

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
SHAD AND RIVER HERRING MANAGEMENT BOARD**

**Crowne Plaza Hotel Old Town  
Alexandria, Virginia  
February 5, 2008**

Board Approved May 5, 2008

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of October 31, 2007, by Consent** (Page 1).
3. **Move to develop Amendment 2 with all of the options that were in the PID;** plus develop of an option as recommended by the Technical Committee; plus development of an option as recommended by the Advisory Panel; and including development of a strategy to acquire appropriate bycatch monitoring data. Also, identify critical habitat areas and threats and characterize critical empirical information that we need in order to monitor populations (Page 9). Motion by Eric Smith; second by Senator Damon. Motion passes (Page 11).
4. **Move to nominate Dr. Malcolm Rhodes as Vice-Chair** (Page 14). Motion by Dr. Kray, second by Pat Augustine. Motion passes by unanimous consent (Page 14).
5. **Motion to adjourn** (Page 20).

## ATTENDANCE

### Board Members

Terry Stockwell, ME DMR, proxy for Lapointe (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Sen. Dennis Damon, ME (LA)	Timothy Target, DE (GA)
Pat White, ME (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Doug Grout, NH F&G, proxy for Nelson (AA)	Harley Speir, MD (AA)
G. Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Paul Diodati, MA (AA), Chair	Jack Travelstead, VA for Bowman (AA)
William Adler, MA (GA)	Catherine Davenport, VA (GA)
Dave Ellenton, MA, proxy for V. Calomo (LA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
Eric Smith, CT (AA)	Louis Daniel, NC (AA)
Dr. Lance Stewart, CT (GA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Jim Gilmore, NY (AA)	Ross Self, SC, proxy for Frampton (AA)
Pat Augustine, NY (GA)	Robert Boyles, SC (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Malcolm Rhodes, SC (GA)
Erling Berg, NJ (GA)	April Price, FL (GA)
Tom McCloy, NJ, proxy for Chanda (AA)	Bill Sharp, FL, proxy for McRae (AA)
Frank Cozzo, PA, proxy for Rep. Schroder (LA)	A.C. Carpenter, PRFC
Gene Kray, PA (GA)	Steve Meyers, NMFS
Roy Miller, DE proxy for Patrick Emory (AA)	Wilson Laney, USFWS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

### Ex-Officio Members

Patricia Jackson

Robert Sadzinski

### Staff

Vince O'Shea  
Robert Beal

Chris Vonderweidt  
Erika Robbins

### Guests

Patti Jackson  
Sean McKeon, NCFA  
Arnold Leo  
Greg DiDomenico, Garden State Seafood Assn.  
Peter Moore, Norpel/APA  
Jay Odell, The Nature Conservancy  
Mary Beth Tooley, Small Pelagil Group

Joe Fletcher, Fletcher's Boathouse  
Matt Cieri, ME DMR  
Jeff Kaelin, Oceanspray Partnership  
Roscoe Fleming, EarthJustice  
Dick Brame, CCA  
Peter Baker, Pew Environmental Group

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 5, 2008, and was called to order at 2:30 o'clock p.m. by Chairman Paul Diodati.

### **CALL TO ORDER**

CHAIRMAN PAUL DIODATI: I guess it's close enough for us to begin the Shad and River Herring Management Board Meeting.

### **APPROVAL OF AGENDA**

CHAIRMAN DIODATI: We'll begin with Board consent to review the agenda and approval of the agenda. I will be making some changes to it that I'll quickly verbalize. We're going to insert some issues relative to Amendment 2 and also relative to Amendment 3; Amendment 3 being shad; Amendment 2 being river herring.

We're also going to discuss representation on our Advisory Panels and possibly adding or creating a new Advisory Panel or perhaps expanding membership on the existing panels. With that, I'll go back to our good friend, Mr. Augustine.

MR. PATRICK AUGUSTINE: Mr. Chairman, I move to accept the agenda with your additions.

CHAIRMAN DIODATI: Okay, if there is no opposition to that, we'll accept the agenda.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN DIODATI: We also should have proceedings or minutes from the Board meeting dated October 31, 2007. Mr. Augustine.

MR. AUGUSTINE: Mr. Chairman, I move to accept the minutes and proceedings of the last meeting.

CHAIRMAN DIODATI: Seconded by Mr. Adler. If there is no objection to that, the proceedings are accepted by the Board.

### **PUBLIC COMMENT**

CHAIRMAN DIODATI: As always, we like to begin with the opportunity for members of the public to make any general comment to members of the Board, but you will have an opportunity as we proceed during the meeting to comment on various issues.

At this time are there any members of the public that would like to make a statement or question or comment to the Board? I see no one, so we're going to begin with Bob's Technical Committee report.

### **TECHNICAL COMMITTEE REPORT**

MR. ROBERT SADZINSKI: Thank you, Mr. Chairman. The Technical Committee was asked to do two things: develop a consensus statement for river herring from the PID and develop a date table of available river herring data. First, the consensus statement: The Technical Committee acknowledges that data for river herring stocks are limited; however, the Technical Committee affirms the stocks are generally declining coastwide with exceptions.

Relative impacts of recreational and commercial fishing on river herring stocks are unknown in many rivers. The first issue was commercial, and the Technical Committee recommends that the Board require elimination of the directed fisheries unless the state can demonstrate that a stock can support a fishery; for example, catch rates, passage numbers are stable or increasing, and mandatory reporting from directed fisheries.

As far as inshore, nearshore and in-river bycatch, there should be mandatory reporting of bycatch and discards from all fisheries. As far as the at-sea bycatch, the Technical Committee is concerned that at-sea bycatch may be a major contributor to stock declines, and we require mandatory reporting of bycatch, discards and landings of river herring from at-sea fisheries.

Observer coverage should be increased to levels that would allow for reliable estimates of bycatch for the entire fishery or fisheries. The Board can reinstate fisheries if evidence shows that the stock can support a fishery.

The next issue was the recreational fishery. The Technical Committee recommends that the Board require elimination of river herring harvest unless the state can demonstrate that the stock can support a fishery – here again the catch rates, passage numbers are stable or increasing; and number two, is reliably quantify recreational harvest when allowed. Then here again the Board can reinstate fisheries if evidence shows that the stock can support a fishery.

In the packet of information you all received there is a table by state of available river herring data. This one summarizes that most states do have commercial landings, and that CPUEs – although CPUE data

looks to be a relatively short time series – show indices and most states have fish passage numbers.

Some states have biological data, including mortality rates. There has been one assessment done recently, which is North Carolina in 2004, which shows the high exploitation and poor recruitment. That concludes the report.

