CORRESPONDENCE

June 17, 2026

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

RE: Response to Request to Reconsider Atlantic Herring Industry-Funded Monitoring Regulations

Dear Dr. O'Keefe, Chairman Salerno, and Council Members,

Wild Oceans is an organization founded by conservation-minded sportfishermen dedicated to the conservation of forage fish for the future of fishing. Our programs focus on linking ocean prey to their pelagic predators to advance ecosystem-based fishery management. We support initiatives that reduce bycatch of non-target species, protect essential fish habitats and spawning grounds, and conserve our ocean resources for future generations.

Thank you for the opportunity to comment on NOAA's May 1, 2026 letter requesting that the New England Fishery Management Council reconsider its prior decision not to initiate an action to rescind the Atlantic herring Industry-Funded Monitoring (IFM) program regulations.
We strongly oppose any action to rescind or weaken the Atlantic herring IFM provisions. The Council and the public spent years developing, refining, and evaluating these monitoring measures through an extensive and deliberative public process. The underlying conservation, accountability, and scientific needs that justified IFM remain as important today as when the program was adopted.

The Atlantic herring IFM program was developed in response to longstanding deficiencies in monitoring coverage and catch accounting in the herring and mackerel fisheries. Wild Oceans commented during the IFM Omnibus Amendment process that the uncertainty surrounding incidental catch estimates—particularly for depleted and ecologically important river herring and shad stocks—demonstrates the critical need for enhanced monitoring programs capable of accurately documenting both retained and discarded catch. Addressing this uncertainty is even more important today as the Council considers specifications for the Atlantic herring fishery and

time/area closures to reduce the bycatch of river herring and shad in the fishery. The decline in Atlantic herring has resulted in a decline in the use of industrial trawl vessels to fish for river herring and shad in New England. This coincides with an increased presence of river herring and shad in natal rivers. The IFM program will help the Council monitor the bycatch in the Atlantic herring fishery and validate any time/area closures.

The original IFM measures reflected years of analysis, public testimony, and stakeholder engagement associated with Amendment 5 to the Atlantic Herring Fishery Management Plan and Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. Wild Oceans noted that these measures were "the result of five years of amendment development informed by comments and testimony from tens of thousands of stakeholders." The Council ultimately determined that enhanced monitoring was necessary to improve accountability, support effective catch caps, and provide reliable bycatch information for protected and depleted species.

The fundamental scientific and conservation rationale supporting IFM has not changed. River herring and shad continue to mix with Atlantic herring and mackerel fisheries at sea, and interactions can be episodic but substantial. We continue to emphasize that "100% coverage on Category A and B vessels is necessary for an accurate accounting of incidental catch" due to the high-volume nature of these fisheries and the variability of bycatch events. Inadequate monitoring undermines the ability of managers and the public to accurately assess catch levels, evaluate the effectiveness of catch caps, or understand impacts on depleted stocks. In practice, because so few trips are observed, NOAA Fisheries relies heavily on "transition rates" rather than observed catch rates in a given year to extrapolate river herring and shad catch, masking seasonal and inter-annual variability and likely missing important bycatch events.

Moreover, enhanced observer coverage provides benefits extending beyond catch accounting. Northeast Fisheries Observer Program (NEFOP) data collection is essential for improving stock assessments and conservation science, including the collection of biological samples, age data, and genetic information necessary to improve river herring and shad assessments and conservation strategies. These data collection needs remain unresolved and cannot be satisfied without robust monitoring coverage.

The argument advanced that IFM should be rescinded because it has not yet achieved full implementation turns the problem on its head. The inability to fully implement IFM due to funding and administrative constraints does not mean that the monitoring is not needed. Instead, it demonstrates the importance of maintaining the regulatory framework and providing the funding necessary to implement it so we can rebuild the Atlantic herring and mackerel fisheries and protect the fragile gains in river herring and shad populations. Eliminating the program entirely would abandon the very conservation and accountability objectives that the Council previously determined were essential. The impacts of failing to implement the program are being felt by fishermen across New England and the Mid-Atlantic suffering who are suffering due to the collapse of the Atlantic herring and mackerel stocks.

