

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

**February 9, 2005  
Radisson Old Town Alexandria  
Alexandria, Virginia**

## ATTENDANCE

### Board Members

Lew Flagg, Maine DMR	Bernard Pankowski, proxy for Sen. Venables (DE)
Doug Grout, proxy for John Nelson (NH FGD)	Larry Simms, proxy for Sen. Colburn (MD)
David Pierce, proxy for Paul Diodati (MA DMF)	Bruno Vasta, Maryland Gov. Appte.
William Adler, Massachusetts Gov. Appte.	Jon Siemien, DC F&WD
Eric Smith, Connecticut DEP	A.C. Carpenter, <b>Chair</b> , PRFC
Fred Frillici, proxy for Senator Gunther (CT)	Jack Travelstead, Virginia MRC
Byron Young, NY DEC	Kelly Place, proxy for Sen. Chichester (VA)
Pat Augustine, New York Gov. Appte.	Preston Pate, North Carolina DMF
Bruce Freeman, New Jersey DFG&W	Damon Tatem, North Carolina Gov. Appte.
Ed Goldman, proxy for Asmblymn. Smith (NJ)	John Frampton, South Carolina DNR
Tom Fote, New Jersey Gov. Appte.	Robert Boyles, proxy for Sen. Drummond (SC)
Mike Kaufmann, Pennsylvania FBC	Spud Woodward, Georgia DNR
Eugene Kray, proxy for Rep. Schroeder (PA)	Steve Meyers, NMFS
Roy Miller, Delaware DFW	Jaime Geiger, US FWS

### Ex-Officio Members

Mike Hendricks, TC Chair

### ASMFC Staff

Julie Nygard

Lydia Munger

Bob Beal

### Guests

Anne Lange, NMFS  
Bill Cole, US FWS

Dan Dogan  
Gregory DiDomenico, GSSA

*There may have been others in attendance who did not sign the attendance sheet.*

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## MOTIONS

**Move to approve the 2004 FMP Review.**

Motion made by Mr. Adler, second by Mr. Young. Motion carries.

**Move to approve the terms of reference for the 2005 stock assessment including the 8<sup>th</sup> item as discussed.**

Motion made by Mr. Augustine, second by Mr. Kray. Motion carries.

**Move to elect Mr. Kray as the Vice-Chair of the Shad & River Herring Management Board.**

Motion made by Mr. Pankowski, second by Mr. Augustine. Motion carries.

**Move to approve the nomination of Mr. Anderson to the Advisory Panel as presented.**

Motion made by Mr. Freeman, second by Mr. Adler. Motion carries without objection.

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

**SHAD AND RIVER HERRING  
MANAGEMENT BOARD**

**Radisson Hotel Old Towne  
Alexandria, Virginia  
February 9, 2005**

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The Shad and River Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Wednesday, February 9, 2005, and was called to order at 5:40 p.m. by Chairman A.C. Carpenter.

**WELCOME & INTRODUCTIONS**

CHAIRMAN A.C. CARPENTER: Ladies and gentlemen, I'd like to call the Shad and River Herring Management Board to order. We are a little bit late getting started this afternoon. This is my first attempt at being chairman of the Shad and River Herring Board, and I'd like to thank everybody for your vote of support and confidence.

**BOARD CONSENT**

The first thing on the agenda is to note the agenda and see if there's any additions or changes. We do have one change. We do have some advisory panel nominees to consider and we'll take that up under other business.

The next thing is the proceedings from the August 27, 2002, board meeting. Copies of those were distributed. Are there any additions, deletions, or corrections to those proceedings?

MR. PATRICK AUGUSTINE: Motion to accept those. I see no changes or corrections, Mr. Chairman.

**PUBLIC COMMENT**

CHAIRMAN CARPENTER: Without objection, we will note that they have been approved and are accepted. The next item on our agenda is the public comment period, and this will be the opportunity for any members of the public who want to address the board to come forward now.

We will also entertain public comments as we move through the agenda, as we will try to get any comments. Are there any public comments at this time? Seeing none, Eric, are you public?

MR. ERIC SMITH: I sure am, sir, Mr. Chairman. I was a little tardy getting back to the table, and I did have something I would like to mention briefly at other business. It deals with a concern about river herring potential bycatch in other fisheries, so if we could just add about four minutes for that. Thank you.

