

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD**

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 2 and 4, 2011

Approved November 9, 2011

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of March, 2011** by Consent (Page 1).
3. **Move to adopt Option 3 and Option 4 on policy involvement and species management** (Page 33). Motion by Jack Travelstead; second by Bill Goldsborough. **Move to postpone discussion to the annual meeting** (Page 35) Motion by Bill McElroy; second by Rep. Martin. Motion carried (Page 35).
4. **Move to approve and accept the stock assessment schedule as presented** (Page 40). Motion by Gene Kray; second by Doug Grout. Motion carried (Page 40).
5. **Move that the ISFMP Policy Board approve the Stock Assessment Training Program Guidance Document** (Page 44). Motion by Doug Grout; second by Bill Adler. Motion carried (Page 44).
6. **Move is to set June 7, 2011, as the control date to the Northern Shrimp Fishery and future entrants may be treated differently than current members of this fishery** (Page 45). Motion by Doug Grout on behalf of the Northern Shrimp Section; no second. Motion carried (Page 48).
7. **Amendment that the date June 7th be changed to August 3, 2011** (Page 45). Motion by David Simpson; second by Gene Kray. Motion withdrawn (Page 47).
8. **Move to approve the resolution on non-native invasive catfish as presented** (Page 50). Motion by A.C. Carpenter; second by Bill Adler. Motion carried (Page 51).
9. **Move that the ASMFC develop an Interstate Fishery Management Plan for black drum** (Page 56). Motion by Michelle Duval; second by Tom Fote. Motion carried (Page 57).
10. **Move to adjourn** by consent (Page 63).

ATTENDANCE

Board Members

Vincent Balzano, ME, proxy for P. White (GA)	William Goldsborough, MD (GA)
Terry Stockwell, ME, proxy for P. Keliher (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Steven Train, ME, proxy for Sen. Langley (LA)	Tom O'Connell, MD (AA)
Rep. David Watters, NH (LA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Dennis Abbott, NH, Legislative Proxy	Catherine Davenport, VA (GA)
Ritchie White, NH (GA)	Michelle Duval, NC proxy for L. Daniel (AA)
Doug Grout, NH (AA)	Bill Cole, NC (GA)
Paul Diodati, MA (AA)	John Frampton, SC (AA)
William Adler, MA (GA)	Malcolm Rhodes, RI (GA)
Bob Ballou, RI (AA)	Robert Boyles, Jr., SC (LA)
Rep. Peter Martin, RI (LA)	Ross Self, SC, Legislative Proxy
Bill McElroy, RI (GA)	Michael Denmark, GA, proxy for J. Duren (GA)
David Simpson, CT (AA)	Spud Woodward, GA (AA)
Pat Augustine, NY (GA)	Sen. Thad Altman, FL (LA)
Peter Himchak, NJ, proxy For D. Chanda (AA)	Aaron Podey, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Bill Orndorf, FL (GA)
Leroy Young, PA, proxy for J. Arway (AA)	Bryan King, DC
Loren Lustig, PA (GA)	A.C. Carpenter, PRFC
Gene Kray, PA, proxy for Rep. Schroder (LA)	Jaime Geiger, USFWS
Roy Miller, DE (GA)	Steve Meyers, NMFS
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	

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

Ex-Officio Members

Bob Beal	Toni Kerns
Vince O'Shea	Kate Taylor
Meredith Wilson	Tina Berger

Guests

Wilson Laney, USFWS	Alesia Read, Univ. New Hampshire
Theresa Labriola, Pew Environmental Group	Larry Miller, USFWS
Wesley Patrick, NMFS	Anrew Turner, NOAA
Janice Plante, Commercial Fisheries News	Mike Leonard, American Sportfishing Assn.
Ray Kane, CHOIR	Rick Cole, DE DFW
Kim McKown, NY DEC	

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, Tuesday, August 2, 2011, and was called to order at 11:15 o'clock a.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR: Good morning, everyone. I'd like to call the ISFMP Policy Board Meeting to order. My name is Robert Boyles; I'm Chair of the ISFMP Policy Board.

APPROVAL OF AGENDA

CHAIRMAN ROBERT H. BOYLES, JR: The first item on the agenda is seeking consent on the agenda. Are there any changes to the agenda? Seeing none, the agenda will stand adopted by consensus.

