendment 10 to the Atlantic Herring Fishery Management Plan, *available at*: https://d23h0vhsm26o6d.cloudfront.net/3a_240617-Herring-A10-Scoping-Comments-Summary_FINAL.pdf

businesses, 86 organizations—including a sign-on letter from 12 state legislators and the Attorney General of Connecticut.

Public participation was also strong during the six in-person scoping meetings, which together drew 292 attendees and generated 83 oral comments. This broad and diverse participation reflects a deep and widespread investment in the future of Atlantic herring, river herring, and shad management across New England.

Stakeholders from every state under the Council's jurisdiction offered detailed perspectives on the full range of issues before the Council. Notably:

- 519 individuals and 81 organizations commented on the ecosystem role of Atlantic herring, river herring, and shad,
- 636 individuals and 81 organizations commented on the need to address river herring and shad incidental catch/bycatch in the directed Atlantic herring fishery,
- 411 individuals and 74 organizations commented on the social and economic dependence on/importance of Atlantic herring and/or river herring and shad,
- 543 individuals and 30 organizations commented on the need to address user group conflicts related to herring,
- 123 individuals and 9 organizations commented on the impacts of midwater trawl vessels, and
- 225 individuals and 25 organizations commented on the need for spawning protections (temporal and/or spatial).

Taken together, these comments form an unmistakable record: the overwhelming majority of participants support the potential provisions of Amendment 10 and have clearly articulated the need for the Council to act. These issues—identified consistently by hundreds of stakeholders—must not be dismissed halfway through the process. More recently, in September, more than 30 organizations representing commercial and recreational fishermen, charter boat captains, Indigenous People, guides, Herring Wardens, river herring counters and stewards, and other conservation advocates asked the Council to prioritize Amendment 10 in 2026.

Council constituents have already used their pens, their voices, and their time to elevate these concerns. The Council must not ignore the public mandate for action and make Amendment 10 a 2026 priority.

Thank you for the opportunity to comment on the issues facing the Atlantic herring fishery and the related impacts on river herring and shad runs, specifically those pertaining to OY and Atlantic herring rebuilding, river herring and shad bycatch, and user conflicts. Continuing your work on Amendment 10 must be a priority in 2026 to make progress on these important issues.

Best,

Rob Kramer
President
Wild Oceans