CHAIRMAN CARPENTER: Three and a half minutes because we're running tight.

MR. SMITH: Thank you, sir.

**REVIEW OF THE 2004 REVIEW OF  
THE FISHERY MANAGEMENT PLAN**

CHAIRMAN CARPENTER: The next item on the agenda is the review of the 2004 review of the fishery management plan. This is an action item, and Lydia is going to take us through this and be able to

answer any questions. Lydia, thank you.

MS. LYDIA MUNGER:

Thank you, Mr. Chairman. Copies of the 2004 PRT report on state compliance and the 2004 review of the fishery management plan were included on the CD-Rom for this meeting. If you need extra copies, there are some on the back table.

For the 2004 review of state compliance, the PRT does have one note. The PRT did meet in 2003 to discuss the report on the 2002 fishery. As you know, the report covers the previous fishing year, so the 2004 review actually covers the 2003 fishing year.

You may notice that you haven't heard from the PRT in a while and that's because the shad board has not met. The PRT did meet in 2003, and nobody was recommended to be out of compliance at that time.

There is nobody recommended to be out of compliance for the 2004 review. There are three states that did reapply for and do meet the qualifications for *de minimis* status for the commercial sector only, and those states are New Hampshire, Maine and Massachusetts.

There are a few general PRT recommendations that the PRT wanted to highlight to the management board. The first of these deals with monitoring requirements as listed in Amendment 1 and Technical Addendum I to the fishery management plan.

Several of the states did not report all of the monitoring requirements listed under the amendment and technical addendum, and the PRT would like to suggest that each state take note of the monitoring requirements that were missing from its individual state report and make an effort to report all these

monitoring programs in forthcoming annual reports.

Again, this is not something the PRT is recommending as a compliance issue, but it is something that we wanted to highlight for the board so that you could all take that home and make sure that everything from your state is getting reported.

The PRT and the technical committee determined that the spawning stock survey for the Potomac River as reported by the District of Columbia is not adequate, and the reason for that is simply that the District of Columbia does not encounter many American shad on the Potomac River.

The technical committee recognizes that the Potomac River goes through several jurisdictions and suggests a joint spawning stock survey for assessment purposes involving whoever needs to be involved from Maryland, Virginia, the District of Columbia and the Potomac River Fisheries Commission.

The PRT and technical committee actually recommend an addendum to Amendment 1 to remove this monitoring requirement from the District of Columbia and reassign it to the appropriate entity or group of entities; however, recognizing that there is an assessment under way, the PRT and the technical committee were hoping that at this time this could be decided for the interim by the board, and then this issue could be undertaken in a future change to management action after the next assessment.

And, the last concern that the PRT wanted to highlight deals with ocean bycatch. As you are all aware, the ocean fishery was completely phased out as of January 1<sup>st</sup> of this year, 2005.

And as that has been happening, ocean bycatch has become a more important issue because ocean bycatch becomes a greater or more significant source of mortality along the East Coast in terms of removal from the ocean component of the fishery.

The PRT and the technical committee noted that states need to monitor and report on American shad ocean bycatch in the manner described in Amendment 1 to the Shad and River Herring FMP. The amendment states, and I'm going to use the specific language here, "That states permitting the landing of American shad bycatch must annually document that the 5 percent trip limit is not exceeded" -- and that is 5 percent in pounds per trip -- "report the extent and nature of the non-directed fisheries and total landings of American shad bycatch."

There were several states that did not document that the American shad bycatch did not exceed 5 percent of the total landings in pounds per trip. Also, states with an ocean bycatch must subsample the bycatch for size, age and sex distribution unless that state qualifies for *de minimis* status for the commercial sector.

Three of the states with ocean bycatch have *de minimis* status for the commercial fishery and are exempted from this subsampling, but it is something that the PRT wanted to highlight the importance of, since now that that ocean fishery is phased out, the only landings from the ocean will be bycatch.

The technical committee for the last two years has undertaken substantial discussion of the bycatch issue, and again there is some concern among the technical committee that perhaps the bycatch definition will need to be changed after the assessment, if a change to the management program is undertaken at

that time. But for the moment, the PRT just wants to highlight this as a concern for future compliance reports.

