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## CORRESPONDENCE



[Reminder - Herring IFM Program Suspended April 2023 | NOAA Fisheries](#)



## New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

January 10, 2023

Mr. Michael Pentony  
Regional Administrator  
Greater Atlantic Regional Fisheries Office  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mike:

Today, my staff electronically sent the final submission of the 2023 through 2025 specifications for the Atlantic Herring Fishery Management Plan, including the Supplemental Information Report, to your staff in the Sustainable Fisheries Division for review.

After reviewing the comments received by my staff on November 30, 2022, on the preliminary submission sent on October 20, 2022, we updated the document to incorporate the changes requested.

Please contact me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Nies".

Thomas A. Nies  
Executive Director

From: Marie Ligenza <[Ligenza1234@comcast.net](mailto:Ligenza1234@comcast.net)>

Sent: Monday, January 2, 2023 1:13 PM

To: Tom Nies <[tnies@nefmc.org](mailto:tnies@nefmc.org)>

Subject: Pair trawlers

Hi it's Ted Ligenza. There are pair trawlers fishing crab ledge today. We need to reinstate the buffer zone. Thank you

-----Original Message-----

From: Diogo Godoi <capt.diogo@gorillatacticssportfishing.com>

Sent: Saturday, December 3, 2022 12:05 PM

To: comments <comments@nefmc.org>

Subject: Mid water trawl buffer zone

My name is Capt. Diogo Godoi

As a charter Captain who relies on abundant game fish to please my clients, I strongly support the the mid water trawl buffer zone. The fishery around cape cod where I run my charter business depends on an abundance of striped bass, bluefish and bluefin tuna to keep my clients happy. Having that buffer zone and protecting the forage species will only benefit our fishery and ecosystem.

Thanks,

Capt Diogo Godoi

Gorilla Tactics Sportfishing

Sent from my iPhone

-----Original Message-----

From: Toby Burr <toby@burrbros.com>

Sent: Thursday, December 1, 2022 2:59 PM

To: comments <comments@nefmc.org>

Subject: ocean herring

Dear Sirs;

Please make protecting the ocean herring a top priority going forward. Don't let bigger businesses decimate smaller business.

Thank you.

Toby Burr

27 Pawkechatt Way

Marion, Ma. 02738



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

**Re: Support for Revisiting Amendment 8's MWT Buffer Zone and Considering New Research**

Dear Members of the New England Fishery Management Council's Herring Committee,

The American Saltwater Guides Association represents conservation-minded private anglers, fishing guides, and small fishing-related businesses, all of which depend on a healthy, diverse, and abundant forage base. Many within our membership, particularly light-tackle bluefin tuna anglers and guides, were concerned and frustrated by the U.S. District Court vacating the Midwater Trawl Buffer Zone established by Amendment 8 to the Atlantic Herring Fishery Management Plan<sup>1</sup>, as the buffer zone protected the inshore forage base from the incredibly efficient MWT fishery. **ASGA is thankful that the NEFMC maintained "Revisit Amendment 8 inshore midwater trawl closure" as a 2023 Council priority and remains very supportive of the Herring Committee, Plan Development Team, and full Council's work towards reestablishing the MWT Buffer Zone.**

While the Massachusetts District Court vacated the MWT Buffer Zone based on the Council and NMFS' "localized depletion" rationale, we believe that there are additional justifications that can support reestablishing the buffer zone, including new scientific analysis of river herring bycatch.<sup>2</sup> The highly efficient and effective nature of midwater creates user conflicts with other sectors. Our members have raised concerns regarding productive nearshore fishing grounds becoming nearly devoid of life following MWT vessels operating in the area. In a similar vein, the nearshore waters East of Cape Cod have experienced some incredibly productive bluefin tuna fishing in recent years; while there is no science to attribute the establishment of the 20nm buffer zone off Cape Cod to recent bluefin tuna abundance, the availability of forage clearly attracted and held a tremendous, and historic, biomass of bluefin for prolonged periods of the year.

These conflicts create National Standard 4 issues<sup>3</sup>, which can add to the Council and NMFS' rationale in revisiting the Amendment 8 MWT Buffer Zone. Again, due to the efficient and high-volume nature of the MWT fishery, other user groups cannot equitably access the benefits of a healthy forage base. In addition, there are many more individuals and businesses from the

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<sup>1</sup> *Sustainable Fisheries Coal. v. Raimondo*, 589 F. Supp. 3d 162 (D. Mass. 2022)

<sup>2</sup> Kerry Reid, Jennifer A. Hoey, Benjamin I. Gahagan, Bradley P. Schondelmeier, Daniel J. Hasselman, Alison A. Bowden, Michael P. Armstrong, John Carlos Garza, and Eric P. Palkovacs. 2022. Spatial and temporal genetic stock composition of river herring bycatch in southern New England Atlantic herring and mackerel fisheries. *Canadian Journal of Fisheries and Aquatic Sciences*. November 2022. <https://cdnsiencepub.com/doi/full/10.1139/cjfas-2022-0144>

<sup>3</sup> 50 CFR § 600.325



recreational and commercial fishing sectors that depend on a healthy nearshore forage base than the comparatively few permitted MWT vessels, which are far more capable of operating further offshore than some of the impacted participants.

Furthermore, new scientific information sheds light on bycatch of river herring in the Atlantic herring and mackerel fisheries. This research found that the MWT Buffer Zone, “could have conservation benefits for southern New England and Mid-Atlantic alewife,” but the vacating of the regulation, “is likely to have impacts in the region for river herring, indicating that continued and increased conservation and management strategies will be required to rebuild populations and sustain these fish into the future.”<sup>4</sup> The information in this research should be utilized as the Council revisits the MWT Buffer Zone to both improve the understanding of bycatch within the herring fishery and as additional rationale to support reestablishing the buffer zone. River herring are severely depleted but another essential forage species for gamefish critically important to our membership. The MWT Buffer Zone is an effective tool for reducing river herring bycatch events, improving the conservation of these struggling species, and ensure that other user groups have reasonable and fair access to a healthy, abundant, and diverse forage base.

Thank you for your consideration of these comments in support of revisiting the Amendment 8 MWT Buffer Zone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Poston', is written over a light gray rectangular background.

Will Poston  
Policy Associate  
American Saltwater Guides Association  
[will@saltwaterguidesassociation.org](mailto:will@saltwaterguidesassociation.org)  
(202) 577-8990

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<sup>4</sup> See note 2 above.

AKORN ENVIRONMENTAL CONSULTING, LLC • BLUE PLANET STRATEGIES • BUCKEYE BROOK COALITION • CHAPMAN FOREST FOUNDATION • CONNECTICUT ORNITHOLOGICAL ASSOCIATION • CONSERVATION LAW FOUNDATION • CU MAURICE RIVER • DELAWARE RIVER SHAD FISHERMEN'S ASSOCIATION • FRIENDS OF THE MOSHASSUCK • HERRING PONDS WATERSHED ASSOCIATION • IPSWICH RIVER WATERSHED ASSOCIATION • MATTAWOMAN WATERSHED SOCIETY • MYSTIC RIVER WATERSHED ASSOCIATION • NATIONAL AUDUBON SOCIETY • NEPONSET RIVER WATERSHED ASSOCIATION • NEW ENGLAND COASTAL WILDLIFE ALLIANCE • NORTH AND SOUTH RIVERS WATERSHED ASSOCIATION • OPERATION SPLASH • RED LILY POND PROJECT ASSOCIATION, INC. • RIVERKEEPER, INC. • RIVERS ALLIANCE OF CONNECTICUT • SAVE THE SOUND/ LONG ISLAND SOUNDKEEPER • SEATUCK ENVIRONMENTAL ASSOCIATION • WILD OCEANS

April 6, 2023

Tom Nies, Executive Director  
Eric Reid, Council Chairman  
NEFMC  
50 Water St., Mill 2  
Newburyport, MA 01950

**Re: Request for an Updated River Herring/Shad Bycatch Hotspot Analysis**

Dear Herring Committee and New England Fishery Management Council Members,

The undersigned groups and organizations appreciate the Council prioritizing a review of the factors contributing to the low bycatch estimates of river herring and shad in recent years. As you are aware, southern New England river herring runs in particular experienced a significant documented downturn in 2022.<sup>1</sup> The drop in numbers of returning river herring was unexpected considering the ongoing efforts of state agencies, watershed organizations and volunteer groups to restore access to spawning habitat. The Herring Plan Development Team's (PDT) investigation into recent low bycatch estimates revealed serious catch cap monitoring problems that put already depleted river herring and shad populations at risk from Atlantic herring fishery catch. **Therefore, we urge the Herring Committee and the Council to reassess times and locations where river herring and shad populations are most vulnerable to incidental catch by Atlantic herring vessels and to consider this information as you revisit the Amendment 8 Inshore Midwater Trawl Restricted Area.**

River herring and shad conservation measures should not be dependent on a robust catch monitoring program, which has not been achieved in this high-volume fishery despite the

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<sup>1</sup> Meeting Notes from the Southern New England Fishery Agencies River Herring Meeting, September 15, 2022, hosted by the Rhode Island DEM.

Council's efforts for over a decade.<sup>2,3</sup> National Standard 9 requires bycatch to be minimized and emphasizes that "the priority under this standard is first to *avoid* catching bycatch species where practicable."<sup>4</sup> The Atlantic herring FMP was amended to reduce bycatch of river herring and shad and incentivize avoidance of these species through a system of catch caps and methodical catch monitoring. However, the Council's objectives for monitoring the catch of the largest vessels in the herring fleet have never been met and are unlikely to be met in the future.

A number of critical issues regarding the monitoring of catch caps were revealed during the PDT's deliberations:

1. Only a handful of observers (around 10) are qualified to monitor high-volume fisheries. While training opportunities occur throughout the year, it has been difficult to fill trainings and retain experienced observers.
2. With few available observers, Standardized Bycatch Reporting Methodology (SBRM) coverage is prioritized. The Industry Funded Monitoring (IFM) program, developed to improve the accuracy of catch monitoring, specifically for river herring/shad and haddock catch caps in the herring fishery,<sup>5</sup> lacks dedicated funding and is ranked as a low priority when limited monitoring resources are allocated.<sup>6</sup>
3. There have been no observed Atlantic herring trips for bottom trawl or midwater trawl vessels fishing in the southern New England river herring cap area since 2018. There were no trips for any of the cap areas in 2021.
4. 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 interannual variability and likely missing important bycatch events.
5. Reduced Atlantic herring quotas do not correspond to a reduction in the rate of river herring and shad catch. Bycatch events observed near Cape Cod this year resulted in 88% of the midwater trawl Cape Cod catch cap being taken in just a few weeks.

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<sup>2</sup> Incidental catch of river herring and shad was first taken up by the Council through Amendment 5 to the Fishery Management Plan for Atlantic Herring, completed in 2013. Through Amendment 5, the Council determined that the most effective measures to address river herring bycatch would be "those that increase catch monitoring and bycatch accounting, and promote cooperative efforts with the industry to minimize bycatch to the extent practicable." The Council set a goal of 100% monitoring for Category A & B herring vessel that was later disapproved by NOAA Fisheries. A voluntary bycatch avoidance program and portside monitoring program created by the amendment were discontinued in 2021. Amendment 5 did include Council authority to develop catch caps for river herring and shad through a framework adjustment that was subsequently completed in 2014.

<sup>3</sup> In 2018, the Industry Funded Monitoring (IFM) was completed and set a 50% coverage target for Category A & B vessels based on analyses that showed this level of coverage was necessary for accurate accounting of river herring and shad catch. The IFM's regulatory measures that would have applied to the herring fishery were delayed and have lacked federal funding support, thus appear unlikely to be meaningfully implemented.

<sup>4</sup> 50 CFR 600.350(d) (emphasis added)

<sup>5</sup> NEFMC. (2018). An Omnibus Amendment to the Fishery Management Plans of the New England Fishery Management Council: Environmental Assessment.

<sup>6</sup> This program has also been challenged legally. See Loper Bright Enterprises, Inc. v. Raimondo, 45 F.4<sup>th</sup> 359 (D.C. Cir. 2022)(cert. pending \_\_ U.S. \_\_, No. 22-451 (2023)).

