

Approved October 18, 2000

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**SHAD AND RIVER HERRING
MANAGEMENT BOARD MEETING**

October 18, 2000

Clearwater, FL

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SHAD AND RIVER HERRING AGENDA

1. Call to Order
2. Approval of the Agenda
3. Approval of the Minutes
4. Public Comment
5. PRT Report
 - a. State Compliance
 - b. FMP Review
6. Discussion of south Carolina Compliance
7. TC Report
 - a. Stock Assessment Update, if available
 - b. Update of Microchemistry Analysis/Ocean Intercept Fishery
8. Advisory Panel Nominations
 - a. Billy Farmer Addition
9. Other Business

VERBATIM MINUTES

**SHAD AND RIVER HERRING
MANAGEMENT BOARD**

Radisson Hotel Alexandria, Virginia

February 9, 2000

MOTIONS

Move to approve Technical Addendum #1 as presented. Motion approved without objection by voice vote.

Move that the Shad and River Herring Management Board recommend to the ISFMP Policy Board and the Commission that the State of South Carolina be determined to be out of compliance with Amendment 1 to the Interstate Fishery Management Plan for Shad and River Herring in that it has not implemented and enforced the recreational creel limit, that this measure is necessary to control fishing mortality, and that in order to come back into compliance the state must implement and enforce the required creel limit. Motion passed 14 votes in favor, 0 opposed , 4 abstentions

Move that the Board defer indefinitely the implementation of the mixed stock contribution surveys ocean landing stock composition study provision of the FMP; and that the Board strongly encourage those states under Amendment 1 to the FMP that are required to participate in juvenile abundance studies and the ocean contribution surveys to archive otoliths from those surveys in sample quantities as determined by the Technical Committee. Motion carries;18 in favor, 0 opposed, 1 abstention

The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel, Alexandria, Virginia, February 9, 2000, and was called to order at 7:40 o'clock a.m. by Chairman Ron Michaels.

CALL TO ORDER

CHAIRMAN RON MICHAELS: Good morning, ladies and gentlemen, we need to get started. I would like to call this meeting to order; and before we go any further, I would like to welcome two new individuals to the table this morning, Ritchie White from New Hampshire and Paul Diodati from Massachusetts. The first thing I would like to share with everybody is that we have a Horseshoe Crab Management Board meeting immediately following this one, so it's imperative that we stay on schedule. We simply don't have the luxury of running over an hour and a half like we did at the last meeting. So, if everyone will please do

everything possible to keep us on schedule, we will be through by 9:30. To help do that, please, if you would like to make a motion, write it down and read it, and that will save some time, too. Okay, with that, we'll have Heather do the roll call now, please.

(Whereupon the roll call was taken by Mr. Heather Stirratt.)

MS. HEATHER STIRRATT: Mr. Chairman, you have a quorum.

APPROVAL OF AGENDA

CHAIRMAN MICHAELS: Thank you, Heather. The next order of business is approval of the agenda. Does anyone have any corrections to the agenda as presented? Hearing none, I would entertain a motion to accept the agenda.

MR. PAT AUGUSTINE: So moved.

MR. WILLIAM ADLER: Second

APPROVAL OF MINUTES

CHAIRMAN MICHAELS: The agenda is approved as presented. Let's move along to approval of the minutes. Everyone should have received this in their packet of materials and hopefully had a chance to review them. Are there any corrections to the minutes?

MR. AUGUSTINE: Move to accept the minutes as presented.

CHAIRMAN MICHAELS: Do I hear a second?

MR. DAVID CUPKA: Second.

PUBLIC COMMENT

CHAIRMAN MICHAELS: All in favor of accepting the minutes as presented, signify by saying aye; opposed? The minutes are accepted. At this time, we'd like to entertain any public comment. Is there anyone who like to address shad issues? Sir.

MR. ROBERT MUNSON: My name is Robert Munson. I'm a commercial gillnetter from the New Jersey portion of Delaware Bay, and I target menhaden for sale as bait. New Jersey recently put in place a limited entry fishery for shad in response to the FMP, and I do not qualify for either of the

two types of limited entry shad permits issued by New Jersey. And while I don't target shad and use mesh sizes, which would generally be considered too small to catch them, the shad are unaware of that and I do catch some. I catch about two dozen roe shad and a similar number of bucks each year. In the past, I've cut up the bucks for sale as bait, and I take the roe shad at home and bone them and use them for personal use. Under the new New Jersey regulations, I can no longer possess gillnet-caught shad, and required by regulation to discard them. There are many other gillnetters in the same situation as I am. These regulatory discards may or may not amount to a significant proportion of the shad fishing mortality in Delaware Bay. But you as managers will never know, and that's because since I'm not in the fishery, I don't have to report it. I just have to throw them out. I think something is very wrong here. It's my understanding that ASFMC is supposed to be committed to reducing bycatch and regulatory discards, and not putting in place programs which increase them. Thank you.

CHAIRMAN MICHAELS: Does anyone have any questions for Mr. Munson? Thank you, Robert. The next agenda item is the FMP Coordinator Report, so I'll turn that over to Heather now.

FMP COORDINATOR REPORT

MS. STIRRATT: Good morning. In your packet, you will find a number of documents which are key to today's discussions. In the attachment section of your packet, there should be a copy of the technical addendum, which was discussed at the annual meeting; the minutes from the technical committee meeting held on January 10, 2000 and 2 letters; one from Pete Jensen, as well as one in response to that letter from Jack Dunnigan. I have also sent out, as recently as Friday, a faxed memo from myself to the Management Board, and the subject of that memo was the ocean-tagging situation right now. If any of you have not received a copy of that document, could you please let me know now by a show of hands, and I'll make sure that you get a copy. The first item under the FMP Coordinator's Report is Agenda Item 5a. As requested, this is the review and approval of Technical Addendum 1; and as I mentioned before, this is included in the packet. As requested during the November Board meeting, I have attempted to address all of the editorial changes in Technical Addendum 1, as discussed by the Technical Committee, and subsequently

approved by this Management Board last fall. The corrected tables to reflect these changes have been attached to the addendum, and if approved will be forwarded to all state and/or jurisdictional representatives on the Technical Committee, as well as on the Management Board. I also want to note that there were a few of the Technical Committee's suggestions that were more substantial changes than simply implicitly editorial in nature. These include the decision of which state should be responsible for the management and jurisdictional responsibilities over the Savannah River and how it should be monitored. There was some discussion amongst Technical Committee members as to whether that should be South Carolina's responsibility or Georgia. It was mentioned within the Technical Committee report at the annual meeting, and it seems to me that that would probably deserve a little bit more attention than simply making an editorial correction in the table.

I have, as a result, left it out of the tables in terms of hearing some discussion, hopefully, from South Carolina or Georgia on this issue. The second item was to decide how the Potomac River could be most efficiently monitored, and this issue arose in terms of trying to get a cooperative agreement amongst the various jurisdictions that sit along the Potomac River to cooperatively monitor that river system. The third item was to clarify target mortality and population goals in the FMP. It is possible that these items, or these issues could be best addressed in future addenda and/or amendments to the plan. Does anyone want to discuss the addendum?

MR. PAUL PERRA: Well, in order to move things along, I've looked at what's in the addendum, and I'm comfortable with that, so I'll move that we accept what's in here. Then we can deal with the other issues.

CHAIRMAN MICHAELS: So, your motion is to approve Technical Addendum Number 1 as presented?

MR. PERRA: Yes.

CHAIRMAN MICHAELS: Do I hear a second?

MR. AUGUSTINE: Second.

