

**Petition Title:** Harvest Regulation to Conserve Hickory Shad in Virginia Tidal Waters

**Petitioner:** Robert Allen, Coastal Conservation Association Virginia

**Board:** Virginia Marine Resources Commission

**VAC Chapter:** Chapter 4 VAC 20-1260-10 ET SEQ., "PERTAINING TO RIVER HERRING"

**Petitioner's Request:**

Details: This petition requests rulemaking by the Virginia Marine Resources Commission (VMRC) for a "rod and reel" only recreational Hickory Shad fishery in Chesapeake Bay waters and coastal rivers and their tributaries within Virginia with a daily creel limit informed by and adjusted based on best available data. It also requests bans on treble hooks, cast nets, dip nets, and more than two hooks per line. The requested regulation would be part of existing VMRC fisheries management for Alosine species and is needed to conserve the Hickory Shad stock by replacing unrestricted recreational harvesting with a controlled fishery. Unrestricted take exposes this species to overharvesting and diminishes the contribution of Virginia coastal river spawners to species abundance.

Petition objectives are to conserve the Hickory Shad species in Virginia's Chesapeake Bay waters and tributaries, sustain its contribution to species abundance of the East Coast stock, reduce mortality of released fish, maintain a quality recreational fishery, and support shad and herring restoration plans.

The proposed fishery management action is for non-indigenous recreational fishing only. It would not alter the fishing rights of Native Americans who habitually reside on an Indian reservation or are members of a Virginia-recognized tribe who reside in the Commonwealth.

Why: The four anadromous Alosine species that inhabit the East Coast, including Hickory Shad, have experienced declines in historic abundance in the Mid-Atlantic region. The James River American Shad stock is on the verge of collapse due lack of successful reproduction from uncertain causes. Hickory Shad is the least studied and least understood of these species; the abundance necessary to sustain the species while allowing a recreational fishery in Virginia's coastal rivers is uncertain.

Large, unmonitored, and unrestricted harvests of staging and spawning Hickory Shad occur with probable undetected by-catch of American Shad. These takes occur especially at and near the Fall Line during the Spring season in the Rappahannock River where anglers use a combination of cast nets, dip nets, and multiple-hook mini-longlines.

Rationale: Overharvesting of American Shad and River Herrings contributed greatly to stock depletion. These species are subject to harvest moratoriums by Virginia, Maryland, District of Columbia, and the Potomac River Fisheries Commission. All but Virginia also put moratoriums on Hickory Shad harvests in Chesapeake Bay waters and tributaries. With an uncontrolled take, the Hickory Shad stock is vulnerable to excessive take from Virginia's Bay waters and tributaries while takes from the same overall stock are not available elsewhere in

the Bay region. Although we have coordinated with VMRC staff to put a safety net around the fishery, our petition responds to process changes for issuing discretionary regulations.

Very limited data are available about Hickory Shad abundance, geographic ranges, recreational harvests, species responses to climate change, and the biomass needed to sustain the species while also providing forage for predator species generally and striped bass in particular. A species-specific management plan is not available. The Atlantic States Marine Fisheries Commission combined the species with American Shad and River Herring due to data limitations. Undetected bycatch of American Shad during the unrestricted harvest of Hickory Shad undermines Alosine restoration plans.

The species biomass in Virginia Chesapeake Bay waters and coastal rivers has not been determined with scientific certainty. There is substantial variability in annual Catch Per Unit of Effort (CPUE) field data for the five Chesapeake Bay tributaries that support Hickory Shad spawning. Per 2020 field data, the CPUE for four of these tributaries was well below average, with only that year's Rappahannock River spawning run exhibiting an above-average CPUE. Although this suggests the Rappahannock stock could support a modest recreational fishery, CPUE is only an indirect measure of species abundance.

Reasonable management measures are needed to guard against overexploitation during the Virginia coastal river Hickory Shad spawning runs. This action is essential considering the condition of Alosine stocks generally and the undetermined species abundance thresholds necessary to sustain Hickory Shad and maintain a recreational fishery.

Benefits: Managing Hickory Shad harvests would conserve the Hickory Shad stock, maintain a quality recreational fishery, and provide a margin of safety for the long-term effects of a warming climate on migration patterns and spawning success. Conservation of this natural resource would also contribute to increasing the East Coast biomass.

Discrete harvest limits would reduce regulatory oversight burden by eliminating the need during field inspections to sort through a large quantity of fish, thereby making it easier to detect possession of American Shad.

Requested Action: I hereby request, on behalf of Coastal Conservation Association Virginia, that the VMRC implement the following measures to conserve the Hickory Shad stock that spawns in Chesapeake Bay waters and coastal rivers and their tributaries in Virginia: A limited fish per person per day possession limit determined by best available data; a "rod and reel only" recreational Hickory Shad fishery; and a ban on the use of treble hooks, more than two hooks per line, cast nets, and dip nets to take this species in the recreational fishery. We are requesting that the VMRC adopt these proposed regulatory changes.

Submitted by: *Robert Allen*

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