

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

**Radisson Hotel Old Town  
Alexandria, Virginia  
January 31, 2007**

Approved August 16, 2007

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## ATTENDANCE

### Board Members

Terry Stockwell, ME DMR, proxy for Lapointe (AA)	Keith McGuire, MD, proxy for Vasta, (GA)
Doug Grout, NH F&G, proxy for Nelson (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Paul Diodati, MA DMF (AA), Chair	A.C. Carpenter, PRFC (AA)
William Adler, MA (GA)	Jack Travelstead, VA MRC (AA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Catherine Davenport, VA (GA)
Everett Petronio, Jr., RI (GA)	Kelly Place, VA, proxy for Sen. Chichester (LA)
Gil Pope, RI, proxy for Rep. Naughton (LA)	Fentress Munden, NC DMF (AA)
Eric Smith, CT DEP (AA)	Damon Tatem, NC (GA)
Dr. Lance Stewart, CT (GA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Gordon Colvin, NY DEC (AA)	John Frampton, SC (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)	John Duren, GA, (GA)
Tom McCloy, NJ, proxy for Chanda (AA)	April Price, FL (GA)
Dick Herb, NJ, proxy for Asm. Fisher	Frank Montelione, FL, proxy for Rep. Needleman (LA)
Frank Cozzo, PA, proxy for Rep. Schroder (LA)	Tom Meyer, NOAA Fisheries
Roy Miller, DE DFW (AA)	Jaime Geiger, USFWS

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

### Ex-Officio Members

Michael Hendricks, Technical Committee Chair

### Staff

Vince O'Shea  
Robert Beal  
Chris Vonderweidt

Erika Robbins

### Guests

Steve Meyers, NOAA Fisheries  
Jon Siemien, DC Fish & Wildlife

The meeting of the **Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission** convened in the Washington Ballroom of the Radisson Hotel Old Town, Alexandria, Virginia, on Wednesday, January 31, 2007, and was called to order at 1:30 o'clock, p.m., by Chairman Paul Diodati.

## CALL TO ORDER

CHAIRMAN PAUL DIODATI: Will all members of the Shad and River Herring Management Board please take your seats. We're about to start. Members of the audience, please take your seats. I'll be chairing this meeting. I'm the vice chair of the Shad and River Herring Management Board and I'm in charge. All right, I'm the captain of this ship today.

## APPROVAL OF AGENDA & PROCEEDINGS

Welcome, and by board consent **if there is no objection I'm going to accept approval of the agenda and the proceedings of our last meeting.** If there are no objections and no comments those will be approved. They are approved. We'll take any public comment, recognizing, again, that this is not a public hearing but if there is any public comment at this time.

We will try to give opportunity for public comment as we go through the agenda. Anyone in the public wish to speak? Seeing no one we're going to move to Item Number 4 which is Virginia's bycatch proposal. I don't know if Erica wants to frame this up or do we want to go right to the state of Virginia? Jack Travelstead.

MR. JACK TRAVELSTEAD: Thank you, Mr. Chairman. I'm prepared to brief the board on this issue. You will recall last year Virginia requested that the management board approve a small bycatch fishery for American shad in certain portions of Virginia's rivers above the first bridges that occur or the most downstream bridges. The purpose of the proposal was to convert what would otherwise be dead discards into sellable fish.

The board granted our request. We did open the fishery under special permits, allowing ten American shad per vessel – not per fisherman but per vessel. The fishermen had to be permitted. They had to call in weekly to report their bycatch. They could not land any bycatch unless they had certain quantities of other species onboard, species like catfish, white

perch, striped bass, spot or croaker.

The fishery went off relatively quietly. I think we had about 13 fishermen that actually landed and reported bycatch. I think a total of about 250 fish were taken in the entire state under the program. We're back again this year because the board indicated they wanted technical committee review of the proposal before it could go further into 2007 or beyond.

And so we have submitted two proposals earlier to the technical committee for their review. The first proposal is for status quo, to simply repeat what we did last year which you approved. The second proposal was to expand the bycatch fishery slightly in two areas. One was to increase the bycatch from ten per vessel to ten per person and to also allow pound net and fyke net catches of American shad to count in the bycatch numbers.

The technical committee on their review has recommended approval of the status quo option but is not recommending approval of the expanded version because, as we know, there is a stock assessment that is coming due on the American shad and they think it's wise to wait until that stock assessment is out before you start expanding the bycatch proposal.

We agree with that assessment. And so we are pulling the option that would expand the bycatch fishery in Virginia and today are simply seeking your approval to continue with the status quo. We will continue to monitor the fishery in all the ways we did last year, through a call-in system, through a mandatory reporting system, and through a permit system.