Incidental catch of river herring and shad in commercial fisheries continues to be a significant contributor to fishing mortality. In their 2022 research paper published in the *Canadian Journal of Fisheries and Aquatic Sciences* (appended to this letter), Reid et al. provide evidence that fisheries bycatch is disproportionately affecting river herring populations in the southern New England and Mid-Atlantic regions. They advise that “ongoing evaluation of spatial and temporal distributions of river herring populations and their contributions to fisheries bycatch will be important for adaptive management policies and for preserving the viability and genetic diversity of river herring populations as environmental conditions change.” The authors point out that southern New England and Mid-Atlantic alewife populations would have benefitted if the Amendment 8 Inshore Midwater Trawl Restricted Area had remained in place.<sup>7</sup>

The Council last conducted a thorough, fine-scale analysis of spatial and temporal river herring and shad catch data when it identified River Herring Monitoring/Avoidance Areas in Amendment 5 to the Fishery Management Plan for Atlantic Herring using data from 2005-2009.<sup>8,9</sup> Since that time, a wealth of research has been undertaken, including the Reid 2022 study, the creation of the Atlantic States Marine Fisheries Commission/U.S. Geological Survey Alosine Genetic Repository,<sup>10</sup> and studies produced by the University of Massachusetts Dartmouth School for Marine Science and Technology (SMAST)/Massachusetts Division of Marine Fisheries (DMF) River Herring Bycatch Avoidance Program,<sup>11</sup> which could better inform conservation strategies to safeguard the most vulnerable river herring and shad runs from Atlantic herring fishery bycatch. In light of the overlap of Inshore Midwater Trawl Restricted Area with the focal study area in the Reid 2022 investigation, we urge you to reevaluate river herring and shad bycatch hotspots, incorporating genetic information, as part of the Herring Committee and Council’s work to revisit the Amendment 8 buffer zone and its supporting rationale.

Nearshore waters are migratory conduits for emigrating and returning runs of shad and river herring, and to rebuild imperiled runs, river herring and shad schools must be protected in the times and places where they are most vulnerable to at-sea catch. The cultural, socio-economic and ecological importance of river herring and shad to New England’s fishing communities cannot be overstated and is a driving force behind the strong regional partnerships forged to

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<sup>7</sup> Reid, K., Hoey, J.A., Gahagan, B.I., Schondelmeier, B.P., Hasselman, D.J., Bowden, A.A., Armstrong, M.P., Garza, J.C. and Palkovacs, E.P. (2022). Spatial and temporal genetic stock composition of river herring bycatch in southern New England Atlantic herring and mackerel fisheries. *Canadian Journal of Fisheries and Aquatic Sciences*. 80(2): 360-374. <https://doi.org/10.1139/cjfas-2022-0144>

<sup>8</sup> NEFMC. (2013). Amendment 5 to the Fishery Management Plan for Atlantic Herring: Volume I, p. 482.

<sup>9</sup> Maps depicting coarse spatial river herring and shad catch data were part of the Amendment 8 supporting analyses, but incidental catch and bycatch were not the focus of Amendment 8, and a detailed analysis was not undertaken. See NEFMC. (2019). Amendment 8 to the Atlantic Herring Fishery Management Plan Including a Final Environmental Impact Statement and Initial Regulatory Flexibility Analysis, pp. 321-328.

<sup>10</sup> Eastern Ecological Science Center. (2021, June 23). *Alosine genetic stock identification and tissue repository active*. Alosine Genetic Stock Identification and Tissue Repository | U.S. Geological Survey. Retrieved March 21, 2023, from <https://www.usgs.gov/centers/eesc/science/alosine-genetic-stock-identification-and-tissue-repository>

<sup>11</sup> University of Massachusetts Dartmouth. (n.d.). *Bycatch avoidance programs*. School for Marine Science & Technology | UMass Dartmouth. Retrieved March 21, 2023, from <https://www.umassd.edu/smast/bycatch/>

restore spawning habitat. The New England Council's role in minimizing bycatch is an essential component of restoration efforts.

Thank you for your consideration.

Sincerely,

Pam Lyons Gromen  
Executive Director  
Wild Oceans

Greg Gerritt  
Watershed Steward  
Friends of the Moshassuck

Aaron Kornbluth  
Founder/Owner  
Akorn Environmental Consulting, LLC

Don Williams  
President  
Herring Ponds Watershed Association

Zack Klyver  
Science Director  
Blue Planet Strategies

Wayne Castonguay  
Executive Director  
Ipswich River Watershed Association

Paul Earnshaw  
Vice President  
Buckeye Brook Coalition

Alex Winter  
President  
Mattawoman Watershed Society

Bonnie Bick  
President  
Chapman Forest Foundation

Patrick Herron  
Executive Director  
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Emily Keating  
Conservation Chair  
Connecticut Ornithological Association

Remy Moncrieffe  
Marine Conservation Policy Manager  
National Audubon Society

Erica Fuller  
Senior Attorney  
Conservation Law Foundation

Ian Cooke  
Executive Director  
Neponset River Watershed Association

Karla Rossini  
Executive Director  
CU Maurice River

Carol "Krill" Carson  
Marine Biologist and President  
New England Coastal Wildlife Alliance

David Carl  
President  
Delaware River Shad Fishermen's  
Association

Samantha Woods  
Executive Director  
North and South Rivers Watershed  
Association

Rob Weltner  
President  
Operation SPLASH

Alicea Charamut  
Executive Director  
Rivers Alliance of Connecticut

Thomas S. Kirk  
Restoration Committee Chair  
Red Lily Pond Project Association, Inc.

Bill Lucey  
Long Island Soundkeeper  
Save the Sound/ Long Island Soundkeeper

George Jackman, PhD  
Senior Habitat Restoration Manager  
Riverkeeper, Inc.

Enrico G. Nardone, Esq.  
Executive Director  
Seatuck Environmental Association

Enclosure: *Spatial and Temporal Genetic Stock Composition of River Herring Bycatch in Southern New England Atlantic Herring and Mackerel Fisheries*

# Spatial and temporal genetic stock composition of river herring bycatch in southern New England Atlantic herring and mackerel fisheries

Kerry Reid <sup>a,b,c</sup>, Jennifer A. Hoey<sup>a,b,d</sup>, Benjamin I. Gahagan<sup>e</sup>, Bradley P. Schondelmeier<sup>e</sup>, Daniel J. Hasselman<sup>a,h</sup>, Alison A. Bowden<sup>f</sup>, Michael P. Armstrong<sup>e</sup>, John Carlos Garza<sup>b,g</sup>, and Eric P. Palkovacs<sup>a</sup>

<sup>a</sup>Department of Ecology and Evolutionary Biology, University of California, Santa Cruz, CA 95060, USA; <sup>b</sup>Southwest Fisheries Science Center, National Marine Fisheries Service, Santa Cruz, CA 95060, USA; <sup>c</sup>Area of Ecology and Biodiversity, School of Biological Sciences, Faculty of Science, The University of Hong Kong, Hong Kong, SAR; <sup>d</sup>California Academy of Sciences, San Francisco, CA 92118, USA; <sup>e</sup>Massachusetts Division of Marine Fisheries, Annisquam River Marine Fisheries Station, Gloucester, MA 01930, USA; <sup>f</sup>The Nature Conservancy, Massachusetts, Boston, MA 02111, USA; <sup>g</sup>Department of Ocean Sciences, University of California, Santa Cruz, CA 95064, USA; <sup>h</sup>Fundy Ocean Research Centre for Energy, Halifax, NS, B3J 3N5, Canada

Corresponding authors: Eric P. Palkovacs (email: [epalkova@ucsc.edu](mailto:epalkova@ucsc.edu)) and John Carlos Garza (email: [carlos.garza@noaa.gov](mailto:carlos.garza@noaa.gov))

## Abstract

Anadromous river herring (alewife and blueback herring) persist at historically low abundances and are caught as bycatch in commercial fisheries, potentially preventing recovery despite conservation efforts. We used newly established single-nucleotide polymorphism genetic baselines for alewife and blueback herring to define fine-scale reporting groups for each species. We then determined the occurrence of fish from these reporting groups in bycatch samples from a Northwest Atlantic fishery over four years. Within sampled bycatch events, the highest proportions of alewife were from the Block Island (34%) and Long Island Sound (22%) reporting groups, while for blueback herring the highest proportions were from the Mid-Atlantic (47%) and Northern New England (24%) reporting groups. We then quantified stock-specific mortality in a focal geographic area (~3500 km<sup>2</sup>, including Block Island Sound) of high bycatch incidence and sampling effort, where the most accurate estimates of mortality could be made. During this period, we estimate that bycatch took about 4.6 million alewife and 1.2 million blueback herring, highlighting the need to reduce bycatch mortality for the most depleted river herring stocks.

**Key words:** *Alosa pseudoharengus*, *A. aestivalis*, bycatch, genetic stock identification (GSI), mixing proportion estimates, mortality estimates

## 1. Introduction

Anadromous fish populations represent unique sources of biological diversity (Fraser et al. 2011) but are impacted by anthropogenic activities in both their marine and freshwater environments (Limburg and Waldman 2009). In freshwater, habitat degradation and barriers to suitable spawning habitats impede successful reproduction and juvenile survival, while in marine environments, overfishing and capture in non-target fisheries (i.e., bycatch) represent additional sources of mortality (Crowder and Murawski 1998; Barbarossa et al. 2020). Catch limits on targeted and non-targeted fisheries can help to reduce overfishing and bycatch levels (Bethoney et al. 2017). However, knowing where to implement catch limits in marine systems can be challenging, as anadromous fishes tend to be highly migratory and typically aggregate into mixed stock groups. The high levels of mortality that can result from bycatch lead to increased levels of overfishing that may influence population dynamics (Crowder and Murawski 1998). To protect the most vulnerable

populations, accurate identification and assessments of the stock-specific contributions to bycatch are required, but these tasks can be challenging and remain priorities in the field of fisheries management.

Genetic data are used to determine the population composition of a mixed sample, such as fisheries bycatch, with genetic stock identification (GSI) analyses. Such analyses use genotypes to assign the individuals of interest back to the potential sources, or reporting groups (RGs), with a set of reference genotypes from individuals of known population origin (Manel et al. 2005). Application of these methods are particularly useful for accurately classifying highly migratory anadromous fish back to their freshwater spawning populations, as these species generally exhibit sufficient genetic differentiation, despite geographic proximity (Shaklee et al. 1999; Seeb et al. 2000; Beacham et al. 2009, 2012; Clemento et al. 2014; Gilbey et al. 2017). Using highly variable and/or large numbers of genetic markers with these classification methods can also help to improve accuracy

(Bernatchez and Duchesne, 2000; Narum et al. 2008; Hess et al. 2011). Thus, for managed species, GSI methods are especially useful when combined with mortality estimates, as it is often the only way to assess when particular populations or stocks approach or surpass their catch allocations (Shaklee et al. 1999). Similarly, GSI methods can also be used to identify where populations of conservation concern are being captured as bycatch and which populations are most vulnerable to this additional source of mortality, allowing managers to prioritize populations more effectively for protection (Hasselman et al. 2016; Guthrie III et al. 2019; Stewart et al. 2019).

Alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), sister species collectively called river herring, once comprised an important fishery in the Northwest Atlantic, but are now depleted to historically low levels (ASMFC [Atlantic States Marine Fisheries Commission] 2012; Bailey et al. 2017). River herring are iteroparous, anadromous species found in rivers, estuaries and Atlantic coastal habitats. Alewife are found from Newfoundland, Canada to North Carolina, USA while blueback herring range from Nova Scotia, Canada to St. Johns River, FL, USA (Fay et al. 1983). Mature adults migrate from the ocean to freshwater in the spring to spawn. Juveniles remain in freshwater for several months before migrating to the ocean, reaching maturity at ages 2–6 years. River herring will return to natal freshwaters to spawn, but straying is common, and individuals will colonize new sites if there is access (Loesch 1987).

Previous research used microsatellite genetic markers and demographic characteristics to identify distinct river herring stocks (A'hara et al. 2012; McBride et al. 2014, 2015; Palkovacs et al. 2014). More recently, species-specific single-nucleotide polymorphism (SNP) markers were developed for both alewife and blueback herring across their respective species ranges and used to evaluate genetic population differentiation. These broadscale studies identified four genetic groups in alewife and five genetic groups in blueback herring (Baetscher et al. 2017; Reid et al. 2018). Both species showed significant patterns of isolation by distance, with straying among adjacent rivers, as well as additional population structure indicated by significant genetic differentiation ( $F_{ST}$  estimates ranged from 0.008 to 0.022 for alewife and 0.026 to 0.114 for blueback herring for regional groups), even among rivers within close proximity (McBride et al. 2014, 2015; Reid et al. 2018). These SNP marker datasets provide higher resolution than previously available microsatellite data (A'hara et al. 2012), expanding the set of tools available for river herring research and conservation.

Starting in the 1970s, substantial population declines have been observed in both alewife and blueback herring. River herring population declines were historically caused by a combination of dams, habitat loss, pollution of freshwaters, and overfishing (Limburg and Waldman 2009). Dam removals, habitat restoration projects, and pollution control measures have considerably improved freshwater conditions, but river herring have failed to recover in many areas, including southern New England (SNE). Due to harvest moratoria, there are no longer any major fisheries that target river herring, but bycatch of river herring

in large fisheries may be limiting recovery (ASMFC 2012; Bethoney et al. 2014; Hasselman et al. 2016; Bailey et al. 2017). River herring are frequently caught as bycatch in marine fisheries targeting Atlantic herring (*Clupea harengus*) and Atlantic mackerel (*Scomber scombrus*). The estimated amount of river herring bycatch occurring in these fisheries can be as large as directed fisheries landings once were and has ranged from 34 metric tons (mt) in 2014 to 765 mt in 2007, although methodologies for estimating bycatch as well as the estimates themselves can be highly variable (Cieri et al. 2008, [https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Mackerel\\_RHS/Mackerel\\_RHS.htm](https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Mackerel_RHS/Mackerel_RHS.htm)). Voluntary bycatch avoidance programs can help mitigate incidental capture (Bethoney et al. 2017) and are encouraged to limit the bycatch of river herring, but questions remain about which stocks and rivers are most impacted.

