

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC MENHADEN MANAGEMENT BOARD**

**May 10, 2006  
Arlington, VA**

Approved August 16, 2006

## ATTENDANCE

### Board Members

Terry Stockwell, ME DMR  
Sen. Dennis Damon, ME Leg. Appt  
Pat White, ME Gov. Appt  
John Nelson, NH F&G  
G. Ritchie White, NH Gov. Appt.  
Dennis Abbot, NH Leg. Appt  
William Adler, MA Gov. Appt.  
Paul Diodati, MA DMF  
Vito Calomo, MA, proxy for Rep. A. J. Verga  
William Adler, MA Gov. Appt.  
Mark Gibson, RI DFW  
Gil Pope, RI, proxy for Rep. E. S. Naughton  
Everett Petronio, Jr. RI Gov. Appt.  
Eric Smith, CT DEP  
Dr. Lance Stewart, CT Gov. Appt.  
Gordon Colvin, NY DEC  
Brian Culhane, NY, proxy for Sen. O. Johnson  
Erling Berg, NJ Gov. Appte.  
Peter Himchak, NJ DF&W  
Jeff C. Tinsman, DE Div F&W

Bernard Pankowski, DE, proxy for Sen R. Venables  
Timothy Targett DE Gov. Appt.  
Howard King, MD DNR  
Russell Dize, MD, proxy for Sen. R. Colburn  
Bruno Vasta, MD Gov. Appte.  
A.C. Carpenter, PRFC (Vice Chair)  
Jack Travelstead, VMRC (Chair)  
Niels Moore VA, proxy for Sen. J. Chichester  
Preston Pate, NC DMF  
Damon Tatem, NC Gov. Appte.  
Jimmy Johnson, NC, proxy for Rep. W. Wainwright  
Robert Boyles, Leg. Appte.  
John Frampton, SC DNR  
Malcolm Rhodes, SC Gov. Appte.  
John Duren, GA, Gov. Appte.  
Susan Shipman, GA CRD  
Gil McRae, FL FWCC  
April Price, FL Gov. Apte.  
Steve Meyers, NOAA Fisheries  
Jamie Geiger, USFWS

### Ex-Officio Members

William Windley., Advisory Panel Chair

Behzad Mahmoudi, TC Chair

### Staff

Vince O'Shea  
Robert Beal

Nancy Wallace  
Julie Nygard

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## Summary of Motions

**Move to grant *de minimis* status to South Carolina, Georgia and Florida.**  
Motion made by Mr. Calomo, second by Ms. Shipman. Motion carries.

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

**ATLANTIC MENHADEN MANAGEMENT  
BOARD**

**Doubletree Hotel Crystal City  
Arlington, Virginia**

**May 10, 2006**

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the Doubletree Hotel Crystal City, Arlington, Virginia, Wednesday morning, May 10, 2006, and was called to order at 1:00 o'clock p.m. by Chairman A.C. Carpenter.

**WELCOME**

CHAIRMAN A.C. CARPENTER: Ladies and gentlemen, if I could have the board members take their seats so we can get started. Good afternoon. This is the Atlantic Menhaden Management Board, for any of you that thought you were somewhere else.

I'm A.C. Carpenter, the Chairman. We are graced today to have our Vice Chairman sitting here so that if anything dramatic happens to me he can take over without the slightest beat here, but it is going to be my policy as Chairman to have the Vice Chairman sit at the table with us, just to kind of deflect anybody that might want to get confused.

**APPROVAL OF AGENDA**

CHAIRMAN CARPENTER: With that, welcome, everybody. The first item is the Approval of the Agenda. Is there any change or modification of the agenda that has been distributed in a secondary mail out? Seeing none, we'll consider the agenda approved and adopted.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN CARPENTER: The next item is the Approval of the Proceedings from the February 2006 Meeting. These were distributed and were sent out on the CD. Are there any additions, deletions, or corrections to those minutes? Seeing none, we will accept them and they are hereby approved.

**PUBLIC COMMENT**

CHAIRMAN CARPENTER: Next is Public Comment. As the commission's usual and customary practice, we will accept public comment at this time for items which are not necessarily on the agenda. Items that are on the agenda, the public will be given the opportunity to comment during the meeting. Is there any public comment at this point?

Seeing none, we will move on then to Item Number 5, which is the Update of Addendum II Implementation Plans and I'm going to call on Jack Travelstead to please bring us up to date.

**UPDATE ON ADDENDUM II  
IMPLEMENTATION PLANS**

MR. JACK TRAVELSTEAD: Thank you, Mr. Chairman. There's not a whole lot of new information to report. As you know, we have kept Vince O'Shea and the staff and you up to date throughout the process since the adoption of the addendum.