The need and support for the program has been demonstrated through the Council's recent public processes for both annual priorities and Executive Order 14276. The Council carefully considered whether to revisit IFM during its discussions on Executive Order 14276 and ultimately decided not to prioritize an action to rescind the herring IFM provisions. That decision was not made casually. The Council engaged in extensive discussion regarding priorities, workload, conservation needs, and the implications of Executive Order 14276 before deciding not to pursue an action that would end IFM. Reopening this question immediately after the Council completed that process—while in the middle of completing its current full workplan—undermines the Council's role in setting its priorities through the Magnuson-Stevens Act's transparent public process with top-down agendas driven by behind-the-scenes D.C. lobbying.

Finally, removing IFM would not eliminate the need for accurate monitoring and accountability in the Atlantic herring fishery. The Council and NMFS remain responsible for ensuring that catch limits prevent overfishing and rebuild stocks, that bycatch is minimized, and that the Magnuson-Stevens Act's other conservation objectives are met using the best available scientific information. Weakening monitoring requirements would further threaten the Council's efforts to rebuild Atlantic herring and mackerel and improve river herring and shad populations at precisely the time we are facing a forage fish crisis that is negatively affecting the ocean ecosystem and countless recreationally and commercially valuable predator stocks.

For all of these reasons, we urge the Council to reaffirm its decision not to rescind the Atlantic herring IFM regulations. The Council has already conducted a thorough public process and appropriately determined that eliminating IFM is not a priority action. The conservation, scientific, and accountability needs that justified IFM remain valid today, and the appropriate NOAA response would be to provide the necessary funding to implement the program, including by providing 100% observer coverage on all Category A and B vessels.

Thank you for considering these comments.

Sincerely,

Theresa Labriola
President
Wild Oceans

From: BRUCE KINDSETH <bkindseth@cox.net>
Sent: Tuesday, June 16, 2026 3:15 PM
To: comments <comments@nefmc.org>
Subject: Comments for June 2026 NEFMC meeting

Mr. Dan Salerno,
Chair
Cate O'Keefe, Executive
Director New
England Fishery Management Council

My name is Bruce Kindseth and I am from Pt. Judith RI.

I would first like to thank you for giving priority to the river herring and shad issue. They are very important to the Atlantic fish ecosystem as are the Atlantic Herring.

I would also like to express my appreciation and respect for the dedication of your former council chairman Rick Bellavance and a current council member Mike Pierdnock who co-founding a group of volunteers that work with scientists to collect data to improve stock assessments on cod. (link)

It has been 50 years since implementation of the MSA, and according to the latest NEFSC report on the ecosystem, the Atlantic fishery has been in a long-term decline and continues to decline. This is definitely unsustainable, and if we continue in this direction, soon what little we have left will be gone. It is so sad because the Atlantic Shelf was once one of the most productive fisheries in the world. I propose that we set a goal for the next 50 years to rebuild the fishery to its full potential, which we really don't know how great it could be.

The MSA says that we should use the best available science, which is not being done because the whole field of biology is being ignored. Yes, there is biological data collected, but it is mainly used in a statistical model to estimate population and establish base lines.

If you look at the biology of the fishery, specifically, the piscivores (fish-eating), it's all about lipids (fats and oils). Fish need a lot of energy for spawning, and if there is an abundance of high lipid forage, the fish will be healthier, they will lay more eggs per fish and per pound, the eggs will be larger and contain more lipids which will produce healthier larvae and juveniles which will have a greater chance of surviving to adulthood. In the case of cod, they begin life feeding on algae and later invertebrates and crustaceans. As they mature and need more energy for spawning, they begin to eat more forage fish, which are high in lipids. The problem is, the high lipid forage fish, herring, menhaden and mackerel, have been overfished, resulting in a forage base that is essentially junk food. The results are just the opposite of what I stated above, and the forage is insufficient to sustain the population. The overall cod population has become truncated, with less older fish, and this loss is significant as older, larger females can lay as many as 3-9 million eggs in a season.