Various approaches have been utilized to characterize the composition of river herring caught as bycatch, and to determine the rivers and/or stocks most impacted. Bethoney et al. (2014) used length-frequency distributions and life-history patterns to determine that bycatch from 2011 and 2012 was having the greatest impacts on populations from the SNE and the New Jersey-Long Island (NJLI) regions. Hasselman et al. (2016) used a genetics approach, assessing the stock composition of both alewife and blueback herring bycatch in 2012 and 2013. They found that the highest proportion of bycatch originated from the most depressed genetic stocks (which included their defined SNE RG for alewife and Mid-Atlantic (MAT) RG for blueback herring). Palkovacs et al. (2014), suggested that bycatch was having the greatest negative influence on populations from the Long Island Sound region.

In this study, we used SNP genetic markers and reference datasets for alewife and blueback herring across their species' ranges to determine the composition and mortality of river herring stocks captured as bycatch in the Atlantic herring and mackerel fisheries from 2012 to 2015. We aimed to: (1) define alewife and blueback herring RGs at finer geographic scales than previous studies to provide additional geographic resolution on the origins of bycatch, (2) assess the frequency of these newly refined RGs in bycatch events sampled across a broad portion of the Atlantic herring and mackerel fishery off the Northeastern United States, and (3) assess stock-specific mortality for river herring in a 3569 km<sup>2</sup> area off SNE, including Rhode Island and Block Island Sounds, where bycatch monitoring was sufficient to provide reliable estimates of mortality.

## 2. Materials and methods

### 2.1 Genetic baselines for genetic stock identification in river herring

Bycatch samples were collected during opportunistic port-side sampling and assigned using the reference genetic datasets for alewife ( $n = 5678$ ) and blueback herring ( $n = 2247$ ) detailed in Reid et al. (2018). Briefly, these datasets were established by extensively sampling the rangewide distribution of each species, and specimens were then genotyped with species-specific SNP panels developed by Baetscher et al.



(2017). Previous results identified population structure across both species' ranges based on 93 SNPs in alewife and 95 SNPs in blueback herring, and through simulations showed that both datasets have high accuracy for resolving mixing proportions to the level of regional genetic groups (Reid et al. 2018). By taking advantage of the previously identified hierarchical genetic structure (McBride et al. 2014, 2015; Reid et al. 2018) and groupings supported by self-assignment tests (Supplementary Fig. S1), we used additional simulations to evaluate the accuracy of estimated mixing proportions to finer-scale RGs, defined by a smaller number of spawning rivers, than in the prior analysis by Reid et al. (2018). Finer-scale RGs were postulated based on regional proximity and biological metrics such as run timing (Table 1). To assess these newly defined RGs, simulations based on the genetic SNP datasets established in Reid et al. (2018) were conducted and consisted of 100 replicates of varying RG proportions with Dirichlet distributions. From each simulated mixture composed of the baseline RGs, 100 fish were subsampled to reflect estimates from smaller sample sizes, and mixing proportions were estimated using maximum likelihood (ML) in the 'rubias' package (Moran and Anderson 2019) in R 3.4.4 (R Core Team, 2018), which implements GSI\_SIM (Anderson et al. 2008). To determine the accuracy for identifying and assessing the magnitude of contribution by each RG, correlations were assessed between the simulated and estimated mixing proportions and the variance and standard deviation of each RG were estimated as measures of the accuracy of the assignments.

## 2.2. Sampling and genotyping of river herring bycatch samples

To characterize the stock composition, we sampled alewife and blueback herring bycatch from commercial inshore and offshore Atlantic herring and mackerel fisheries in and around SNE from winter 2012 to 2015 (Table 2). River herring specimens were opportunistically collected from mid-water trawl and small-mesh bottom trawl vessels during portside and at-sea sampling conducted by the Massachusetts Division of Marine Fisheries (MADMF), University of Massachusetts Dartmouth School for Marine Science and Technology, Maine Department of Marine Resources, and National Oceanic and Atmospheric Administration (NOAA) Northeast Fisheries Observer Program (NEFOP).

Samples were mainly collected in the winter (December–March) of each year (however, there is a single spring sample in May around Cape Cod (CC)), as this season has the highest incidence of bycatch encounters, and assigned to the NOAA Statistical Area where they were caught. The Statistical Areas were grouped by region and designated as follows: NJLI (Statistical Area 615), SNE (Statistical Areas 613 and 537), Long Island Sound and Block Island Sound (LISBIS, Statistical Areas 611 and 539), and CC (Statistical Area 521).

Specimens were identified to species based on morphological features and peritoneal colour (Jordan and Evermann 1896; Scott and Crossman 1973). Collections from 2012 and 2013 were preserved in ethyl alcohol and were previously genotyped using 15 microsatellites (A'hara et al. 2012) and identified against an available microsatellite reference dataset (Palkovacs et al. 2014; Hasselman et al. 2016). Fin

tissue was sampled from each specimen collected in 2014 and 2015, placed on Whatman® blotting paper, dried and stored in coin envelopes.

Genomic DNA for all the specimens from 2012 to 2015 was extracted using the DNeasy 96 Blood and Tissue Kits and a BioRobot 3000 (Qiagen, Inc.) following manufacturer's specifications. Specimens morphologically assigned to alewife and blueback herring were genotyped using SNP Type assays (Fluidigm Corporation) for their respective species-specific markers (Baetscher et al. 2017) on 96.96 Dynamic SNP Genotyping Arrays using the EP1 system (Fluidigm). These loci, which included 93 alewife-specific SNPs and 95 blueback herring-specific SNPs, were previously used to establish the rangewide reference datasets (Reid et al. 2018). Four loci were consistently genotyped in the blueback herring reference baseline but could not be amplified consistently in all the bycatch collections, and were removed from bycatch analyses in both datasets. Genotypes with more than 10% missing data were removed prior to estimating mixing proportions. In addition, for both species, alewife genotyped with the blueback herring markers and blueback herring genotyped with the alewife markers were used to genetically identify misidentified fish and hybrids. These individuals were identified through stock assignments and extremely low heterozygosity across SNP loci (Clemento et al. 2014; Reid et al. 2018). After filtering, the final bycatch datasets consisted of 5234 alewife and 1,450 blueback herring, with sample sizes for the specific region and time-period designations ranging from 42 to 1264 for alewife and 32 to 183 for blueback herring (Table 2).

## 2.3. Focal region selection and strata for estimating mixing proportions

River herring are caught as bycatch in many fisheries across their entire range, but hotspots of bycatch and effort are known to occur (Cieri et al. 2008; Cournane et al. 2013; Bethoney et al. 2014, 2017). To define a region for which stock-specific mortality could be estimated, we determined the geographic area of highest sampling and capture fishing effort. First, we examined sampling and fishery effort (MADMF portside and NEFOP at-sea) from the midwater and small-mesh bottom trawls of the Atlantic herring and mackerel fisheries in the SNE and MAT regions of the northwest Atlantic Ocean during the months of December–March from 2012 to 2015. Trips landing less than 2000 pounds of Atlantic herring or mackerel were omitted. Next, we defined the focal region for assessing mortality impacts of river herring bycatch. The selected region encompassed the majority of SNE/MAT trips (79.7%), sampled trips (84.8%), and genetic samples collected (76.7%). It also included Rhode Island Sound and Block Island Sound, representing a region of high fishery effort. It is hereafter referred to as the focal region.

Approximately 30.1% of landings from this area were sampled during the time period analyzed in this study. The spatial extent of Atlantic herring and mackerel-target trips, sampled trips, genetic samples and fishery coverage levels was compared for individual months. It was determined that aggregating data temporally by half-winter (HW) periods (with December–January defined as HW1 and February–

**Table 1.** Summary of rivers in each RG for alewife and blueback herring. Details of rivers in the baseline can be found in Tables S1 and S2.

Species	Country	RGs	Code	No. of rivers
Alewife	Canada	Gulf of St. Lawrence	GLS	12
	Canada	Nova Scotia coast	NSC	8
	Canada	Bay of Fundy	BOF	4
	USA	Northern New England	NNE	32
	USA	Mass Bay	MB	5
	USA	Nantucket Bay	NUN	4
	USA	Block Island Sound	BIS	4
	USA	Long Island Sound	LIS	15
	USA	Mid-Atlantic	MAT	11
	USA	Albemarle Sound	ALB	3
				98
Blueback herring	Canada	Canada	CAN	3
	USA	Northern New England	NNE	5
	USA	Mid-Northern New England	MNE	3
	USA	Southern New England	SNE	5
	USA	Long Island Sound	LIS	5
	USA	Mid-Atlantic	MAT	12
	USA	Albemarle Sound	ALB	3
	USA	Cape Fear	CF	1
	USA	South Atlantic	SAT	3
	USA	St. John's river	STR	1
				41

RG, reporting group.

March as HW2) allowed for the most appropriate analysis, with detailed assignments and reasonable fishery sampling coefficients of variation (CVs) in all but one alewife stratum (2015 HW2) and three blueback herring strata (2013 HW2, 2014 HW1, and 2014 HW2). These strata were characterized by low sample sizes and large CVs.

## 2.4. Estimating mixing proportions and mortality within the focal region

### 2.4.1. Mixing proportion estimates by species sample and by half winter strata

To estimate mixing proportions, the datasets were broken down by (1) species, (2) year, region and HW designations, and (3) fish that were captured in the focal region only. First, we analysed data for each species separately to assess which RGs were encountered in each dataset and to determine the frequency with which each RG occurred. Next, each species dataset was further divided into year, region, and HW designation to evaluate the temporal and spatial occurrence of RGs in sampled bycatch events. Finally, we assessed fish only within the focal area to estimate mortality occurring in this specific area during the study period. This was the only area where we had sufficient data to confidently estimate bycatch mortality.

All mixing proportion estimates were calculated using 'rubias' (Moran and Anderson 2019). We used the ML and parametric bootstrap (PB) options, with sample parameters estimated from the posterior probability distribution gener-

ated with 2,000 sweeps of the MCMC algorithm, following 200 sweeps of burn-in for the ML method. We report the fraction of fish in each mixture sample assigned to each RG.

### 2.4.2. Estimating the number and composition of bycatch mortality within the focal area

River herring bycatch in the Atlantic herring and mackerel fisheries is highly variable in space and time (Bethoney et al. 2014). To characterize bycatch as fully and accurately as possible, we created expansions of bycatch (Cochran 1978; Bethoney et al. 2014) and combined them with stock composition estimates within the focal region. First, the total weights of alewife and blueback herring bycatch were generated for the midwater trawl and small-mesh bottom trawl Atlantic herring and mackerel fisheries (combined) for each of the eight HW periods using a ratio estimator method (Cochran, 1978; Bethoney et al. 2014). Alewife and blueback herring species bycatch rates ( $R$ ) were calculated for each temporal strata ( $R_{HW}$ ) as

$$R_{HW} = \frac{\sum_i r_{HW,i}}{\sum_i T_{HW,i}}$$

where  $r_{HW,i}$  represents the weight of observed alewife or blueback herring bycatch from trip  $i$  and half-winter  $HW$ , and  $T_{HW,i}$  represents the weight of total observed catch of the target species (Atlantic herring or Atlantic mackerel) from trip  $i$  in half-winter  $HW$ . Variance was estimated as

