

April 9, 2019

Mission Statement

Management: in 1717, Isaac Barker and Ephraim Nichols were empowered to hire a man or men to join the neighboring Indians to clear the herring brook, and to prosecute anyone that was obstructing the waterway from the alewife migration. From that time to the present the town of Pembroke has hired or elected committees and commissions to assist in the regulation of the fishery. Currently the Massachusetts division of Marine fisheries has full authority and sets all rules and regulations about alewife and a number of other species. In 1782 there was evidence of restocking alewife each year to bring the fish back to what they were 300 years ago. Today, our mission is to keep the rivers, streams, brooks and ponds clear of debris for the safe passage of the alewife herring fishery. We will work to educate the public about keeping cleaner ponds, streams and rivers and the migration of our fish. We will respect landowner's rights by notifying them of our proposed duties well in advance. In order to keep up with today's rules and regulations, federal, state and local laws the following is recommended.

Superintendent of Fisheries Duties:

The Superintendent of Fisheries is a very important role in assisting to bring back the Alewife Herring to the Pembroke ponds, streams and rivers that we once enjoyed. This person will be accountable to answer directly to the Pembroke Board of Selectman and complete reports to the residents as to the current conditions and needs of the Pembroke Herring Fishers Commission (the "Commission") to complete this task. The appointment of the Superintendent of Fisheries shall be made by the Board of Selectmen and shall hold the office for three years. She/he may be reappointed as the Selectman approve.

1. The Superintendent of Fisheries or his/her designee will be responsible to oversee the commission members and their related duties. There are several critically important roles of commission members, including clearing the passage from the North River to Oldham Pond, at least twice a year. The first clearing will occur in the early spring before the migration (upstream) period starts. The second clearing will occur in the fall before the juvenile fish migrate (back downstream), or at any other time the Superintendent sees fit for the safe passage of the fish.
2. The Superintendent or his/her designee shall be responsible to oversee the commission members or contractors hired to repair the current fish ladders or other repairs for the safe passage of the fish. For all work performed for the fisheries, the Superintendent shall act in accordance with public procurement laws and ethics laws. Advertising for assistance prior to work being done may help secure volunteers.
3. The Superintendent shall be responsible to contact the land owners abutting the herring fisheries waterway to assure for the proper water flow for both upstream and downstream migration of the fish.
4. The Superintendent shall be responsible to work directly with the Massachusetts Division of Marine Fisheries, and secure any grants for stocking fish, repair of fish way ladders, or any other repairs needed to assist the fish with the easiest migration.
5. The Superintendent shall be responsible to have at least four meetings a year in a public location that has been properly advertised at the Town Hall, the Pembroke Center library, and the town website according to the Massachusetts Open Meeting Law. One of these meetings shall be prior to the upstream migration and one meeting shall be prior to the downstream migration of juvenile fish to assure there is an open passage. Specific site meetings may be called at any time by the Superintendent.
6. The Superintendent or his/her designee shall be responsible to meet with state and local agencies in regards to testing of the water quality for fish habitation. Such results shall be posted on the town website and other locations convenient for the public to view.
7. The Superintendent or his/her designee shall work with PAC TV to publicize Commission meetings and help with the education of herring fisheries. The education of our children is paramount for the future of the Pembroke Herring fisheries.
8. The Superintendent shall work with the businesses and the residents of Pembroke to assist the Commission in completing its work.
9. A suggestion box will be built and installed in several locations along the migration route. At these locations educational material will be available for residents and visitors to view.

10. A list of all equipment, including serial numbers, models, etc. shall be made and forwarded to the Town Clerk. A suitable location for storage of such equipment shall be arranged by the Superintendent so that all members of the Commission may obtain the equipment when work needs to be completed.
11. All keys and property of the Town of Pembroke shall be given to the Superintendent and may be reissued if necessary.
12. The Superintendent shall meet with the Pembroke Board of Selectmen in an open public meeting at least twice each year updating the Board regarding the current conditions of the fishery and making recommendations on behalf of the Commission.
13. The Superintendent shall submit a yearly budget to the Board of Selectmen for expenditures related to the maintenance and care of the fisheries migration route. All proposed expenditures shall be reviewed and subject to approval of the Board of Selectmen.