CHAIRMAN DIODATI: Thanks, Bob; any questions of Bob from the Board? Seeing none, I did overlook that we had a public comment sign-in sheet, so I'm going to go back to that. We have Mr. Moore and Ms. Tooley who have signed up. Do you want to make any comments now? I see Peter Moore there; did you want to make any comments now? Okay, you will have your opportunity whenever you like. We will have the Advisory Panel report by Patty Jackson.

### **ADVISORY PANEL REPORT**

MS. PATRICIA JACKSON: Thank you, Mr. Chairman. The Advisory Panel met in Baltimore on November 19<sup>th</sup> and we had four members of the Advisory Panel present, as well as three observers, Erika Robbins and also Andy Kahnle, Chair of the SASC. We had a presentation on the Public Information Document and some discussion about a number of different issues that are summarized in our report.

The recommendation of the Advisory Panel, the majority of those present support Option 3 for commercial fishing because it would reduce mortality on river herring stocks, and it would be likely under this option you would be able to collect information on bycatch of river herring that is occurring in other fisheries. Others present supported Option 4 because it may result in lower mortality for river herring.

On the recreational fishing, the Advisory Panel members support Option 3 and 4 until there is more information on the status of the stock. Changes in regulations were thought that we should have equally stringent for recreational and commercial fishing. There was also a suggestion that we might consider adding an Option 5 for commercial fishing that would reduce effort and regulate bycatch. This option could be revisited after the assessment is completed. I'll be happy to answer any questions.

CHAIRMAN DIODATI: Questions of Patty? Mr. Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. What was Option 5 and how was that different from one of the ones already in there?

MS. JACKSON: Well, I think we were looking at it as a potential combination that would both reduce effort and regulate bycatch, so it was sort of a hybrid I think between Option 2 and 3. That might be an additional, so it just gives you another option to consider.

CHAIRMAN DIODATI: More questions? Okay, I am going to go to Erika to talk about the Public Information Document for Amendment 2.

### **PUBLIC INFORMATION DOCUMENT FOR AMENDMENT 2:**

MS. ERIKA ROBBINS: Thank you, Mr. Chairman. As many of you know, we took the Public Information Document out to public comment this November and had public hearings in December and January in 12 states. Those were Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Potomac River Fishery Commission, North Carolina and South Carolina.

We received 113 written comments. Twenty-six were from groups or organizations. Those groups include the Cape Cod Commercial Hook Fishermen's Association; the CHOIR Coalition; The Coalition for Buzzards Bay, Massachusetts; The Coastal Conservation Association; Environmental Defense; Fish Committee for Nobleboro and New Castle, Maine; Friends of the Bay, Oyster Bay, New York; Herring Alliance; Maine River Herring Alliance; The Main Association of Charterboat Captains; Marine Fish Conservation Network; Maryland Conservation Council; National Coalition for Marine Conservation; Natural Resources Department, Town of Eastham, Massachusetts; New England Coastal Wildlife Alliance; North Carolina Marine Fisheries Commission; North Carolina Wildlife Resources Commission; Peconic Fish Restoration Commission; Riverkeeper, Hudson River, New York; Stripers 24/7; Sustainable Fisheries Coalition; Town of Arrowsic Conservation Commission, Maine; Town of Bourne, Maine; Town of Bristol, Maine; Town of Warren Fish Committee, Maine; Winnegance Alewife Commission, Maine.

### **SUMMARY**

This is a summary of the written comment received. As a reminder, Issue 1 deals with commercial fishing.

Option 1 is status quo. Option 2 would be reduce effort in directed fisheries. Option 3 would be close directed fisheries and regulate bycatch of river herring. Option 4 would be a moratorium on the harvest, possession or landing of river herring.

As you can see, written comment was spread pretty widely over the options contained within the Public Information Document. Many individuals and groups wrote in that they'd like an additional option. The AP identified this as Option 5. I have listed it here as a combination of Options 2 and 3 where the directed fishery would be required to reduce effort and bycatch would be regulated in other fisheries.

Issue 2 concerns recreational fishing. Option 1 would be status quo. Option 2 would be a commercial license or permit. Option 3 would be reduce effort in the recreational fishery. Option 4 would be to close the recreational fishery. As you can see, most of the public comment supported a recreational permit or license and reducing effort in the commercial fishery.

Additional comment that was either not directly related to a management option or talked about different sources of problems is in the summary that follows. Other ideas for commercial fishing were to limit bycatch, either have a bycatch cap or a trip limit for bycatch. Many people said that they were concerned about at-sea bycatch. Several suggested that states be required to monitor landings dockside of bycatch from the ocean fisheries and from directed fisheries.

Other individuals suggested that river herring be allowed to escape to the spawning grounds and spawn at least during some portion of the in-river migration. I should note that the options I'm presenting here today were only options that were echoed by at least ten individuals' public comment. More detailed public comment information is included in the handout that you've been given.

For recreational fishing, another common comment was that the possession limit should be reduced. For federal waters, the most popular comments were to increase observe coverage in ocean fisheries for river herring bycatch and the second was to prohibit dumping of catch at-sea in the Atlantic herring and Atlantic mackerel fisheries.

General comments were grouped into five categories: decline, habitat, data needs, predation and other. Several individuals affirmed that there has been a general decline. Some linked the decline to the

emergence of the mid-water trawl fishery in the U.S. Individuals noted that there were declines in Maine, New Hampshire, Massachusetts, New Jersey, Maryland, Virginia, and South Carolina river herring stocks.

Habitat was brought up as a concern, either that habitat had been degraded, water quality was poor, and fish passage was inefficient, or that populations were faring better because habitat had improved or water quality had improved and fish passage had improved. Many recognized that there are data deficiencies for these fish species. They would like more information about the individual species, data on bycatch in all fisheries and a stock assessment to be completed.

Specific predators were noted for river herring as possible causes of decline. The ones that were named specifically were cormorants, dogfish, seals, bluefish and striped bass. Several individuals in written public comment noted that river herring play an important ecosystem role as a forage fish and others suggested that river herring stocks be managed by state or region instead of coastwide. Previously you were given a document that summarized the public hearings in your state. If you would like more information on those, I'm available to answer questions on that as well.

CHAIRMAN DIODATI: I guess I'm going to begin myself with a question. It seems that there are concerns relative to at-sea bycatch that might result from discard mortality, the predation and habitat seem to be three factors that come up a lot in public concerns about declines in river herring. How will the stock assessment, if it will, identify all those factors and give the Board some definition as to what seems to be the larger problems out there? Is the Technical Committee preparing to do that as part of the assessment?