Again, the bycatch would be ten per vessel provided the other species are onboard in at least a like number. And it would be limited to the same geographic areas of the tidal rivers above the first bridges. So with that if you think it appropriate I would **move approval of the status quo option that Virginia has presented for an American shad bycatch fishery.**

CHAIRMAN DIODATI: It is appropriate. Is there a second? Bill Adler. I'll just ask if someone from the technical committee wants to add any comments relative to the proposal. If not, fine. So, based on your testimony, Jack, it's our understanding that the technical committee supports this status quo option for the coming year.

MR. TRAVELSTEAD: That's correct. There is, I

have a copy of a report with language in it from the technical committee that makes that clear.

CHAIRMAN DIODATI: That's fine. Any questions or comments? Mr. Calomo.

MR. VITO CALOMO: Thank you, Captain. I would like to just ask in a very serious manner, is there any information that's gathered from the ten fish that are landed? Is there a simple questionnaire that could help us probably in some kind of a, oh, biological information, size, or, you know, time of the day you caught them or whatever the case may be, something that would help us further our information? Thank you.

CHAIRMAN DIODATI: Okay, Jack.

MR. TRAVELSTEAD: The answer is yes. There is quite a bit of information that was collected last year. In fact, this is the report that was submitted to the technical committee. And in fact there were, I don't recall the percentage but it was pretty high where there was an observer from the Virginia Institute of Marine Science actually on the vessel collecting. In many cases the bycatch were purchased by VIMS for the biological work ups that they do.

CHAIRMAN DIODATI: Besides Roy Miller, who else wants to discuss this action item? Roy, go ahead.

MR. ROY MILLER: Thank you, Mr. Chairman. Jack, I believe I read somewhere in the documentation that was provided for this meeting that there was a tendency on some of the gillnetters to switch from drift nets to anchored nets so that they ostensibly might be better able to take advantage of bycatch of shad. First of all, is that accurate? Was my read of that correct?

MR. TRAVELSTEAD: I don't think that's accurate. I'm not saying that it probably didn't occur in some cases but I don't think it was anywhere near a majority of fishermen that were doing that.

MR. MILLER: Okay, well, that sort of

negates my second question which was going to be do you think that's the right way to go? Obviously I gather you have no opinion if you're not sure if in fact that that has happened.

MR. TRAVELSTEAD: Well, I think the data that we collected showed that most of the fishermen who are taking the 250 shad that were kept, 254 to be

exact, were for the most part participating in the legal striped bass fishery or the legal white perch fishery with anchored gillnets.

So, you know, I think it is the right way to go. I don't, there were so few shad taken that it was hard to come to a conclusion that fishermen changed their fishing habits to target shad so that they could keep ten per vessel. We didn't get that impression at all.

CHAIRMAN DIODATI: Okay, seeing no other board discussion, we do have public comment listed on the agenda so I'll ask, is there anyone in the audience that wants to discuss this action with the board?

Seeing no one we'll take a one-minute caucus and have a vote. Okay, all in favor of this motion signify by raising your hand; keep them up a minute; all opposed, same sign; any null; abstentions. The motion passes 19 in favor. Mr. Calomo has a question.

MR. CALOMO: Thank you, Mr. Chairman, nothing to do with the vote, just a point of clarification for me and I direct it through the chair. I was wondering if a gillnetter, being a knowledgeable fisherman, myself, and knowing about gillnetters, you may get more than ten. Are they allowed to say they got their ten and they caught twelve, I'll make it simple, are they allowed to give two to another vessel so they don't catch their ten?

CHAIRMAN DIODATI: I think we're talking specifically about Virginia's regulations. But generally, in general the answer I think would be no to that. But I'll let Jack think about that and perhaps get back to us before the end of the session. Okay, next on the agenda is an update of the stock assessment and Andy Kahnle is not here today but Erica is going to fill in for Andy.

MS. ERICA ROBBINS: Staff will be handing out to you what we have as a new updated timeline for the stock assessment. This is created with ASMFC staff and science and policy departments and with Andy Kahnle, the chair of the Stock Assessment Subcommittee. And we want to make sure that everyone is aware of the deadline so that we can get the stock assessment finished on time and presented to you by August, the next time that this board will meet.

February 12<sup>th</sup> is the date that all stock assessment documents are due to both the chair and myself. And at this point we have assessments from several states

but are still awaiting others that are in review or are still being completed.