The report on the ecosystem also has a forage biomass index graph, which shows that the forage biomass has been constant since the 1980's. I believe that this chart perpetuates the myth that "there's adequate food out there." The herring population collapsed around 1980, and the nutritional quality of the forage has been inadequate since then.

So if we reject the myth that "there's adequate food out there", the solution becomes easy, rebuild the populations of high-lipid, high energy forage fish, which include Atlantic herring, river herring , menhaden and mackerel. The first step is a suggestion by Paul Eidman to set the menhaden TAC at 75,616 MT, 100% to the bait fishery, and ban harvesting of menhaden for reduction purposes. This would allow about 110,000 mt to remain in the ocean and would be a huge boost to kick off the rebuilding of the entire Atlantic fishery. This issue can be addressed at this fall's ASMFC Menhaden Board meeting, and hopefully, the Paul Eidman solution can be adopted.

In 2013, the first ever menhaden TAC was imposed with a limit of 170,800 MT. This was about a 25% cut from what was previously harvested when it was not regulated. This action is believed to have initiated a sudden expansion of menhaden northward from the mid-Atlantic to the NY Bight and the Gulf of Maine. The proposed Paul Eidman recommendation would be roughly double the 2013 cut, so this can be expected to have a much greater effect on the menhaden population.

After the 1980 Atlantic herring collapse, in the 1990's the cod and capelin populations collapsed, and menhaden disappeared from the Gulf of Maine. Also in this time frame, the mackerel and river herring suffered severe declines. Is there a connection between these species? Both cod and striped bass are opportunistic feeders, they eat what is available, and what they eat is proportional to the abundance of the prey. Just based on statistics alone, the infusion of 110,000 mt of menhaden will benefit all species. Striped bass will get the biggest immediate benefit because historically about 60% of their diet was menhaden. With cod however, historically as much as 70% of their diet was herring with very little menhaden. Will the influx of menhaden into the Gulf of Maine increase cod's consumption of menhaden? The influx of menhaden will definitely reduce the predation on herring, which should increase their population. If cod are that fussy and can't eat the menhaden, they will just have to wait until the herring population recovers, which will just take longer.

River herring also suffered significant declines in the last several decades and his is believed to be due to high levels of bycatch in the Atlantic herring and mackerel fisheries. Around 2007, Atlantic herring were getting scarce and the quota was getting used up before summer, when the lobstermen needed them for bait. The season was changed to prohibit harvesting of Atlantic herring until June in a coastal region 1A which reaches from the Canadian border to the tip of Cape Cod. Unexpectedly, the river herring population exploded, primarily in the Maine rivers. This is believed to be because river herring congregate and mix with Atlantic herring prior to going upstream to spawn and get caught as bycatch in the Atlantic herring fishery. A similar by-catch issue is believed to exist with river herring off the coast of Cape Cod and Southern New England and is being addressed by NEFMC. Something similar needs to be done in the mackerel fishery.

In addition to the lack of nourishing food, there is another problem: climate change. Warmer waters will increase a fish's metabolism, increasing the fish's energy demand. There is an interesting paper, "A Bioenergetics Based Comparison of Growth Conversion Efficiency of Atlantic Cod on Georges Bank and in the Gulf of Maine" by Ivan Mateo of URI. (link) This was published in 2007.

"Overall growth performance for Atlantic cod was significantly lower at Georges Bank than in Gulf of Maine. Monthly individual consumption demand and specific growth rates for Atlantic cod calculated from the bioenergetic model were significantly higher on Georges Bank than in the Gulf of Maine. Increasing water temperatures approached the upper limits of thermal tolerances for cod in Georges Bank, possibly leading to decreasing growth efficiencies. Growth efficiency of cod in the Gulf of Maine was less variable than on Georges Bank due to the more homogenous temperatures and (lower) energetic content of diets found in the former location." The paper goes on to state, "The cod from Gulf of Maine are found primarily within

oligotrophic (Sparse populations of aquatic plants and algae) or mesotrophic (moderate levels of nutrients and biological productivity) systems, whereas the Georges Bank cod populations are in highly productive areas."