MR. SADZINSKI: Not at this time. There is a meeting by representatives from New York and the National Marine Fisheries Service, meeting at Woods Hole in April, to try and quantify ocean bycatch similar to what was done for American shad. We're hoping that can be incorporated into that one-year report that is due to the Board in February of next year.

CHAIRMAN DIODATI: Any Board questions for Erika? Wilson.

DR. WILSON LANEY: Thank you, Mr. Chairman. This really is just a follow-up comment to what Bob

just said in partial response to your question. With regard to the predation component, I'm wondering, Bob, if the Chesapeake Bay Ecopath Modeling Effort and/or the South Atlantic Council's Ecopath Modeling Effort might at least provide us some insight into what sort of forage demand there might be for river herring.

I'll toss it out there as a thought for a possible followup. I know it wouldn't give us necessarily real quantitative information, but I think to the extent that they depend on us for the data to feed into those models, we might gain some insight from them.

CHAIRMAN DIODATI: Any other questions or comments from Board members? We're moving pretty quickly here, so I'll go back to the public. Does anyone in the public have any questions of staff on the Public Information Document thus far?

MR. JEFF KAELIN: Thank you, Mr. Chairman. I'm Jeff Kaelin from Winterport, Maine, representing Ocean Spray Partnership and New England Fish Company. My question only is about the workshop that was just mentioned at the Science Center in April. Will that be open to the public, the bycatch methodology workshop that is going to focus on river herring?

MS. ROBBINS: This is not an ASMFC workshop. It's with the State of New York and the National Marine Fisheries Service. I don't know if the Commission representatives from New York are prepared to answer that.

MR. KAELIN: New York and the Science Center; the Northeast Fisheries Science Center, okay.

MS. ROBBINS: Correct.

MR. KAELIN: Well, we're interested in anything like that, so that's why I went to the mic, just to say that the industry, which, of course, is producing the bycatch, would like to have some insight perhaps and to when that is going to happen so we can listen. Thank you.

CHAIRMAN DIODATI: Anyone else? Peter, do you want to make a comment or do you have a question?

MR. PETER MOORE: Thank you. My name is Peter Moore, and I'm here representing a company in New Bedford called Norpell. It's a herring and mackerel processor. We operate mid-water trawlers and a purse seiner. Also, our company is a member

of Sustainable Fisheries Coalition that is mentioned as one of the commenters. Just for the record, that group is made up of six companies that catch and process sea herring and mackerel.

For the record, since there are numbers of individuals mentioned in some of these other groups, I guess I would estimate that we've got probably about a hundred to 200 people employed by those six companies directly on the boats and in the factories, with an additional support industry which ripples through the economies of these towns where these people operate.

I guess the question I have is, is the Technical Committee then going to look at the public comments that are made about where the public perceives the problem lie in the river herring fishery and provide some data on – I mean, there are a number of comments in here that get fairly heavy weight because, you know, 41 people are concerned about at-sea bycatch or 41 commenters, which we are as well, by the way, 41 increased observer coverage, which we do as well, but then a number of others say that the decline coincides with the increase in mid-water trawl fishing, which I actually know is not the case.

I'm just curious, does the Technical Committee go through these comments and then provide the Board with either substantiation – scientific substantiation or not about the various comments or do they sit on their own?

CHAIRMAN DIODATI: The Technical Committee, Peter, won't go through the public comment in the way you describe. The Technical Committee will do an extensive evaluation of stock conditions, and then I think they'll respond to specific tasks that will be developed as we go by the Board.

I think you will recall just a few minutes ago I asked somewhat of a similar question about not just at-sea bycatch, but there are questions about habitat conditions and the impacts from predators on the population of river herring. The answers to those are of interest to all of us here and will be very important to know as we move forward with the new management plan.

So, we will be asking those kinds of questions. I think we're going to talk a little bit later about makeup of a new Stock Assessment Subcommittee. I think as we see who those individuals are, some people here will be tasking – I am sure there are people who work for some of around this table, so

there will be various tasks assigned that I think will get at the answers to the questions that you raised.

MR. MOORE: Thank you very much.

CHAIRMAN DIODATI: Anything else for Erika? A.C., go right ahead.

MR. A.C. CARPENTER: I would just like to thank the ASMFC staff, and Erika in particular. We were the only ones that had a public hearing that nobody showed up except the staff, and it was a very quiet meeting, but we do appreciate all the efforts that you all made to come down. We thank you. The thing I think we learned is five days before Christmas is not the time to have a public hearing.

#### PDT DIRECTION

CHAIRMAN DIODATI: Anyone else? Okay, I see no other questions. Now we're going to have to get to the difficult task of providing some direction to the PDT on what specific items we're going to want in this Draft Amendment 2, this river herring amendment. I think from the statistics that Erika showed on the public comments, I don't even think the little exercise we went through this morning is going to easily identify the primary options that the public likes.

It's going to require a little work by this group this afternoon. I'm open to some preliminary discussions that will lead to a motion, so who would like to start with the options that are on the table that the PID currently has? Eric.

MR. ERIC SMITH: Actually, I'd like to start with a couple of comments on the issues first before I go to the options. In fact, I won't go to the options yet. The issues struck me that the nature of the public comment was very clear that there were a couple of things that the public who came to the hearings or wrote comment letters were concerned about things like limiting bycatch or monitoring bycatch or monitoring landings.

My view of public comment is kind of – I was thinking of this as Peter Moore asked his question, and I don't mean to be facetious at all, but public comment, in my view, is a useful expression of public sentiment on things, and it could also be true. Again, I'm not being – there is a distinction there that I want to make, and I'm not trying to be funny about it.

It's very important to me to see what the public finds important and then I'm always gut checking it in my own mind as to, well, can we answer that question, do we think that they are correct or possibly could they be incorrect for any number of reasons, and that's the value of the public comment in this process.

When I think of the bycatch issue, monitoring in particular, but regulating it also, that's going to be expensive and we won't have the money, we'll never have the money to do that. It's kind of like the lobster database thing for those who were in the room the other day, yesterday. It seems like weeks ago.

Some of these things, as we embark on them, we should really keep in mind whether it's doable or not; and if it's not doable under the way we budget for our time, then we should be thinking in parallel how do we get the resources to do it; or, how do we charge some other place or suggest to some other place that this be done?

Monitoring bycatch on Georges Bank, I think we can pretty quickly hand that ball off to the federal agency or the council process to say that is pretty far removed from our responsibility, but it's a legitimate need. So, it struck me that the two most important comments were things that we probably aren't going to be able to do. That's the one message that started me on this.