On March 12<sup>th</sup> those reports will all have been formatted and will be compiled into the final document by a subset of the Stock Assessment Subcommittee and will be prepared for review by the Stock Assessment Subcommittee. And that will occur in about Mid-April. Mid-May we will have the TC review the stock assessment report.

At the end of May the Stock Assessment Subcommittee will review the TC comments to make the final changes to the stock assessment before it is sent to the peer review panel. And in August the peer review panel will meet to create their report of the stock assessment. And after that is done it will be presented to you at the August meeting. Are there any questions about the timeline or about the stock assessment itself?

CHAIRMAN DIODATI: And I'm sure it would do us all well to remind all of our technical committee members to provide the information as timely as possible. A.C.

MR. A.C. CARPENTER: Erica, you said some have and some haven't, do you have a general percentage of how many of the things are due and how many are outstanding? And while she's looking that up I want to compliment those people who have been working on this because I know it has taken an awful lot time. And I've pushed as hard as I could when I was chairman to get this done last year. And I'm glad to see that we're at least talking about a stock assessment and a review panel looking at it in this calendar year.

MS. ROBBINS: The stock assessment documents that have been received as of last Friday were from: Connecticut, Virginia, the Potomac River and Florida, Georgia and South Carolina. Several of the other assessments have been written and are in review. And how much of those will be changed after review, I can't say. But I would say we have a quarter of the entire document just about complete.

The introductory section, which is a large portion of the document, cannot be completed until we have all the individual assessments in. And that will likely be our biggest holdup if we don't get the assessments in on time.

CHAIRMAN DIODATI: Gordon Colvin.

MR. GORDON C. COLVIN: Well, I think that

addressed my question. I was just going to make a simple request that on February 13<sup>th</sup> phone calls be made to state directors if there is anything outstanding, or maybe even at 5 o'clock on the 12<sup>th</sup>.

CHAIRMAN DIODATI: Any other questions for Erica on that? Seeing none, we will move on to the technical committee recommendations and Mike Hendricks is here to do that.

MR. MICHAEL HENDRICKS: At the last board meeting the board asked the technical committee to look into a couple of items. And we did that at our meeting on December 4<sup>th</sup> of last year. The first item was we were asked to develop a recommendation on how to standardize reporting for the American shad ocean bycatch.

And what we decided, what we recommended was that states adopt ACCSP level trip reporting standards and report such in the annual compliance report. The Amendment 1 provides or requires that, and I quote, "States permitting the landing of American shad ocean bycatch must annually document that the 5 percent trip limit is not exceeded." And in order to do that, obviously, harvest must be reported on a per-trip basis.

CHAIRMAN DIODATI: Any questions for Mike? Okay, no action required here.

MR. HENDRICKS: No. There is one other item. The management board asked us to comment on the value of the creel survey and also asked us if it would be possible to perform a less resource-intensive survey and describe what that survey would look like. We were also asked if it was possible that the current creel surveys could be linked to past surveys or creel surveys for other species.

We talked about that. ASMFC staff is working on an effort to develop a template for rivering creel surveys. Members of the technical committee have been providing input on that effort. And this template may be ready for distribution some time yet this year.

So the technical committee recommended that the management board postpone the requirement for recreational creel surveys until the stock assessment has been completed and a template for creel surveys has been developed.

We also recommend that states coordinate creel surveys to produce a coast-wide concurrent assessment of recreational fishing for American shad.

That way you take out the year-to-year variability and we can compare system-to-system a little bit better. Any questions about that?

CHAIRMAN DIODATI: Is that it, Mike? Okay, now Erica is going to give us a description of the prioritization of research needs. No, I'm sorry – yes, that's it.

MS. ROBBINS: As part of the technical committee meeting in December and it's also included in Mike's letter to the board, a presentation was heard on research that was done out of Woods Hole as part of a doctoral student's dissertation that identified the stock composition of a mixed stock of American shad in the northeast. And the TC asked that the board be presented this information because they were very excited about the possibilities that this research presents.

The gentleman who conducted this research was Benjamin Walther and he worked with this advisor Simon Thorrold. Benjamin's research took advantage of the otolith composition of American shad by using it to determine the origin of immature American shad migrants collected from mixed stocks in the Bay of Fundy and the Gulf of Maine.

Otoliths can be used to determine the natal origin of American shad because otoliths are composed of chronological layers made from stable and inert compounds and elements that reflect the water chemistry at the time that each layer is put down.

The process of determining the origin of the migrant shad involved collecting otoliths and water samples from rivers throughout the species range. And many of each state's technical committee members and science departments helped him in this effort. And he would like to thank all of you for your support of his research.