CHAIRMAN CARPENTER:  
Are there any questions for Lydia from any of the board members? Roy.

MR. ROY MILLER: Now that ocean fisheries are closed, did the PRT wrestle with how states should attempt to measure bycatch losses?

MS. MUNGER:  
Unfortunately, this hasn't come up at the PRT level yet because it won't come up until we review this year's compliance reports, which will be next year. In the compliance reports for 2005, those will be submitted in 2006.

CHAIRMAN CARPENTER:  
Yes, go ahead.

MR. MILLER: If I could follow up on that, I'm just anticipating that's going to be a particularly difficult and expensive task. I can think of no way to monitor ocean gillnet bycatch without putting at-sea observers out there. And if a program doesn't exist of that nature in a particular state, it's going to be very expensive to attempt to do that.

MS. MUNGER: That was one of the many concerns that the technical committee had with the current definition of ocean bycatch. And as such, I think that the PRT and technical committee both feel that when management change is enacted post assessment, if that is the case, that should be something that the board should look at.

CHAIRMAN CARPENTER:  
Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. Lydia, on Item 3 under general comments and recommendations, you did indicate that the PRT and technical committee recommended an addendum to Amendment 1.

In reviewing the whole document, is there anything else that should be considered when we go down the road of starting the action on an addendum, that we should wait, before I make a motion to start that process? Anything else in here we should consider as a part of it?

MS. MUNGER: You mean when the action is initiated? Yes, the PRT actually has a running list of items that the board may want to consider adding to that. I don't have that list with me right now, but I can provide it to the board at a future time.

MR. AUGUSTINE: And a follow up, Mr. Chairman. You mentioned that the board may cause an action or agree to allow what hasn't happened in the Potomac River reporting at this time to pass by, so to speak, or how are we going to cover it based on the fact that now they're required to come up with a report? Back to where we were at the last meeting, are they locked in that they'd have to report something?

CHAIRMAN CARPENTER: Pat, if I can address that issue. We have scheduled later this month and the first part of next month a workshop for the Chesapeake Bay region that will look at all of the available data that we have in the region.

What I would suggest and recommend to the board is that we wait until after we have all of the players at the same table with all of the information that has been collected over

the years before we try to attempt to answer who does what part of it and what kind of schedule.

I am very optimistic that out of that workshop will come a much clearer picture of who is doing what, what kinds of data are available, and we can then present the board with a plan to address that need.

I also want to assure the board that the work that is going on will continue to go on whether anybody submits the report or not, the fact that the actual survey work is being done. And, it's just a matter of coordinating the response to the board.

MR. AUGUSTINE: That was the answer I needed, Mr. Chairman. Thank you for that. So what it sounds like is we do not need to create a motion to start action on an addendum until after your report comes back in a meeting later on this year, then; is that correct?

CHAIRMAN CARPENTER: That would be our plan.

MR. AUGUSTINE: Thank you very much.

CHAIRMAN CARPENTER: And I think at the same time the other issues raised here will be added to the list; and by the time that we have our next meeting, I'm hoping that Lydia will have the list of all of the things that need to be updated in this plan so that we can do it all at one time.

MR. AUGUSTINE: Thank you for that clarification.

CHAIRMAN CARPENTER: Now I'd like to have a **motion to approve the FMP review**. Bill Adler.

MR. WILLIAM A. ADLER:  
So moved.

CHAIRMAN CARPENTER:  
And seconded by Byron Young. Is there any objection to the motion? Without objection, then the motion is approved. Moving right along to Item 5, on the agenda is the review and the approval of the terms of reference for the 2005 stock assessment. And again I'm going to call on Lydia to make a presentation on this.

**REVIEW/APPROVE TERMS OF  
REFERENCE FOR THE 2005 STOCK  
ASSESSMENT**

MS. MUNGER: Thank you, Mr. Chairman. The chair of the stock assessment subcommittee is Andy Kahnle, but he couldn't join us today so he asked me to make this presentation for him. At the beginning of the meeting, a handout came around. On one side is the draft terms for reference and on the other is the draft schedule for the stock assessment.

