

Delicious autumn! My very soul is wedded to it, And if I were a bird I would fly about the earth Seeking the successive autumns. - George Eliot

VINEYARD GAZETTE ONLINE

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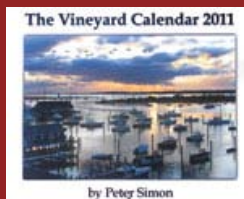
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Current Edition: Friday, October 1, 2010



Vineyard Fishermen Challenge Absent Herring Rules in Court

By MARK ALAN LOVEWELL

Vineyard fishermen have joined a federal lawsuit against the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission over the lack of management of river herring and shad in federal waters. The lawsuit targets offshore industrial large-scale fishing boats working the Gulf of Maine and waters south of the Vineyard as culprits in the sharp decline of the fish.



photo by Mark Alan Lovewell

Bret Stearns at the Aquinnah herring run.

Earthjustice, an environmental organization headquartered in Oakland, Calif., filed the lawsuit in federal court on behalf of the Martha's Vineyard/ Dukes County Fishermen's Association and Michael Flaherty, an East Wareham fisherman.

Once prolific in Vineyard and regional waters in the spring, the arrival of herring attracted osprey, striped bass, bluefish and flounder, among others. Though the state of Massachusetts and other states have imposed moratoriums for several years on the catching of herring, there have been little or no signs of recovery.

"We have an unregulated federal fishery for river herring and shad," said Roger Fleming, Earthjustice attorney. "We are calling on these agencies to do what the law requires them to do — conserve and manage these fish. The time to act was yesterday."

Warren Doty, chairman of the Vineyard fishermen's organization, said they decided to join the lawsuit in part because there is a management plan for river herring, also called alewives, in state waters, but no similar plan in federal waters.

"We have a very aggressive plan to save river herring in Massachusetts. We do not have any such plan in federal waters," said Mr. Doty. "We are looking to the National Marine Fisheries Service to have a conservation plan in federal waters. At this point they have none." He continued:

"We know in Massachusetts that there is a limit on the catching of alewives. We want to know what the limit is in federal waters. Right now it is at absolute zero in Massachusetts. We are not allowed to harvest 10 fish in a herring run. Yet, in federal waters, a midwater trawler could catch 100,000 pounds of river herring. They could catch 500,000 pounds. The federal government has no such rule. That is what we are asking for."

Herring and shad are anadromous fish; the adult fish come into freshwater streams each spring to spawn. Their offspring spend much of the summer in freshwater ponds and then swim out to sea, where they spend the rest of their lives, except during spawning. Adult herring return to the streams where they were born to spawn.

Herring are filter feeders, like oysters and other shellfish. When herring were abundant, schools of them could be seen in every Island pond from Cape Pogue Pond to Squibnocket.

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The Vineyard has at least four herring runs that are active. The oldest run is in Aquinnah and is managed by the Wampanoag Tribe of Gay Head (Aquinnah.) There is a herring run at the head of Lagoon Pond, managed cooperatively by Tisbury and Oak Bluffs. Another run is at the head of Lake Tashmoo. And Edgartown has a herring run that connects Katama Bay to Crackatuxet Pond. All the Island herring runs have seen a significant decline in fish in recent years, despite strict conservation measures.

"The Aquinnah herring run works. The water quality hasn't dropped," Mr. Doty said. "The path, the stream from Menemsha Pond to Squibnocket Pond hasn't been blocked. Yet the river herring have disappeared. Earthjustice has been trying to preserve river herring and reduce the bycatch in midwater trawlers for several years. We cooperated with them, were a friend to the court a year ago. We have a good relationship and are working now with them."



David Grunden has seen decline in lagoon run.

William (Buddy) Vanderhoop, 59, of Aquinnah worked the herring run in Aquinnah for over 30 years, often with his brother Brian (Chip) Vanderhoop. Mr. Vanderhoop is a member of the fishermen's association and for several years he has attended New England Fishery Management Council meetings to advocate for some measure of protection for herring in federal waters. On Tuesday he traveled to Newport to attend a meeting of the council where deliberations took place over new regulations for river herring. If accepted, the regulations will not take effect for at least two years.