The second is quantifying the chemical signatures of strontium ratios, strontium calcium ratios, barium calcium ratios and oxygen isotope ratios. Comparing otolith chemistry to river water composition is the next step followed by assembling a continental database of signatures from source populations, and lastly identifying the natal origins of the immature migrants.

Benjamin's research showed the chemical signatures contained in the otoliths are distinguishable and serve as excellent stock identifiers. The signatures are temporally unpredictable so each cohort must be ground truthed when using available ratios.

Benjamin and his associates have already ground truthed the 2004 cohort which makes it possible to do additional work more easily and with less cost in the future. This technique could be used in the mixed stocks found in the Delaware River.

This is an example of how the oxygen isotope ratios vary throughout the United States and along the Atlantic Seaboard. And this is an example of how the strontium ratios vary. These are the two isotopes that he found were most significant in the American shad stocks.

Benjamin's research showed that the chemical signatures contained in the otoliths are distinguishable and can serve as excellent stock identifiers. The signatures are temporally unpredictable so each cohort must be ground truthed in using the variable ratios. Benjamin – oh, I'm sorry, I've already showed this slide.

But the purpose behind Benjamin's work and what the technical committee feels can be used in the future is to identify the source of the mixed stock in the Delaware River. He has already done the ground work or the preliminary work for 2004.

And if fish are collected from the Delaware system that are from the 2004 cohort these can be identified or the otoliths can be used to identify the origin of these stocks which would be of interest for stock assessment purposes. Thank you.

CHAIRMAN DIODATI: Okay, apparently we do need an action here if we're going to prioritize this and bring it to the policy board perhaps for some funding. Roy Miller.

MR. MILLER: I just have a quick comment. Thank you, Mr. Chairman. In regard to stock identification I think it would be more appropriate to identify Delaware Bay for that work as opposed to Delaware River. I don't think that Delaware River, per se, at least when we approach the Pennsylvania boundary, for instance, I don't think that stock ID is that much of an issue up there. But in Delaware Bay it certainly is. Thank you.

MR. ROBBINS: I'm sorry, Mr. Miller, I misspoke.

CHAIRMAN DIODATI: If there is no objection we can just move this to our consent agenda and not take any formal vote on this. How does that sound? A.C.

MR. CARPENTER: Just one question, what does identifying it as a research priority – does that just get in the list that is developed each year by the

technical, I mean by the PDT or is it a financial commitment on the part of the board here or the commission to actually fund this thing?

MR. ROBERT E. BEAL: I'll take a shot at that one. I think it's the former, A.C., where this research technique is put on a prioritized list. It's essentially moved to the top of that list. And if funding is available for shad work, either through the commission or some states or universities or wherever it's available, it's identified as a, or sort of endorsed by the commission as one of the, you know, prospective tools that could be used for stock identification and something we should look to fund in the future if we can find a way to do it. But I don't believe there is a commitment, a financial commitment based on the action of the board today.

CHAIRMAN DIODATI: Okay, well, because of the remarkable training I've had today we're 20 minutes ahead of schedule so if anybody wants to lay on the table or – oh, there's more. Sorry.

MR. BEAL: Well, I'm not going to lay on the table, but, under the technical committee report one of the recommendations that the technical committee made was with respect to the creel survey. And they indicated that the commission is working on a standard template for upriver creel surveys.

And I may have missed it but was there a consensus by the board to allow the states to postpone their creel surveys until that template is completed? Because I think some of the states may be on the hook to complete their creel surveys this year. I just want to make sure everybody knew what the expectations were.

CHAIRMAN DIODATI: We didn't acknowledge

that consensus but I, without objection that is also part of our consent agenda. So, I'll take that as a consensus, there is no objection.

MR. BEAL: Great. Thank you. I was just making sure where we are.

#### OTHER BUSINESS

CHAIRMAN DIODATI: Other business. Jack, did you have an opportunity to research your regulations regarding Mr. Calomo's question?

MR. TRAVELSTEAD: The ten fish per vessel is a possession limit and as such it would not, in my opinion, allow for the harvest of more than ten and then, you know, a later transfer of anything over ten to another vessel. The regulation doesn't specifically prohibit at-sea transfers but that might be something we'll have to put in. But I think it would certainly be enforced that way under the possession provisions.

#### ADJOURN

CHAIRMAN DIODATI: Other business. Seeing none, do I have a motion to adjourn?

MR. CALOMO: **So moved.**

CHAIRMAN DIODATI: Thank you.

(Whereupon, the Shad and River Herring Management Board meeting adjourned on Wednesday, January 31, 2007, at 2:00 o'clock, p.m.)

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