Previously, we had reported that the Governor of Virginia was given proclamation authority over menhaden issues by the General Assembly last year. The legislation that gives him that authority unfortunately contains a provision that says that authority is not in existence when the General Assembly is in session.

Currently, the Virginia General Assembly is in a historic situation in that it's now into its longest legislative session it has ever had in its history. They're dealing with some controversial transportation and budget issues and they're in a special session.

I cannot tell you, nor can anyone else I guess, tell you when that session might end, but the fact that they are in session prevents the Governor from utilizing any of his proclamation authority. The Governor has previously written the board and indicated that he is very willing to consider a cap on the harvest of menhaden in Chesapeake Bay and that is still true today.

He's simply waiting for the General Assembly to finish their responsibilities and go home. Hopefully I'll have something different to report to you at your August meeting, but essentially that's all I can report at this time.

I have just one addition and that is the fact that the

General Assembly is still in session, and they certainly have the authority to adopt menhaden legislation, that possibility exists as well, although I think their attention is really toward these transportation issues at this point, but both possibilities, both legislation and proclamation possibilities, are there.

CHAIRMAN CARPENTER: Thank you, Jack. Are there any questions for Jack from any of the board members? Seeing none, I think that we were faced with this situation at our last meeting and at that point in time we took no action.

It would be my recommendation to the board and my intention to proceed with no other action at today's meeting, pending Virginia's opportunity now to -- They have two methods where they can come into compliance before the end of June and unless I hear something --

MR. HOWARD KING: I had previously intended to introduce a motion to move this process forward. However, and hearing what Jack has just had to say and understanding the situation in which Virginia finds itself, I want to reiterate that the addendum is clear. We all are acting in good faith that the process will be completed and that a cap will be implemented.

Maryland at this point is especially interested in the process and the implementation, but we do still view this as an internal Virginia issue, until such time that it's obvious that the state cannot comply and that the cap is not implemented. I certainly side with Jack and sit with Virginia and look forward to pursuing this between now and the next meeting. Thank you.

CHAIRMAN CARPENTER: Thank you, Howard. I think with that we will move on then to Agenda Item 6, which is the PRT Report of the 2005 State Compliance Reports and I'll ask Nancy to go through those. These were also mailed out just recently to everyone.

#### **PRT REPORT ON THE 2005 STATE COMPLIANCE REPORTS**

MS. NANCY WALLACE: The Atlantic Menhaden State Compliance Reports are due on April 1<sup>st</sup> and we wanted to present the board the recommendations of the Plan Review Team, since we were able to review all of those compliance reports. Usually this is done with the annual FMP review. The FMP review in full be reviewed at the annual meeting after the stock assessment has been completed and so this is just kind of an insert of the

FMP review.

The status of the management measures, there are no regulatory recommendations contained in Amendment 1 or Addendum 1 of Atlantic menhaden. The only compliance requirement is that all states are required to implement a reporting requirement that all menhaden purse seine and bait seine vessels be required to submit the captain's daily fishing reports or some other reporting system that was in place.

The PRT reviewed all the state compliance reports. These are available on our website and there are copies of each state's compliance report on the back table if anybody would like to see a copy. We determined that all of the states are in compliance.

The two states that we previously had to follow up with were Massachusetts and Rhode Island and they have implemented the SAFIS system and the Plan Review Team has determined that that does satisfy the criteria of the amendment.

South Carolina, Georgia, and Florida have requested *de minimis* status. The PRT recommends that they should be granted *de minimis* status, but they should still submit annual compliance reports. In the past, South Carolina and Georgia have requested and been granted *de minimis* status. This is the first time that Florida has asked for *de minimis* status and the PRT feels that their landings are sufficient to be granted that.

The PRT requests that all menhaden bait landings are reported to the TC, even though the compliance criteria is related to the purse seines and with that, that's the end of the compliance reports and so I would be looking for a motion from the board to grant South Carolina, Georgia, and Florida *de minimis* status.

MR. VITO CALOMO: **So moved.**

CHAIRMAN CARPENTER: I have a move from Vito and a second from Susan Shipman to grant *de minimis* status to South Carolina, Georgia, and Florida. Is there any discussion of the motion? Is there a need for any caucus for the motion? **In that case, all in favor say aye; opposed same sign; null or abstentions. The motion carries.** That completes your report?

MS. WALLACE: That completes our report. At the annual meeting, we'll be presenting the FMP review and at that time, we'll need a motion from the board to accept that report.