Assistant Superintendent Duties:

1. The Assistant Superintendent shall be responsible for the Superintendent's duties in his/her absence.
2. The Assistant shall work directly with both the Superintendent and the Commission members. All problems and concerns shall be forwarded to the Superintendent.

Secretary / Treasurer Duties:

1. The Secretary / Treasurer shall be responsible for scheduling four (4) meetings throughout the year as directed by the Superintendent or Assistant in his/her absence.
2. The Secretary / Treasurer shall send out meeting Agendas to be posted at the Town Hall, Pembroke Library and local Town Web site.
3. The Secretary / Treasurer shall announce the budget balance at required meetings. Work with the Town Accountant with regard to purchases.
4. The Secretary / Treasurer shall keep a log of Commissioners' hours, locations, meetings, and training etc.
5. The Secretary / Treasurer shall complete the minutes of all meetings and post as soon as possible to the Town Clerk and Town Web site. A Draft is acceptable until the minutes have been approved and should be marked as such.

Safety Officer Duties:

The Safety Officer will be responsible for the following duties:

1. Commission members share the responsibility for encouraging a safe work place. If a member thinks something is unsafe, work is to stop and a report should be filed with the Safety Officer.
2. The Safety Officer will correct unsafe acts or conditions through the regular line of authority, although the Safety Officer may exercise emergency authority to prevent or stop unsafe acts when immediate action is required to prevent injury to individual(s) and/or damage to property and/or equipment.
3. The Safety Officer should follow OSHA Regulations to minimize hazards or unhealthy situations as much as possible.
4. The Safety Officer or Assistant is responsible for monitoring and assessing hazardous and unsafe situations and developing measures to assure safety of Commission members, volunteers and the general public.
5. The Safety Officer shall provide briefings at staging areas for required projects including discussion of a safety plan prior to commencement of work on all projects.
 - (A) The Safety Officer shall appoint a Team Leader for each group who will be assigned to ensure all safety and proper operating procedures are followed. A member of the team shall be responsible for monitoring the location of team members during an emergency.
6. The Safety Officer, Assistant, or Team Leader shall notify the Police/911 dispatch (781-293-9380 or 781-293-6365) of any areas of concern prior to commencement of any work project and shall notify the same when the work project has been completed.
7. Prior training on equipment must be completed before a Commission member is authorized to operate such equipment and safety equipment used as needed.

Junior Commissioners' Duties:

Staff and volunteers, including parent volunteers, must be CORI checked prior to participating in the program.

Junior Commissioners shall be responsible for the following:

1. *The age of a Junior Commissioner shall be no less than 8 years old and all Junior Commissioners between the ages of 8 and 14 shall be accompanied by a family member to meetings and work assignments. Junior Commissioners ages 14 years old to 18 years old may attend meetings and work groups with written permission from their parents.
2. Junior Commissioners under the age of 18 shall be assigned to a group with no less than two adults including at least one adult from the Fisheries Commission or DMF.
3. The use of power equipment is limited to those Junior Commissioners that have had the proper training or are in training with an adult supervisor present during use.
4. Parents shall be advised of any equipment training and written permission must be provided in advance from any parents of Junior Commissioners prior to undertaking such training.

5. Two or more Junior Members (ages 14 to 18) may walk the streams during non-migration times to check for obstructions and report them to a regular Commissioner with prior written approval of a Parent and the Superintendent or his/her designee.