An abundance of high energy forage will increase a fish's ability to tolerate warming, and a healthy, growing population will increase the probability of adaptation through evolutionary changes. The warming has been slow, about 1 C every century, so that is a possibility.

The last paragraph in a 2013 paper, Willis et al, "Tracking cod diet preference over a century in the northern Gulf of Maine: historic data and modern analysis" (link), says it all. "Historical data provide insights into the structure and function of ecosystems that, today, are impaired in their function. The results from our analysis comparing modern survey data with data from 1896 and 1965 point to significant, long-term changes in the coastal GOM marine food web with important implications for the recovery of cod and other groundfish, and the resilience of an ecosystem now dominated by invertebrates. Restoring alewives, menhaden, and Atlantic herring may be essential in bringing back coastal cod populations and rebuilding complexity in an impoverished ecosystem. Finally, this historical perspective challenges notions of sustainability by reminding us what a truly productive, diverse, and resilient ecosystem looked like and how the public perspective has drifted to accept remnant populations as the new normal."

The Willis et al paper was authored by 2 scientists from The University Southern Maine and 2 from University of New Hampshire, Durham. They found that in 1965, the large cod diet in summer was 70% herring and in winter was 7% herring.

While the forage biomass index has indicated a constant amount of forage, the demise of the high lipid forage fish has caused the forage to be inadequate to sustain the fishery. The NEFSC's WHAM model evaluates the production capability of the fishery, and detects a decline, so it sets new lower baselines, which become the new norm. This was termed "shifting baselines syndrome" by fisheries scientist Daniel Pauley in 1995. This is unsustainable and someone should be sounding the alarm.

Since 2000, NOAA has rebuilt 50 populations, 26 of which are in the Atlantic fishery. Unfortunately, this has not been enough to stop the overall decline in the fishery, primarily because the baselines have been lowered so much over the years that the rebuilding effort has had insignificant results. What is significant is that of the 26 species, 19 are either bethnivores (bottom feeding) or planktivores (plankton-feeding). There is plenty of food for them and the standard method of rebuilding by reducing harvest limits works for them.

More information is available at NRAF7076.org.

Thank you,

Bruce Kindseth

June 17, 2026

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

Re: Atlantic Herring Committee Report – River Herring and Shad Measures

Dear Chairman Salerno and Executive Director O'Keefe:

On behalf of the Association to Preserve Cape Cod, I am writing in support of timely development of effective river herring and shad avoidance and catch-minimization measures in the Atlantic herring fishery.

Founded in 1968, APCC is the Cape region's leading nonprofit environmental advocacy and education organization, working for the adoption of laws, policies and programs that protect, preserve and restore Cape Cod's natural resources. APCC focuses our efforts on the protection of groundwater, surface water, and wetland resources, preservation of open space, the promotion of responsible, planned growth and the achievement of an environmental ethic.

As the New England Fishery Management Council considers whether to initiate action on Atlantic herring specifications for fishing years 2027–2031, river herring and shad management measures, and related issues, APCC urges the Council to move forward with a focused action that prioritizes measures to reduce river herring and shad bycatch in the Atlantic herring fishery.

River herring and shad remain species of significant ecological, cultural, and socioeconomic importance along the Atlantic coast. Their status reflects many interacting pressures, including habitat loss, dams and fish passage barriers, water quality, predation, climate and ocean conditions, directed harvest where allowed, and incidental catch in marine fisheries. The Council cannot address all of these factors through the Atlantic herring fishery management process, but it can reduce avoidable bycatch where river herring and shad overlap with Atlantic herring fishing activity.

APCC respectfully recommends that the Council direct the PDT to:

1. **Prioritize time/area closure alternatives** for implementation in the 2027 fishing year if practicable, or as soon as possible thereafter.
2. **Analyze closure areas using the best available information**, including species distribution modeling, observer data, RHAPCAST and UMass Dartmouth Bycatch Avoidance Program information, Massachusetts Division of Marine Fisheries occurrence modeling, and relevant analyses developed under Atlantic Herring Amendment 5.