I'm going to cover these one at a time, beginning with the draft terms of reference. There are seven draft terms of reference items as determined by the stock assessment subcommittee and reviewed by the technical committee. I'm just going to read through them quickly.

They are very general and most of you are familiar with the fact that American shad are actually -- the assessments are done on a river system basis, so it will actually end up with multiple assessments at the end of this process.

But the stock assessment subcommittee felt it was best to start with the fairly general terms of reference, and they could get more specific as they move through with each

river system. But let me just read through these for you now.

Number 1 is to compile and determine adequacy of available life history data for each stock; Number 2, compile and determine adequacy of available fishery dependent and/or fishery-independent data as indices of relative abundance for each stock; Number 3, determine the most appropriate method of estimating natural mortality; Number 4, determine which assessment analyses are most appropriate to available data for each stock. Assessment methods will range from simple trend analysis to more complex models.

Number 5, estimate biological reference points for each stock where possible; Number 6, determine current status of each stock where possible; Number 7, develop recommendations for needed monitoring data and future research.

CHAIRMAN CARPENTER:  
Are there any comments from the board, questions? Dr. Pierce.

DR. DAVID PIERCE: I have another term of reference that I would like to suggest, and this is one that relates to an issue that actually is going to be brought up later on under other business I believe that -- well, maybe not other business, but it's the item that Eric Smith referenced earlier on in the meeting.

And that is the bycatch of shad and river herring in pelagic fisheries, sea herring, notably, mackerel certainly, other pelagic fisheries as well.

It seems to me that in light of the fact that we have an expanding sea herring fishery -- certainly, in the Gulf of Maine on Georges Bank and down in the Block Island area,

entrance to Long Island Sound -- a very important herring fishing ground, sea herring fishing ground annually, in light of that fact there is a need for us to make sure that the assessments that are done, this particular one, takes a look at or considers what might be now caught as bycatch or potentially could be caught as bycatch.

So I would like as a term of reference that they **describe the locations and the amounts of shad and river herring bycatch in commercial fisheries for mackerel, sea herring, and other pelagic species and estimate the contribution of that bycatch to fishing mortality.**

CHAIRMAN CARPENTER:

Dr. Pierce, before we go too much further, let me ask Mike, since all of these assessments are going to be river specific, how would it be that the offshore bycatch would be taken into account, and do we have the data to try to assess that, if you could address that, please.

MR. MIKE HENDRICKS:

That's a very good question. That's a good issue. It's one I'm concerned about myself. Unfortunately, I don't know where we get any data to do that. I don't know how you would assign stock composition to any data that you would have.

I mean, how do you know if juvenile shad or even adult shad are being caught in these offshore fisheries what stock they're coming from. So I agree, it's a good issue. But, maybe someone else who is more familiar with the data that's available in the ocean than I am would have an idea, but I just don't know.

DR. PIERCE: If I may, Mr. Chairman, I would suggest that if this was included as a term of reference, then **those**

**individuals involved in doing the assessment could turn to council staff people who have been involved in much of the data analysis for sea herring and for mackerel, those particular fisheries.**

And the reason why I raise this issue is that in Massachusetts, certainly, we're concerned about the impact of sea herring fisheries on river systems. These fisheries are "offshore." You know, they're sometimes just beyond three miles, sometimes, of course, much farther offshore, depends upon the season.

But there are quite a bit of data available right now that shows the geographic distribution of sea herring fishery tows and maybe there is similar information for mackerel. The problem is more complicated I think for mackerel because mackerel is more of an offshore fishery, certainly during the winter time.

But, still, these species are caught as bycatch in those fisheries, certainly in mackerel, certainly in herring. As a matter of fact, for the mackerel fishery, if I recall correctly, back when the foreigners fished off of our coast, there were specific foreign fishing windows seasonally defined, and there were actual foreign fishing quotas for river herring within the windows and actual vessel quotas for river herring in each of the windows.

It was a rather complicated setup, but it was taken as bycatch. Since the mackerel fishery is expanding, too, all these pelagic fisheries are expanding certainly in the Mid-Atlantic, it bears a look see.