The next one is I almost think that the management options might have been premature to go to the public. It's useful for me to see the array of public comment on the options of whether to eliminate a fishery or reduce a fishery or regulate a fishery. I think that's all useful, but I wouldn't take any one of those options off the table right now. I would develop all of them.

In other words, the public comment was useful because we got comments on all four options, three for recreational and four for commercial, but I think they are all still in bounds, and now they need to be fleshed out and developed more in terms of why it's important to do this and how hard would it be to do it, what would we have to do to do any one of those particular things. That's two messages. There is a big part here that I don't know how we do it, and there are the management options that I think all should be developed as we go forward into the addendum itself. Thanks.

CHAIRMAN DIODATI: Good points, Eric. When I said which options do you like, I didn't mean that we

needed to eliminate any. Certainly, all the options that have gone out to public hearing could remain in this PID for further planning processes, and we could add options. Now that we've had some public comment, if there is anything that you've heard or would like to see additionally to the options that are on the table, we can go that way, too. Louis.

DR. LOUIS DANIEL: Thank you, Mr. Chairman. I'd provide maybe a few suggestions. One would be to flesh out the Advisory Panel's combo option. The two/three I think is the way Erika had it represented on the slide. I'm also very intrigued and would like to see the consensus statement from the Technical Committee fleshed out. I like that suggestion; I thought that was good.

Two other things. One, I'd like for the Technical Committee to think about various empirical data sources that can be gathered relatively easy, such as repeat spawning checks on these fish that we're currently surveying that is a good indicator of overall stock health that is a very simple thing to analyze, and it can be done quickly. I'm not sure who else is doing that.

Finally, I would suggest that from our discussions this morning that this may be a real neat opportunity with these alosids to emphasize the habitat issues associated with this fishery and to indicate the concerns that we have as a commission for strategic habitat areas in our state waters, the importance of dam removals and historical spawning grounds. I think those are some of the things that I'd like to see fleshed out a little more in the next document.

CHAIRMAN DIODATI: Excellent comments, Lou. Before I go to Terry, I've got a sense here that maybe Connecticut and North Carolina could easily develop a motion for this Board to discuss given those good comments. Terry.

MR. TERRY STOCKWELL: Thank you, Mr. Chair. My comments are much the same. As I was listening to the AP and Erika's summaries, it struck me about how honest we have to be about our resources and where we can go and what we do with this assessment. I am concerned there is a lot of common thread between that we've heard. I would be in support of an Option 5. I think it makes a lot of sense. It's certainly what we heard at the three hearings that were held in Maine.

I am also strongly supportive of getting more data. If we're going to be looking to at all impact the indirect fisheries and do any better management, we need

better information than we have right now. I think the coordination with our federal partners and the councils would be a good way to begin.

CHAIRMAN DIODATI: Okay, are we getting a little bit closer to a motion? Okay, any further comment? When you say better information, Terry, I imagine you're suggesting that there be some compliance measures in the PID that perhaps the Technical Committee could recommend as possible measures for us to think about?

MR. STOCKWELL: Yes, Mr. Chair, I'm thinking that we need to put something specific forward that is technically solid and that will begin to answer the questions that we all have.

MS. ROBBINS: Terry, just so I have a better understanding of what to bring to the Plan Development Team, are you asking for monitoring requirements to be put into this draft amendment or better data to go in to identify what the current stock status is?

MR. STOCKWELL: Absolutely better data, Erika, but my realization of what our resources are and what it might cost us collectively to implement data collection is also real, so I think we need to identify what we need to know and then determine how to get there, because this impacts not just this fishery but a host of other fisheries. I think as we were talking about this morning, the opportunity to collaborate is – you know, I would see this river herring issue as a way to move forward.

CHAIRMAN DIODATI: While we wait and pray for a motion, let's just ask Erika to outline very quickly the next steps that can be expected if we give her an approved motion today; what would your next steps be?

MS. ROBBINS: If the Board passes a motion to move forward with a specific option for a draft amendment, the Plan Development Team will draft the draft amendment and bring it back to the Board for review and approval. If it's approved, then it will go back out to public comment. We'll have another public comment period. It will go through the Advisory Panel again and to the Technical Committee again.

CHAIRMAN DIODATI: So we'll have plenty of opportunity to deal with this at the management board. I can see someone might be ready with a motion, but we have a question down here.

MR. STEVE MEYERS: Yes, thank you, Mr. Chairman, something that Terry said earlier. I want to make sure that I understand his thought for better data collection. I assume this is going to be a recommendation that the federal government implement measures to quantify river herring bycatch in federally managed fisheries and reduce the herring bycatch within those fisheries, especially with the Atlantic herring fishery and the Atlantic mackerel fishery?

MR. STOCKWELL: I'm just trying to be brutally honest with what we have for resources and what we have for information needs; and much like the discussion that we at yesterday's Lobster Board meeting, it might be helpful in the drafting of this proposal, that we include some way to pay for it. We have a lot of data needs and I know you guys aren't going to be able to pay for it all.

MR. MEYERS: I think we can discuss that later. We're trying to sort things out now as to what our resources are going to be for this fiscal year and then project forward, but let's keep that as a good discussion point when we move forward with it.

MR. SMITH: Well, let's try this one. I move the development of Amendment 2 with all of the options that were in the Public Information Document, plus development of an option as recommended by the Technical Committee and development of an option as recommended by the Advisory Panel, and including development of a strategy to acquire appropriate bycatch monitoring data.

CHAIRMAN DIODATI: Before I ask for a second on that, is there anyone willing to add to that, a friendly perfection. Go ahead, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Was there any indication of observer coverage and cost incurred?

CHAIRMAN DIODATI: Say again about observer coverage?

MR. AUGUSTINE: Any observer coverage allowance or consideration for the commercial fleet? I didn't see it noted in here although it was mentioned in the New York program that we had. It was mentioned that maybe there should be some consideration for observer coverage on commercial vessels in this fishery.

CHAIRMAN DIODATI: I guess I would ask that we wait for the Technical Committee to generate more information for us. At some point I think we're going to see exactly what is available for coverage today, what that coverage reveals; and if it's weak in any area, I'm hoping they can make some suggestions for improving that. Bill.

MR. ADLER: I'd like to second that motion. Could you go over what the TC – the option the TC had suggested; what was that on? The AP was Option 5; I got that one.

CHAIRMAN DIODATI: I think it's on the board.

MR. SADZINSKI: This is the first two, and if you could click to the next one, please. The TC recommends that the Board requires elimination of directed fisheries unless states can demonstrate their stock can support a fishery. Number two is mandatory reporting from the directed fisheries. Three concerns the inshore and nearshore and in-river bycatch. There should be mandatory reporting of bycatch and discards from all fisheries.