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3. **Evaluate seasonal and gear-specific options**, including year-round, December 1–June 30, and January 1–June 1 closures, and options applying to midwater trawl gear alone or to both midwater trawl and small-mesh bottom trawl gear.
4. **Maintain catch caps as a complementary measure**, recognizing that caps alone may not sufficiently reduce bycatch in areas and seasons where river herring and shad are predictably encountered.
5. **Assess the Area 1A purse seine/fixed gear-only area** as a case study in spatial management, including whether that existing seasonal measure has been associated with different river herring and shad outcomes in the inshore Gulf of Maine compared with other management areas.

APCC supports time/area closures because they can be designed around documented areas and seasons of elevated bycatch risk. Recent PDT modeling and related bycatch analyses provide a strong basis for evaluating alternatives, particularly in areas around Cape Cod and Georges Bank, Block Island Sound and Martha's Vineyard, and the Hudson Canyon region.
APCC recommends that closure boundaries be simple, contiguous, and practical to monitor and enforce. Where appropriate, modest buffers around identified risk areas should be considered to account for uncertainty in bycatch observations, model outputs, fish distribution, and enforcement.

APCC also recommends evaluating the Area 1A purse seine/fixed gear-only area through a difference-in-differences analysis comparing river herring and shad trends before and after implementation of Amendment 1 in 2007, within and outside Area 1A. Where data allow, the analysis should account for confounding factors such as dam removals, fish passage improvements, available spawning habitat, water quality, predator abundance, Atlantic herring fishing effort, gear type, and observed bycatch.

Finally, APCC urges the Council to avoid increasing Atlantic herring catch opportunities in a way that would delay or undermine meaningful river herring and shad bycatch protections. Effective management should support rebuilding, ecosystem function, and the long-term resilience of coastal fisheries and river systems.

APCC looks forward to the continued development of an action implementing river herring and shad avoidance and catch minimization measures prior to the next fishing year. Thank you for considering APCC's comments.

Sincerely,

Andrew Gottlieb
Executive Director

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June 17, 2026

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

Re: Atlantic Herring Committee Report – River Herring and Shad Measures

Dear Chairman Salerno and Executive Director O'Keefe:

On behalf of the undersigned organizations and individuals representing thousands of recreational anglers, commercial fishermen, charter boat captains, guides, Indigenous People, watershed stewards, and river herring advocates along the Atlantic Coast, we write to support the development and implementation of river herring and shad protection measures in the Atlantic herring fishery this year. Next week, the New England Fishery Management Council (NEFMC) will meet and discuss how to best avoid and minimize the catch of depleted river herring and shad populations in the Atlantic herring fishery. We urge the Council to reassert their commitment to protect river herring and shad from at-sea bycatch in the Atlantic herring fishery and provide significant guidance to the plan development team (PDT) on the alternative development process for this action.

Despite their ecological and socioeconomic importance, Atlantic herring, river herring, and other key forage fish populations are in crisis on the East Coast due to industrial-scale fishing, primarily midwater trawling, in the Atlantic herring and mackerel fisheries. In recent years Atlantic herring and mackerel were driven to historic low levels and the at-sea catch of river herring and shad prevented their recovery despite unprecedented investment in dam removal and habitat restoration. The Council can address part of the damage caused by the Atlantic Herring fishery by developing and implementing measures to avoid and minimize catch of depleted river herring and shad populations. Specifically, we request that you: 1) initiate action for implementation by January 1, 2027 that prioritizes Time/Area closures to avoid or minimize the catch of river herring and shad; 2) include a Time/Area closure Alternative to avoid or minimize the catch of river herring and shad based on known hotspots for bycatch in the Atlantic herring fishery identified in data and analysis from UMass Dartmouth (see below); and 3) task the PDT to conduct a policy impact analysis of the Area 1A Purse Seine/Fixed Gear.

