

ATLANTIC STATES MARINE FISHERIES COMMISSION  
SHAD AND RIVER HERRING TECHNICAL COMMITTEE

DRAFT Minutes

Regular meeting, Baltimore, MD  
6 August 2002

A regular meeting of the ASMFC's Shad and River Herring Technical Committee was called to order at the Holiday Inn BWI, at 8 a.m. pursuant to the agenda sent out by Dr. John Olney, Committee chair, and Ms. Megan Gamble, ASMFC Fishery Management Plan Coordinator.

The following individuals were in attendance: Russ Allen (NJ), Phillips Brady (MA), Mike Brown (ME), Phil Edwards (RI), Megan Gamble (ASMFC), Ruth Haas-Castro (NMFS), Don Harrison (GA), Kathy Hattala (NY), Andy Kahnle (NY), Wilson Laney (USFWS), Robert Lorantas (PA), Richard McBride (FL), Billy McCord (SC), Lydia Munger (ASMFC), John Olney (VA), Cheri Patterson (NH), Bob Sadzinski (MD), Craig Shirey (DE), Dick St. Pierre (USFWS), Dale Weinrich (MD), and Sara Winslow (NC)

The meeting started with introductions. Dr. Rich McBride, Committee Vice-Chair, assumed his new role, and took notes for these minutes. Ms. Lydia Munger was introduced as the new Fishery Management Plan Coordinator for shad and river herring and will replace Megan Gamble after September 1<sup>st</sup>.

No further changes were suggested for the minutes of the last meeting (5-6 September 2001). The agenda for this meeting was approved, with the exception that the order of topics was rearranged to accommodate the schedule of Mr. Andy Kahnle, who had come as the Stock Assessment Subcommittee (SASC) Chair. Also, an item was added to the agenda regarding the standing request for otoliths for a microchemistry study to discriminate ocean-intercepted stocks.

According to the newly revised order, Megan Gamble presented a powerpoint show that reviewed the state phase-out plans. The specific plans for each state (RI, NJ, DE, MD, VA, NC, and SC) were presented for achieving the goal of 40% reduction of effort by December 31<sup>st</sup>, 2002, and a 100% reduction of effort by December 31<sup>st</sup>, 2004. In general, it was noted that each state was pursuing a unique plan with regard to the baseline of effort and the specific methods for reduction (The specifics of each state's plan are documented in their individual reports and are not repeated here). This diversity of phase-out plans was possible because landings could be used as a proxy for effort, and the initialization of effort could be based on any time frame within the period 1992-2001. Some states noted that over the past decade, there was sufficient attrition of shad fishermen that the 40% reductions were possible with little regulatory imposition. This attrition was attributed to the increasing age of shad fishermen (and corresponding increase in retirement without replacement), the shift of fisherman from the coastal zone and back into the estuarine/inriver bays, other regulatory efforts (e.g., harbor porpoise

regulations) that have indirectly affected the fishery, and the impending 100% reduction that diminishes the future potential for this fishery.

Some concerns were brought up regarding the phase-out plans. It was pointed out that some states had only presented options for achieving the 40% reduction, and that these options were still subject to public comment. Also, some states were not clear on how they would exactly achieve the 100% reduction, and TC representatives for these states emphasized that the plan specifics could still change in the future. Some concerns were expressed by the TC that not all states have identified how they will demonstrate that these goals are achieved or what they will do if the goals are not achieved; monitoring and enforcement of phase-out plans are required for compliance. Regardless of these concerns, **the TC recommends that each state's phase-out plans are acceptable.**

Two significant sidebar discussions arose with regard to the state phase-out plans. First, it was noted that commercial data recorded by NMFS does not always agree with state records. This is a significant problem when a state is using landings data as a proxy for effort reduction. There were some specific cases mentioned where it is likely that the NMFS data is in error, either because the season of landings or size of the fish landed did not concur with shad biology. In general, the states contested the NMFS data where discrepancies arose. The resolution to this problem may be complex, because such discrepancies can arise from many sources.