**Table 2.** Detailed mixing proportions with 95% CIs for alewife and blueback herring by RGs, region, and HW.

Name alewife	STAT regions	Code	STAT areas	HW	Year	Sample size	RGs GLS	NSC	BOF	NNE	MB	NUN	BIS	LIS	MAT	ALB
NJLI_HW2_15	New Jersey/Long Island	NJLI	2015	2	615	92	0.008 (0.000–0.043)	0.009 (0.000–0.051)	0.000 (0.000–0.006)	0.276 (0.188–0.375)	0.062 (0.000–0.160)	0.035 (0.000–0.163)	0.073 (0.000–0.180)	0.045 (0.000–0.144)	0.464 (0.338–0.579)	0.017 (0.000–0.104)
LISBIS_HW1_15	Long Island/Block Island	SNE	2015	1	539/611	924	0.000 (0.000–0.004)	0.003 (0.000–0.009)	0.011 (0.005–0.019)	0.125 (0.102–0.150)	0.018 (0.002–0.045)	0.145 (0.106–0.184)	0.409 (0.363–0.455)	0.132 (0.102–0.167)	0.101 (0.076–0.126)	0.055 (0.036–0.076)
LISBIS_HW2_14	Long Island/Block Island	SNE	2014	2	539/611	935	0.001 (0.000–0.006)	0.000 (0.000–0.001)	0.000 (0.000–0.001)	0.001 (0.000–0.008)	0.004 (0.000–0.023)	0.170 (0.129–0.213)	0.386 (0.341–0.433)	0.390 (0.344–0.435)	0.033 (0.020–0.050)	0.013 (0.005–0.023)
LISBIS_HW1_14	Long Island/Block Island	SNE	2014	1	539/611	1264	0.001 (0.000–0.005)	0.000 (0.000–0.002)	0.000 (0.000–0.000)	0.009 (0.003–0.018)	0.001 (0.000–0.010)	0.137 (0.103–0.171)	0.371 (0.332–0.411)	0.367 (0.328–0.406)	0.095 (0.076–0.117)	0.019 (0.010–0.030)
LISBIS_HW2_13	Long Island/Block Island	SNE	2013	2	539/611	443	0.002 (0.000–0.013)	0.002 (0.000–0.010)	0.001 (0.000–0.009)	0.047 (0.025–0.072)	0.011 (0.000–0.032)	0.161 (0.110–0.217)	0.307 (0.249–0.366)	0.094 (0.050–0.149)	0.300 (0.242–0.357)	0.076 (0.040–0.118)
LISBIS_HW1_13	Long Island/Block Island	SNE	2013	1	539/611	278	0.001 (0.000–0.006)	0.001 (0.000–0.005)	0.000 (0.000–0.007)	0.101 (0.066–0.139)	0.051 (0.015–0.097)	0.142 (0.084–0.212)	0.179 (0.117–0.243)	0.044 (0.009–0.094)	0.375 (0.306–0.448)	0.105 (0.060–0.159)
LISBIS_HW2_12	Long Island/Block Island	SNE	2012	2	539/611	43	0.003 (0.000–0.030)	0.002 (0.000–0.022)	0.001 (0.000–0.013)	0.065 (0.007–0.162)	0.049 (0.000–0.189)	0.042 (0.000–0.222)	0.227 (0.057–0.439)	0.367 (0.095–0.602)	0.221 (0.088–0.388)	0.023 (0.000–0.121)
LISBIS_HW1_12	Long Island/Block Island	SNE	2012	1	539/611	342	0.001 (0.000–0.009)	0.009 (0.000–0.025)	0.000 (0.000–0.002)	0.038 (0.018–0.065)	0.007 (0.000–0.036)	0.141 (0.080–0.202)	0.623 (0.550–0.699)	0.093 (0.048–0.147)	0.084 (0.050–0.121)	0.003 (0.000–0.024)
SNE_HW2_15	SNE		2015	2	537/613	288	0.001 (0.000–0.006)	0.018 (0.005–0.038)	0.015 (0.003–0.034)	0.069 (0.039–0.106)	0.084 (0.044–0.129)	0.136 (0.069–0.219)	0.398 (0.318–0.482)	0.137 (0.077–0.200)	0.113 (0.060–0.176)	0.028 (0.000–0.074)
SNE_HW2_13	SNE		2013	2	537/613	62	0.009 (0.000–0.053)	0.005 (0.000–0.043)	0.001 (0.000–0.007)	0.217 (0.120–0.333)	0.037 (0.000–0.165)	0.193 (0.000–0.387)	0.067 (0.000–0.202)	0.118 (0.000–0.296)	0.321 (0.181–0.477)	0.031 (0.000–0.123)
SNE_HW1_13	SNE		2013	1	537/613	52	0.003 (0.000–0.031)	0.001 (0.000–0.013)	0.001 (0.000–0.009)	0.137 (0.053–0.249)	0.008 (0.000–0.072)	0.225 (0.094–0.382)	0.253 (0.106–0.423)	0.052 (0.000–0.175)	0.256 (0.046–0.438)	0.064 (0.000–0.280)
CC_HW2_15	CC	CC	2015	2	521	42	0.004 (0.000–0.037)	0.002 (0.000–0.022)	0.130 (0.035–0.260)	0.693 (0.511–0.851)	0.029 (0.000–0.174)	0.044 (0.000–0.144)	0.008 (0.000–0.087)	0.015 (0.000–0.112)	0.074 (0.016–0.165)	0.001 (0.000–0.011)
CC_HW1_15	CC	CC	2015	1	521	426	0.002 (0.000–0.015)	0.027 (0.011–0.047)	0.068 (0.041–0.097)	0.271 (0.227–0.318)	0.016 (0.004–0.034)	0.088 (0.052–0.131)	0.120 (0.079–0.164)	0.080 (0.040–0.131)	0.209 (0.155–0.266)	0.109 (0.066–0.155)
<b>Blueback Herring</b>							<b>CAN</b>	<b>NNE</b>	<b>MNE</b>	<b>SNE</b>	<b>LIS</b>	<b>MAT</b>	<b>ALB</b>	<b>CF</b>	<b>SAT</b>	<b>STR</b>
NJLI_HW2_15	New Jersey/Long Island	NJLI	2015	2	615	98	0.142 (0.005–0.310)	0.355 (0.175–0.519)	0.003 (0.000–0.032)	0.025 (0.003–0.066)	0.006 (0.000–0.049)	0.453 (0.343–0.567)	0.005 (0.000–0.052)	0.000 (0.000–0.005)	0.001 (0.000–0.011)	0.000 (0.000–0.003)
LISBIS_HW1_15	Long Island/Block Island	SNE	2015	1	539/611	145	0.002 (0.000–0.018)	0.162 (0.099–0.233)	0.012 (0.000–0.045)	0.037 (0.011–0.075)	0.002 (0.000–0.017)	0.656 (0.559–0.742)	0.011 (0.000–0.072)	0.000 (0.000–0.006)	0.111 (0.065–0.169)	0.007 (0.000–0.027)
LISBIS_HW1_13	Long Island/Block Island	SNE	2013	1	539/611	183	0.074 (0.000–0.157)	0.254 (0.164–0.347)	0.053 (0.000–0.116)	0.064 (0.026–0.114)	0.078 (0.000–0.175)	0.474 (0.389–0.556)	0.001 (0.000–0.009)	0.000 (0.000–0.002)	0.000 (0.000–0.004)	0.000 (0.000–0.002)
LISBIS_HW2_12	Long Island/Block Island	SNE	2012	2	539/611	99	0.008 (0.000–0.057)	0.064 (0.009–0.133)	0.099 (0.029–0.184)	0.059 (0.019–0.120)	0.046 (0.000–0.163)	0.721 (0.602–0.827)	0.001 (0.000–0.013)	0.000 (0.000–0.002)	0.001 (0.000–0.007)	0.000 (0.000–0.002)
LISBIS_HW1_12	Long Island/Block Island	SNE	2012	1	539/611	379	0.014 (0.000–0.049)	0.120 (0.078–0.165)	0.113 (0.074–0.153)	0.106 (0.074–0.145)	0.110 (0.059–0.166)	0.516 (0.451–0.579)	0.008 (0.000–0.035)	0.000 (0.000–0.002)	0.000 (0.000–0.002)	0.011 (0.003–0.024)
SNE_HW2_15	SNE		2015	2	537/613	145	0.151 (0.040–0.269)	0.550 (0.419–0.685)	0.074 (0.025–0.143)	0.028 (0.007–0.064)	0.058 (0.006–0.128)	0.137 (0.076–0.206)	0.001 (0.000–0.012)	0.000 (0.000–0.002)	0.001 (0.000–0.006)	0.000 (0.000–0.001)
SNE_HW1_12	SNE		2012	1	537/613	40	0.004 (0.000–0.044)	0.093 (0.011–0.215)	0.081 (0.000–0.219)	0.003 (0.000–0.027)	0.108 (0.000–0.278)	0.695 (0.514–0.869)	0.012 (0.000–0.112)	0.001 (0.000–0.005)	0.002 (0.000–0.017)	0.000 (0.000–0.004)
CC_HW2_15	CC	CC	2015	1	521	163	0.113 (0.000–0.221)	0.458 (0.336–0.578)	0.015 (0.000–0.075)	0.001 (0.000–0.008)	0.005 (0.000–0.046)	0.379 (0.283–0.470)	0.029 (0.000–0.089)	0.000 (0.000–0.002)	0.000 (0.000–0.005)	0.000 (0.000–0.001)
CC_SP1_14*	CC	CC	2014	–	521	50	0.428 (0.196–0.657)	0.332 (0.099–0.601)	0.130 (0.001–0.260)	0.008 (0.000–0.055)	0.025 (0.000–0.121)	0.051 (0.000–0.170)	0.025 (0.000–0.112)	0.001 (0.000–0.006)	0.001 (0.000–0.014)	0.000 (0.000–0.006)
CC_HW1_13	CC	CC	2013	1	521	32	0.049 (0.000–0.236)	0.419 (0.192–0.629)	0.141 (0.032–0.288)	0.005 (0.000–0.045)	0.005 (0.000–0.049)	0.368 (0.208–0.539)	0.008 (0.000–0.079)	0.001 (0.000–0.008)	0.002 (0.000–0.025)	0.001 (0.000–0.008)
CC_HW2_12	CC	CC	2012	2	521	51	0.037 (0.000–0.145)	0.151 (0.018–0.286)	0.095 (0.000–0.221)	0.023 (0.001–0.077)	0.062 (0.000–0.237)	0.619 (0.442–0.781)	0.011 (0.000–0.106)	0.000 (0.000–0.007)	0.002 (0.000–0.016)	0.000 (0.000–0.005)

\* SP1 collected in spring.

ALB, Albemarle Sound; BOF, Bay of Fundy; CC, Cape Cod; GLS, Gulf of St. Lawrence; HW, half-winter; LIS, Long Island Sound; LISBIS, Long Island Sound and Block Island Sound; MAT, Mid-Atlantic; MB, Massachusetts Bay; NJLI, New Jersey-Long Island; NSC, Nova Scotia; NUN, Nantucket Sound; RGs, reporting groups; SNE, Southern New England; HW, half winter.

$$\text{var}(R_{HW}) = \left( \frac{1}{n_{HW} T_{HW}^2} \right) \times \left[ \frac{(\sum_i r_{HW,i}^2) + R_{HW}^2 (\sum_i T_{HW,i}^2) - 2R_{HW} (\sum_i r_{HW,i} T_{HW,i})}{n_{HW} - 1} \right] \times \left( \frac{N_{HW} - n_{HW}}{N_{HW}} \right)$$

Total river herring bycatch for each half-winter ( $B_{HW}$ ) was calculated as

$$B_{HW} = R_{HW} \times L_{HW}$$

where  $L_{HW}$  is the total weight of target species landings from half-winter  $HW$  based on NOAA Vessel Trip Reports. The CV for the ratios was defined as

$$CV(R_{HW}) = \frac{\sqrt{\text{var}(R_{HW})}}{R_{HW}}$$

The variance for the bycatch in all HWs was estimated by

$$\text{var}(B_{HW}) = L_{HW}^2 \times \text{var}(R_{HW})$$

Individual numbers of alewife and blueback herring removals were then estimated for each of the eight HW periods by applying a length-based expansion to estimated weights, modified from Bethoney et al. (2014). For each species, the proportion of fish in each centimetre length class  $LC$  from each half winter ( $P_{LC,HW}$ ) was generated as

$$P_{LC,HW} = \frac{n_{LC,HW} \times \text{expW}_{LC}}{\sum \text{expW}_{HW}}$$

where the number of fish measured as bycatch in each length class ( $n_{LC,HW}$ ) was multiplied by the expected weight for a fish in that length class ( $\text{expW}_{LC}$ ) (MADMF unpublished data) and divided by the sum of all expected weights from that half winter ( $\sum \text{expW}_{HW}$ ). The expanded weight of bycatch for fish in each length class ( $\text{ExpW}_{LC,HW}$ ) was calculated as

$$\text{ExpW}_{LC,HW} = P_{LC,HW} \times B_{HW}$$

The total number of expanded bycatch fish in each half winter ( $\text{ExpN}_{HW}$ ) is calculated as

$$\text{ExpN}_{HW} = \sum_{LC} \frac{\text{ExpW}_{LC,HW}}{\text{expW}_{LC}}$$

A bootstrapped error estimate (1000 iterations) around the total number of bycatch of each species in each half winter was calculated using the 'scales' package in RStudio (3.3.0).

To calculate mortality by RG and half winter from 2012 to 2015, we multiplied the estimated proportions and CIs by the estimated number of fish caught in bycatch for each half winter.