Commissioners' Duties:

1. The Pembroke Board of Selectmen shall appoint the members of the Commission for a term of 3 years each. Commissioners may be appointed to a second or subsequent term with the recommendation of the Superintendent and the Board of Selectman. Each Commission member shall be responsible to supply their full name, date of birth, current address, home, business, cell phone telephone numbers and email address to the Pembroke Board of Selectmen prior to appointment. Commission members shall be sworn in by the Pembroke Town Clerk at the start of each term.
2. One of the Commissioners shall be appointed by the Board of Selectmen as the Secretary / Treasurer. The Secretary / Treasurer shall be responsible for the duties set forth above.
3. One Commission member shall be appointed by the Board of Selectmen as the "Safety Officer." The Safety Officer shall have the duties set forth above.
4. The Commissioners shall work with the Superintendent to develop recommendations for the safe passage of the alewife from the North River to Oldham Pond.
5. Commission members agree that they will at all times, faithfully and to the best of their ability, experience and talents, perform all of the duties that may be required of them pursuant to the express and reasonable satisfaction of the Superintendent. This includes the attendance of all posted meetings. Commission members failing to show just cause for missing posted meetings will be subject to a hearing and possible dismissal.
6. Commission members shall inform the Superintendent of any suggestions and/or recommendations that will benefit the Commission.
7. Commission members shall not have the right to make any contracts or commitments for or on behalf of the Town without first obtaining the written consent of the Superintendent and the Board of Selectmen.
8. The duties of the Commission members have not been designed to violate any federal, state, county laws, or the Town of Pembroke Bylaws. Nor shall anything in these duties be interpreted as diminishing the rights of the Town of Pembroke to determine and prescribe the method and means by which its operation of the Pembroke Herring Fisheries Commission shall be conducted, except as expressly provided herein. These duties shall not be construed to deprive any benefits or protections granted by any applicable law. These duties may from time to time be updated or changed with the approval of the Superintendent and the Pembroke Board of Selectmen.

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Pembroke Herring Fisheries Commission

Area Locations

Areas:

- A. Oldham Pond.
- B. Brook between Oldham and Furnace Pond.
- C. Furnace Pond.
- D. Gorham Mill Pond including Dam and ladder.
 - 1. Brook to Brockton diversion pipe.
 - 2. Dam to Center St.
- E. Center St to Mill St (both sides of street).
- F. Glover Mill Pond (including fish ladder) and area below.
- G. Old Mill Pond to Mountain Ave.
- H. Mountain Ave to Herring Brook Lane.
- I. Herring Brook Lane to High St. (Both sides of street).
- J. Herring Run Park from Barker St to Little Pudding Brook.
- K. Herring Brook (A) (left fork) to Pudding Brook.
- L. Herring Brook (B) (right fork) to Pudding Brook.
- M. Pudding Brook to Swamp Brook.
- N. Swamp Brook to Indian Head River.
- O. Indian Head River to Washington St Bridge.
- P. Washington St Bridge to Robinson Creek (off Rt 139).
- Q. Robinson Creek to RT 3 Bridge.



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MEMORANDUM

Stream Channel Maintenance for Diadromous Fish Passage

To: Pembroke Conservation Commission and Herring Fisheries Commission

From: Bradford Chase, *Marine Fisheries*

Date: January 10, 2016

Location: Herring Brook, Pembroke

The Massachusetts Division of Marine Fisheries (*Marine Fisheries*) provides guidance to property owners and municipalities that seek to maintain passageways for diadromous fish in the Commonwealth of Massachusetts. The relevant authorities include M.G.L. Chapter 130 §19 on maintaining sea-run fish passage, the Wetlands Protection Act (WPA), and Massachusetts regulations (principally CMR 310.10.35). The suggested actions are mainly limited to manual vegetation cutting and debris removal and designed to offer enough relief from channel obstructions to allow fish passage with no alteration or impedance of wetland functions or WPA performance standards. Further, we support the tradition of Towns using the process and authority of M.G.L. Chapter 130 §94 to enable Town-appointed Herring Wardens to maintain passageways with technical support from *Marine Fisheries*. The WPA provides Conservation Commissions with authority to regulate activities within 100 ft. of wetlands and streams. In recent years, the process of local maintenance of river herring runs by Town herring wardens has included Conservation Commission approval through Administrative Review or a Determination of Applicability.