## UPDATE ON 2006 ATLANTIC MENHADEN STOCK ASSESSMENT

CHAIRMAN CARPENTER: The next item on the agenda is the Update of the 2006 Atlantic Menhaden Stock Assessment and Dr. Mahmoudi is going to present us with that.

DR. BEHZAD MAHMOUDI: Thank you, Mr. Chairman. Mine is going to be short also. Our Stock Assessment Subcommittee will be meeting in July in North Carolina to conduct a stock assessment of menhaden. The assessment methodology would be similar to the 2003 assessment method, which is age structure forward projection model, which was peer reviewed in 2004.

That means the 2006 assessment would generate a coastwide fishing mortality estimate and population fecundity estimates that can be compared to the commission's reference levels. By the end of the summer, we will be able to generate new information on the status of menhaden coastwide.

This also would -- As I mentioned, it's generally coastwide information and not regional specific. As most of you know, the commission has supported many research studies in Chesapeake Bay to provide additional information regarding Chesapeake Bay that can be included in a future stock assessment for a regional specific population estimation and reference points.

In the last Technical Committee meeting in Providence, we reviewed fishery dependent and fishery independent and some of the other parameters going into the model and if you like, I can highlight some of those and if you would prefer not to -- They're in the report summary in the back of the room.

CHAIRMAN CARPENTER: I think we're a little bit ahead of schedule here and so if you could summarize some of highlights, I think it would be beneficial to everyone.

DR. MAHMOUDI: I can do that. On the fishery dependent side, we reviewed reduction and bait fishery catch statistics for 2002 through 2005. Landings overall were down about 20 percent from the previous year in 2005 and this was mostly due to Beaufort fishery in North Carolina not fishing in 2005. Reduction landings were about 20 percent lower in 2005, due to the reduction in landing in North Carolina.

The bait landing increased by 8 percent in 2005 with

Virginia, New Jersey, and Maryland contributing to 94 percent of the bait landing. In 2005, bait landing accounted for 20 percent of the total menhaden landings.

The Maryland poundnet landing of menhaden doubled in 2005 and we believe -- We asked one of the members to investigate this further, what was the reason for the increase, the doubling, of menhaden landings by the poundnet fishery.

On the fishery independent data review, we reviewed the North Carolina Seine Survey, the Virginia Striped Bass Seine Survey, the Maryland Striped Bass Seine Survey and in Connecticut, the seine survey, and in Rhode Island, the seine survey. We made suggestions for developing an aggregate composite seine indices going into the assessment.

The annual Potomac River poundnet catches of menhaden were using the 2003 assessment. We used the number of licenses for developing that CPUE. We suggested to refine that and using the day fish survey, based on your presentation to our committee.

We also discussed the natural mortality input into the model and a new age specific natural mortality from a multispecies virtual population analysis will be included into the assessment. We also, just quickly, were briefed and updated on the progress of the LIDAR Study in Chesapeake Bay.

This study is expected to start in early September of 2006. The researchers are still in need of a boat to conduct the ground truth part of the study. The NOAA Chesapeake Bay Office gave us an update on the research program that that office funded and it is important to note that the NOAA Chesapeake Bay office in 2005 dedicated close to a million dollars to menhaden research in the Chesapeake Bay area.

We also received an update on the diet study in North Carolina that will be included in the multispecies model to improve and better calibrate the MSVPA model. We reviewed some of the research recommendations. We reviewed the need for a menhaden productivity study by area to better weight a CPUE and size and catch and size and age data going to the model.

We discussed the need for a new size age at maturity research by geographical region and the need for a fishery independent adult index for tuning the model and a need for economic data for commercial menhaden reduction in the bait fishery. That, Mr. Chairman, concludes my report.

CHAIRMAN CARPENTER: Thank you for a very complete report and I see a hand raised.

MR. PETER HIMCHAK: I just have a remark. One of my last duties on the Menhaden Technical Committee was to compile the bait landing data for 2005 and it's a noticeable increase when you look at Maryland and Virginia's bait landings from 2004 to 2005.

They have cumulatively increased by twelve-and-a-half million pounds and if we're capping the reduction fishery for the next five years, based on its landings pattern from 1999 to 2004, it seems that not having any restrictions on the bait landings is somewhat counterproductive, because twelve-and-a-half million pounds of menhaden is a lot of forage fish for striped bass and other species.

If nothing else, I'm just raising the alarm that if this cap on the reduction fishery is to last five years, that perhaps the bait landings should be closely monitored to see if they again step up in 2006. They've stepped up noticeably since 1999 and I'm just bringing that up as a comment at this point. Thank you.