CHAIRMAN MICHAELS: All in favor of approving Technical Addendum Number 1 as presented to you, please signify by saying aye;

opposed? Okay, Addendum Number 1 has been approved.

Next, Heather, is the South Carolina compliance update.

MS. STIRRATT: Correct.

MR. JENSEN: Mr. Chairman, I'm sorry to be a little late on this, but in table 3, there are some notes about participate in ocean landings and composition study, and I think that's a subject to come up in the agenda, so I'm assuming that that may, in fact, be modified by the --

MS. STIRRATT: Pete, you're correct. Depending upon today's discussions, I would be happy to revisit that particular item as it is presented in the FMP, depending upon any action that's taken here today.

Okay, moving right along, Agenda Item 5b relative to South Carolina compliance update, during the 58th Annual Meeting, this body passed a motion to forward a letter to Dr. Sandifer, David Cupka, Senator Drummond and other key legislators specifying the urgency with which South Carolina must come into compliance with the Shad and River Herring FMP, and that was to be done by January 1, 2000. After executing this request, Commission staff has received no word of any intent by South Carolina legislators to rectify the situation. However, I would simply state that we need to get an update from South Carolina as to where they stand on this issue.

MR. CUPKA: Thank you, Mr. Chairman, I'll give you the short answer, which is no, we have not enacted the legislation necessary to come in compliance in terms of the recreational bag limit on shad. I would remind you that we are a legislative state, and that our agency has very limited regulatory or rulemaking authority, and certainly we don't have the authority to change things like bag limits. But we continuing to work with our legislature. They went in session about three weeks ago. It's very early in the session, and they're still getting organized and whatnot. We've got at least four months left in this legislative session, so there's plenty of time to get the legislation through. One thing I would ask for your consideration on -- I know we've done this in the past in terms of other states and their compliance and our compliance -- under the Atlantic Coastal Act, the Secretary does have the discretion to withhold imposing a moratorium for

up to six months. And, given the fact that we are working on this and still have at least four months left in our legislative session, when the letter goes forward to the Secretary regarding our non-compliance, I would hope that there would be some language in there urging him to use some of that discretion granted him under the Atlantic Coastal Act to give us time, during the rest of legislative session, to see if we can't come into compliance. So, that's where we are in the process, Mr. Chairman.

CHAIRMAN MICHAELS: Okay, so as I understand it, a recommendation by the Commission to find the state of South Carolina out of compliance would include language to allow them a certain length of time in which to come back in before any kind of moratorium would be imposed by the Secretary of Commerce?

MR. CUPKA: Well, like I say, I would urge the letter to include language. I know we've done that in the past. He does have the discretion to withhold taking any action for up to six months in terms of imposing moratorium; and given that we've still got at least four months in this session, if not more, I would like to see some language in there indicating that the Commission would like to see him use some of that discretion.

CHAIRMAN MICHAELS: Does anyone have any questions or comments for David? Jack.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Just to clarify that, the Atlantic Coastal Fisheries Act allows the Secretary, once the Secretary agrees with the Commission, to defer the effective date of the moratorium by up to six months. And the Commission has, in the past, often recommended that the Secretary use that authority in an instance where a state is actively seeking to bring its laws and regulations into compliance.

CHAIRMAN MICHAELS: Bruce.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. David, if such a letter is voted on at this time, what would be the most effective use of that letter so far as who it's to be addressed to? I mean, to send it to you, you already know the issue. Would it be more useful to send it to the President of the Senate, or wherever the ruling individual is of your legislature?

MR. CUPKA: I don't know who you'd normally copy. Obviously, the commissioner's will get a copy. I would suggest that it also go to the three legislators that received the earlier letter, I guess, back in November. Representatives Weatherspoon and Sharp, and Senator Peeler should certainly get a copy of that letter since their committees will be dealing with this issue.

MR. FREEMAN: If appropriate, Mr. Chairman, I would move that the Board recommend to the ISFMP Policy Board that such a letter be sent indicating that the Commission has determined South Carolina is out of compliance, and indicating a recommendation to the Secretary to allow South Carolina the six-month grace period.

CHAIRMAN MICHAELS: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, before you accept a second, compliance motions are a little technical because of the way the law is written, and I would ask to have a couple of minutes to put one together and give it to Mr. Freeman so that he can make a proper motion.

CHAIRMAN MICHAELS: That sounds fine.

MR. FREEMAN: Yes, that would be fine.

MS. STIRRATT: In the meantime, while that's ongoing, if I could have a show of hands of those who had not received the Ocean-Tagging Memo one more time, and I'll distribute that.

CHAIRMAN MICHAELS: Paul, I believe you had your hand up.

MR. PERRA: Yes, I have a question for David. David, one of the requirements for the Secretary to make his decision, the major requirement is that the action not taken by the state is necessary for conservation. Now, we know that this is a bag limit. I'm assuming that's necessary for conservation. But what we don't know is how big a fishery that is and when is the major fish recreational season? And that would be probably a factor that would be taken into account when the Secretary considers putting in the moratorium right away or delaying its implementation.

MR. CUPKA: Well, I think I've indicated before I would find it somewhat hard to believe that they could use that because it is a minor fishery, or recreational fishery, and I really don't think that the amount of recreational fishing going on is going to pose a threat to the conservation of stocks.

However, it is a requirement in the Act or in the plan, and we'd certainly like to be in compliance with that, regardless of the fact that it is a minor fishery.

MR. PERRA: I guess the issue is we're going to have to somehow try to at least qualify or quantify what a minor fishery is. Is it 5 percent of the catch, how many fish get taken, or something like that, that we'll have to use in our analysis, and I just wanted to get a heads up.

MR. CUPKA: Yes, I'm not sure exactly what procedure the Secretary goes through to make those determinations. Obviously, I'm sure there will be contact with our state to try and get whatever data is available to make that determination. But, having not gone through this process before, I'm not sure exactly how that works.

MR. PERRA: Well, you can talk to your colleague immediately on the side of you, and a few others. But basically, we'll come to the state and discuss and gather the data, and also contact the affected consults so we might ask for comments from the South Atlantic Consult on this one.

CHAIRMAN MICHAELS: Susan.

MS. SHIPMAN: Thank you, Mr. Chairman. As custodian of your Charter, sort of de facto custodian, the requirements under the Charter say, "The recommendation shall specifically address the required measures of the fishery management plan that the state has not implemented or enforced", and I think this is the point that you need to develop the record for, a statement of how the failure to implement or enforce the required measures jeopardizes the conservation of the resource. And that onus is on this Board in the recommendation send forward, to state how the failure of South Carolina to implement their bag limit would jeopardize the conservation of the stock.

CHAIRMAN MICHAELS: We're waiting on Jack, who is madly writing away. Okay, since we're a little pressed for time, while Jack is working on the motion, Heather is going to go ahead and give a very quick update on Agenda Item 5c. It's not an action item, it's just a point of information.

MS. STIRRATT: Agenda Item 5c deals with the status of Delaware and Virginia's recovery plan from the annual meeting. It was decided by this Board that as long as they submitted an addenda to their outlined plan for active participation and the next stock evaluation as documented in the amendment, then they would be considered in compliance by this Board. And I'd just like to update you all and let you know that both Delaware and Virginia did submit a plan addenda, which was worked in concert with the intention of this Board, and they were found to be in compliance with that section of their recovery plan. Although I would simply note that that may become a moot point depending on action pending here today relative to the tagging requirements in Amendment 1.

CHAIRMAN MICHAELS: Thank you, Heather. With that, let's go ahead and tackle the Aging Workshop.