Town officials charged with marine resource management and enforcement responsibilities can access private property to reach the waterways and tidelands of the Commonwealth. Coordination is recommended with private property owners to reach an agreeable consensus on stream access, especially if volunteers are used. If access is contested, *Marine Fisheries* is available to consult with the private property owner to describe their responsibility to provide passage for sea-run fish in Massachusetts and the benefits of working cooperatively with Town officials to achieve this goal. This memorandum was prepared to assist your Commission's goals and the Conservation Commission's review. The area of work includes the entire migratory path of river herring in Pembroke from Oldham Pond to the confluence of Herring Brook and the North River.

Herring Brook Stream Channel Maintenance Plan

Season. Two periods should be targeted for annual inspection of the stream channel for passage impediments to migratory fish: fall (October to mid-December) to identify significant obstructions and conduct maintenance and in winter (February to mid-March) to continue maintenance and clear obstructions before the spring diadromous fish runs. This approach allows for a second round of work if dense growth or large fallen trees are found at the first visit. In-water should be minimized to emergency actions during the migratory period of March 15th to June 30th for river herring, American eel and white perch. The summer can be difficult given the heat and high plant growth, but in some cases, can be a third option given the availability of seasonal labor.

Methods. In-channel maintenance should be limited to removal of trash, debris that can directly impinge and block fish, and mid-channel rooted vegetation that threatens to reduce water flow, snag debris, or impede fish passage. Hand tools, saws, and clippers are suitable for most conditions. The cutting of riparian vegetation and stream canopy should be limited. The riparian buffer provides value for a wide range of aquatic life and the canopy is important to provide wildlife habitat, shade the stream and reduce access for predators of river herring.

Live Vegetation Removal. Enthusiasm can often lead to more live vegetation removal than necessary. Care should be taken to remove only live vegetation that can limit fish passage or has that potential with higher growth and debris accumulation. Root masses in the stream channel can be considered for removal if their continued growth could threaten fish passage or encourage channel braiding. Stream bank growth, including large caliper trees, has ecological value and should not be removed unless their presence in the channel could directly impede fish passage or cause significant bank erosion.

Dead Vegetation Removal. As described above, vegetation debris that can impede or impinge fish or encourages additional accumulation can be removed. Stream bank logs or stumps can provide valuable habitat for other aquatic resources and should be altered only as needed to provide fish passage.