We are witnessing a remarkable return of river herring and shad to natal rivers in the past few years coincident with the effective closure of the Atlantic herring fishery in New England. The Council must take action to protect these important yet fragile population gains as the herring population rebuilds and the fishery ramps back up to its prior level. Further, although no longer the direct purpose and need for the action, measures to protect river and shad can also help to address additional Atlantic herring fishery issues previously identified by the Council for action

by helping the fishery to attain optimum yield, protect spawning grounds and rebuild Atlantic herring, and reduce user conflicts.

1. **Prioritize Time/Area Closures**

We request that the Council initiate the action for implementation by January 1, 2027 that prioritizes Time/Area closures to avoid or minimize the catch of river herring and shad.

As discussed further below, there is data and analysis currently available to complete Time/Area closure measures based on species distribution modeling or bycatch hotspot data and mapping. Although we support the need to revise catch caps to make them more meaningful, we recommend that they be deprioritized until 2027 to allow additional analysis and to avoid slowing down development and implementation of Time/Area closures in January of 2027. Catch caps should continue to be a part of river herring and shad avoidance measures regardless of the passage of mandatory Time/Area closures as incentive to avoid river herring and shad at all times and in all areas.

Given recent upward trends in river herring runs against the backdrop of almost no fishing by the midwater trawl vessels that crashed the Atlantic herring and mackerel fisheries, enhancing Atlantic herring management to avoid and minimize the catch of river herring and shad is more critical now than ever as we seek to rebuild the fishery. Although we do not oppose including Atlantic herring specifications for fishing years 2027-2031in the same action as Time/Area closures, or as a second separate action, no increases in Atlantic herring catch should be allowed until river herring and shad Time/Area closures are fully implemented. Updates to the Atlantic herring specifications process and modifications to carryover provisions for unharvested catch should only be addressed if they will not cause a delay in completing the Time/Area closure action.

2. Bycatch Hotspot Time/Area Closures Alternatives

Mandatory Time/Area closures in the Atlantic herring fishery will be essential for avoiding and minimizing the catch of river herring and shad on the Atlantic Coast where river herring and shad populations remain severely depleted. On June 8, the PDT presented river herring species distribution modeling analysis that can be used to establish Time/Area closure alternatives. The analysis showed river herring hotspots in areas around Cape Cod/George's Bank, Block Island Sound/Martha's Vineyard, and the Hudson Canyons. This is consistent with the bycatch hotspots identified with RHAPCAST and UMass Dartmouth Bycatch Avoidance Program data and maps.

Proposed Closure Alternative for Analysis

We request that the Council direct the Herring PDT to analyze an alternative that would prohibit vessels from fishing with certain gears for Atlantic herring based on areas identified as having medium and high river herring and shad bycatch using UMass Dartmouth Bycatch Avoidance Program data and maps. The proposed closure zone with longitude and latitude markers is shown