Four concerns the at-sea bycatch. The TC is concerned that at-sea bycatch may be a major contributor to stock declines. Require mandatory reporting of bycatch, discards and landings of river herring from at-sea fisheries. The observer coverage should be increased to levels that would allow for survival estimates of bycatch for the entire fishery or fisheries. That's for the commercial fishery.

MR. ADLER: Okay, that was the TC that Eric had mentioned. I'll second the motion.

CHAIRMAN DIODATI: Okay, I just want to allow some opportunity to perfect it given that we're doing this a little bit on the fly here. Then I'll take your second and then we'll open up to discussion. Let's not have too much discussion on the motion now. Let's just try to perfect a motion. Ritchie, we'll start with you.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. Eric, the option would be to define a method of acquiring appropriate bycatch data, and then the option would be to implement that or not?

MR. SMITH: Yes, I did change the verbs a little bit there. Two of them were to include the TC, include the AP recommendation, and the third one was develop a strategy to acquire that data. It's a step back from taking out to public comment a

management option. It's really more develop the strategy and then take that to public comment.

MR. R. WHITE: I don't understand what you're taking to public comment; in other words, whether you want to go forward with that strategy or – I don't understand.

MR. SMITH: Well, let me think right quick off the top of my head. Let's say the PDT sits down and wrestles with this for a minute and they say, well, there are three ways we could get bycatch monitoring data. You could design it this way and pay for it this way. You could design it that way – okay, those go to public comment. It's almost a third issue with options under it.

MR. ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman. Recalling our discussion from the Annual Meeting, I'm just curious of what the Board's intentions are here. Recall in South Carolina we do have a relatively significant fishery in the impoundments, and I'm just curious is it the intent of the management board to make this applicable statewide or is this just riverines seaward of these impoundments? Can I get some clarification on that?

CHAIRMAN DIODATI: Yes, that's a good question. I can only speak for the Commonwealth, but my regulatory authority just goes up inside tidal waters. We, however, through the Division of Marine Fisheries, have regulatory authority by statute over anadromous species throughout the range of the state. So our counterpart will typically, on our recommendation, adopt those regulations that we recommend. But I can't speak for how each individual state would operate or district is going to operate or whether it's our intention to deal with impoundments.

MR. BOYLES: To that point, I mean, I'm referring to landlocked populations. I think we've got some of Dr. Daniel's river herring in Lake Chocassee up in the mountains, and I'm a little concerned about the applicability of this action to those.

CHAIRMAN DIODATI: And I'm sure we can perfect that in the plan as necessary. Lou.

DR. DANIEL: If you'll look under the background, the management unit is all migratory American shad, hickory shad, blueback herring and alewife stocks. My understanding, from the annual meeting, was that the issue in South Carolina of impounded landlocked herring would not be included in this plan.

CHAIRMAN DIODATI: Thank you, Lou. After Roy, I'm going to try to go back to get a second on this motion.

MR. ROY MILLER: It struck me in Eric's motion that under the recreational options in the PID, it's pretty non-specific concerning reducing effort. Therefore, I was wondering since the suite of methodologies that we have at our disposal to reduce recreational effort are fairly limited, I wonder if enumerating them would be beneficial.

Specifically, I would suggest, based upon some of the public comments that I heard today, establishing the daily creel limit or daily catch limit, seasonal closures and/or area closures as the means of reducing effort in the recreational fishery.

MR. SMITH: I frankly think that is what the Plan Development Team is going to do as much the same way I answered Ritchie. I couldn't pick them all out today, but I think in the amendment, before it goes out to public comment, it should have the five ways that the PDT thought that the recreational fishing effort could be reduced. It might be premature to try and pick those methods today, but the PDT needs to understand that will be their job to pick the five that could be most effective, for example.

MS. ROBBINS: I will echo Eric's statement and then also address Roy's comment. The Plan Development Team will flesh out these options that you send to them with how they think they could be implemented, but the Plan Development Team would also welcome any suggestions from Board members as to what those specific means of implementing the different options would be.

CHAIRMAN DIODATI: Okay, I'm going to call for a second at this point. Lou.

DR. DANIEL: I want to add some stuff before you –

CHAIRMAN DIODATI: Oh, you want to add some more stuff? Is that all right, Eric? Let's hear what it is.

DR. DANIEL: Did he say okay?

CHAIRMAN DIODATI: Yes, I think so.

DR. DANIEL: I'd like to add after the bycatch monitoring data is to identify critical habitats and threats to those habitats; and, empirical monitoring needs, which would be developed by the Technical Committee, to characterize the fishery in the absence of a full-scale stock assessment. I think we need to –

in looking at this sheet of available data, there are a lot of gaps in here.

And whether or not we're going to have a reliable full-scale stock assessment for each system, I think we need to be thinking about other alternatives on how to monitor what is going on in the population in absence of that status. Those would be my, hopefully, friendly additions to Eric's motion.

CHAIRMAN DIODATI: To this point, Wilson?

DR. LANEY: Yes, Mr. Chairman, I would just like to add that the habitat committee is already working hard to do that, has been for several years, on the diadromous species source document, so I think a lot of that information has already been developed and will be available to the Plan Development Team.

CHAIRMAN DIODATI: Eric, are you ready to accept this as your motion?

MR. SMITH: Frankly, I couldn't follow it while Louis was reading it, and I'm waiting to see it typed up there. Maybe you need to read it again, Louis, so that get it down full. I don't what the end of that sentence means yet.

DR. DANIEL: It goes back to the comment I made, I think you're looking at the opportunity, with the Technical Committee's recommendation, which is you've got to show that your stock can withstand a fishery. Now, I don't think our intent would be to require a full-blown stock assessment for each state.

But if you were to monitor, for example, some of these critical empirical data elements like maybe a young-of-the-year index or repeat spawner information from the scales, then that may provide you or the Board with comfort to know that if you're at 30 percent repeat spawners, you're okay; if you're at 1 percent, you're not.

So I think we need to be thinking about ways to monitor this fishery that are simple, that are straightforward, and I would just like to hear from the Technical Committee what they think those would be. They may not come up with anything and think that's not a good idea, but I would like for them to discuss this and flesh it out as they develop the amendment. So, really, it's two separate issues; identifying the critical habitat areas for river herring and the threats to those habitats; and then to characterize those empirical data that we need in order to monitor the population.

MR. SMITH: Okay, in that case and now that I see that Chris has up what Louis said, I would simply say at the beginning of that sentence say, "Also, identify" – just so the motion flows, these are things we want in Amendment 2. Then I have no objection to it.