MS. STIRRATT: I simply wanted to just update the Management Board that on January 10, 2000, the state of Delaware hosted a Shad Aging Workshop. This workshop was very productive terms of developing consistency and sample preparation and age validation techniques. The workshop also provided a forum for discussing variations and differences between Shad Aging Techniques; for instance, those methodologies used by scales and those used by otolith samples. Attendees agree that more research is needed to compare these two methodologies before any conclusions and/or recommendations can be made. The Commission would like to simply thank the state of Delaware for hosting this event. It was very productive, and we do appreciate your generosity.

CHAIRMAN MICHAELS: Byron.

MR. BYRON YOUNG: Is there going to be a report come out on the Aging Workshop?

MS. STIRRATT: Byron, it was my understanding that there were a number of presenters that were key to organizing that workshop. Unfortunately, it was not a Commission-sponsored event; therefore, you would not see anything coming out of Commission staff relative to that event. But it certainly could probably be developed with the help of those that were the keepers and were at that meeting.

CHAIRMAN MICHAELS: We've gone about as far as we can until we get the issue resolved on the South Carolina compliance. Since the Technical Committee report is coming up next, we're going to have to hold off on that.

MR. FREEMAN: Mr. Chairman, I have that motion if you'd like to accept that.

CHAIRMAN MICHAELS: Bruce, please do.

MR. FREEMAN: The motion I make is I move that the Shad and River Herring Management Board recommend to the ISFMP Policy Board and the Commission that the state of South Carolina be deemed to be out of compliance with the Shad and River Herring FMP in that it has not implemented and enforced the recreational bag limit; and that in order to come back into compliance, the state must implement and enforce the required bag limit.

CHAIRMAN MICHAELS: Second on that motion?

MR. AUGUSTINE: Second it.

CHAIRMAN MICHAELS: Pat seconded. Discussion on the motion? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Bruce, are you suggesting a particular timeline? Would it be possibly at the end of their session to have them come into compliance; in other words, their legislative group have not taken the necessary action to make this change, or time certain date?

MR. FREEMAN: I would, but, Jack, let me ask you the best way to proceed with that. I think we agree we'd like to give the time as Dave requested, but I'm not certain how we would best arrive at that.

EXECUTIVE DIRECTOR DUNNIGAN: The way we have handled that in the past is separately by consensus around the table, without it being a part of the motion; to have an understanding that when I write the letter, after the Commission takes action, to the Secretary, that I include in that the recommendation that the Secretary use his discretion.

MR. FREEMAN: I would simply, at the request of Pat, if there's any feeling to the contrary, we would leave that discretion to the Executive Director.

CHAIRMAN MICHAELS: Further discussion on the motion?

EXECUTIVE DIRECTOR DUNNIGAN: Mr. Chairman, let me suggest to the maker and the seconder of the motion and to the Board that there's a phrase that's added up on the wall that we didn't get to you, Bruce. The important phrase is the phrase on the sixth line down, "That this measure is necessary to control fishing mortality". Our rules require us to make a statement in there about why the particular measure is important to the conservation of the fishery. We've added that in, if you have no objection.

MR. FREEMAN: No.

EXECUTIVE DIRECTOR DUNNIGAN: Before we vote, we'll read it again into the record.

MR. FREEMAN: All right. If there's no objection, I'll just read this motion again:

Move that the Shad and River Herring Management Board recommend to the ISFMP Policy Board and the Commission that the state of South Carolina be determined to be out of compliance with Amendment 1 to the Interstate Fishery Management Plan for Shad and River Herring in that it has not implemented and enforced the recreational creel limit, that the measure is necessary to control fishing mortality; and that in order to come back into compliance, the state must implement and enforce the required creel limit.

CHAIRMAN MICHAELS: Any further discussion on the motion? Melvin.

MR. MELVIN SHEPARD: I just want to make an observation at this point that what Susan read awhile ago as a requirement, and that one line that says to control fishing management is certainly vaguely, vaguely trying to establish why there is such a need of the plan or a need to the Management Board. What I heard earlier was that we're not even sure that this would have much effect on the program. I find that to be really a weak reason for justification. That's an observation.

CHAIRMAN MICHAELS: Jack.

EXECUTIVE DUNNIGAN: What's important here under the way the law is written, it's not so much what one state's role in it has, and in this

case, for example, how much South Carolina's particular implementation of the creel limit would affect or not affect fishing mortality. What's important under the way the law is written is the measure itself and not the state's implementation of it. It may always be that one state, if they don't enforce a particular measure, their particular implementation won't have a significant impact on fishing mortality, perhaps. But the measure itself does when applied across on a coastwide basis. And it's necessary because, as we've learned around these tables so many times, everybody has to be a part of the program or the program suffers. So, what's critical here is the fact that the creel limit itself is an important part of the program, overall, that's been put together.

CHAIRMAN MICHAELS: Any further discussion?

MR. IRA PALMER: I guess to Jack, approximately how long after we vote for this will a letter actually go out, based on past experience?

EXECUTIVE DIRECTOR DUNNIGAN: The Policy Board and the Commission are required to act, I believe, within 30 days of receiving notification. And it would be my intention, since the Commission is not scheduled to meet this week, to defer the formal notification of the Policy Board and Commission until approximately March 5th or 10th, so that we could schedule their meetings for the April meeting week. If the Commission were to make the decision at the April meeting week, I have ten working days, under the law, to notify the Secretaries.

MR. PALMER: I guess this a follow up in terms of the Secretary's responsibility, so it could be actually four months before it actually goes out; because once you notify the Secretary, how much time again, overall time?

EXECUTIVE DIRECTOR DUNNIGAN: Paul probably knows this number better than I, but I believe they have 30 days to do consider it.

MR. PERRA: Right, we have a time clock of 30 days that we work under. We've never made the 30 days, even though we work very hard. More realistically, it turns into 60, 90, and a recent case it was 120 days, just because other things were going on at a higher level in government. So, it can be quite awhile, although we try to get it through as fast as we can. Thirty days is unrealistic. Sixty days, over the past history has been within sixty

days I think we've gotten most of them through. But, you never know. It depends on what's going on. As you know, when you deal with things that go up to higher levels in government, there are other priorities. But, we take it very seriously and we try to get it through as quick as we can.

CHAIRMAN MICHAELS: With that, I'm going to call the question, and I'm not going to reread the motion. Everyone knows what they're voting for. All in favor of the motion as presented, please signify by raising your hand; opposed; abstentions?

MS. STIRRAT: Mr. Chairman, that was 14 in favor, 0 opposed, and 4 abstentions.

CHAIRMAN MICHAELS: With that, the motion carries. Let's move right along with the Technical Committee Report. Russ, I'll turn it over to you know.