APPROVAL OF PROCEEDINGS

CHAIRMAN ROBERT H. BOYLES, JR: Secondly, approval of proceedings of both March 23rd and 24th of 2011, our last two meetings; the meeting minutes were sent out to you on the Briefing CD. Any changes, additions or deletions? Seeing none, those minutes will stand adopted by consensus.

PUBLIC COMMENT

Time on the agenda now for those persons who would like to address the policy board on items that are not on the agenda. Dick Brame has his hand up; Dick, come on up to the microphone, please.

MR. DICK BRAME: Good morning; I'm Dick Brame with the Coastal Conservation Association. I'd like to bring a problem to you that you may want to develop a policy on it. It involves public participation at technical committee and stock assessment committee meetings. I've been attending technical committee and stock assessment committee meetings here for twelve years.

Recently at the Menhaden Technical Committee Meeting, Omega had hired a couple of stock assessment scientists to help them go through what the technical committee was doing and the stock assessment and all that kind of stuff, which is fine. One of them is a very well-known – and nothing that I have to say should impugn the two people who were employed. They're excellent stock assessment people – but he participated as a member of the stock assessment committee or technical committee from

the floor in the audience and I just think that's inappropriate.

It puts the staff and it puts the chairman of the technical committee in an awkward situation. If it continues it could potentially get out of hand with people trying to participate and obstructing what I believe is the heart and soul of this, which is the technical committee process. I think you might need to develop a policy about how the public participates in these stock assessment and technical committee meetings so that the staff and the chair have a – everybody knows and clearly understands what is going on because it could become a problem. Thank you.

CHAIRMAN BOYLES: Dick, thanks for the comments. This body has talked about public participation in addressing the boards and it's also something I think that probably does need to extend to the technical committee. What I'd do is with the ISFMP Policy Board's consent is we'll ask staff to review what mechanisms and what parameters we have in place for public participation and bring that back to discuss in November. Any other members of the public? Dr. Daniel, comment.

DR. LOUIS DANIEL: Yes, I missed the opportunity and I'd like to add one quick item of other business at the end of the agenda, if that's okay.

CHAIRMAN BOYLES: By consensus, yes, sir. Okay, I failed to say hello to a couple of new faces we have around the table. I'm going to attempt to do this. For those of you who I have not had to chance speak to directly, welcome to the policy board: Pat Keliher from Maine; Stephen Train and Vincent Balzano, welcome; Jocelyn Cary from the Commonwealth of Massachusetts; Andrew Voros from New York; David Saveikis from Delaware; Michael Denmark; and anchoring the southern frontier, Aaron Podey. I look forward to your participation this week.

We will move on now; we've got two distinguished guests from the National Marine Fisheries Service. We have got Sam Rauch and Gordon Colvin. They're going to talk to us about an MRIP update. Welcome to both of you and we appreciate your being here.

UPDATE ON MARINE RECREATIONAL INFORMATION PROGRAM

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. It's our pleasure to be back with you all again to give you a pretty detailed update on our progress in development methods to improve our recreational surveys through MRIP and a sense of where we are and the way forward as we stand on the edge of beginning to implement the new methods that MRIP has developed.

I want, after a very brief run-up of background on MRIP, to talk to you about the new method for catch estimation that we have developed, the context for it, why it has been a priority and begin a discussion on what to expect from the new estimates and also talk to you about other things we're in the process of doing and will be rolling out in the near future to improve estimates further; importantly and in response to a request that you made some months back to get into some details of a discussion of the nature of our partnership in working together on these data collection programs and a sense of the timing.

As kind of a quick basic background, the fundamental data collection programs we have been doing consist of two complemented sample surveys; one that collects information on angler catch from shoreside intercepts of anglers at the end of their fishing trips and another survey that collects information on effort including the number of trips done generally through telephone surveys.

We expect that by and large this complementary sample design will continue in MRIP for most modes of fishing with potentially some additional components and follow-up backup surveys to supplement and confirm trends that we see in the basic survey design. By and large the data that we develop is used in the cycle of fishery management that most of you are all too familiar with through your work here in the commission, serving the underlying goal of assuring sustainability of fisheries now and for the future.