## 3. Results

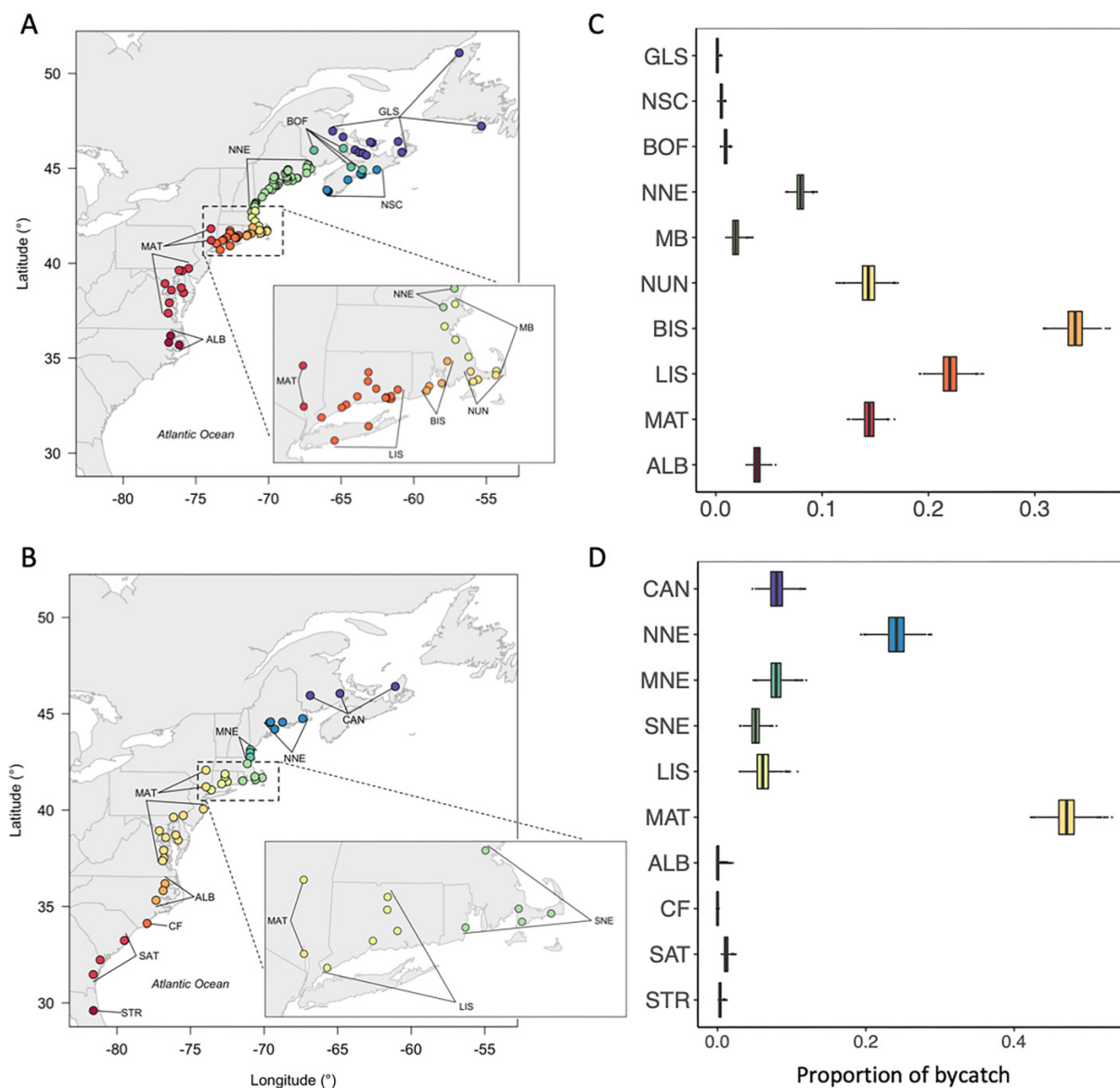
### 3.1. GSI to reporting groups

We defined 10 RGs in alewife from the simulation results (Fig. 1A, Table 1, and Fig. S2). The number of rivers that comprised each RG and the geographic extent of each RG were variable (Table 1). The alewife RGs identified in Canada included the Gulf of St. Lawrence (GLS), ranging from the Garish River to the Bras d' Or Lakes; Nova Scotia (NSC) from West River to Tusket River; and the Bay of Fundy (BOF), from the Gaspereau River to the Canadian Saint John's River. The Northern New England (NNE) RG ranged from Dennis Stream of the St. Croix River to the Merrimack River, which is the same as previously defined in Reid et al. (2018). Rivers in SNE comprise four RGs, including Massachusetts Bay (MB) ranging from the Parker River to Stony Brook River; Nantucket Sound (NUN) from the Herring River to the Monument River; Block Island Sound (BIS) from the Nemasket River to the Saugatucket River; and Long Island Sound (LIS) from the Thames River to the Carll's River. The MAT RG ranged from the Hudson River to the James River while the Albemarle Sound (ALB) RG extended from the Chowan River to the Alligator River. All RGs for alewife showed highly concordant estimates among simulated and estimated mixing proportions. The RGs with the largest standard deviations (SD) among true simulated mixing proportions and estimates from our baseline RGs were NUN (SD = 0.048) and BIS (SD = 0.047). In both cases, the effect was most pronounced in larger "true" mixing proportions compared to estimated proportions.

For blueback herring, we found support for 10 RGs throughout the species range (Fig. 1B, Table 1, and Fig. S3). Blueback herring exhibited greater genetic population structure at the southern end of their range (see Reid et al. 2018), which allowed for finer-scale partitioning, sometimes even to the level of individual rivers. The Canadian (CAN) RG ranged from the Margaree River to the Saint John's River, while the NNE RG ranged from the East Machias River to the Sebasticook River. The Mid New England (MNE) RG ranged from the Oyster River to the Parker River. Rivers in SNE comprised two RGs: the SNE RG ranged from the Mystic River to Gilbert-Stuart Brook and the Long Island Sound (LIS) RG ranged from the Connecticut River to the Mianus River. Rivers in the MAT comprised two RGs: the MAT RG ranged from the Hudson River to the James River; and the Albemarle Sound (ALB) RG extended from the Chowan River to the Neuse River. Rivers in the South Atlantic comprised three RGs: the Cape Fear (CF) River; the South Atlantic (SAT) RG that ranged from the Santee River to the Altamaha River; and the St. John's River (STR). Again, all RGs showed strong correlations between simulated



**Fig. 1.** Sampling locations for (A) alewife and (B) blueback herring, with coloring of dots for each river indicating its RG were plotted in R. The rivers, their latitude and longitude, and RG information are summarized in **Table 1** and detailed in Tables S1 and S2. The median mixing proportion estimates by RG for (C) alewife and (D) blueback herring. The boxplots show the lower 25% and upper 75% quantiles. RG, reporting group.



“true” mixing proportions and the estimates from our baseline RGs. In blueback herring, the RGs with the highest standard deviations were CAN (SD = 0.044), NNE (SD = 0.048), and LIS (SD = 0.047).

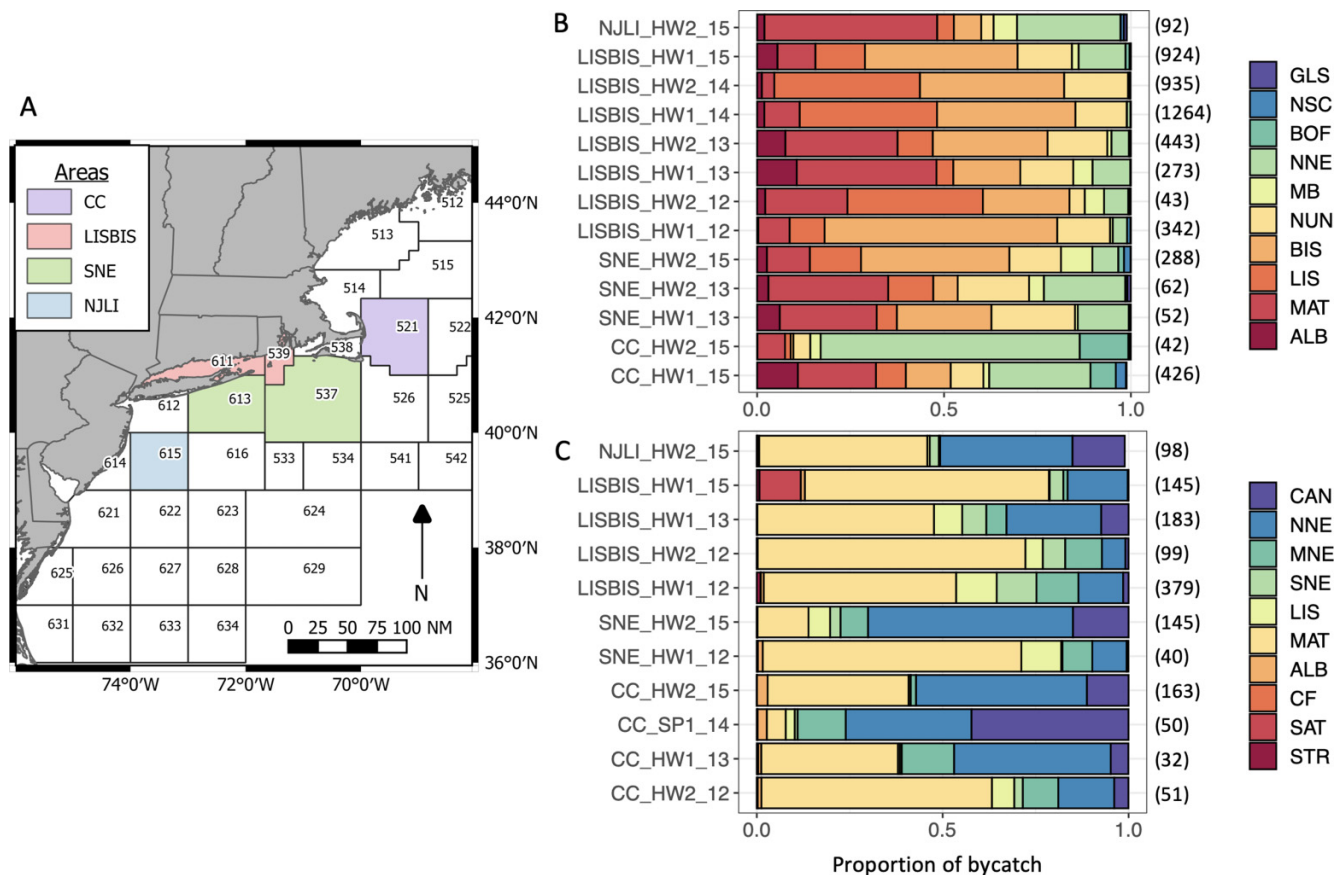
### 3.2. River herring reporting group encounters in bycatch samples

The mean proportional contribution of each species-specific RG was first estimated. Overall, alewife encounters were mainly composed of fish from Block Island Sound (BIS; 0.338, 95% CIs: 0.319–0.356) and Long Island Sound (LIS; 0.220, 95% CIs: 0.203–0.237), followed by Nantucket and the MAT (Fig. 1C). Overall, blueback herring encounters were

largely composed of fish from the MAT (0.470, 95% CIs: 0.438–0.503) and NNE (0.241, 95% CIs: 0.209–0.270) (Fig. 1D).

These data were then further evaluated by year, half winter, and region to assess RG encounters on a spatial and temporal scale. The composition of RGs in the samples varied across regions and years for both species (Fig. 2 and Table 2), but the RGs with the highest encounters were relatively consistent. Alewife bycatch across years and regions mainly comprised NUN, BIS, LIS and MAT (Figs. 1A, 1C, and 2B). RGs spawning in rivers proximate to the geographical locations of bycatch encounters tended to be present at higher proportions than those spawning further away (Figs. 2A and 2B). For example, most of the fish encountered in the LIS-BIS region were from the BIS and LIS RGs. Almost no fish were encountered from the northernmost GLS RG, and fish

**Fig. 2.** Mixing proportion estimates for alewife and blueback herring across space and time, where (A) indicates the geographic locations of statistical areas with regional codes: CC, SNE, LISBIS, and NJLI (map projection NAD83 and coordinate system UTM). Mixing proportion estimates for (B) alewife and (C) blueback herring by region, year, and HW. HW1 corresponds to fish caught December–January and HW2 to fish caught February–March of the corresponding winter. The missing proportions for alewife and blueback herring in 2015 are individuals that were misidentified to species in the field and were genotyped on the wrong species panel. Sample sizes are indicated in parentheses. CC, Cape Cod; HW, half winter; LISBIS, Long Island Sound and Block Island Sound; NJLI, New Jersey–Long Island; SNE, Southern New England.