TECHNICAL COMMITTEE REPORT

MR. RUSS ALLEN: Thank you, Mr. Chairman. You should all have in your packet a copy of the Shad and River Herring Technical Committee meeting's minutes from January 10, 2000. I'll try to make this as brief as possible so we can move on into other things. We began our Technical Committee meeting with a presentation by Dr. John Olney from VIMS that was developed by Dr. John Hoenig, also from VIMS, which outlined a possible scenario regarding stock composition study on ocean tagging. We had a long discussion regarding this presentation, and we discussed the relative facts on whether or not it would be feasible to perform such an ocean tagging program that is mandated in Amendment 1. The presentation went on to say that an ocean tagging program would probably violate key assumptions with any modeling technique that's performed, and that would include the reporting rate not being known for different systems. There's no standardized fishing effort in any in-river system. Catchability coefficients were not known for the different systems, and then the fact that you have to have some type of fishing effort in the systems in question, and that would not be true in certain systems where there is no fishing. The main problem would be specifically for small stocks, and that brought up a whole new discussion as far as a plan and why we were mandated to do an ocean tagging study. And I used one comment in there that talked about, for instance, we managed to talk about American shad a lot different from

striped bass. Where striped bass was four stocks, four major stocks, and that's how we manage striped bass; for American shad, we're talking about 30 plus stocks, some of them as little as 100 fish in some of the east river systems. And to find one of those 100 fish in any ocean tagging or otolith microchemistry, DNA study would be nearly impossible; and to give you an idea on how that is, you can assume that there's maybe 5 million shad out on the coast. Now, there's probably a lot more than that, but it's just a round number. And if you were to say there's 100 fish in the Exeter River or something like that from the northeast, you're talking about 1 in 50,000 chance of catching one of those fish. Those are pretty slim chances. So, a tagging study, you would have to tag about 50,000 fish to get that one that you're looking for. And then, if you want to look at it, say we tag 5,000 fish a year, which is another number that is pretty high, I don't see that happening in the way that the tagging program was set up -- it would take about ten years to find that fish. So, it really doesn't do us any good when the fishery would be shut down in five years. And this was a major discussion at the Technical Committee, something that we had never really talked about before. And I presented things here at this Board, saying, you know, we've discussed this and we've discussed that. We never really got into the point that a small stock -- and after reading the plan, a small stock is what the plan is all about, that I can read. And I think the Technical Committee felt the same way. We also had a presentation given by Dr. Simon Thorrold from Old Dominion, resulting in a otolith microchemistry study paper that he had written and some current studies that he's doing on trace elemental signatures in those otoliths. He gave a very good presentation, but the same concerns were raised by the Technical Committee that although otolith microchemistry is probably better at tagging, you have more of a chance to get those small stocks identified, it's still that 50,000 chance of catching one for a certain small stocks, and that was a major concern. The otolith microchemistry averaged about 88 to 94 percent correctness in using juveniles from the Delaware, the Hudson, and the Connecticut. Using a maximum likelihood estimate, it came out to about 100 percent, which is very, very good. It's better than anything else we could ask for. Questions were asked on whether or not it would be a problem to perform this study with 30 or plus stocks instead of just three. Simon mentioned that it would not be a problem doing that. He had some very good data on the three stocks, plus he was doing some weakfish studies in

six different stocks, and things like that with adults. We then compared the two methodologies and we spent a lot of time working on that. It was a consensus by the committee that if you're trying to get these small stocks identified, that otolith microchemistry would be a better method than the tagging. And I think that was a major concern of this Board, and that's what the Technical Committee came up with. But, there's still that problem that it's not likely that you would come up with anything. A motion was made about this time by Dr. Vic Crecco from Connecticut that stated since Amendment 1 requires the phaseout of the ocean intercept fishery within the five years, the Technical Committee finds that no further analyses on stock composition are warranted at this time. This was quickly followed up with another motion, after that one passed, 14 to 1, and this one was made by Dr. John Olney, that stated, "The Technical Committee discussed the utility of an offshore tagging program, and decided that the estimates of stock composition derived from an offshore tagging program would be unreliable due to violations of numerous key assumptions" that I mentioned before. And that motion carried 12 to 3. There was a lot of discussion of these two motions before they were passed. There are a few people that are in this room right now that were at that meeting. If they want to have any comments, that would be great. But, we talked about the timing of the two motions, and having one motion that Dr. Crecco put out there first, being before the second motion, didn't quite make sense. There was some concern about that, but the thing was the motion was made. So, I've heard some questions regarding that. That's just the way they came about. There's no particular rhyme or reason behind that. But the one thing that should be mentioned, and I mentioned it twice already, that no matter what you do in the ocean, from what we understood at the Technical Committee, and what we have now with the otolith microchemistry DNA and tagging, was that it would not resolve small stock in the ocean, and there's no way to find those stocks without a little bit of luck. And I don't think the amount of effort that was going to be put forth into ocean tagging -- I believe we were talking about 500 fish per state, which is less than 3,000 fish -- would even come close to getting at what we are looking for. There were some other discussions regarding costs for the different programs, and it was decided that for the otolith microchemistry project, it would take about \$2,500 per system, to get a groundtruth, and that includes 50 juveniles at about fifty dollars apiece just for each river system up and down the coast to get the

original groundtruthing done. And then you would have to collect the adults from any mixed stock fishery for analysis on top of that. And it looked like from preliminary estimates from the different states that are going to do the tagging, that it was going to cost initially about \$125,000 to initiate the ocean tagging startup. So you're talking about this year would be \$75,000, give or take for groundtruthing to juveniles, plus any collection for otolith microchemistry, a collection of adults. And then it would be over \$100,000 for the tagging to begin. And that's pretty much it in a nutshell. I will accept the many questions that you have on the different methodologies, and if I need any help, I will turn to others in the audience.

CHAIRMAN MICHAELS: Thanks Russ. I am going to go ahead and open this presentation to discussion now. Roy.

MR. ROY MILLER: Thank you, Mr. Chairman. I had occasion to sit in on this particular meeting, and one observation that's reflected in the minutes is that in consideration of Dr. Crecco's motion, which passed, I was a little concerned that no information would be gathered in the ocean; and that if this Board ever wanted to consider at some point and time, when stocks have shown signs of recovery, if this Board wanted to consider reopening an ocean fishery, that data would still be lacking for future considerations. And that concerned us a little bit and was the subject of some discussion.

MR. JOHN CONNELL: I've always had some of the same concerns that Roy just expressed about the ocean fishery. Basically, we're closing it without really much scientific information, and we may want to revisit that some day. I don't think we're well founded in the action we're taking. Russ, I don't know if I missed it, or you didn't mention it, what was the results of that vote, the first vote on Vic Crecco's motion?

MR. ALLEN: That would have been 14 yes to 1 no.

MR. CONNELL: Okay, thank you.

MR. ALLEN: There was some discussion, as Roy said, regarding how a fishery could be opened without any data to suggest, you know, that it is recovered, or whatever. In the minutes, it does mention that the Technical Committee, in this discussion, mentioned once the restoration goals for the different systems have been reached, then it

might be time to open up the fishery; the problem being the way that the plan, that the Technical Committee saw the plan as written, it's based on dealing with small stocks, which probably will not be restored anytime in the near future. And that's what reads into the plan. It is small stocks, and you see it, and I've heard it mentioned at all the Board meetings and many of the technical meetings, and until those stocks are restored, I believe that is one of the main reasons why the ocean fishery was shut down. And until those stocks are restored, there shouldn't be any open fishery.

CHAIRMAN MICHAELS: Jack.

MR. JACK TRAVELSTEAD: Let me first say I agree with Roy's comments about the need for some study, hoping that some day that ocean fisheries would reach the probability that they could be reopened.

But, my major concern is this. I don't understand the Technical Committee's motion that just because we're phasing out the intercept fishery, that there's no need to further understand the stocks in the ocean. One of the arguments we have always had against the phaseout has been that it presents a false picture to the public in that the phaseout will not stop the mortality on American shad in the ocean. We just heard Mr. Munson this morning describe a very small amount of mortality that he puts on the stock in his gillnet fishery. Well, I can tell you that is just the tip of the iceberg. We have a number of gillnet fisheries off Virginia's coast that interact with shad every day that they are out there. And just because we phaseout the bringing of those shad to the shore does not mean that those fish aren't going to die. So, there's going to continue to be a tremendous amount of mortality on shad, even when we reach the point where the fishery is so called "phased out". We have told the public that this was the right thing to do, and they believed us. They thought, yeah, that'll be end of the mortality. All those shad that were being taken in the ocean will now make their way up the rivers to the spawning grounds, and the stocks will be eventually recovered. That's not going to be the case, and that's why we oppose the phaseout of the ocean fishery. And for the same reason now, we don't understand the Technical Committee's motion that because of the phaseout, we ought to just stop studying this. The same problems are occurring out there, and we certainly need to get a handle on

it, and it appears to me that the otolith microchemistry is the way to go.