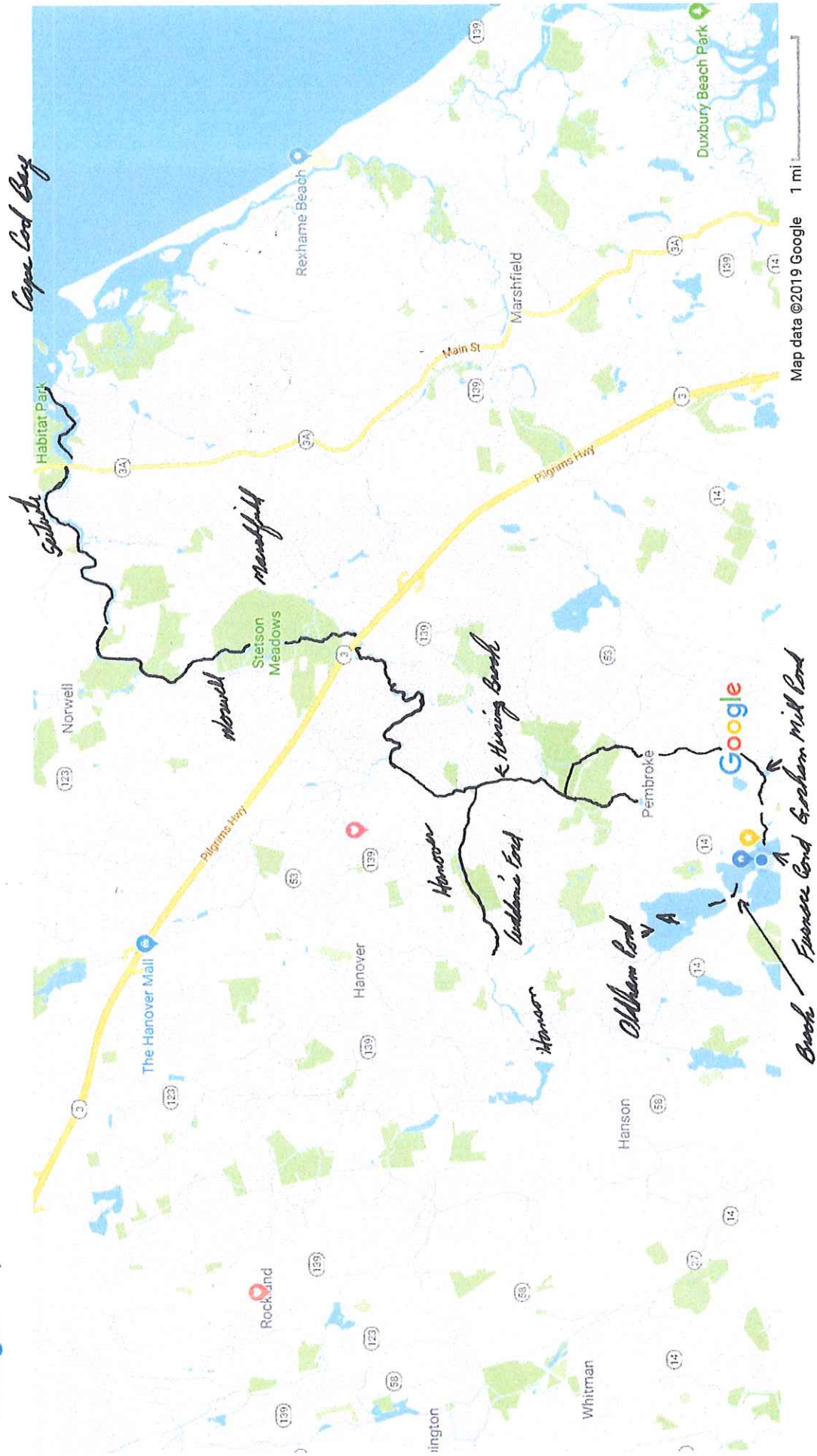
Sediment Management. Road crossings should be inspected with each late winter visit and accumulated sediment and bank erosion should be noted. If sand accumulation threatens passage by reducing water depth, the excess sand should be removed by hand using shovels. Observations of sedimentation and erosion should be noted to assist future management efforts.

Channel Improvements. The movement of large rocks and cobble occurring naturally in the stream is allowed during stream maintenance. The purpose should be to reduce passage impediments, and to create in-stream weirs when necessary to improve water depth and assist fish movements and access to the entrance of fish passageways.

Documentation. A log of inspection and stream maintenance activities should be recorded. The log should include dates of inspections, summaries of activities, occurrence of invasive plants, and observations of issues that need future attention.

Marine Fisheries Coordination. *Marine Fisheries* fully supports the practice of annual stream maintenance by the Pembroke Herring Fisheries Committee to sustain Diadromous fish passage during their obligatory and essential stream migrations. Our Fish way Crew is available to assist field efforts related to Diadromous fish in Herring Brook and to provide technical assistance to the Pembroke Herring Fisheries Commission and the Town's Conservation Commission on all matters related to Diadromous fish. If assistance is needed, please contact Project Leader, Brad Chase at 508-990-2860 x118, brad.chase@state.ma.us.