As we're perfecting this on the fly, when Roy asked the question about recreational effort, I looked and it reminded me that I had a view that I wanted to point on Option 2 under recreational. I have said this before when we've talked about eel and probably a half a dozen of other species.

This is written briefly to get a sense of the public comment, but in development, when the PDT gets after this Option 2, I believe strongly this needs to be developed in such a way that it doesn't focus only on let's have a new license that is a river herring license. What we really need is a recreational license for people who take fish among which could be river herring, and from that pool of people we need to be able to generate catch estimates.

Otherwise, we're going to have an eel recreational license, a river herring recreation license and down the list, and no state agency wants to do it that way. So, as long as there is no disagreement with that concept, it's something the PDT needs to develop further in that way.

CHAIRMAN DIODATI: Eric, are you comfortable that there is only reference to the TC and AP recommendations and not actual verbiage up there, so we don't get confused down the road?

MR. SMITH: Well, you make a good point. We could, but now that you've made that point, I think Erika can make sure – before the hour is out after the meeting is over, she has made sure that she has language that captures what Bob had on the slide and what Patty had on her slide or in her comment. Hers is the more sensitive one because there was no slide to capture from, so you guys need to get your heads together.

MS. ROBBINS: We have her comments.

CHAIRMAN DIODATI: I still don't have a second, but I'll go to Dennis and then I'm going to go for a second.

SENATOR DENNIS DAMON: Thank you, Mr. Chairman. If the time is right, I'd be willing to offer a second.

CHAIRMAN DIODATI: The time is right. Okay, we have a motion and a second. Discussion on the motion? No discussion? Go ahead, Doug.

MR. DOUG GROUT: One thing I'd like to ask of both the motion makers and staff is the way these options are written, does it provide the flexibility in developing the management strategies to the states or is this going to be a management strategy that when we adopt this, it's going to apply to all – I mean, specific management strategies are going to apply to all states coastwide?

The reason I mention this is that while I certainly respect that there are many states here that have severely declining river herring runs, there are some states here whose populations are actually in fairly good shape. We've already put in management measures to severely restrict our in-river harvest in the one river that we had a significant problem. We've reduced our harvest in that river by 90 percent. If our river herring populations are in fairly good shape, I don't want to be going down the line where I have to implement some coastwide measures.

CHAIRMAN DIODATI: The options that you see here and this plan, as it develops, will apply to all migratory stocks of river herring in all states from Maine to Florida, and you will have opportunity to develop any possible exemptions during the management process, so I think there will be ample opportunity to demonstrate which states have fisheries that these kinds of measures or some of these measures may or may not apply.

MR. GROUT: That's why I was intrigued by the Technical Committee's recommendations because it said if we can demonstrate that our populations are healthy, then we could continue fisheries if we needed to.

CHAIRMAN DIODATI: More discussion on this motion? No more discussion or questions? Roy.

MR. MILLER: Mr. Chairman, would you refresh my memory again as to what the specific TC recommendation is that's being included here and the AP recommendation? Thank you.

CHAIRMAN DIODATI: They're on the record, but we'll go through them once more. Why don't we just get those ready to go through; and before we break for a caucus, I'll have them read, so that you understand it and make sure that Joe has it. While we're waiting, though, I'll go to the audience and take any comments from the public, any brief

comments or questions or statements you'd like to make to the Board. Go ahead, Mr. Kaelin.

MR. KAELIN: Thank you, Mr. Chairman, you're taking comments on the motion at this time?

CHAIRMAN DIODATI: Right.

MR. KAELIN: I think it's a very fair and balanced approach to go after some of the data that we're all looking for. I wanted to make that point because it doesn't indict any one element of the threats that some of these riverine stocks face. I wanted to state it on the record because I think it's balanced from that perspective.

There is one other thing I'd like to add. We asked, in our comments – we are members of the Sustainable Fisheries Coalition, our organization of Ocean Spray Partnership, which funds the Providian. We're active in the herring and mackerel fishery trawling and seining, too. There were two reports that the Commission received about river herring mortality in the mackerel and herring fisheries.

Our comments ask if this management board would be peer reviewing those documents, particularly the methodologies; and the second one about time-and-area events. So that's my question; will those two documents be peer reviewed by the PDT or the TC as this process continues? Thank you.

CHAIRMAN DIODATI: I don't think that this Board is going to peer review those, but I think it's very, very likely that those documents and any other relative documents are going to be reviewed either directly by the TC or its subcommittees during the assessment process. I think it's fair to say that they will be evaluated fairly thoroughly.

MR. KAELIN: Thank you, and I appreciate the opportunity to speak in support of this motion.

CHAIRMAN DIODATI: Okay, Eric, given that you probably have all the verbiage, I think we have to make sure that the –

MR. SMITH: Mr. Chairman, before we read the motion, we've seen the TC recommendation because it was in the powerpoint and we could read that, but could Patty read the AP recommendation that is embodied in this motion?

CHAIRMAN DIODATI: Would that be okay, Roy? All right, go ahead, Patty.

MS. JACKSON: The AP suggests adding an Option 5 for commercial fishing that would reduce effort and regulate bycatch. We said we could revisit it later, but it's basically the combination of Options 2 and 3.  
CHAIRMAN DIODATI: Two-minute caucus and then we'll call the vote.

(Whereupon, a caucus was held.)

CHAIRMAN DIODATI: Okay, your two minutes are up. I'll ask the maker of the motion to read that motion into the record, and then we'll call for a vote.

MR. SMITH: Thank you, Mr. Chairman. Move to develop Amendment 2 with all of the options that were in the PID; plus development of an option as recommended by the Technical Committee; plus development of an option as recommended by the Advisory Panel; and including development of a strategy to acquire appropriate bycatch monitoring data. Also, identify critical habitat areas and threats and characterize critical empirical information that we need in order to monitor populations.

CHAIRMAN DIODATI: Thank you, Eric. A.C., you have a question?

MR. CARPENTER: Yes, after he read that out loud, it says "develop an option" recommended by the TC. I thought there were four or five options that were in there and maybe that should just be plural.

MR. SMITH: I thought the TC was only one – they had one active recommendation, and then there was a slide that had a consensus statement, and the consensus is just how they feel about something. That is the slide that is the recommendation.

MS. ROBBINS: I'm sorry, A.C.; did you say AP or TC?

MR. CARPENTER: TC.

MS. ROBBINS: The TC had one recommendation for an option, but it could be seen as – it could be broken down into separate options. The Technical Committee, am I correct, Bob, would like to see it all implemented equally and not separately.

CHAIRMAN DIODATI: Okay, all in favor, raise your right hand; opposed, same sign; abstentions, 1 abstention; null votes. Okay, the motion passes. Okay, we're down to Item 7. Before we go to Item 7, I think Bob wants to talk about the timeline for the next steps in the plan.