MR. ALLEN: To answer your question a little bit, Jack, I mean, I agree with most of the things you mentioned there. We did discuss it clearly that because there's a five-year phaseout, and because we thought that there's no way you're going to get any reliable data in the next five years to amount to anything to change the way the plan is written -- we've discussed this many times at the Board that thought that, okay, if we can get a tagging study going, and in the next three years we'll have some data, well, it looks like, according to what was presented by Dr. Olney and the way the Technical Committee grasped those facts that were presented, there's not going to be any clear judgement on anything within the next ten years on anything that's going out there. Now one suggestion I do have that may make things a little bit easier on the different states is we have a mixed stock tagging program going right now. It's ongoing, it's been going on for five years in Delaware Bay. And it might be time to look at that dataset and say, "is that any good for anything?" If it is, then ocean tagging or some otolith microchemistry, or whatever might be done in the ocean; if it isn't, then this all becomes a null point anyway. We have a mixed stock tagging dataset that can be used and analyzed and it might be time to really put that through a rigorous testing by, if not the Technical Committee then maybe the striped bass tagging group that's been working on the same type of stuff for the last ten years.

CHAIRMAN MICHAELS: David.

MR. CUPKA: Thank you, Mr. Chairman. I certainly agree with Jack, at least in those areas where you still have gillnet fisheries, but in those states like ours where the only gillnet fishery we have offshore is for shad, certainly, you're going to have a positive impact if we phase those out. While I agree somewhat with his remarks for those areas where they still have other gillnet fisheries operating, that certainly wouldn't be the case in our situation in Georgia and some in the southeast region. The other concern I have is I would certainly like to see the data collected somehow. I'm not sure we've got the resources to do it, and to do it right. We imposed a lot of sampling requirements on ourselves and made them mandatory and this sort of thing. We all know what the financial situation is like. We're looking at a cut in funds that are available to conduct some of these studies. And I think it will be some time

before some of these small stocks are restored. That's not to say in the future maybe we shouldn't do some of this work, and maybe by then we'll have the financial resources to do it. But I'm just concerned now about, you know, using those resources and what we're going to get for the money. I've got some concerns on that.

CHAIRMAN MICHAELS: I have Bill Goldsborough, then A.C. Carpenter, then Jamie Geiger, and then Pat Augustine.

MR. WILLIAM GOLDSBOROUGH: Mr. Chairman, my comment was on a slightly different point, so I'll be happy to have you come back to me.

CHAIRMAN MICHAELS: Okay, A.C.

MR. A.C. CARPENTER: The key that I see here is not the first motion that was made by Dr. Crecco. It was the second one made by Dr. Olney that the Technical Committee, given all of this, says that we're going to violate all of the basic premises, so that we're going to just set ourselves up to ask a whole lot of questions that they're not going to be able to answer if we continue down this road of tagging. What I might suggest is that while the offshore fishery is still in progress, that it looks like this otolith work is the direction that we are headed. Can we arrange to have the otoliths from the dockside landings preserved in some kind of fashion, that as the onshore otolith work per system is developed, there will be a reserve of information sitting someplace to answer Roy's question about where these fish were coming from in the future? And, it looks to me like we were getting ready to spend 125 or \$150,000 to tag fish that the Technical Committee says is going to violate all of the key assumptions of tagging. Would not we be better off to try to preserve some of the otoliths from that ocean fishery in the meantime, until the technology catches up with that? It's a question.

CHAIRMAN MICHAELS: Jamie.

DR. JAIME GEIGER: Mr. Chairman, in reference to A.C.'s comments, I believe the Technical Committee did make a recommendation that both juveniles and ocean adults be collected and archived during the year 2000. I think that would be an excellent recommendation. If at all possible, I'd highly recommend that be done. On the other point, I think the key to this is refining more complete river-specific restoration goals and

concentrating our efforts in getting the best available scientific information to further refine those river-specific restoration goals. I know the Technical Committee has labored long and hard to attempt to come up with reasonable and scientifically justifiable in-river target restoration goals, and that has been, indeed, a long road. Our efforts, I think, will be much better placed to further refine that, continue to work on habitat issues, continue to work on restoring these small river stocks, and at some point in time, when we achieve these river-specific restoration goals, reopen this issue again. Thank you.

CHAIRMAN MICHAELS: Pat Augustine, Pete Jensen, and then Paul Perra.

MR. AUGUSTINE: Thank you, Mr. Chairman. In response to Mr. Miller's comment, there's absolutely no question that if we abandon our tagging efforts, we will have a big hole to look at in five years, assuming that this fishery does come back.

Crecco apparently, through Amendment 1, assumes that the ocean intercept fishery will not come back. And if that's true, then I guess we abandon our tagging in the ocean. However, to have a gap of two or three or four years and have to create a new dataset, without having had archived these fish that A.C. was talking about, I think we're doing the whole group and the Board a disservice. So, therefore, I would suggest that either through archiving or the Technical Committee make a recommendation as to how many years of datasets you must have in order to consider reopening of fishery. So, the question I would have for Russ is if, in fact, we end up an ocean tagging, how many years of dataset would be required in order to make or draw a conclusion that the fishery has recovered to a degree that an ocean intercept fishery could be considered as a viable means of harvesting these creatures again?

CHAIRMAN MICHAELS: Thank you, Pat. Pete.

MR. W. PETE JENSEN: I appreciate the very thorough report and the work of the Technical Committee. I think that was necessary, but I think there are a couple of other points.

One, let us not forget what we did when we said we were going to end the intercept fishery. The plan has called for a tributary of fisheries, and we have simply reinforced the idea that we will now have tributary fisheries, and it will not be an intercept fishery, and in effect what we've said is states are now responsible for your own fisheries

in your internal waters. And I'm not sure that the Commission has much of a continuing role when we move to that point of states now controlling the fisheries on 100 different stocks. And so, I still don't agree with an ocean fishery, but I also agree with Jack, and that is there is going to continue to be a bycatch intercept fishery that we're going to have to deal with perhaps at the commission level. And so I think we're beginning to define the problem a little better as to what we really did when we said no intercept fishery and what that leaves us with, which is in-state fisheries under the control of state jurisdictions, perhaps without the Commission. I believe, Mr. Chairman, that I would like to make a motion to reverse the motion that we took at the last meeting, at the appropriate time.

CHAIRMAN MICHAELS: Thanks, Pete. That's the motion that's listed in the previous meeting minutes, which was originally a substitute motion that passed and then went on again to proceed with the tagging program and look at the other options. Okay, Paul.

MR. PERRA: From my understanding, the otolith work just isn't taking otoliths from fish out of the ocean. You have to have a baseline, and you have to have otoliths from all the rivers you're interested in. So, if you just take the otoliths right now from fish in the ocean, I don't think we have a good baseline from along the coast. So we would need some kind of commitment, particularly from the people working on the restoring of stocks, to also archive the otoliths so that there could be a good database. Preferably, you'd want the otoliths taken around the same time because this is a new work and it might change with time if things happen in different river systems with the chemistry of the rivers, although, you probably could track that. But, I think the best approach, if we delay doing tagging, is to take some otoliths, but not only from the ocean, to try to get cooperation within the different rivers that we particularly have an interest in to get a good baseline.

CHAIRMAN MICHAELS: So what you're saying, Paul, is that the usefulness of the otoliths taken from the ocean is dependent on the comparison with those from the riverine stocks?