Mr. Vanderhoop is certain that baitfish in Vineyard waters are disappearing due to huge factory fishing boats working the waters south of the Island. "The midwater trawlers are snuffing away all kinds of fish, from herring to mackerel. They [the fishery council] don't know what they are giving away, when they granted 40 midwater trawler permits. This will screw up the ecosystem for years to come," he said. "The federal fisheries managers don't have the insight to see that this is going to have a catastrophic impact."

Mr. Vanderhoop has seen the decline firsthand in the tribe's herring run that has been operated by his father and members of his family going back generations.

"I used to harvest 100 600-pound barrels of herring in a day from that herring run. We used to sell it as bait to the lobstermen from Menemsha to Cuttyhunk," he said.

Mr. Vanderhoop said what he harvested was a fraction of the fish that continued to swim upstream. When there were signs of decline, the catch was lowered.

"Herring has been important to the tribe for sustenance, for food, for bait, for fertilizer, for growing corn. We used to eat the roe. We would smoke the herring. We would salt them. They were a main staple in our diet," Mr. Vanderhoop said. "We saw a sharp decline, it went down 85 per cent beginning in 2001 and in 2002. It was amazing to watch," he said.

The tribe is not a party in the lawsuit. But Bret Stearns, natural resources director for the tribe, said the tribe is acutely aware of the problem, and issued its own moratorium on the taking of herring in 2006.

Mr. Stearns said he sees small fry herring swimming around the run now, but he hardly calls it a recovery. "They are less than two inches in size. They are swimming around. That is why the striped bass are here. That is why the bonito and the bluefish are here. They are here to feed on all the bait. What is ironic, is that the little herring are here now. They are swimming under the docks at Menemsha," Mr. Stearns said.

Oak Bluffs shellfish constable David Grunden, who oversees the Richard F. Madeiras herring run at the head of Lagoon Pond, has also observed the decline.

"It is frustrating for us," Mr. Grunden said. "We continue to restrict use of the run .

. . [but] something is happening to the herring before they come back to spawn."

Rick Karney, director of the Martha's Vineyard Shellfish Group, which led efforts to secure funding to restore Island herring runs for close to 10 years, echoed Mr. Grunden's concerns. "We did our part, within our jurisdiction to improve the habitat for spawning. We certainly hope that they are protected offshore, so our efforts weren't in vain," Mr. Karney said.

According to Mike Armstrong with the state Division of Marine Fisheries (DMF), there are more than 75 herring runs across the state. Many have been upgraded and improved. There are efforts underway to build herring runs to replace dams built more than 100 years ago, to control the flow of rivers. But Mr. Armstrong claims the decline of herring is more closely tied to environmental factors, including changing weather patterns.

Dan McKiernan, deputy director of the DMF, said the lawsuit has been forwarded to the state Attorney General.

The lawsuit has attracted the interest of the Cape Cod Commercial Hook Fishermen's Association in Chatham. Ben Martens, a policy analyst with the association in Chatham, said he has been following the herring issue for some time.

"When you start talking about the complexity, you can't point to one thing for an answer and say there is a quick fix. You can't fix climate change. There are things you can't control. But when we put millions of dollars in the restoration of herring runs in Massachusetts, there have not been the returns one would expect," he said.

"There is a fishery offshore. You don't know the extent of the impact on river herring. When you hear that a boat landed 50,000 pounds of river herring, you wonder. There are herring runs that haven't seen that many fish in years. We need a better monitoring plan."

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The New England Fishery Management Council voted this week to establish catch caps as part of a management plan for river herring.

And the Atlantic States Marine Fisheries Commission worked this summer on further restrictions which will begin in 2012 prohibiting the catching of river herring in all herring runs along the Atlantic coast. Permission to fish the runs will only occur after it can be proved that the fishery at the run is sustainable.

Coincidentally, that is the year that the Massachusetts moratorium is expected to end.

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