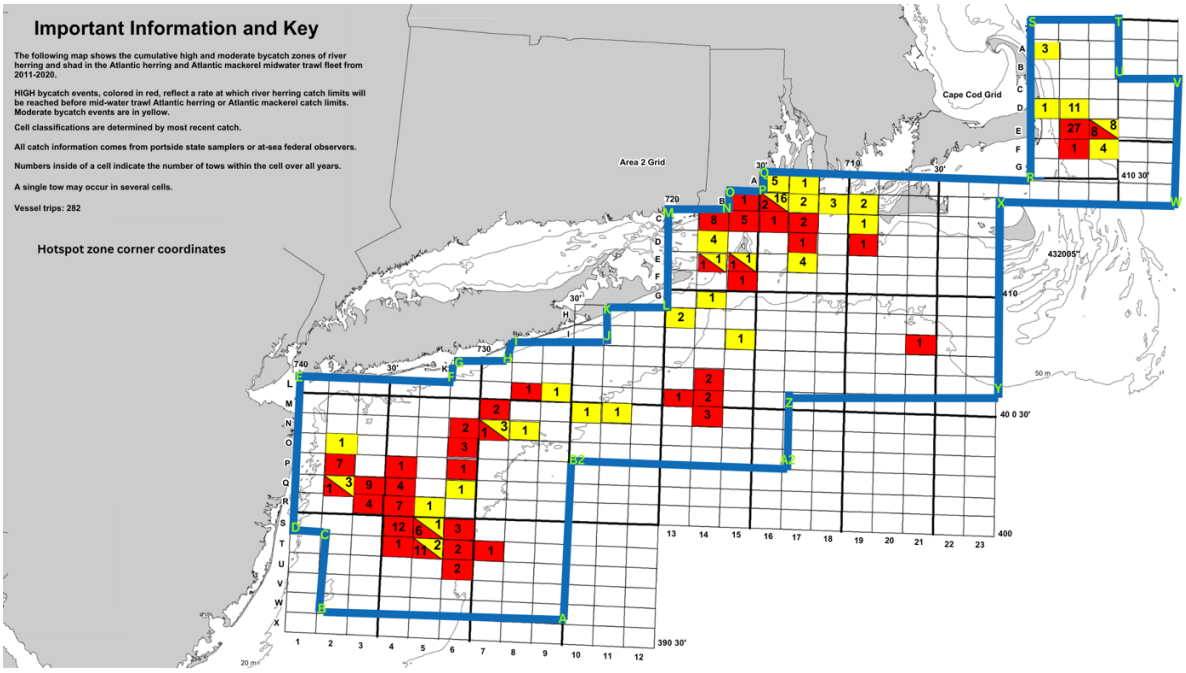
below: The alternative should include seasonal options that would make the closures year round, from Dec 1 – June 30, and from Jan 1 – June 1. It should also include options that would apply the prohibition to both midwater trawl and small mesh bottom trawls, as well as to midwater trawls only.

Rationale

The requested alternative is designed to protect core areas of river herring and shad habitat based on the most recent publicly available river herring and shad catch data in the Atlantic herring fishery. Hotspots are derived from the combination of all high and medium risk areas identified during the nine years of data collected during the UMass Dartmouth River Herring Bycatch Avoidance Program. By basing Time/Area closure(s) on documented bycatch hotspots, the Council can maximize river herring and shad protection while minimizing the impacts to the herring fleet as the Atlantic herring fishery rebuilds. The analysis should consider for the purpose of verifying the area(s) for protection, as appropriate, additional observer data, RHAPCAST map forecasting, Massachusetts Division of Marine Fisheries occurrence models, and the Atlantic herring Amendment 5 River herring Monitoring and Avoidance analysis.

This alternative should also include options that would apply the prohibition to both midwater trawl and small mesh bottom trawls, as well as to midwater trawls only. Midwater trawlers catch Atlantic herring, river herring, and shad at much greater volumes than small mesh bottom trawls. Bycatch events by midwater trawls can be significant and devastating, potentially catching more river herring in a single tow than entire river herring runs. Therefore, Time/Area closures to midwater trawling are critical to avoiding and minimizing the bycatch of river herring and shad, and helping to ensure their continued river herring.

An approximate two-block zone is recommended around each boundary risk area to account for management and survey uncertainty as well as create regular and continuous closure area polygons for ease of monitoring, compliance, and enforcement. Amendment 5 stressed the need for regular, connected, and easily complied with and enforceable polygons. “The size and the shape of the spatial management alternatives should reflect the management goals. In general, the size of a river herring monitoring or avoidance area might be greater than a river herring protected area. In addition, contiguous areas might be preferred to several disconnected discrete areas to achieve monitoring or avoidance goals.”



Although the area protected would be smaller than the previous coastwide "buffer zone", there is significant overlap between river herring and shad bycatch hotspots and Atlantic herring egg mats and spawning grounds, thus this alternative would also provide conservation benefits to Atlantic herring that will help the fishery to rebuild and achieve optimum yield.