MR. PERRA: Yes.

CHAIRMAN MICHAELS: Russ.

MR. ALLEN: Let me see if I've got all of these questions, and I'll try to answer them all as I go through. Concerning the restoration goals in river, we have spent a lot of time on that as a Technical Committee. And I don't know, maybe once we can get through this finally, we might be able to start putting our time to that, and I think that would be a good thing to start with at our next meeting, I really do. We have some restoration goals, we have our plans in place. But, we stopped talking about it probably back in July or August, and we've been working on these kind of issues lately. As far as archiving otoliths, we were told we would need at least 50 juveniles taken from each system each year, and that will be fairly easy to do from both systems. There are current mandatory programs that are in place that will take care of that. As far as the ocean, that shouldn't be too hard either, because we need to go out and do mandatory reporting of catch and effort from the commercial fisheries. It could be dockside monitoring, it could be a matter of buying 50 fish, 100 fish.

But you're still not going to get at the small stock issue anytime soon. And that comes back to Pat's question on how many years it's going to take before you have enough datasets to reopen the fishery, and I don't see that happening. We didn't discuss that at the technical level, but I just don't see that happening without having the restoration goals in place and knowing exactly how long it's going to take for a system in the northeast that has a 100 fish to be restored. That's years and years down the line, and I just don't see that happening. I think those are most of the questions, I'm not sure, but I think I got most of them.

CHAIRMAN MICHAELS: Dick Snyder, then Lew Flagg.

MR. DICK SNYDER: Some of this is repeat from what Russ just went over, but I noticed in Amendment 1 there that we just went over, the Technical Amendment 1, many of the larger systems are mandated to have JI work done this year, and while it may not address the small systems like the 100 fish run, as an example, and the 3,500 fish run we have in the Lehigh River, I'll be delighted to get otoliths this year, because at least down the road it'll start to identify if we have a problem with a run of that size. So, we will gear up this year to take a few extra samples and archive them, but I also remain concerned with the problem Mr. Munson mentioned and I think Jack mentioned. The tip of the iceberg also somehow needs to be included in that sample, that there may

be some strategies there to work out the bycatch issue that may be having more of a direct effect than the directed intercept fishery. I'm glad to start sampling this year.

MR. ALLEN: Yes, I did forget about the bycatch issue as was mentioned by Dick. That was a major problem with the Advisory Panel and the Technical Committee when this was coming down the road three or four years ago. And we discussed bycatch, especially in the weakfish fishery off the coast of Virginia, Delaware, Maryland and New Jersey, and it's going to be a fishery that's still going to be out there regardless of how we do shad. It's a multi-species fishery, and there's not much you can do about it without shutting those other fisheries down. And it was one of the main concerns that the commercial fishermen on the Advisory Panel tried to tell everyone involved, and I don't think it got through too many people until now, and I think it has become a problem now.

And the way New Jersey has done, our limited entry, there's no way that we won't have any bycatch and discard.

CHAIRMAN MICHAELS: Lew, then Jack, then Roy.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. One of the issues about archiving data from the various riverine systems, it certainly does have some utility, but I think one of the problems will be that for some of the states, restoration efforts on some rivers haven't even begun. So, there will be no data -- there will be no baseline data available on a number of systems, particularly in Maine. Our largest river system, the Penobscot, has very, very few shad in it, and we would have to undertake a major restoration effort there to get something going, which is years away. So, even though there would be some benefit, perhaps, from archiving data now, there would be some major gaps associated with the fact that some of these rivers haven't even begun to see any type of restoration effort. With respect to the discard issue, I'd like to remind the board that this is not a situation that's unique to American shad. We have discard problems in every fishery that we manage. Even though it is a serious problem, I don't think we should allow a discard issue to cloud our thinking relative to how we want to manage American shad.

CHAIRMAN MICHAELS: Thanks, Lew. Jack.

MR. TRAVELSTEAD: Let me note for the group that back home we are considering a proposal from the Virginia Institute of the Marine Science to begin to collect the baseline data, collecting the juvenile shad for all of the Virginia tributaries, as well as most of the Maryland tributaries, and, I believe, one stock in North Carolina. It's an \$80,000 proposal. I do believe it will be fully funded. We're committed to this. I would certainly hope that other states might fall in line, perhaps not to that degree, but to some degree. I would further note that the Technical Addendum that we just approved has the list of the various states and the collections that are required to be made. I note that a number of the states are required to collect juvenile abundance, conduct a juvenile abundance survey. That would be a perfect opportunity to archive the juveniles so that the baseline could be done at some point in their river systems.

I also note that those states that have ocean intercept fisheries are required to collect data on those fish. That would be a perfect opportunity to collect and archive the otoliths of those fish so that at some point they could be studied. I think everything is in place to at least begin to collect quite a bit of information. I don't know that all the analyses would be done immediately, but certainly Virginia is going to move forward in that area. I would hope, Pete, you said you were going to make a motion at some point that you would include this archiving requirement for all of the states that are mentioned in the addendum.

CHAIRMAN MICHAELS: Thanks, Jack. I thought that was a good idea, too, with regard to the juvenile indices of abundance because if you're going to have the fish, anyway -- I think I read somewhere that for archiving purposes, if you can't get to them immediately, it's something as simple as freezing the fish until you can get to them. Roy.

MR. MILLER: I had a question, Mr. Chairman, in that regard. I believe I heard Russ say that 50 juveniles per system would be needed each year. Russ, does this otolith microchemistry change from year to year in a river system, or would a one-time sampling of 50 juveniles be sufficient to type cast a particular river system?

MR. ALLEN: As Dr. Thorrold had mentioned at our meeting, it's kind of on the cutting edge of otolith microchemistry. Not enough study has been done at this time. And although there may be some changes in a particular river system, you

know, in flood years compared to drought years, on the different chemicals, the elements that are in the otolith, the ratio of these elements shouldn't change much. But, there hasn't been enough baseline data to do that kind of study at this time, and doing adults, and having to know the age of the adult, and when they came, when they were in a system, what year, it's better to have it archived for now. And I know more studies have got to be done, and I know the Technical Committee has to talk about it some more, since we're going that way. It was only a short presentation, and it might be beneficial if Dr. Thorrold maybe even made the presentation to this Board, so it's better understood on how it works. And, I mean, I could talk to him and get back to you on that. I mean, that's far as I knew it. You saw some of what was going on at the technical level. But it seems like the ratio should not change much, although it's a lot easier to get the data from juveniles than it is from the adults.

MR. MILLER: Thank you, Russ. I had a follow-up, Mr. Chairman, if I may, and that was in regard to comments made by Dick Snyder and Jack Travelstead regarding bycatch. I just wanted to throw into the mix the fact that I had occasion to attend a Harbor Porpoise Take Reduction Team meeting here in Alexandria a few weeks ago, and that particular act that governs what mesh and twine size of gillnets may be used in coastal shad fisheries is still in effect, to the best of my knowledge. In fact, I have the word of mouth directly from the National Marine Fisheries Service yesterday. The Harbor Porpoise Take Reduction Act Team recommended unanimously that Delaware Bay be exempted from the provisions of that Act. But the Department of Commerce, to my knowledge to date, has not acted favorably yet on that recommendation. So, in effect shad fishermen along the coast and in Delaware Bay are still required to comply with the provisions of that act. And having heard a gentleman speak who is well known to this particular group, Mr. Ernie Bowden, a coastal gillnetter from Virginia, Ernie's statements were that this would severely impact shad fisheries and make it nearly impossible to catch mature females, or larger females, because in order to avoid the provisions of the act, coastal gillnetters would have to go to a small mesh size, 5 inches or less, or use this very heavy twine size. And it was Mr. Bowden's representation that this large twine size will not retain shad properly once the shad enters the net. So, coastal bycatch is probably going to

go down at least for larger size shads. I just put that out for you information.