**The assessment may not be able to bear fruit, but at least some specific questions could be raised by the group, by those doing the assessment. They could suggest**

**some research and monitoring strategies that would enable us to delve into this since, as I said, in Massachusetts, certainly in other states, we're concerned about this potential bycatch.**

Is it happening, how much, where? It doesn't take too much river herring being caught in a significant pelagic fishery to have perhaps a rather dramatic effect on the success of a particular river program.

CHAIRMAN CARPENTER:  
Thank you, Dr. Pierce.

DR. PIERCE: So that's my suggestion as a term of reference, Mr. Chairman.

CHAIRMAN CARPENTER:  
**I think the best we can do is ask the technical committee to look at that and see what data is available and at least try to get a list of questions associated with it that we can begin to address it.** Eric.

MR. SMITH: Yes, if you will, Mr. Chairman, I'll hit my point right now because it's very similar and it's related to river herring. And as I look at the terms of reference, a lot of the concern that was voiced to me might be resolved by the people who do the stock assessment focusing in Number 7, the recommendations for needed monitoring data and future research.

My concern, as it was posed to me, is particularly for the sea herring fishery and the bycatch of river herring, their concern, you know, they just don't seem to get a sense of why river herring seems to be low and stay low, leaving aside the whole day's conversation about, you know, meals for striped bass.

Their concern -- and it's not a concern as much as a question mark that they would like to have answered -- is could sea herring be being taken -- could river herring be taken in the sea herring fishery and misidentified or missed and could it get into processing plants and be missed?

And the two potential things for the stock assessment to look at is what kinds of recommendations on observer coverage, that to some extent is going on now, anyway, in the EEZ, what kind of recommendations might be beneficial to have the observers look for those species?

And the other question is would we benefit from a mini-survey of the herring processors just to satisfy -- it's unlikely they would have river herring going through their processing plant and not know it. They would know when they're not getting sea herring.

But, that might assuage the concerns of people involved with river herring biology if we just got a sense from the processors that, yes, it's 2 percent or it a half a percent or it's 5 percent, processor survey type of information.

CHAIRMAN CARPENTER:  
Well, I think, then, we can address both of these issues through the technical committee and assign them the task to at least look at what's available in the way of information and data and report back to us as they are trying to do the assessments. Are there any other points of reference? Lew.

MR. LEWIS FLAGG:  
Thank you, Mr. Chairman. I just wanted to follow up on what Dr. Pierce and Eric had mentioned. Some of you may recall that have been on the Shad and River Herring Committee for some time that back in the

'70s and early '80s, I believe there was a fairly extensive tagging done by East Carolina University by Dr. Roger Rulifson.

They did find that there were large numbers of shad and river herring of U.S. origin that summered in the Bay of Fundy, the Upper Bay of Fundy. I know there is a fairly extensive data base of tag recaptures from there which might lend some insight, but I do agree with our technical committee chair.

I think it's going to be very problematic to try to tease out the impact of these fisheries on any individual stocks and to try to assign mortality levels on a river-specific stock basis. But I think it is worth looking into and seeing what data is out there.

I know there is a fairly extensive amount of data on the sea herring fishery because we've got a number of reports that our staff have developed over the years looking at other species that are brought in, in loads of sea herring destined for the sardine plants.

And we've had people actually sample the fish that are going through the processing plants, and we have done some at-sea monitoring of bycatch, and on occasion there are fairly significant bycatches of river herring and shad.

CHAIRMAN CARPENTER: Thank you. Do we have any other comments with regard to the terms of reference? In that case, we need a motion to approve the terms of reference. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I make a motion we approve the points of reference as stated in the document dated, whatever it is, Items 1 through 7. Do you want me to read them?

CHAIRMAN CARPENTER: No, but we do need to include the eighth one that was discussed here at the table.

MR. AUGUSTINE: Yes, including the last one that was just discussed. Thank you.

CHAIRMAN CARPENTER: Thank you. And, Gene, is that a second I'm hearing from you?

MR. GENE KRAY: Yes.

CHAIRMAN CARPENTER: Thank you. Any further discussion or deliberation on the motion? Without objection, then the motion will be approved. Thank you very much.

The next item here is the update on the 2005 stock assessment. Lydia assures me that this is not going to take near as long as it did for weakfish.