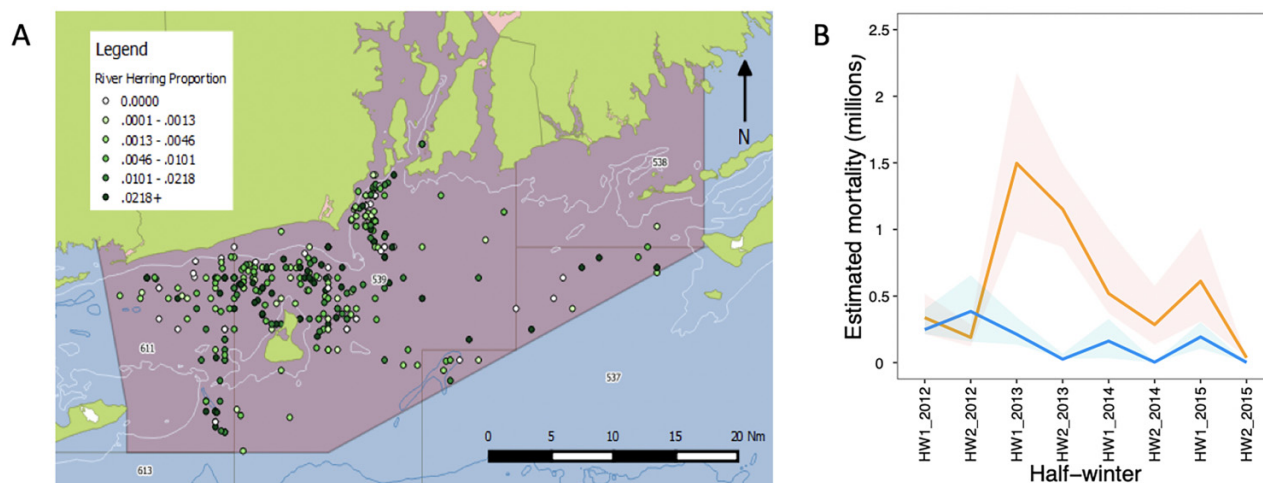
encountered from Canadian RGs were only found in the dataset at appreciable levels in 2015 and mainly in Cape Cod (Fig. 2B). Alewife encountered in the NJLI region (Statistical Area 615) were mainly from the proximate MAT RG and not from the ALB RG (Fig. 2B). Alewife encountered in the Cape Cod region (Statistical Area 521) showed a larger proportion of bycatch from the NNE RG relative to the SNE, LISBIS, and NJLI regions, but with important differences in which RGs were detected across HWs. Within the Cape Cod region, bycatch samples were mainly represented by NNE (27%), BIS (12%), and MAT (21%) RGs in HW1, with a shift to ~65% from NNE in HW2 (Table 2).

Blueback herring bycatch encounters in the LISBIS region (Statistical Areas 611 and 539) were mainly composed of NNE and MAT RGs across years (Figs. 1B, 1D, and 2C). Across all HWs, the South Atlantic RG was not frequently encountered, indicating that these fish are likely not being caught in Northeast fisheries. The MNE and SNE RGs were not frequently encountered, despite being geographically proximate to bycatch events in the LISBIS region.

### 3.3. Composition and mortality estimates of river herring bycatch in the focal region

Total alewife mortality from 2012 to 2015 was estimated at ~4.6 million fish (95% CIs: 2.6–8.0; Table S3) within the focal region (Fig. 3A). The amount of bycatch caught by year varied, with 2013 a particularly high year (~2.6 million fish) for alewife bycatch (Fig. 3). The top contributors to alewife bycatch in the focal region were the BIS, MAT, NUN, and LIS RGs, respectively. Within the focal region, the largest numbers of alewife bycatch across years came from rivers in the larger SNE region (comprising the MB, NUN, BIS, and LIS RGs), ranging from ~43% to 95% of the catch in a given year. Within the RGs that represent rivers in SNE, the highest bycatch numbers came from Block Island Sound, Nantucket, and Long Island Sound (Fig. 4 and Table S3). In 2013, a large proportion of alewife originating from the MAT RG were observed in both HW1 (~35% of total catch) and HW2 (~30% of total catch). The MAT RG was the second highest contributor to overall alewife bycatch mortality due to these unusually high bycatch events, which represented ~83% of total MAT

**Fig. 3.** Estimated total mortality for each half-winter period within a focal region of high fisheries sampling and effort. The purple polygon (A) indicates the focal region boundaries, which spans the NOAA Statistical Areas of 537, 538, 539, and 611, while (B) shows the estimated mortality of alewife (orange line) and blueback herring (blue line), with the shaded area of each line indicating the 95% CI within this focal region from 2012 to 2015. The focal region included all waters bounded by the following coordinates (NAD83 UTM): (1) Coastline of mainland Massachusetts and longitude 70°50' West, due south to; (2) 41°20' North × 70°50' West (near western point of Martha's Vineyard), southwest to; (3) 41°0'N × 71°30'W, due west to; (4) 41°0'N × 71°51.4333'W, due north to; (5) the eastern point of Montauk, New York at 41°04.3333'N × 71°51.4333'W, and NNW; and (6) coastline of Connecticut at longitude 71°54.1'W. Data was provided by Massachusetts Division of Marine Fisheries and Northeast Fisheries Observer Program.



alewife mortality within the focal region during the study period (Fig. 4).

Total estimated blueback herring mortality from 2012 to 2015 was ~1.2 million fish (95% CIs: ~500 000–2.9). There was no observable increase in bycatch mortality in 2013, as seen in alewife, within the focal region off of SNE (Fig. 3B). Blueback herring bycatch mortality within the focal region was mainly composed of MAT-origin individuals (ranging from 47% to 72%), which represented ~630 000 (CIs: 306 7640–1 196 392) fish across study years (Fig. 5 and Table S3).

## 4. Discussion

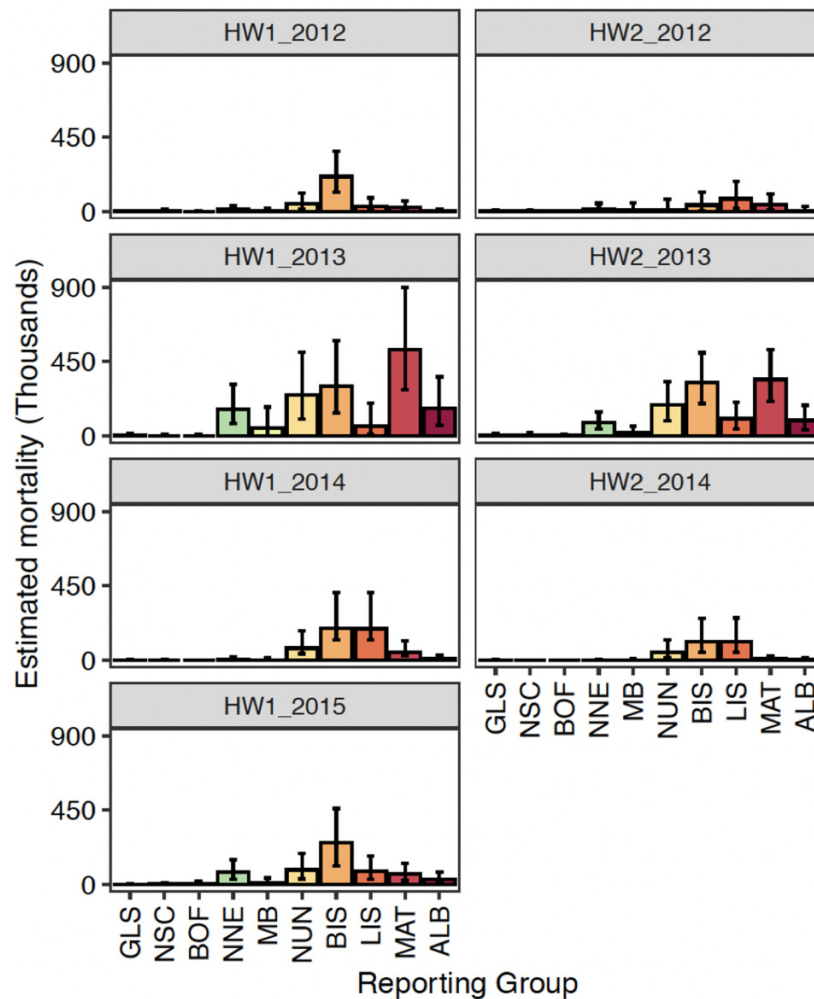
River herring populations have exhibited marked declines since the early 1970s (ASMFC 2012, Bailey et al. 2017). Conservation and management efforts to mitigate these declines have focused primarily on freshwater ecosystems, with much less attention paid to the marine phase of their life cycle. We applied recently developed SNP genetic markers for alewife and blueback herring to define RGs at finer geographic scales than previously possible. Our reassessment allowed delineation of 10 RGs each in alewife and blueback herring, that could be accurately identified in mixed samples. We then determined the contributions of these newly refined RGs in bycatch opportunistically sampled from the Atlantic herring and mackerel fisheries from 2012 to 2015. Alewife sampled from all collected bycatch originated predominantly from Block Island Sound and Long Island Sound. In contrast, the majority of blueback herring bycatch originated from the MAT and NNE RGs and not the RGs with closer proximity to bycatch events which have shown some of the highest

declines in recent years (Palkovacs et al. 2014; Bailey et al. 2017). We also observed spatial and temporal variation in bycatch composition for both species. Extensive sampling and fishery effort in a focal geographic region off of SNE allowed us to estimate the magnitude of bycatch for that area. These results show that substantially more alewife than blueback herring were caught in the region, perhaps reflecting their current stock sizes (blueback herring have suffered more severe declines than alewife in this region; Bailey et al. 2017). Within this focal region, rivers in SNE (BIS, LIS, and NUN RGs) and the MAT contributed the most to alewife mortality across the study period, with the MAT fish mostly coming from a single year (2013). Blueback herring mortality within this focal region mainly impacted fish originating from the MAT and NNE RGs.

### 4.1. Reporting groups

In this study, we utilized recently published SNP-based genetic reference datasets (Reid et al. 2018), which included more rivers throughout the alewife and blueback herring species' ranges than previous studies based on microsatellite data (Palkovacs et al. 2014; Hasselman et al. 2016). As a result of the increased number of genetic markers and more extensive geographic sampling of the entire range, we were able to define RGs that identify populations from smaller collections of rivers, a scale more useful for addressing conservation-focused questions in these species. Our finer-scale RGs allowed us to determine the origins of river herring bycatch with greater precision, especially within areas of known impact. The inclusion of the northernmost river herring populations in our reference datasets allowed us to evaluate

**Fig. 4.** Alewife mortality estimates for the focal region by RG, year, and HW partition. HW, half-winter; RG, reporting group.



potential impacts on Canadian populations, which was not possible in previous studies. Overall, the reliability of assignments to these RGs was very high (see Figs. S2 and S3) and the RGs we define are thus both suitable for assessing the occurrence of specific RGs in mixed samples, as well as providing accurate estimates of RG proportions in fishery bycatch.

#### 4.2. the spatial and temporal occurrence of reporting groups in river herring bycatch

Our GSI results revealed that the occurrence of river herring RGs in bycatch events sampled from the Northeast Atlantic herring and mackerel fisheries from 2012 to 2015 was not uniform. Within these regions where bycatch encounters were occurring, finer-scale stock contributions were highly variable. We found that alewife from the BIS and LIS RGs were encountered frequently in bycatch, while the majority of blueback herring samples were from the MAT and NNE RGs. In both species, migration timing is a gradient and starts in March for each species' southernmost populations (Loesch 1987; Ellis and Vokoun 2009; ASMFC 2012), which likely influences which species and populations are encountered as bycatch during their return to spawn in

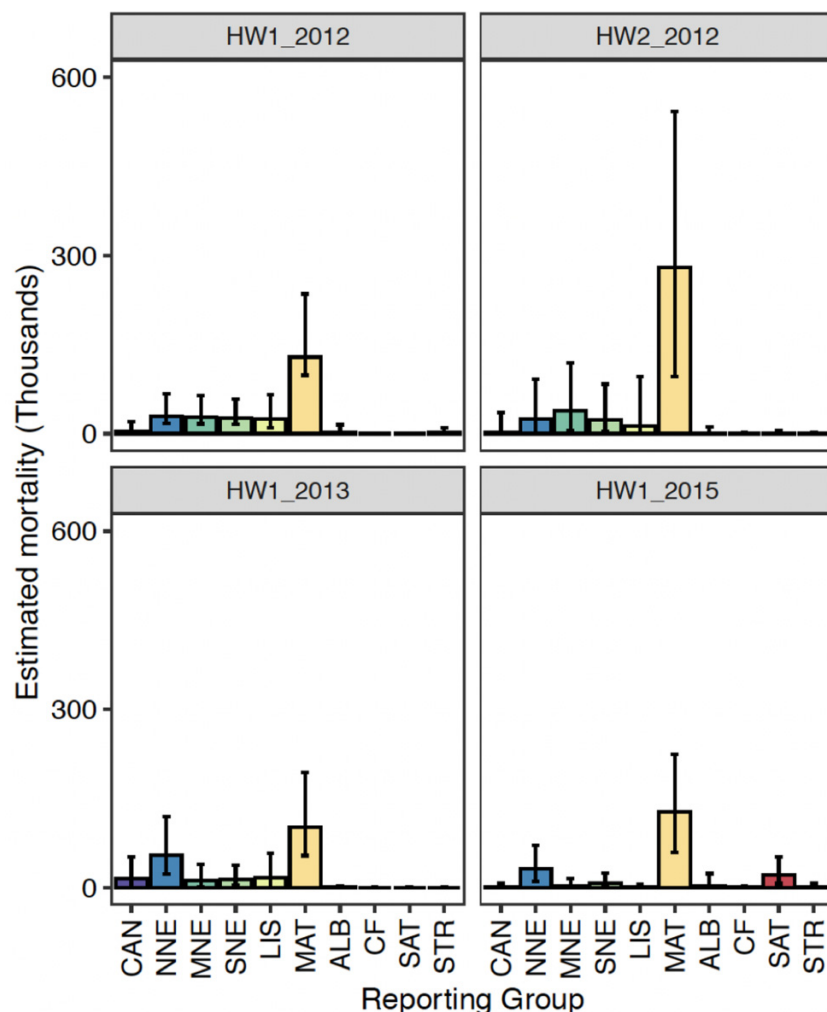
natal rivers. For alewife, prior work showed that bycatch was concentrated on SNE populations (Hasselman et al. 2016). Our results lead to a more nuanced understanding, narrowing the region of most frequent bycatch down to populations from rivers associated with Block Island and Long Island Sounds (Figs. 2A, 2C). For blueback herring, prior work showed that bycatch was concentrated on MAT populations (Hasselman et al. 2016). Our results refine this area to rivers from the Hudson River to the James River (Figs. 2B, 2D). Future research efforts may be able to further subdivide this large MAT RG into identifiable groups, but it was not possible with our SNP data, and interbasin migration may limit the ability to further discriminate fish from these river systems.