CHAIRMAN MICHAELS: Thanks, Roy. Heather would like to speak to your comments.

MS. STIRRATT: Roy, simply to your points about where the National Marine Fisheries Service stands on implementing those new recommendations, I've been in contact with Greg Lamoncain of the National Marine Fisheries Service, and they're currently working on this. They're trying to find out exactly -- they want to have a better understanding of what's going on on the Commission level, and so I've been in contact with them to try to define to them what the Commission is doing relative to the ocean intercept phaseout. And to your point about retaining shad in the commercial gillnets of those mesh sizes that you were speaking to, I think the concern was that those particular gillnets would not retain roe shad, which is of particular interest to the commercial fishers.

CHAIRMAN MICHAELS: Okay, it's almost 9:00; we need to keep moving along. Pete, would you like to read the motion as it's stated on the screen?

MR. JENSEN: Yes. I would move that the Board defer indefinitely the implementation of the ocean landing stock composition study provisions of the FMP. And, I'm open to a friendly amendment from Mr. Travelstead.

CHAIRMAN MICHAELS: Jack.

MR. TRAVELSTEAD: First, Pete, let me ask you, by ocean landing stock composition study, you're referring to the tagging?

MR. JENSEN: The ocean tagging, yes. My plain wording would be to defer indefinitely ocean tagging. This language is the language out of the plan, and staff tells me that that is the proper way to refer to it.

CHAIRMAN MICHAELS: Clarification by Heather.

MS. STIRRATT: Actually, according to Amendment 1 in Section 3.2.2, it is entitled Mixed Stock Contribution Surveys, and that is the section which specifically refers to the tagging requirement. It might be more appropriate to name it as such. It's somewhat tricky in the language in

the amendment because it does bounce back and forth between an ocean stock contribution study and a mixed stock contribution study.

MR. TRAVELSTEAD: A follow-up, Mr. Chairman.

CHAIRMAN MICHAELS: Jack.

MR. TRAVELSTEAD: I'd like to offer an amendment to the motion that would require -- with the elimination of the tagging study, it would then require those states that under the current management plan are required to participate in juvenile abundance surveys and ocean population data collection, to archive otoliths from those samples in quantities and with a methodology as determined by the Technical Committee, so that that information, or those otoliths would be available for potential future otolith microchemistry study.

CHAIRMAN MICHAELS: Okay, seconded by Byron. Discussion? We never got a second on the original motion.

MR. TRAVELSTEAD: I'll second the original motion and then amend it.

CHAIRMAN MICHAELS: It sounds good. Okay, discussion on the amendment, amended motion? The second was by Byron. Jack, do you wish to speak to that?

MR. TRAVELSTEAD: Let me just add one thought, and that is not all states are required to do juvenile abundance work, and not all states are doing work in the ocean, but the intent of my motion would be to encourage all states to make these collections and archive them so that they would be available. And I think that can be done relatively easily with not too much cost.

CHAIRMAN MICHAELS: Okay. John Nelson.

MR. JOHN I NELSON: Jack just addressed what I was asking. I think a number of states are required to participate in the juvenile abundance, and so this adds an additional measure for them to deal with. But if the intent is to correlate it with for those states that are doing juvenile and ocean sampling, then that narrows it down to those that are required to do it. And if others are willing to do something, whether they're just doing their juvenile, that's up to them. Is that the intent of the motion?

MR. MICHAELS: That's a good point because I know from Georgia's standpoint, we dropped collecting juveniles indices of abundance after attempting it for ten years. We have no ocean fishery, and so we're not required to do either. But, I'm not sure we either have the manpower or the resources or the logistical capabilities of actually picking up a juvenile study just to archive the fish.

MR. NELSON: Yes, and I think that -- I don't have a problem if the states that may or may not be doing the juvenile try to do something to obtain some information. I think that's very worthy. It's just this looks like it's requiring those states to do things.

MR. TRAVELSTEAD: To that point, Mr. Chairman, I'm told by the Executive Director that the language should be changed to "strongly encourage" rather than "require", simply because we're not talking -- this is not a plan addendum or amendment. We're trying to do this simply by a motion that hopefully everyone would agree with. So, I would change the language in the motion to "strongly encourage".

CHAIRMAN MICHAELS: Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. I have a question of the original maker, Pete, the language for defer indefinitely. Was your intent that this issue could be raised again at some later date; and if we saw merit in the tagging, it be conducted; or that this issue would simply be dropped at this time?

MR. JENSEN: I would never pretend that this Board couldn't raise any motion or issue they wanted to raise, no matter what the motion says. My intention is simply to defer it indefinitely until we come back to it.

MR. FREEMAN: And then another comment I have relative to Jack's amendment. It seems if, in fact, this amendment passed, it would be ideal to have this issue discussed further by the Technical Committee to set the protocols for the collection and archiving. We've found in the past that people do these things differently, and you may archive information that you will find to be useless because it wasn't preserved properly, or kept properly. And I think if we're going to this amount of work, we should all understand how it should be done, and that ideally these be archived in a central location. And I would believe the Technical Committee could determine how best that be done.

MS. STIRRATT: To your point, Bruce, there was some discussion at the Aging Workshop relative to otolith collection and how it should be archived and stored. So, some of that information could certainly be discussed at the next Technical Committee meeting, given that that was not a Commission-related or Commission-sponsored event, and there were numerous, well, not numerous, but I would say at least 50 percent of the Technical Committee absent from that particular Aging Workshop. So, we can certainly do that, and if it's this Board's intent to move forward on this motion, I would make sure that it would be located in a central location.

CHAIRMAN MICHAELS: First of all, just a minor point to the language on the amended motion. Where it says "under the current FMP", it's going to need to say "FMP amendment Number 1". Pete.

MR. JENSEN: Mr. Chairman, just for the record, rather than having this as a separate motion, I accept this as a friendly motion and so they become combined.

DR. GEIGER: Mr. Chairman, I agree strongly with the comments made by Mr. Freeman, and also those raised by Mr. Miller, that I think it's imperative that we have a well-defined collection protocol. But more importantly, again, I am assuming technology will improve as the science improves this methodology and technology, but I think it's imperative that we make sure we have the necessary metadata on whatever water quality or chemistry we need for the rivers of choice and any climatic information that will be necessary to put any resulting data in some proper perspective. I would hate to go through all of this, and because of some oversight or omission, whatever good data we get through whatever excellent technical evaluation we have, with good science, that the baseline to interpret that information does not exist or is at worst cloudy. Thank you.

CHAIRMAN MICHAELS: Paul, and then Lew.

MR. PERRA: Basically, I see what we're doing is we're taking away a requirement for ocean tagging; and in lieu of that we're asking the states to collect the otoliths in the rivers and in the ocean. And, I would just like to see a show of hands of the states who were required to do the ocean tagging, and then of the states who would continue to do the

otolith in lieu of the ocean tagging, so we can see, just for a minute, if we do have a program or not. Because, basically it's going to be left up to them to do it. It's not going to be a requirement. How many states are required to do ocean tagging?

MS. STIRRATT: Paul, there were eight original states.

MR. PERRA: Just leave your hands up for a minute, and then put them down if you're not going to do the otolith. I mean it just -- so, pretty much most of them are going to do the otolith work, continuing. So, I'm comfortable with this motion.

CHAIRMAN MICHAELS: Lew.