#### **UPDATE ON THE 2005 STOCK ASSESSMENT**

MS. MUNGER: Thank you, Mr. Chairman. That's because at this point all I'm presenting is the timeline for the assessment. This is more as a point of board information. And, again, Andy Kahnle couldn't be with us today so I'm going to present this for him.

It's on the other side of the handout you received at the beginning of the meeting. It's an Excel chart with various rectangles. The original is in color but I tried to make it a little more readable by putting some slash marks in there.

I'm going to run through this actually region by region to address any confusion. As all of you know, the American shad stock

assessment has been split for meeting purposes into four regions: a Northeast region, a Hudson River/Delaware River region, a Chesapeake region and a Southern region.

I'm going to go through these by each region and update the board on the expected timeline. So, beginning with the Northeast region, this whole process began actually in late 2004 with the data workshop for this region.

So where you see on the schedule it says "life history and biological data, fishery-independent indices, and fishery-dependent indices", these are all things that began to be addressed at the data workshop, that for this region was already held in January and February 2005.

So right now the members of the committee are drafting Sections 1 through 5 of the assessment document for this region. In February and March of 2005, the committee will begin model evaluation and selection with model runs to follow sometime between March and May of 2005.

The group of documents for this region will be ready for technical committee and review in July of 2005. And as I go through this, hopefully you'll have a clearer understanding of how this all fits together.

Moving on to the Hudson/Delaware region, the schedule for this region is very similar. This data workshop also took place in late 2004, and the document will be ready for technical committee review also in July 2005. It's moving along a very similar schedule to the Northeast region.

The last two regions, the Chesapeake region and the Southern region, you'll notice on your grid are actually following a very

similar schedule to each other, but a couple months later than the other two regions.

So the data workshops for these two regions haven't been held yet. The Chesapeake data workshop is coming up. A.C. already mentioned that. It will be held in the first week of March, actually, so that life history and biological data and fishery-independent and dependent indices will be covered at that workshop, with the sections of the assessment document coming along, during and just after that, and then the set of documents for this region will be ready for technical committee review in October 2005.

For the Southern region, this data workshop is going to take place in early April of 2005 following a very similar schedule to the Chesapeake region. This set of documents should be ready for technical committee review in October 2005.

So what does this mean for the whole coast-wide package of assessments? The completed assessment document should be ready in October or early November of 2005. The technical committee obviously will review this before it goes to peer review, and this should take place in October.

The thought is that the technical committee can review the documents for all four regions at the same time. And since the board chose an external peer review process for this assessment, which is actually a group of assessments, we have some flexibility in scheduling the peer review, and this has been determined that it will take place in November 2005.

Since that is following the last commission meeting of the year, in early 2006 the assessment and peer review will be ready for

presentation to the management board. Andy expressed that the stock assessment subcommittee should be able to complete the assessment by this timeline; and if anything comes up to the contrary, they will be sure to let the board know as soon as possible.

**CHAIRMAN CARPENTER:**

Thank you for that report, Lydia. It is really quite exciting to think that at this time next year we'll be able to look at a coast-wide assessment on a river-by-river basis if all goes well.

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

Are there any questions or comments for Lydia with regard to the scheduling of the stock assessment work that is proceeding? Seeing none, we'll move to the next agenda item, which is, on my schedule here, the election of a vice chair. Do I have any nominations for a vice chair? Yes, Bernie.

**MR. BERNIE**

**PANKOWSKI:** I'd like to make a motion to nominate Gene Kray for the vice chair of the Shad and River Herring Board.

**CHAIRMAN CARPENTER:**

I'm going to call on Pat Augustine for the usual honorary position.

**MR. AUGUSTINE:**

Thank you, sir. I move to close nominations. I second it and move to close nominations and cast one vote for Dr. Gene Kray as vice chair.

**CHAIRMAN CARPENTER:**

Thank you, Pat. And without objection, Gene, congratulations. And the good news, Gene, is since I've been chairman for two years and this is the first meeting, you get to take over right after the annual meeting.

The next item that we have on the agenda here is the AP nominations. We have two and they are in your packet that Lydia can handle.