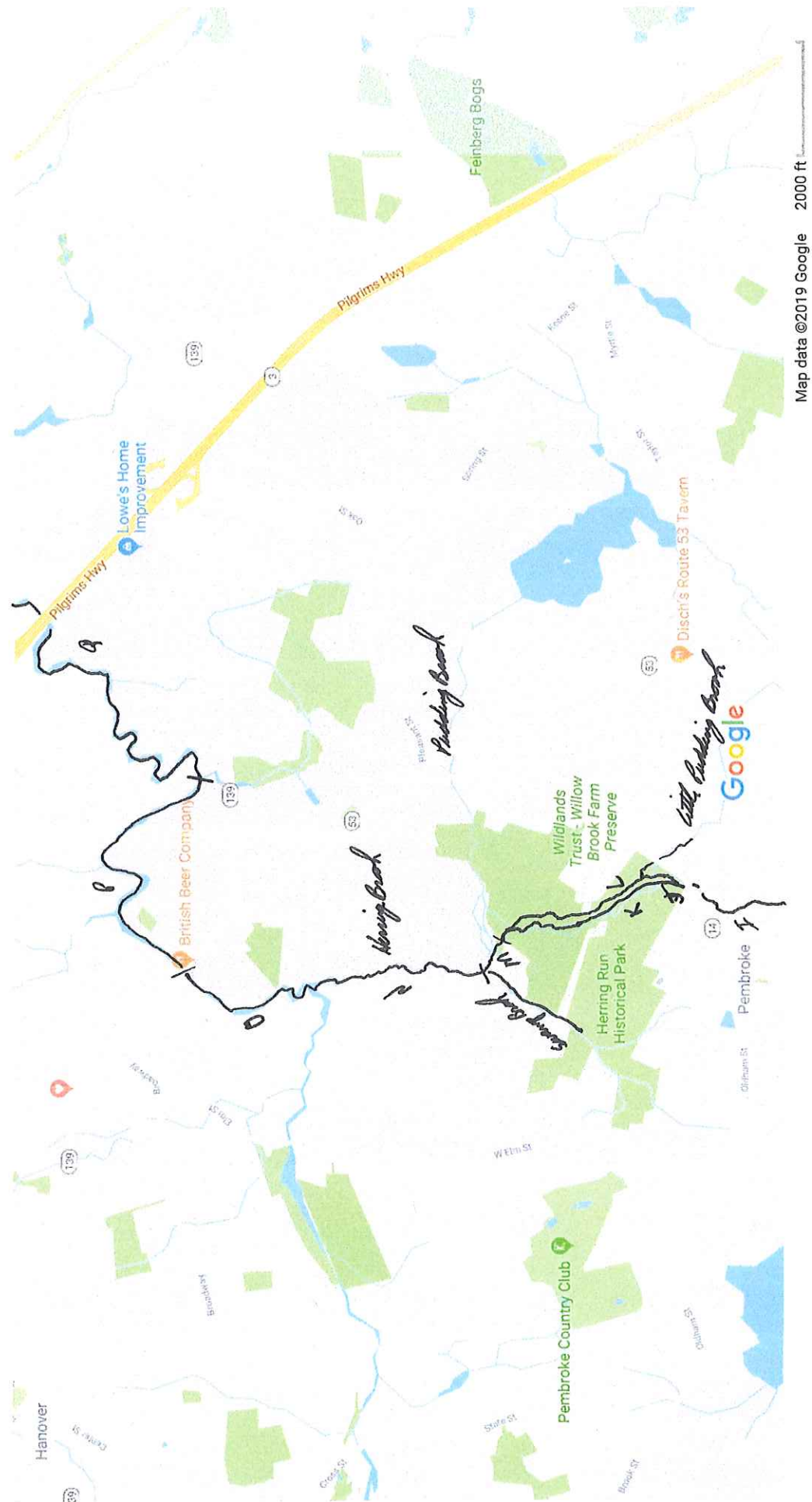
Plan Status: Approved by the Pembroke Herring Fisheries Committee in March 2015, following review by the Board of Selectmen and Administrative Review of the Conservation Commission. The draft plan was edited and finalized by *Marine Fisheries* in January 2016.