MR. FLAGG: Thank you, Mr. Chairman. I have a bit of a question for Russ, I think. In terms of the otolith microchemistry, is there a shelf life to these samples? Did you have any discussion about how long these samples might be able to be preserved and still be useful?

MR. ALLEN: Yes, but I don't remember what it was, Lew. I know that Simon just basically said that you could freeze the samples, and that he would have no problem with them. They do deteriorate over time. He didn't seem to think that we would be waiting too long to do this if we were going to do it. So, I don't think the conversation got to, well, are they going to be good five to ten years. It depends on how they're collected, and as Heather mentioned for the Aging Workshop, the samples were done a little bit different from just freezing them, so it would be a question I'd have to go back to Simon on. If John could remember with your study, if Simon had said anything about that.

DR. JOHN OLNEY: Yes, Dr. John Olney, Virginia Institute of Marine Science. I think it's important to note that the nugget of information about the riverine chemical signature is encased in the core of the otoliths. So the otolith itself is protecting the vital information that would be obtaining, and the shelf life must be very long because of that. So, I think a frozen sample would probably be still analytical in three to five years. There's likely not a problem in that regard.

CHAIRMAN MICHAELS: A.C.

MR. CARPENTER: I support the concept here. I do have a question based on Jamie's comment

about the need to standardize and a need to have some ground rules for the Technical Committee. How long is it going to be before we can get the Technical Committee together, review this and get the information out? Are we going to be able to do it in time for this year's JI surveys and any runs that we get in this year?

MS. STIRRATT: I'll try and take a shot at that A.C. Relative to Commission staff, we would do our best to get a Technical Committee meeting together just as soon as possible. But I would also note that some of the southern states are already experiencing shad runs right now. And, in lieu of the previous motion that was made at the November meeting, and even in light of the pending Technical Committee's recommendations, I informed the states that they should go by what was adopted at the last Management Board meeting, in the absence of any action in the interim.

So, some of the states are actually trying to tag fish right now in the southern region based upon what was adopted in November, because their shad run started the first week of January.

CHAIRMAN MICHAELS: I have a question in regards to what Heather just said. These fish that are being archived are juveniles, right, and the juvenile indices are not occurring the same time as the adult spawning run? So there's plenty of time before summer and fall when the integrating juveniles can be collected and archived. So there is some time, since we're not at current considering the collection of otoliths from adults.

MR. ALLEN: Yes, I thought the motion was going to be for both, wasn't it, and that would mean that if you want to get the baseline data started in 2000, that some otoliths need to be archived at this time. But I don't think we need to have a Technical Committee meeting just to tell or explain to Georgia or South Carolina, wherever, that we need 50 otoliths from adults or 100 otoliths from adults from the ocean.

MS. STIRRATT: To that point, Russ, in conferencing with senior staff, we can get a conference call together with a majority or all of the Technical Committee state members and jurisdictions ASAP. I mean, I could do that as soon as next week, assuming that everyone's schedule permitted such a conference call to occur.

CHAIRMAN MICHAELS: I think that's a good idea, Heather. I think that the people who'd be involved in the conference call would prefer that over a meeting, too. It would be a lot more time and less expensive. Jack.

MR. TRAVELSTEAD: I would just suggest that you might want to include Simon Thorrold in that conference call as well.

MS. STIRRATT: And let me just propose this as a suggestion to the Management Board. Simon Thorrold would be more than willing, in speaking with him over the phone and via e-mail, to come and give a presentation to this Management Board if it would be useful information for you all to have.

CHAIRMAN MICHAELS: Okay, time is winding down, so I'm going to call the question. This has been a motion that has been amended, and I'm not certain whether the Board needs to have it reread or not.

If you all feel comfortable with what you're voting for, we don't have to go through that exercise. David.

MR. CUPKA: Yes, Mr. Chairman, point of clarification. Then this motion also becomes a part of the previous motion, so actually we're voting on both motions staying up there together, is that correct?

CHAIRMAN MICHAELS: That's correct. Do I hear any feelings from the Board members that the states needs a little bit of time to caucus, or can we just go ahead and take the vote? If there's no objection, we'll just go ahead. All those in favor of the motions together, please signify by raising your hand; okay, opposed; abstentions.

MS. STIRRATT: Mr. Chairman, the vote was 18 in favor, 0 opposed, 1 abstention.

OTHER BUSINESS

CHAIRMAN MICHAELS: Thank you, Heather. The motions carry. Now we'll move on to other business. Does anybody have other business? Bill.

MR. GOLDSBOROUGH: This is not other business, Mr. Chairman, but the point I wanted to make before regarding the reason and the justification for closing the ocean intercept fishery, and just to clarify for the record of this meeting,

what this Board did was it did not set out to close the ocean fishery, per se, but it set out to implement the recommendation of our scientific peer review to implement river-specific management. And given that the ocean fishery was known to be a mixed stock fishery, closing the ocean fishery was viewed as necessary means to that end. Thank you.

CHAIRMAN MICHAELS: Other business? I have one point. January 25th I received a letter from the New Hampshire Fish and Game Department requesting de minimis status in regard to Amendment I to the Interstate Fisheries Management Plan for shad and river herring. Just to address this request, John, it was not included in today's agenda. I received some information from Heather stating that any request for de minimis must first be approved by the Technical Committee and then subsequently forwarded to the Management Board.

MR. NELSON: That's fine, Mr. Chairman. I can live with that.

CHAIRMAN MICHAELS: Thanks. Is there other business? We've adjourned. (Whereupon, the meeting was adjourned at 9:15 o'clock a.m., February 9, 2000.)

ASMFC Shad & River Herring Management Board Attendance

Alexandria, VA
Wednesday, February 9, 2000

<i>BOARD MEMBER</i>	<i>AFFILIATION</i>	<i>PRESENT/PROXY</i>
Sen. Jill Goldthwait	Maine	A
George Lapointe		Lew Flagg (P)
Pat White		A
Rep. Dennis Abbott	New Hampshire	P
Ritchie White		P
John Nelson		A
Rep. Anthony Verga	Massachusetts	A
William Adler		P
Paul Diodati		P
Rep. Eileen Naughton	Rhode Island	A
David Borden		P
Gil Pope		A
Sen. George Gunther	Connecticut	A
Ernest Beckwith, Jr.		P
Lance Stewart		P
Sen. Owen H. Johnson	New York	Brian Cullhane (A)
Pat Augustine		P
Byron Young		P
Sen. C. Louis Bassano	New Jersey	Tom Fote (P)
John Connell		P
Bruce Freeman		P
Frederick Rice	Pennsylvania	A
Pete Colangelo		Richard Snyder (P)
Jeffrey Coy		A
Rep. John Schroeder	Delaware	A
Andrew Manns		Roy Miller (P)
Timothy Targett		A
Del. Ronald A. Guns	Maryland	A
William Goldsborough		P
Eric Schwaab		Peter Jensen (P)
Ira Palmer	Washington, DC	P
A.C. Carpenter	PRFC	P
Sen. John Chichester	Virginia	A
Bill Pruitt		Jack Travelstead (P)
Catherine Davenport		P
Rep. E. David Redwine	North Carolina	Melvin Shepard (P)
Preston Pate, Jr.		P
Damon Tatem		A
Sen. John Drummond	South Carolina	A
David Cupka		P
Dr. Paul Sandifer		A
Rep. Bob Lane	Georgia	A
Ralph Balkcom		A
Ron Michaels		P
Cathy Barco	Florida	
Russ Nelson		William Teehan (P)
Dr. Jaime Geiger	USFWS	P
Paul Perra	NMFS	P
Patricia Jackson	AP Rep.	A

Russ Allen	TC Rep.	P
Capt. Lawrence W. Kelly	LEC Rep.	P