For each species, the representation of RGs in bycatch was generally consistent across years and seasons, although some variation was present. For most of the HW seasons, alewife from the BIS and LIS RGs occurred most frequently in bycatch, but nontrivial proportions of alewife from rivers within the NNE, NUN, and MAT RGs were also encountered.

For the LISBIS region (Statistical Areas 611 and 539), alewife from BIS and LIS were encountered particularly frequently across years in bycatch samples. As this region is



**Fig. 5.** Blueback herring mortality estimates for the focal region by RG, year, and HW partition. HW, half-winter; RG, reporting group.



immediately adjacent to the spawning rivers, it is likely that the fishery is encountering adults returning to their natal rivers to spawn and/or juveniles migrating from these rivers. Future analyses focusing on the size of fish in bycatch will provide more resolution on which life stages are being encountered in bycatch. These RGs were encountered less frequently in the other regions, suggesting that targeted management to reduce bycatch in the LISBIS region is likely to have substantial benefits for conservation of proximate alewife populations.

For the Cape Cod region (Statistical Area 521), alewife from the NNE RG made up a large portion of the sampled bycatch, particularly in February–March 2015 (Fig. 2B). The observation that alewife sampled from catch in this region are not from the adjacent rivers suggests that it is an important migration corridor, with alewife caught in this area likely migrating through, rather than returning to their immediately adjacent spawning rivers, as in the LISBIS region. Although alewife data for the Cape Cod region were only available for 2015, the onset of the spring alewife spawning migration is known to be temperature dependent and typically

occurring from March through May (Loesch 1987; Ellis and Vokoun 2009; ASMFC 2012). The high occurrence of NNE fish in the bycatch sampled from the Cape Cod region may be due to shifts in diel migration patterns as daylight hours increase in the spring, which could potentially influence river herring catchability in the Atlantic herring and mackerel fisheries.

For blueback herring, bycatch from MAT and NNE were encountered most frequently across seasons and years within a region, but blueback herring from MNE, CAN, and SAT were also identified in the bycatch at appreciable rates. The frequent occurrence of MNE blueback herring in bycatch is notable, as that RG was found to be at “high risk of extinction”, but did not qualify as a Distinct Population Segment or Significant Portion of the Range in the most recent ESA status review, so was not listed (NOAA 2019). However, the MNE RG represents a relatively small section of coastline, with only a few rivers potentially contributing to bycatch, so the presence of MNE fish in our samples underscores the importance of potential management actions that could reduce mortality of these highly vulnerable populations.

### 4.3. Mortality numbers and composition in the focal area

We estimated that nearly six million individual river herring were captured as bycatch from 2012 to 2015 from trips conducted within the focal region. This estimate represents the majority of total bycatch in the Atlantic herring and mackerel fisheries south of Cape Cod, as the focal region captured 80% of trips and 70% of the total catch (i.e., total weight landed) that occurred in the NJLI, SNE, and LISBIS regions during this time. This total represents about 4.6 million alewife and 1.2 million blueback herring. Even though the species distributions of alewife and blueback herring overlap in the focal region, alewife likely suffered higher mortality than blueback herring, because alewife tend to be more common at the northern extent of the alewife-blueback herring range overlap (ASMFC 2012). New England has less blueback herring spawning habitat than the MAT, and while some SNE rivers once supported very large blueback herring populations, decades of declines in SNE have potentially resulted in fewer blueback herring from this region and hence less potential bycatch (Palkovacs et al. 2014; Bailey et al. 2017). Studies examining the spatial and intra-annual variability of river herring captured as bycatch in the Atlantic herring fishery have found that the largest bycatch incidents occurred mainly during the fall and winter months, when the Atlantic herring fishery was concentrated in waters off Cape Cod, SNE and the northern MAT Bight. During spring and summer months, the fisheries operate in areas that may overlap less with river herring migration and feeding grounds. Cieri et al. (2008) found that bycatch amounts for the months of April through September accounted for less than 10% of the annual bycatch total, and Cournane et al. (2013) showed that only 17% of monitored trips that encountered river herring occurred during the period of March through October. Within the focal region from December to March, we found that alewife bycatch was consistently composed of fish from BIS, followed by NUN and then LIS. However, there was an increase in the bycatch of alewife in 2013 (Fig. 3B) that was not observed in blueback herring. This increase appeared to be driven by a prevalence of MAT-origin alewife that was not observed in other years, and which made up ~83% of estimated MAT mortality in the focal region during our study period (Fig. 4). The high bycatch in 2013 that corresponded with the prevalence of MAT-origin fish, led to the MAT RG having the second highest number of fish caught in the focal region during the study period. This result highlights the importance of tying GSI to landings by establishing and maintaining robust observing programs in high-volume fisheries.

Our findings within the focal region provide further evidence that fisheries bycatch may be disproportionately affecting populations in the SNE region (Palkovacs et al. 2014; Hasselman et al. 2016) and could also periodically impact regions beyond SNE. The bycatch mortality of SNE-origin fish in SNE waters could be contributing to the depleted nature of river herring populations in that region, despite targeted fishing moratoriums (ASMFC 2012). Demographic and life-history shifts towards smaller and younger alewife

spawners have also been observed in SNE (Davis and Schultz 2009; Palkovacs et al. 2014), and the most recent stock assessment update indicated decreases in mean length, maximum age, and repeat spawner percentage across the species range (Bailey et al. 2017). Such shifts can be indicative of overfishing and can result in reduced reproductive output (Barneche et al. 2018), which may further threaten the persistence of river herring. Explicitly linking demographic history with stock identity, as done here with our genetic analysis, will require additional investigation and a focus on developing abundance estimates for river herring across their range.

### 4.4. Management into the future

Anadromous river herring populations persist at historically low levels and, even though they are not targeted directly by commercial fisheries, bycatch in the Atlantic herring and mackerel fisheries may be impeding population recovery. We used high-resolution genetic reference datasets to determine the origins of river herring caught as bycatch in the SNE Atlantic herring and mackerel fisheries and found that bycatch was an important source of mortality for alewife and blueback herring originating from rivers within the MAT and SNE.

A better understanding of how stock-specific variation in life history overlaps with ecosystem drivers of river herring catchability at sea (Turner et al. 2017) and how these factors, in turn, impact demographic trends in freshwater ecosystems (Bailey et al. 2017), will be important for refining conservation measures that limit marine bycatch of the most depleted stocks (Cournane et al. 2013). In addition, the distributions of many northwestern Atlantic fisheries stocks, including alewife, Atlantic herring and Atlantic mackerel have already shifted northward and/or to deeper water (Nye et al. 2009). Further climate change-induced distributional shifts may alter the stock composition of river herring captured as incidental catch or bycatch in the future. Ongoing evaluation of spatial and temporal distributions of river herring populations and their contributions to fisheries bycatch will be important for adaptive management policies and for preserving the viability and genetic diversity of river herring populations as environmental conditions change.

Due to the collapse of the Atlantic herring fishery and subsequent regulations under Amendment 8 of the Atlantic Herring Fishery Management Plan (NOAA 2021), major shifts in the intensity and location of fishing effort for Atlantic herring and mackerel occurred in 2019. Specifically, the effort that had historically occurred in the focal area described in this study moved south to Hudson Canyon and focused on Atlantic mackerel rather than Atlantic herring. Importantly, the effort shift to the Hudson Canyon and greater MAT Bight could now impact blueback herring disproportionately, as that species comprises the majority of fish sampled from those areas (MADMF, unpublished data). Abundance data for MAT and South Atlantic blueback herring populations are extremely limited (but see Ogburn et al. 2017a, 2017b and Plough et al. 2018), but many of the declining demographic

trends seen elsewhere have also been observed in those populations (Bailey et al. 2017). The impact and conservation consequences of this new fishery effort should be examined in future work.

Amendment 8 also formerly prohibited mid-water trawls (one of the gear types in this study), from use within 12 nautical miles from shore in most of our study's focal region. Our results suggest that these restrictions could have conservation benefits for southern New England and Mid-Atlantic alewife. However, in early 2022, this mid-water trawl exclusion zone was removed via a U.S. Federal Court ruling (<https://content.govdelivery.com/accounts/USNOAAFISHERIES/bulletins/3246845>). The potential impacts of opening these inshore regions again are still being assessed, however, this is likely to have impacts in the region for river herring, indicating that continued and increased conservation and management strategies will be required to rebuild populations and sustain these fish into the future.

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### Data availability

All genotyping data and R-scripts of bycatch analyses are available on Dryad (DOI [doi:10.5061/dryad.98sf7m0mz](https://doi.org/10.5061/dryad.98sf7m0mz)).

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## Competing interests

The authors declare there are no competing interests.

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## Supplementary material

Supplementary data are available with the article at <https://doi.org/10.1139/cjfas-2022-0144>.

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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

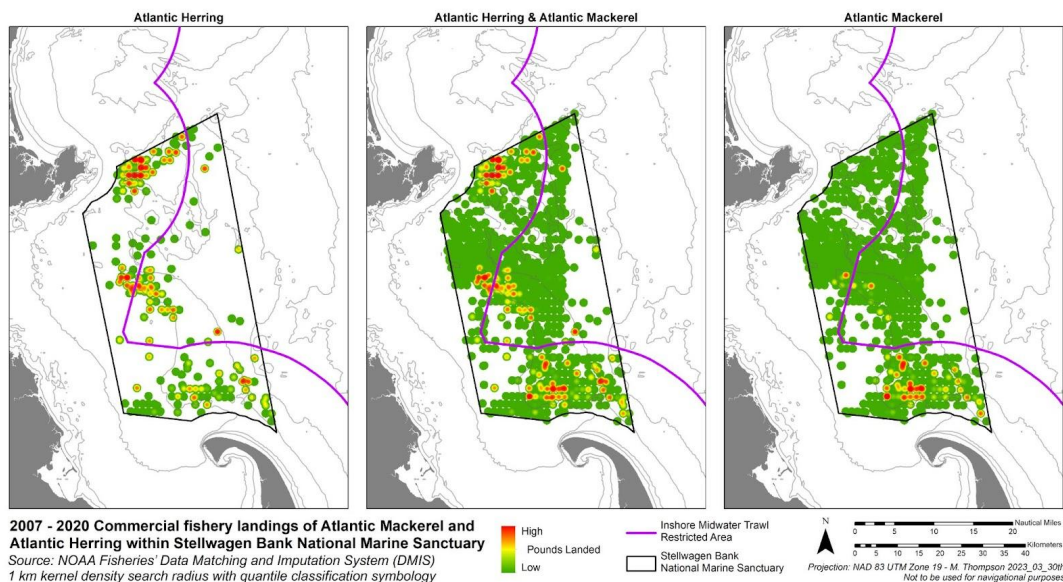
April 6, 2023

Mr. Tom Nies  
Executive Director, NEFMC  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Tom,

I am writing to ask that you consider including all of Stellwagen Bank National Marine Sanctuary (SBNMS) within any Inshore Midwater Trawl Restricted Area that may be re-established under Amendment 8 to the Atlantic Herring Fishery Management Plan.

While much of the sanctuary was included in the original closure, an analysis by our research team using information from the Data Matching and Imputation System (DMIS) from 2007-2020 shows that a substantial amount of herring and mackerel are caught within SBNMS just outside the previously attempted closure. This suggests that the original boundaries missed important inshore herring habitat that needs to be included in a future closure to ensure it can fully achieve important ecological goals. A map of our analysis is included in Figure 1.



**Figure 1.** Commercial fishery landings of Atlantic Herring, Atlantic Mackerel, and both species combined within Stellwagen Bank National Marine Sanctuary from 2007-2020. Landings are from NOAA Fisheries' Data Matching and Imputation System (DMIS). The red to green color scale represents high to low quantities of pounds landed. The purple line represents the former Inshore Midwater Trawl Restricted Area boundary. Black lines are Stellwagen Bank National Marine Sanctuary boundaries.



In addition to providing foraging habitat for numerous piscivorous fishes and 53 species of seabirds, the sanctuary is critical foraging and nursery habitat for over 10 species of marine mammals, including endangered and protected baleen whales.<sup>1,2,3,4,5</sup> Humpback, fin, and minke whales feed on herring, mackerel, and sand lance in SBNMS for much of the year. Humpback whales exhibit high site fidelity to SBNMS in part due to its reliably abundant prey.