At this point, the TC listed the following potential sources of error or reasons for discrepancies between NMFS and state landings: (1) misidentification of American shad; (2) landings by out-of-state fishers; (3) the method of calculation (expansion of subsample counts and under-reporting rate adjustments) by NMFS; (4) definition of landings by NMFS (take versus sold product).

A second sidebar issue arose that the TC agreed to make a specific recommendation. It was brought up that while a main objective of Amendment #1 is to close 'coastal' fishing of shad, this might be perceived by some to include only state waters (i.e., out to 3 miles). The TC feels that the ultimate goal of the amendment is to protect mixed American shad stocks wherever they occur outside of embayments. Thus, **the TC recommends to the management Board that, in order to comply fully with the intent of Amendment #1 for phase-out of the ocean-intercept fishery for American shad by December 31<sup>st</sup>, 2004, the Secretary of Commerce be requested to initiate closure of the EEZ for fishing of this species.**

Next on the revised agenda, Andy Kahnle led a discussion on the need for a new American shad stock assessment. A starting point for this discussion was a summary of a conference call (December 17, 2001) among the ASMFC shad SASC. The overriding question presented was 'whether the stock assessment should be delayed.' It was pointed out that with the impending closure of ocean fishing, a stock assessment might be premature, and that the available data has not improved greatly since the 1998 assessment. The counter point to this is that data for some systems do exist and we should not necessarily forgo the opportunity to inspect these particular systems. The TC saw no

opportunity for a coastwide assessment, at least with the time-frame and resources allocated. The alternative that arose was to encourage more focused assessments of regional systems (e.g., New England, middle Atlantic, southeastern coast). One advantage of this approach is to keep the statisticians and field biologists interacting to verify the assessment with biological facts. Few individuals jumped forward at this time to participate, except for representatives of the Hudson River (NY) and the Delaware River basin (NY, NJ, DE, PA). The SASC will begin with these systems this autumn, and they are also requesting that each state reply regarding the availability of data for their river systems (see form provided by Megan Gamble in a 12 July 2002 email). If more data are available, then the SASC will attempt to include it. Regardless of more, unanticipated data being made available, **the TC recommends a 'partial coastwide' assessment for 2003, initially including only the Hudson River and Delaware system; (2) a further but presently unspecified delay for other stocks, the length of the delay based on evaluation, availability and computerization of each state's data; and (3) a delay of the peer review until late 2004.**

While on the topic of stock assessments, Andy Kahnle also noted that the SASC felt that the Annual Reports by each state were not suitable for direct use in stock assessments. To do so would require more specific reporting requirements than presently used. There was also a sidebar discussion on the need for digitizing data for stock assessments. Megan Gamble pointed out a pilot program for American lobster that might eventually be suitable for such purposes. No specific recommendations arose from this discussion.

After a short break, Megan Gamble reviewed the Draft Addendum I (ASMFC Fishery Management Report No. 35b). Among the several topics, the most serious issue regarded *de minimis* status, for which there were four options still to be voted on by the Management Board. The subsequent discussion on this issue focused on the inadequacy of the MRFSS data to estimate landings of *Alosa*. This dissatisfaction was not limited to general issues such as species misidentification (i.e., between American and hickory shad). The specific problems with MRFSS with regard to *Alosa* were: 1) the survey does not extend to inland waters appropriate for anadromous species (unless states pay for specific extensions); 2) statistics are for regions and can not be easily broken down to specific states or river systems; and 3) the effort expansion procedures are not well suited for the generally small *Alosa* fisheries, compared to larger fisheries such as for striped bass. In response to these issues **the TC recommends *de minimis* option 1 as the most realistic choice because the recreational catches of *Alosa* are not reliably estimated with the current MRFSS design. Further, due to the lack of synchrony among states in conducting mandated creel surveys, it is difficult to develop a single coastwide estimate of recreational landings for any one year.**

Russ Allen asked for comments regarding the possibility of the Delaware Basin states suspending their hydroacoustic survey of shad in Delaware River. The TC appreciated the heads-up regarding this decision, but it did not see that the Delaware Basin states were locked into the use of this specific method for determining the size of the American shad population as long as they utilize some other method for determining a population estimate.