The Marine Recreational Fishery Information Program was created in 2007 to address the recommendations of the National Research Council in the review of recreational fisheries survey methods that was commissioned by the Fisheries Service and undertook a detailed technical review of survey designs of all recreational data collections in the marine fisheries around the country and not just the Marine Recreational Fishery Statistics Survey on the

Atlantic and Gulf coast but virtually all of the surveys done by the states and by the Fisheries Service.

It also addresses the requirements of the Reauthorized Magnuson-Stevens Act that called on the agency to implement where feasible the recommendations of that NRC Review and to further address the needs of our stakeholders and particularly by fishery management customers. MRIP has been from the outset a collaborative partner-driven program that has included our partners and our stakeholders in the process.

The members of the commission, commission staff, states and state staff have supported us in our various committees and technical development processes and we have been grateful for that support and we continue to and once again today I want to thank all of you for your continued participation in MRIP.

One that that we have done, too, is develop recently a new informational brochure on the program, copies of which are on the back table. If we run out or if you want an extra supply, please see Forbes Darby. Forbes is in the back of the room and heads up our communication and education team, and Forbes would be glad to get a supply of them off to you.

The NRC Review, perhaps one of their highest priority concerns and findings addressed the methodology that has been used to estimate catch from angler intercept survey data. Their review concluded that the estimation process in use under the Marine Recreational Fishery Statistics Survey is not appropriately matched statistically to the same design – and we'll talk more about that – and that some of the sampling methods that were in use to emphasize efficiency and maximizing data collection for dollar spent was undertaken at the expense of statistical rigor of the design and the resulting estimates and that collectively these two underlying factors inserted potential for bias, a number of potential biases into the point estimates and into their precision.

The NRC suggested that the likelihood is that we have been significantly overestimating the precision of our samples based on the methods in place, and they recommended that we address both of these problems moving forward. Our top priority in MRIP from Day One and with full support I think from all of the committees and stakeholders and partners that we have consulted along the way is to address the potential sources of bias that our methodology incorporates into our process.

If we don't address the bias, if we don't make the critical fix to our methodologies that introduced the potential for bias, any other changes we make would be statistically meaningless and would be essentially throwing good money after bad. The new methodology sets the stage, once implemented, to achieve even greater precision and coverage once we've instituted the new designs and have gotten the bias out of our methodology.

The effect of bias generally; we're striving to get estimates that are both precise and accurate; but if we have bias, regardless of how much money we spend to improve precision, we will have inaccurate estimates. We need to first get our estimates on target and then work on getting them made more precise.

The team that has been working on this are the team members identified here. Some of these folks you probably know, including Dave VanVorhees who heads up our Fishery Statistics Division here in Silver Spring. Drs. Bright and Opsomer have been involved in this process very heavily from the beginning. Jay Bright was actually a member of the NRC Panel that conducted the review and was quite familiar with the underlying concerns that the panel had.

John Opsomer, his colleague at Colorado State, was a member of the peer review panel that reviewed the NRC Panel's Report once it was drafted and he, too, is quite familiar. Both Jay and John have been very helpful to us both in the development and in assisting us in developing our communication about the method and its importance and have confirmed that they are fully in agreement that this is our top priority to resolve at the outset.

With support from this team, we've developed a new design unbiased method for calculating recreational catch estimates from our angler intercept survey data for the Atlantic and Gulf coasts for the years 2004 up to the present so long as we continue to use the current sampling methodology.

Prior to 2004 the sample design in use differed from what has been in place since then and this method will need to be further revised and developed to be applicable to data prior to 2004. The new method has been independently peer reviewed and has been approved for implementation by NOAA Fisheries through the MRIP approval process as the scientifically sound method by which to calculate estimates from our current intercept data.

Soon we be completing and releasing revised estimates of catch for those years and those areas that have been calculated using this method. Today we're going to talk primarily about the method itself and why it has been developed and what problems it addresses in some detail. This same team has also recommended changes to the sample design for the intercept surveys that will address the sources of potential bias at the source.

That has been pilot tested in North Carolina and that pilot project is wrapping up and the results of that are now being written up and reviewed, and we'll talk in depth about that as well. What are we changing? I'm going to kind of walk through four major components of the change both in terms of how the intercept design will change and how the new estimation methodology changes the approach.