## DISCUSSION OF TIMELINE

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. Originally the Board had scheduled the draft of Amendment 2 to be brought back in front of the Board in May. The Board has also scheduled Amendment 3, which focuses on shad, to be brought back in May. The way this motion was developed, it actually put additional issues into the document rather than removing them or paring them down.

I don't think the PDT is going to be able to pull off development of Amendment 2 and 3 by the May meeting given that we have habitat and empirical data elements and those sorts of things added into the mix now. I just wanted to see where the priority of the Board was. Even if we just did Amendment 2, I doubt we could pull that off by May, to be honest with you. There is a fair amount of work, and it's probably worth a discussion to see where the priority is; is it shad or river herring and what timeline would you like us to try to achieve?

CHAIRMAN DIODATI: Erika just boiled that down by saying that the shad amendment could be developed by May, but certainly we're not going to get very far on Amendment 2 by May. Jack.

MR. JACK TRAVELSTEAD: Bob, can you carry the schedule out a little bit further? I mean, if we don't see this amendment until the August meeting, when do you contemplate implementation; my point being I would hope we would have something that could be implemented by '09, at least before the fish get here.

MR. BEAL: If the PDT is able to put together a document and bring it back to this Board in August and the Board approves that document for public comment in August, the public hearings could be held between the August meeting and the annual meeting in early November and implementation January 1, 2009, if the states are able to implement the plan that quickly.

Having Amendment 2 back before this Board in August still gives the ASMFC process enough time, but I'm not sure if it gives the states enough time to implement. The assumption there also is that the document that will be brought forward at the August meeting, that this Board will be comfortable sending that out to public hearing.

CHAIRMAN DIODATI: And what I'm hearing from staff is that's probably the best we can hope for. Eric.

MR. SMITH: Thank you. Before we leave the amendment discussion, this will trigger something in Bob's mind; and then if I say it incorrectly, he can correct me. Back at the annual meeting, we passed a motion on an issue of relating to – it was actually a shad issue, so it actually is unrelated to this amendment. I stand corrected and I'll take it up under other business.

CHAIRMAN DIODATI: Anything else, Bob? I don't think we need to belabor that.

MR. BEAL: Just to clarify, it sounds like you're asking the PDT to push with Amendment 3, try to bring that back in May; Amendment 2 in August. Is that the plan we're striving for?

CHAIRMAN DIODATI: I think that's our best work plan that we can hope for, yes, so that's what we're asking for. A.C.

MR. CARPENTER: Could you refresh my memory in 15 words or less what Amendment 3 is?

MS. ROBBINS: The development of Amendment 3 was approved based on the recommendations from the stock assessment, which would be to implement the first three recommendations from the stock assessment. A.C., you're taxing me; give me one second and I'll get back to you.

## **REVIEW OF ADVISORY PANEL MEMBERSHIP**

CHAIRMAN DIODATI: It is for shad. Why don't we move on to seven and then we'll come back to that, because it's not going to change our order of business once you get that information. Item 7 is about the Advisory Panel structure. Why don't we start by Erika or someone explaining what we have for a structure now and what it is you're recommending and why.

MS. ROBBINS: Thank you, Mr. Chairman. The Advisory Panel was established when the Board developed Amendment 1 to the Shad and River Herring Fishery Management Plan. That was about ten years ago. After we completed the American Shad Stock Assessment, staff contacted Advisory Panel members and let them know that a meeting would be held to review the stock assessment and the peer review report to the stock assessment, as well as

to review the Public Information Document for Amendment 2.

Several members of the Advisory Panel were unreachable due to old contact information. Other identified that they no longer were interested in serving on the Advisory Panel, and some never responded to staff contacts. Four members of the Advisory Panel showed up to the meeting, and all four representatives had personal interests in American shad.

As a four-species Advisory Panel and as the Board is currently developing an amendment for river herring, which is alewife and blueback herring and for American shad concurrently, staff recommends that more river herring representatives be added to the Advisory Panel and potentially having two Advisory Panels set up; one for river herring and one for American shad.

Tina Berger is our contact for Advisory Panel information. She may be able to better answer questions you may have regarding the Advisory Panel process, but we would like guidance from the Board as to whether we should remain with one Advisory Panel or develop two Advisory Panels. Staff has passed out a memo from Tina Berger and myself that outlines current Advisory Panel membership and whether your states' Advisory Panel representatives are currently interested in serving on the panel.

CHAIRMAN DIODATI: I just want to start with my own question. Would that mean if we opened up the River Herring Advisory Panel to more membership, what does that mean specifically, adding how many more people and one for each additional district that's currently represented? Tina.

MS. TINA BERGER: One potential method would be to handle it like we handled summer flounder, scup and black sea bass, that I could – when we got direction from the Board whether they want one AP or two, then I could survey the states, get their interest level in both shad and river herring, bring that back to the Advisory Panel Oversight Committee, which is a subset of commissioners, as well as a couple of members from this Board, to sit on and look at whether it's weighted fairly and whether the size of the panel is conducive to meeting and our funding.

CHAIRMAN DIODATI: Okay, I'll take questions and comments about this, keeping in mind that we

are going to need a motion if we're going to create a change. Pat White.

MR. PATTEN D. WHITE: I guess I would be concerned about starting a separate Advisory Panel. In looking through this, we've already got people that don't want to do it, states that aren't being represented well, we're not having a very good time getting full Advisory Panels, anyway, and there is a fair amount of inter-mixing of the stocks. I would strongly recommend and I'll make a motion when you want that we continue it on as one panel.

MR. CARPENTER: I don't have any problem with just one Advisory Panel, but I do think each state ought to be able to have at least one representative for their shad and one representative for their river herring. In our particular situation, they would not be the same people.

MR. ADLER: Thank you, Mr. Chairman. I have a possible nominee for the River Herring Advisory Panel. Should I get together with Tina or should the state put in the name for river herring?

CHAIRMAN DIODATI: Right, this is not for nominations today, Bill. We will offer nominations at the appropriate time. Harley.

MR. HARLEY SPEIR: I agree with A.C.; we have two different constituencies in Maryland. We have a moratorium on shad, but we do have an acting fishery for herring, so we have two different groups of people that are interested.

DR. EUGENE KRAY: Thank you, Mr. Chairman. I'd like to ask that the chairperson of the Shad and River Herring Advisory Panel what her perspectives are on having a separate panel or a combined panel?

MS. JACKSON: Well, I think I would share the sentiment that we have had folks that have decided that they're no longer interested in participating and we don't have to meet that often, so my personal preference would be that we continue to have one panel, if that suits the states.