We are concerned that continued midwater trawling within SBNMS will exacerbate predicted declines in forage fish abundance due to climate change,<sup>6</sup> leading to baleen whale distribution shifts and abandonment of SBNMS. We want to ensure that SBNMS remains prime foraging habitat for baleen whales and that we continue to benefit from ecosystem services provided by whales including carbon storage and a whale watching industry that generates over \$182M in economic activity per year.<sup>7</sup> Other ecosystem services also benefit from forage fish abundance such as commercial and recreational fisheries conducted in the sanctuary valued at \$78M per year, supporting coastal communities in Massachusetts, New Hampshire and Maine.<sup>8</sup>

Thank you for the opportunity to provide these written comments. Should you have any further questions, Dr. Tammy Silva, of my staff, is a member of the Herring Advisory Panel and can provide any further information you may need. We appreciate the opportunity to bring attention to this issue early in the Council's process of revisiting the Amendment 8 Inshore Midwater Trawl Restricted Area.

Sincerely,

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

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<sup>1</sup> National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries. 2021. Stellwagen Bank National Marine Sanctuary Draft Management Plan and Environmental Assessment. Silver Spring, MD.

<sup>2</sup> Office of National Marine Sanctuaries. 2020. 2020 Condition Report: Findings of Status and Trends for 2007-2018. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, Silver Spring, MD. 263 pp.

<sup>3</sup> Powers, K. D., Wiley, D. N., Robuck, A. R., Olson, Z. H., Welch, L. J., Thompson, M. A., & Kaufman, L. (2020). Spatiotemporal characterization of non-breeding great shearwaters *Ardenna gravis* within their wintering range. *Marine Ornithology*, 48(2), 215–229.

<sup>4</sup> Silva, T. L., Wiley, D. N., Thompson, M. T., Hong, P. H., Kaufman, L., Suca, J. J., Llopiz, J. K., Baumann, H., & Fay, G. F. (2020). High collocation between sand lance and protected top predators: Implications for conservation and management. *Conservation Science and Practice*. e274; DOI: 10.1111/csp2.274

<sup>5</sup> Wiley DN, Silva TL, Thompson MA, Baumann H, Kaufman L, Llopiz JK, Suca JJ, Valentine P. 2021. Assessing the biological and oceanographic processes that drive fisheries productivity in New England sand shoals and the potential for dredging-related disruption. Sterling (VA): U.S. Department of the Interior, Bureau of Ocean Energy Management. 267 p. Contract No.: IA M17PG00019/P00002. Report No.: BOEM 2022-041.

<sup>6</sup> Suca, J. J., Wiley, D. N., Silva, T. L., Robuck, A. R., Richardson, D. E., Glancy, S. G., Clancey, E., Giandonato, T., Solow, A. R., Thompson, M. A., Hong, P., Baumann, H., Kaufman, L., & Llopiz, J. K. (2021). Sensitivity of sand lance to shifting prey and hydrography indicates forthcoming change to the northeast US shelf forage fish complex. *ICES Journal of Marine Science* fsaa251, <https://doi.org/10.1093/icesjms/fsaa251>

<sup>7</sup> Schwarzmans, D., Shea, R. 2020. Whale Watching in Stellwagen Bank National Marine Sanctuary: Understanding Passengers and their Economic Contributions. National Marine Sanctuaries Conservation Series ONMS-20-12. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, Silver Spring, MD. 60 pp

<sup>8</sup> Schwarzmans, D., Shea, R., Leeworthy, V.R., Steinbeck, S., Dato, C. 2020. Technical Methods of Estimating Commercial and Recreational Fishing Effort and Economic Contributions in Stellwagen Bank National Marine Sanctuary. Marine Sanctuaries Conservation Series ONMS-20-05. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, Silver Spring, MD. 195 pp.

cc: Mr. Eric Reid, Chair NEFMC

Mrs. Cheri Patterson, Chief, Marine Fisheries, NHFGD

Mr. Rick Bellavance, Vice Chair, NEMFC

Mr. Michael Petony, Regional Administrator, GARFO

Dr. Jon Hare, Science and Research Director, NEFSC

Matt Brookhart, Eastern Regional Director, Office of National Marine Sanctuaries



April 6, 2023

Tom Nies, Executive Director  
Eric Reid, Council Chairman  
NEFMC  
50 Water St., Mill 2  
Newburyport, MA 01950

**Re: Request for an Updated River Herring/Shad Bycatch Hotspot Analysis**

Dear Herring Committee and New England Fishery Management Council Members,

The undersigned groups representing the recreational angling and boating community would like to show our support for a review of the factors contributing to the low bycatch estimates of river herring and shad in recent years. River herring and shad are critical forage for sportfish in the New England and Greater Atlantic region, and management measures to conserve these species are vital to maintaining quality fishing opportunities for our local communities.

**Therefore, we urge the Herring Committee and the Council to reassess times and locations where river herring and shad populations are most vulnerable to incidental catch by Atlantic herring vessels and to consider this information as you revisit the Amendment 8 Inshore Midwater Trawl Restricted Area.**

The southern New England river herring runs, in particular, experienced a significant documented downturn in 2022.<sup>1</sup> The Herring Plan Development Team's (PDT) investigation into recent low bycatch estimates revealed serious catch cap monitoring problems that put already depleted river herring and shad populations at risk from Atlantic herring trawling vessels. River herring and shad conservation measures should not be dependent on a robust catch monitoring program, which has not been achieved in this high-volume fishery despite the Council's efforts for over a decade.<sup>2</sup> National Standard 9 requires bycatch to be minimized and emphasizes that "the priority under this standard is first to avoid catching bycatch species

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<sup>1</sup> Incidental catch of river herring and shad was first taken up by the Council through Amendment 5 to the Fishery Management Plan for Atlantic Herring, completed in 2013. Through Amendment 5, the Council determined that the most effective measures to address river herring bycatch would be "those that increase catch monitoring and bycatch accounting, and promote cooperative efforts with the industry to minimize bycatch to the extent practicable," and the Council set a goal of 100% monitoring for Category A & B herring vessel that was later disapproved by NOAA Fisheries. Approved measures in Amendment 5 did include Council authority to develop catch caps for river herring and shad through a framework adjustment that was subsequently completed in 2014. Then in 2018, the IFM was completed and set a 50% coverage target for Category A & B vessels based on analyses that showed this level of coverage was necessary for accurate accounting of river herring and shad catch. Since the IFM was approved, coverage levels have fallen far short of target levels.

<sup>2</sup> Meeting Notes from the Southern New England Fishery Agencies River Herring Meeting, September 15, 2022, hosted by the Rhode Island DEM.

where practicable.”<sup>3</sup> The Atlantic herring FMP was amended to reduce bycatch of river herring and shad and incentivize avoidance of these species through a system of catch caps and methodical catch monitoring. However, the Council’s objectives for monitoring the catch of the largest vessels in the herring fleet have not been met and are unlikely to be met in the future.

A number of critical issues regarding the monitoring of catch caps were revealed during the PDT’s deliberations:

1. Only a handful of observers (around 10) are qualified to monitor high-volume fisheries. While training opportunities occur throughout the year, it has been difficult to fill trainings and retain experienced observers.
2. With few available observers, Standardized Bycatch Reporting Methodology (SBRM) coverage is prioritized. The Industry Funded Monitoring (IFM) program, developed to improve the accuracy of catch monitoring, specifically for river herring/shad and haddock catch caps in the herring fishery,<sup>4</sup> lacks dedicated funding and is ranked as a low priority when limited monitoring resources are allocated.<sup>5</sup>
3. There have been no observed Atlantic herring trips for bottom trawl or midwater trawl vessels fishing in the southern New England river herring cap area since 2018. There were no trips for any of the cap areas in 2021.
4. 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 interannual variability and likely missing important bycatch events.
5. Reduced Atlantic herring quotas do not correspond to a reduction in the rate of river herring and shad catch. Bycatch events observed near Cape Cod this year resulted in 88% of the midwater trawl Cape Cod catch cap being taken in just a few weeks.

Incidental catch of river herring and shad continues to be a significant contributor to fishing mortality. In their 2022 research paper published in the *Canadian Journal of Fisheries and Aquatic Sciences*, Reid et al. provide evidence that fisheries bycatch is disproportionately affecting river herring populations in the southern New England and Mid-Atlantic regions. They advise that “ongoing evaluation of spatial and temporal distributions of river herring populations and their contributions to fisheries bycatch will be important for adaptive management policies and for preserving the viability and genetic diversity of river herring populations as environmental conditions change.” The authors point out that southern New England and Mid-Atlantic alewife populations would have benefitted if the Amendment 8 Inshore Midwater Trawl Restricted Area had remained in place.<sup>6</sup>

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<sup>3</sup> 50 CFR 600.350(d)

<sup>4</sup> NEFMC. (2018). An Omnibus Amendment to the Fishery Management Plans of the New England Fishery Management Council: Environmental Assessment.

<sup>5</sup> This program has also been challenged legally. *See* Loper Bright Enterprises, Inc. v. Raimondo, 45 F.4<sup>th</sup> 359 (D.C. Cir. 2022)(cert. pending \_\_ U.S. \_\_, No. 22-451 (2023)).

<sup>6</sup> Reid, K., Hoey, J.A., Gahagan, B.I., Schondelmeier, B.P., Hasselman, D.J., Bowden, A.A., Armstrong, M.P., Garza, J.C. and Palkovacs, E.P. (2022). Spatial and temporal genetic stock composition of river herring bycatch in southern

The Council last conducted a thorough, fine-scale analysis of spatial and temporal river herring and shad catch data when it identified River Herring Monitoring/Avoidance Areas in Amendment 5 to the Fishery Management Plan for Atlantic Herring using data from 2005-2009.<sup>7,8</sup> Since that time, a wealth of research has been undertaken, including the Reid 2022 study, the creation of the Atlantic States Marine Fisheries Commission/U.S. Geological Survey Alosine Genetic Repository,<sup>9</sup> and studies produced by the University of Massachusetts Dartmouth School for Marine Science and Technology (SMAST)/Massachusetts Division of Marine Fisheries (DMF) River Herring Bycatch Avoidance Program,<sup>10</sup> which could better inform conservation strategies to safeguard the most vulnerable river herring and shad runs from Atlantic herring fishery bycatch.

In light of the overlap of the Inshore Midwater Trawl Restricted Area with the focal study area in the Reid 2022 investigation, we urge you to reevaluate river herring and shad bycatch hotspots, incorporating genetic information, as part of the Herring Committee and Council's work to revisit the Amendment 8 buffer zone and its supporting rationale. National Standard 2 requires that conservation measures be based upon the best available science and accounted for during the process of informing an FMP, and these updated data will be essential as you consider how best to conserve these valuable forage fish.<sup>11</sup>

Nearshore waters are migratory conduits for emigrating and returning runs of shad and river herring, and to rebuild imperiled runs, river herring and shad schools must be protected in the times and places where they are most vulnerable to at-sea catch. The socioeconomic and ecological importance of river herring and shad to New England's recreational fishing and boating communities cannot be overstated and is a driving force behind our strong regional culture of angling, boating, and enjoyment of the outdoors. The New England Council's role in minimizing bycatch is an essential component to maintaining a healthy coastal ecosystem and fishing opportunities for our local communities.

Thank you for your consideration.

Sincerely,

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New England Atlantic herring and mackerel fisheries. *Canadian Journal of Fisheries and Aquatic Sciences*. 80(2): 360-374. <https://doi.org/10.1139/cjfas-2022-0144>

<sup>7</sup> NEFMC. (2013). Amendment 5 to the Fishery Management Plan for Atlantic Herring: Volume I, p. 482.

<sup>8</sup> Maps depicting coarse spatial river herring and shad catch data were part of the Amendment 8 supporting analyses, but incidental catch and bycatch were not the focus of Amendment 8, and a detailed analysis was not undertaken. See NEFMC. (2019). Amendment 8 to the Atlantic Herring Fishery Management Plan Including a Final Environmental Impact Statement and Initial Regulatory Flexibility Analysis, pp. 321-328.

<sup>9</sup> Eastern Ecological Science Center. (2021, June 23). *Alosine genetic stock identification and tissue repository active*. Alosine Genetic Stock Identification and Tissue Repository | U.S. Geological Survey. Retrieved March 21, 2023, from <https://www.usgs.gov/centers/eesc/science/alosine-genetic-stock-identification-and-tissue-repository>

<sup>10</sup> University of Massachusetts Dartmouth. (n.d.). *Bycatch avoidance programs*. School for Marine Science & Technology | UMass Dartmouth. Retrieved March 21, 2023, from <https://www.umassd.edu/smast/bycatch/>

<sup>11</sup> 50 CFR 600.315(a)

**Whit Fosburgh**

President & CEO

Theodore Roosevelt Conservation Partnership

**Ted Venker**

Vice President, Director of Conservation

Coastal Conservation Association

**Brett Fitzgerald**

Executive Director

Angler Action Foundation

**Greg Jacoski**

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