### **REVIEW OF NOMINATIONS TO THE ADVISORY PANEL**

**MS. MUNGER:** Thank you, Mr. Chairman. The information on the two nominees was included on the CD-Rom for this meeting, but quickly the nominees are: Richard Anderson from the state of Maine and Chris Clark from the state of Connecticut.

**CHAIRMAN CARPENTER:**

Can I have a motion to accept?

**MR. BRUCE FREEMAN:**

Move to accept.

**CHAIRMAN CARPENTER:**

Bruce Freeman moved. Bill Adler seconds.

**MR. SMITH:** Mr. Chairman.

**CHAIRMAN CARPENTER:**

And I have a comment now from Eric.

**MR. SMITH:** Embarrassing.

Not seeing the nomination material, I thought nominations go through the state delegation and then come to the commission; is that correct? I've been surprised by this process a couple of times since Ernie retired. Fred and I just caucused quick and neither one of us knew of this.

**CHAIRMAN CARPENTER:**

I'm going to have to ask for some staff assistance in that regard.

**MR. SMITH:** Byron just

points out to me that this nomination was in

2001.

CHAIRMAN CARPENTER:  
So it has been a while.

MR. SMITH: Yes. I would suggest that we postpone deliberation on this one until we find out if this gentleman is with us and still interested. It's four years.

CHAIRMAN CARPENTER:  
Once you get nominated, it's hard to get off. But, we will certainly take your concern, and I'm going to then assume that the motion -- hold on a second I'm getting a -- all right, Lew Flagg.

MR. FLAGG: Well, I was going to say I would hope that we might be able to move on the nomination of Mr. Anderson. He has been waiting patiently to become a member of this AP.

CHAIRMAN CARPENTER:  
I am trying to get to that point, and what I'm going to do is ask the maker of the motion if he would accept a friendly amendment to exclude Mr. Christopher Clark from the list at this point?

MR. FREEMAN: Yes.

CHAIRMAN CARPENTER:  
And the seconder of the motion agrees to that friendly motion?

MR. ADLER: Yes, I do.

CHAIRMAN CARPENTER:  
Are there any other comments with regard to the AP appointments? Lew.

MR. FLAGG: Mr. Chairman, I would be happy to give you a little summary of Mr. Anderson's background, if you would like.

CHAIRMAN CARPENTER: We have his application.

MR. FLAGG: But I think you have it in your folder.

CHAIRMAN CARPENTER:  
Yes, we do. And in the interest of time, we're going to trust you, Lew. All right, without objection to the motion, the motion will stand approved. Seeing no objection, the motion is approved to appoint Mr. Anderson to the advisory panel board.

I have any other business and Eric indicates that he has already taken care of the issue that he had brought forward. Are there any other issues? Roy Miller.

#### **OTHER BUSINESS**

MR. MILLER: Mr. Chairman, it has been a long time since we met as a board. In that time it has been my perception, largely through anecdotal observation and to a certain extent through some of the surveys we run that there appears to be a buildup of hickory shad population since this plan was first prepared in the 1980s. I'd be very curious to know if other states are experiencing a similar buildup in the hickory shad population. Thank you.

CHAIRMAN CARPENTER:  
I see a hand from Tom Fote and North Carolina has indicated they want to -- so, yes, let's go around the table very quickly.

MR. THOMAS FOTE: Yes, hickory shad has become an important fishery now just for catch and release, but we see it up in the rivers. We see it in the surf. They're all over the place at certain times of the year, and it has become a big

fishery. As a matter of fact, I've also fished for them up in the Potomac River, so I've seen them in a whole bunch of places and not --

CHAIRMAN CARPENTER:  
Did you have a license?

MR. FOTE: Yes, I do.  
(Laughter) I get one in D.C. every year.

CHAIRMAN CARPENTER:  
We've got you blacklisted on ours.  
(Laughter)

MR. FOTE: Well, I couldn't get it straight, which license I needed to get. But, anyway, we've seen a large increase, and it has actually become a popular fish because they fight, they jump. They call them the "baby tarpon" and they don't seem to want the eggs from them, so it's strictly a catch and release fishery. It has replaced a lot of the shad fishery that we originally had.

CHAIRMAN CARPENTER:  
Thank you, Tom. I saw Jack Travelstead nodding your head. Did you want to comment on this issue, Jack?