CHAIRMAN DIODATI: Okay, I'm getting a sense here that the favors staying with one panel, but with expanded membership opportunities. Any more discussion? How about a motion? Actually, we don't really need a motion here. I'm going to just ask Erika to contact all of the state delegations and request additional nominations to the panel. Actually, how many, I guess we're all assigned at least one now?

MS. BERGER: It varies by state, but from the sense of what I got from A.C., it sounds like perhaps the Board would like two representatives per state, one who represents the shad interests and one that represents herring. I don't know how that will balance commercial versus recreational and all that, but we can look at that once we receive the nominations.

CHAIRMAN DIODATI: I know that at least for the Commonwealth of Massachusetts, we have more various interests just for herring than one, which right now our member is a recreational person.

MR. GROUT: I would agree if there was a single panel and certainly the option to have a separate shad and river herring representative per state I would be in favor of. I would also like to reserve the option that if a single representative feels that he can adequately represent a state for both shad and river herring, that we'd only have to submit one name.

CHAIRMAN DIODATI: Right. Okay, if there is no objection, then we'll ask Erika to work with Tina and the state delegations to see who is interested in adding people to our one existing panel. I think you're going to find that some of the states are not going to add anybody else. I think that would leave opportunity for maybe one state to add three; is that true?

MS. BERGER: Well, we'll look at it and we'll get back to you. We'll follow up with you and the Advisory Panel Oversight Committee.

### **APPROVAL OF STOCK ASSESSMENT SUBCOMMITTEE MEMBERSHIP**

CHAIRMAN DIODATI: All right, so we're not going to deal with nominations today. We'll do that at the next meeting. Jumping down to Item 8, review and approval of the stock assessment subcommittee membership, this is a new subcommittee. Erika.

MS. ROBBINS: Thank you, Mr. Chairman. Thank you to all the Board members who responded to my memo and nominated members to the stock assessment subcommittee. Maine has nominated Mike Brown; Massachusetts has nominated Gary Nelson; New York has nominated Andy Kahnle; New Jersey has nominated Russ Allen; Maryland de facto nominated Bob Sadzinski. As chair of the Technical Committee, he is automatically a member of the stock assessment subcommittee. Virginia has nominated Laura Lee; North Carolina has nominated

Christine Burgess; and Florida has nominated Reid Hyle.

CHAIRMAN DIODATI: Are there any additional nominees? Any objections to accepting these nominees as such? Thank you; okay, that's your subcommittee.

### **ELECTION OF VICE-CHAIR**

CHAIRMAN DIODATI: Item 9, it's time to elect a vice-chair. We don't have a vice-chair. I took over as vice-chair from Gene Kray at the last meeting, so nominations are open for vice-chair. Are there any nominations? Gene.

DR. KRAY: Mr. Chairman, I'd like to nominate Dr. Malcolm Rhodes.

CHAIRMAN DIODATI: Any additional nominations? Mr. Augustine.

MR. AUGUSTINE: Move to second that nomination and cast one vote on behalf of the new vice-chair.

### **OTHER BUSINESS**

CHAIRMAN DIODATI: Congratulations, Malcolm. Other business? Lou, I know you have something and Terry you have something. Go ahead, Lou.

DR. DANIEL: Yes, just to introduce Michelle Duval. She is now employed with the Division of Marine Fisheries. She took my old position. She will be serving as my proxy on this Board and probably other boards as time progresses. Please take the time to introduce yourself.

MR. STOCKWELL: Thank you, Mr. Chair. Getting back to Item Number 7, will the Advisory Panel be meeting between now and our next meeting?

CHAIRMAN DIODATI: I wasn't aware if they are, but go ahead, Erika.

MS. ROBBINS: The Advisory Panel will not meet until either the draft PID is approved by the Board or the draft amendment is approved by the Board.

MR. STOCKWELL: Okay, we had one name on the list. Thank you.

MR. SMITH: Thank you, Mr. Chairman. The issue I started to raise before and realized it was shad and it wasn't on the agenda, so I just leave to other business. This is the issue. At the annual meeting we

had a motion for what the items were that were to be included in Amendment 3. And it turns out after – we debated a motion and we passed it; that was fine.

Then we realized later there was a disconnect between the powerpoint presentation and what was in the document. The motion referred to what was in the document – very confused. If I tried to explain it now, your eyes would glaze over and that would be the end of the discussion, so I won't try to do that.

When I talked to Bob about it, and Erika, we decided the best thing to do with it is to lay out both alternatives and the rationale behind each when we develop the amendment, and then the Board will be able to read the logic behind one way of looking at it and the logic behind the other way and make an informed decision at the time that the amendment is debated prior to going out to public comment.

It seems that an appropriate way to do it, and I just wanted to mention that to the Board so that three months or six months from now, when we're looking at that amendment, we don't have to go back and try and reconstruct why is this in here. That's the reason it's in there and enough said. Thank you.

CHAIRMAN DIODATI: Does anyone else have anything else on other business? Go ahead, Wilson.

DR. LANEY: Paul, just one item of information, and that is that the U.S. Fish and Wildlife Service, what used to be called the Roanoke Ecosystem Team, which now has the name that I can't remember, will be working with Dr. Ashton Drew at NC State University through the North Carolina Cooperative Fish and Wildlife Research Unit to develop a new habitat suitability index model for river herring.

River Herring is one of the key species selected by that ecosystem for targeting under the Service's relatively new strategic habitat conservation approach; and to the extent that process generates information useful to the Technical Committee and the Plan Development Team, we'll make sure that is provided to them and also to the Board if you have an interest in that. I'll keep you posted on the progress of that.

CHAIRMAN DIODATI: We'd like to hear more about that as that develops.

DR. LANEY: Yes, that will begin in April and continue throughout the rest of the year.

CHAIRMAN DIODATI: Okay, Dave Ellenton.

MR. DAVID ELLENTON: Thank you, Mr. Chairman. Just back on river herring, I attended as an observer the Advisory Panel meeting and was disappointed initially that there were only four Advisory Panel members at that meeting. I can tell you by the end of the meeting we couldn't have had four people who participated any better than they did. Their deliberations were excellent so you've got a good base, and I congratulate Patricia on her handling of that meeting with so few people and getting to the recommendations that they did get to.

### **ADJOURN**

CHAIRMAN DIODATI: That's good to hear. Anything else? We have until 4:30 and I actually have a couple of funny stories. No, all right, if there is no objection, we'll adjourn the Board and see you next time.

(Whereupon, the meeting was adjourned at 3:47 o'clock p.m., February 5, 2008.)