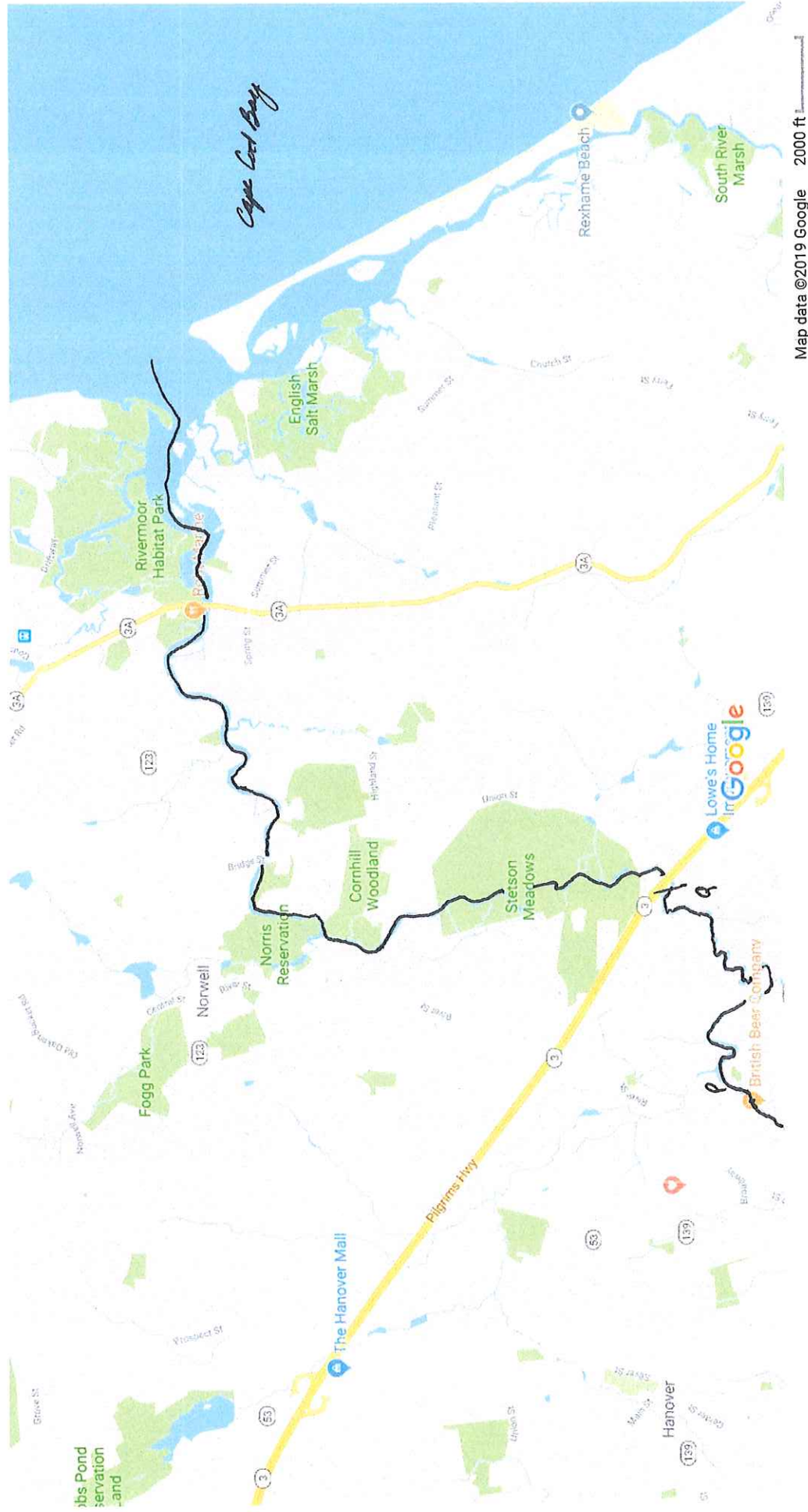
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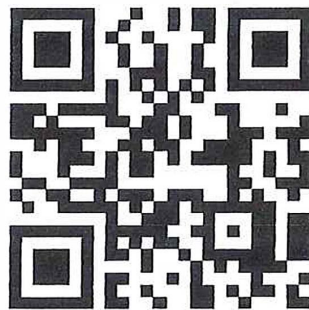
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Google Maps



PEMBROKE HERRING FISHERIES COMMISSION IS LOOKING FOR JUNIOR MEMBERS



Check out the link above if you like being outdoors and want to learn more about the herring migration. We meet 4 times a year at the town hall. Volunteer hours can be earned by helping to clear some of Pembroke's streams.

Anglo-Norman Stream - North of the bridge to the North of the town

<http://www.pembrokeherringfisheries.com>