MR. JACK TRAVELSTEAD: We've seen the same thing in most of the Virginia tributaries. I couldn't put any numbers on it, but there has been quite a recreational fishery that has developed up around Fredericksburg and in the James River, around Richmond, for hickory shad.

CHAIRMAN CARPENTER:  
Thank you, sir. Preston Pate's next on my list.

MR. PRESTON PATE, JR.:  
Thank you, A.C.; same in North Carolina. I did my master's thesis on the hickory shad,

so I'd like to think the recovery is a wealth of information that was included in that document in 1971 but probably not.  
(Laughter)

CHAIRMAN CARPENTER:  
We'll give you full credit.

MR. PATE: It has become an increasingly important recreational fishery in most all the rivers that we have in North Carolina, so it has been a real boon to the sport fishing groups there.

CHAIRMAN CARPENTER:  
Thank you, Preston. Byron Young, did you have your hand up?

MR. BYRON YOUNG:  
Yes, I did. I can report seeing similar increases on the coast. It's a growing fishery. Some is catch and release; some is used for bait. There is some commercial marketing of it, but that's very limited. But we're seeing it on the coast. We don't see the juveniles; we see adults 16 to 18 inches.

CHAIRMAN CARPENTER:  
Thank you very much. And since Tom has already given the report for the Potomac, I won't have to extend that. Roy.

MR. MILLER: Just to follow up, Mr. Chairman, having heard all of that, and that was my suspicion, I wonder if we would be smart in the next year or two to charge the technical committee with trying to update us on the stock status of hickory shad. It appears to be a species on the increase, and it's one that I think should come on to our radar screen again after being off for so long.

CHAIRMAN CARPENTER:  
Thank you. We will ask the technical committee to gather what information is

available and give us an assessment of what their view of the situation is at the current time. Bruce, I had you next on my list.

MR. FREEMAN: Okay, as Tom indicated, there is a directed fishery but it's almost all catch and release, but I think on a coast-wide basis, the incidence of hickory shad has become so common it's reported in the MRFSS data, so it would be a good place to look. It does show up on their sheets, and it does show up in their annual report.

CHAIRMAN CARPENTER:  
Thank you. Bruno.

MR. BRUNO VASTA:  
Same thing that's happening with all the rivers going into the Chesapeake Bay, even from going up into the lower part of the Susquehanna, both white and hickory shad are coming back at great numbers.

And they're starting to look at -- they're fishing, of course, with a hook and release proposition, but I wouldn't be a bit surprised to see some move to be made to go ahead and try to get some kind of a fishery started in another year or so.

CHAIRMAN CARPENTER:  
Thank you very much. Eric.

MR. SMITH: Yes, we have them, too.

CHAIRMAN CARPENTER:  
Go for it.

MR. SMITH: It's already a good sport fishery. I mean, pretty much it's taken over as a real nice particularly fall fishery.

CHAIRMAN CARPENTER:

All right, it sounds like we're getting pretty uniform information about at least anecdotal information, so we will ask the technical committee to investigate what information is available. Yes, go ahead.

MR. KELLY PLACE: I just wanted to point out that in late '89 or early 1990, the marine science bulletin from VIMS indicated they weren't sure whether hickory shad weren't extirpated from the Chesapeake Bay.

I was running a little fish packing house at the time and we would get occasional ones, so I knew they weren't extirpated. But, the same issue also suggested that the commercial fishery should redirect effort on horseshoe crabs, dogfish and cownose rays, so I just wanted to let you know

CHAIRMAN CARPENTER:  
Thank you very much, Kelly. (Laughter)

MR. PRICE: I wanted to let you know how much things had changed since VIMS has --

CHAIRMAN CARPENTER:  
All right, is there any other business to come before us? Pat, I hope you've got the motion I'm looking for.

## ADJOURN

MR. AUGUSTINE: I will after the first comment. You are to be congratulated on very successfully bringing this stock back in two years, having had only one meeting. (Laughter) Fabulous job and with that I move to adjourn.

CHAIRMAN CARPENTER:  
Thank you very much, and we stand adjourned.

(Whereupon, the meeting was adjourned at 6:35 o'clock p.m., February 9, 2005.)