Megan Gamble also reviewed the status of the habitat restoration initiative, which is not a mandatory report. It was apparent that the request was rather open ended, with some states putting in very little (or no) time to respond and other states 'limiting' their responses to 14 pages. Responses are still requested, from those who have not responded, because a newsletter article and a report is planned to summarize this topic.

After lunch, the TC picked up with the review of each state's Annual Report, guided by a draft of the Plan Review Team's (PRT) Compliance Report for 2001. Only a few issues raised notable discussion:

- Megan Gamble noted that the second issue of concern was to be lifted for Massachusetts, because this state did indeed qualify for *de minimus* status based commercial landings.
- **The TC recommended to draw special attention to the weak spawning stock survey demonstrated by the District of Columbia for the Potomac River.**
- In response to a comment about the SC monitoring results, Billy McCord said that he was not removing scales from fish tagged as part of a fishery-independent monitoring program because he did not want to create additional handling stress for these fish. It was pointed out that he could age these fish using an age-length key, which would satisfy this compliance issue.
- The issue of Georgia pursuing a study of the Savannah River stock was dropped, because it maybe a compliance issue and therefore is an issue to be addressed by the PRT and then the Board.
- Some states noted that the PRT documents had different landing numbers than state Annual Reports. The PRT's draft FMP Review for 2001 inconsistently chose to report NMFS data without identifying whether the source was from the states' annual reports or the NMFS commercial database. In the case of Florida, the NMFS data are incorrect, and use of NMFS data lead to erroneous conclusions about shad landings for Florida. This also appears to be the case for Maryland, and to a minor degree for New Hampshire. It was noted that it would be useful to identify the sources of landings data to avoid confusion, and that a future meeting would benefit from a NMFS representative to give an informational presentation on how NMFS obtains, audits, and releases its data.

The TC briefly discussed the priorities listed for shad research. Several comments on this topic had been made by email already, and no specific issue was raised here.

At this point the TC reviewed a number of miscellaneous items remaining on the agenda. It was noted that there was a specific definition in Amendment #1 for a 'recruitment failure' based on a 3-year series of low juvenile indices. By this definition, no TC member could identify a recruitment failure occurring at this time for any stock.

Another issue discussed regarded creel surveys, specifically that some states argued that they were not planning one because they have only a catch-release fishery. Megan Gamble noted that this is not the intent of Amendment #1. Further discussion ensued regarding release mortality. Several states have actually addressed this issue, which is characteristically difficult to measure. Among the problems noted are: adequate control in such an experiment, incorporating a range of conditions (e.g., natural fluctuations of temperature or pre- vs. post-spawning conditions), and including a range of response variables (e.g., short- vs. long-term survival or latent affect on spawning). Several TC members noted that release mortality was probably higher than 1%, which appears to have been a value used previously, but a consensus value did not emerge from the discussion.

The topic of using otolith microchemistry was addressed primarily by John Olney, who along with Simon Thorrold, is using this method to elucidate stock composition of Virginia mixed stocks. Because funding potential is very low for a coastwide study, there are no current plans for using shad otoliths. Since the Board indefinitely deferred studying the mixed stock composition of the commercial fishery, States can continue to archive otoliths on a voluntary basis.

Also discussed was the issue of how large the discard problem will become once the ocean shad fishery is closed. It is not entirely clear what data are available to track bycatch or bykill of shad in ocean fisheries. The NMFS observer program was identified as the most likely source for such information, but no specifics were available at this time.

Without further ado, the meeting was adjourned shortly before 3 pm.