CHAIRMAN CARPENTER: Thank you, Pete.

MR. WILLIAM ADLER: Thank you, Mr. Chairman. I just wanted to ask something of the -- The comment that was made that the reduction fishery landings were down because the Beaufort plant wasn't functioning, is there any reason why that happened, that they didn't fish for them?

DR. MAHMOUDI: I may ask -- Joe Smith is back there and he can actually give a much better accounting of that than I can.

MR. JOSEPH SMITH: I'm Joseph Smith of the National Marine Fisheries Service Beaufort Lab. The reason why Mr. Wheatley didn't operate in 2005 I think is purely a family decision. It's a family-owned business and from what I understand, there's strife among the family whether they should operate or close down and sell out to developers.

It was a decision not to operate in 2005. I don't think it's any big secret that coastwide Beaufort fisheries accounts for up to 15 to 18 percent of the coastwide reduction landings and that's what you see. The 2005 coastwide reduction landings were around 148,000 metric tons, down from the 160 or 170 level the previous couple of years and so that's pretty much the difference.

The other difference in 2005 was the Omega fleet had a pretty poor season after, quote, bay season, after the bay closes in I think it's the third Friday in November. They were pretty much hemmed into the mouth of the bay and didn't get the opportunity to go down the beach into off the northern North Carolina outer banks and fish on those migratory fish. It was just bad weather late November and December and so that's pretty much the answer for the decline in the landings.

CHAIRMAN CARPENTER: Thank you very much.

MR. GORDON COLVIN: I just had a question on the fishery independent data. The commission's Management and Science Committee has been working on a modeling exercise looking at the cumulative effects of power plants on menhaden dynamics coastwide and I'm wondering whether the compiled set of data from the various utility monitoring efforts up and down the coast has been looked at or has any value, some or all of it, as a fishery independent dataset to supplement those that we're using now.

DR. MAHMOUDI: We discussed that and if I'm correct, Nancy, I think it was decided for the next assessment, for 2009, we definitely to -- For the peer-reviewed assessment, those time series would be included.

EXECUTIVE DIRECTOR VINCE O'SHEA: Dr. Mahmoudi, when you gave your report about the increase in bait landings, I thought you mentioned Maryland, Virginia, and New Jersey and I know there was discussion about the growth in landings from Maryland and Virginia. Was there growth in the New Jersey landings and out of curiosity, do you know if there's a cap on the New Jersey bait fishery?

MR. HIMCHAK: Behzad, our fishery has no cap. It has been decreasing by about several million pounds every year. It continues to decrease. It went down 2,000 metric tons and it's like -- What Behzad was referring to, the three states collectively make up about 85 percent of the bait landings on the Atlantic coast.

We've seen a shift in the bait landings where the Cape May landings have gone down by about two-thirds and Virginia has picked it up and now Maryland has picked it up.

MR. GIL POPE: I'm just curious about the bait landings. Do you think it was an increase in the

abundance at the time or an increase in effort by those two states?

CHAIRMAN CARPENTER: I can speak for the Potomac River. We are strictly a poundnet fixed gear device fishery for menhaden and we had no increase in the effort and we saw our landings go up in 2005.

MR. NEILS MOORE: I have a question about recruitment. I'm interested in what 2005 recruitment looked like. At this point, are you able to characterize or give the board some idea of the relative magnitude of the indices for Virginia, Maryland, and the PRFC?

DR. MAHMOUDI: I don't really believe I can do that right now. Doug Vaughan from NMFS as we speak is working on treating those data. We discussed the nature of those data going to the assessment in the last data workshop we had, but we did not have all the data together to look at the trends in the recent years.

CHAIRMAN CARPENTER: Thank you very much. Moving on to the next agenda item, is there any other business to come before this board?

#### **OTHER BUISNESS**

DR. JAMIE GEIGER: I have just a comment. I note with interest that there's a symposium going on about microbacteriosis, I believe, on the other side of the bay right now and I would urge that the results or conclusions or recommendations coming out of that workshop be provided to the Technical Committee. In doing their stock assessment, it may be valuable for them to have the information, as well as possibly our Striped Bass Technical Committee.

CHAIRMAN CARPENTER: Thank you. Nancy has made a note of that and we'll try to get that information to the proper technical committees. Being no other business, I'll call for a motion to adjourn. We have several motions and we stand adjourned.

#### **ADJOURNMENT**

(Whereupon, the meeting adjourned at 1:25 o'clock p.m., May 10, 2006.)

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