3. Impact Analysis

We recommend the Council task the PDT with conducting a policy impact analysis of the Area 1A Purse Seine/Fixed Gear Only Area as part of its analysis of Time/Area closure alternatives in this action. A difference-in-difference (DID) policy impact evaluation is a relatively simple method allowing for the comparison of the average outcomes for two groups one affected by a policy and one not—over time. It has been used many times in the fishery management context. By looking at how river herring and shad trends change before and after the policy for both groups, the policy's impact can be isolated. The results will help inform the impacts of the inshore Gulf of Maine seasonal closures on river herring and shad runs, which is directly applicable to analyzing proposed Time/Area closures in that the occurrence probabilities of river herring and shad are known in area 1A based on species distribution modeling and river herring and shad runs connected to the inshore Gulf of Maine represent an ideal scenario for runs in Southern New England (i.e. having a sustainable fishery management plan for river herring harvest, sale, and use).

The analysis should compare the river herring and shad runs within the seasonal inshore Gulf of Maine (Area 1A) and river herring and shad runs in the management areas outside of the inshore Gulf of Maine (Areas 1B, 2, and 3). Area 1A would serve as a treatment group and areas 1B, 2, and 3 as a control group. The PDT should, at a minimum, utilize a difference-in-difference

regression analysis that compares the river herring and shad runs within and outside of Area 1A over time, before and after the Herring Amendment 1 was implemented in 2007. The period of the study should include data from 1990-2024 and the PDT should consider using as variables: river herring and shad run count, dam removal, fish passageway construction, regional striped bass population, size of usable river herring habitat, midwater trawl Atlantic herring fishing CPUE, small mesh bottom trawl Atlantic herring fishing CPUE, percent river herring and shad catch per Atlantic herring trip or total river herring and shad catch per Atlantic herring trip (pounds or metric), and river water quality.

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We look forward to the continued development of an action implementing river herring and shad avoidance and catch minimization measures prior to the next fishing year. Thank you for considering of our comments and recommendations.

Sincerely,

Theresa Labriola
President
Wild Oceans

Roger Fleming
Director and Attorney
Blue Planet Strategies

Scott Travers
Executive Director.
Rhode Island Saltwater Anglers Association

Jason Schratwieser
President
International Game Fish Association

Mike Waine
Atlantic Fisheries Policy Director
American Sportfishing Association

Thomas Chrosniak
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Connecticut River Salmon Association

Bruce Kindseth
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Rustin Taylor
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Nicole Wright
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Lisa Kumpf
River Restoration Director
Charles River Watershed Association

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of National Marine Sanctuaries
Stellwagen Bank National Marine Sanctuary
175 Edward Foster Rd Scituate, Massachusetts 02066

June 17, 2026

Cate O'Keefe
Executive Director, NEFMC
50 Water Street, Mill 2
Newburyport, MA 01950

Re: Atlantic Herring FMP, River Herring & Shad Analysis Comments

Dear Director O'Keefe:

I appreciate the opportunity to provide comments to the Council related to the Atlantic Herring Fishery Management Plan and the ongoing analysis of river herring and shad bycatch avoidance measures. I support the continuation of the plan development team's (PDT) analysis of potential management measures to minimize the catch of river herring and shad through time/area closures and encourage the Council to further explore measures for all herring management areas, including Herring Management Area 1A, which encompasses Stellwagen Bank National Marine Sanctuary (SBNMS).

Based on recent species distribution modeling by the PDT (see Council meeting materials, *Appendix 3, PDT Analysis for River Herring and Shad*), there are several river herring and shad hotspots in Area 1A that may benefit from additional time/area closures to reduce bycatch of river herring and shad. These models predict that one of the areas with the highest abundance of river herring and shad in the region during fall and early winter (October-December) would occur within SBNMS. Therefore, I encourage the Council to consider all management areas, including Area 1A, in any further analyses by the PDT, in order to explore options that may minimize bycatch and promote rebuilding of river herring and shad throughout the region.

Thank you for the opportunity to provide input to this process. If you have any questions regarding these comments, please contact me at 781-635-0163 or at Pete.DeCola@noaa.gov.

Sincerely,

Captain Peter DeCola
U.S. Coast Guard (retired)
Superintendent
Stellwagen Bank National Marine Sanctuary

cc: Mike Pentony, NOAA Greater Atlantic Regional Fisheries Office

Jon Hare, NOAA Northeast Fisheries Science Center