First just a little bit of background; the sampling units that we use for the shoreside survey are essentially a site day. We select site days and create assignments for interviewers to fulfill site day assignments, to go to a given location and collect data. Site days are specified by state, by month, by day type – weekday or weekend – and by mode of fishing, shore, private boat, headboat or for-hire vessel. The site selections are broken down that way.

When the interceptors go to a site, their assignment is focused on completing interviews at that site; but while they're there, they conduct samples in different levels or clusters. If there are boats present at the site, if it's a private boat or a for-hire boat assignment, they will have to sample the boats that are there.

Once they have gotten to a boat, they will have to sample anglers on the boat. Once they've sampled anglers, they will be sampling the fish that the anglers have. Each of those levels is referred to as a cluster. Now, the sample design that we have used in the past is as you're familiar with it and I've just described, but our estimation method assumed that our sample was a systematic random sample of all fishing, and it's not.

That assumption is actually violated and reality is that the statisticians refer to our design as a multi-stage cluster design, which is a perfectly appropriate survey design, but the methodology for calculating the results should be different than the method that is used for a systematic random sample, and that was the finding of the NRC.

The effort of the team has been to apply appropriate statistical methods to develop a new essentially set of

equations that will correctly calculate catch from the multi-stage cluster samples that we have. The first step that changes in the design itself is this new estimation methodology, and we don't expect that to change.

We believe that it is appropriate to continue in the new shoreline survey design with a multi-stage cluster design; but one change that we will be making to make it work even better and to make the samples more accurate and ultimately more precise will be to assure that our assigned interviewers conduct complete counts of all of the fishing activity within their assigned mode on any given site assignment.

In the past we've had less than complete counts of the level of activity. We need to make sure that we have complete counts. The second issue we're addressing relates to the timing. Our current design focuses on conducting interviews during peak activity periods, and yet we know at any assigned location fishing does go on all day, but clearly the level of activity at any given site varies over the course of a 24-hour period.

It's likely also that catch rates for various species vary over 24 hours at a given site, but our methodology in the past has assumed that what we see during our assignment period, during this peak activity period, is typical, and that introduces potential bias because it's likely that it's not typical.

The new estimation methodology weights the activity levels over a 24-hour period and enables us to adjust and weight the results based on a model that was developed by the team to use some data that we have historically from the telephone surveys about the times of day that fishing trips end to reweight the data appropriately to account for the activity levels across a 24-hour period.

What we cannot do, however, is address the other problem of the variation in catch rates over 24 hours because we don't have any data on that. The new shoreline sampling design will address both issues at the sample level and we'll be able to collect data rather than have to model data that will address catch rates and activity levels over the entire day by dividing site days into four six-hour time blocks.

In the future we will not have a site day as our sample unit. It will be a site time block or a fraction of a day and we will be sampling both during peak and non-peak times. The next issue relates to alternate mode sampling. Again, to maximize efficiency interviewers were allowed to sample

anglers who were fishing in modes of fishing that were present at their assigned site that were the mode for which the assignment was drawn. The initial sample is drawn based on its probability of selection that is mode-specific; and in order to have a representative sample, any given assignment's probability of being drawn needs to be proportionate to its magnitude in the sample population.

The problem was again being mode-specific. When the samplers go to an alternate mode, we don't necessarily know what the probability of selection of that site in that alternate mode is. The design team tried to go back into the legacy data to see if there was a way to model selection probabilities for those alternate modes, and they could not.

They determined that this was not a high volume of data and given that it wasn't high volume, it was likely to not be a terrible loss if we were to delete it moving forward from the calculations, and that's what they decided to do in the estimation method. The alternate mode data that we collected, because we can't reweight it properly to eliminate its potential bias, has been dropped from use in the new estimation method.

In the future, in the new intercept design we will not do alternate mode interviews. The site day assignments, the four-hour or six-hour time block assignments will continue to be mode-specific and the samplers will stay within their assigned mode. The last source of change here is on the issue of alternate sites, and this is a big one.

Again, site day assignments were drawn as appropriate in the past but there was no activity samplers were allowed, after two hours, to move to an alternate site of their own choice. Chances are in many cases they went to alternate sites that were accessible to them, reasonably nearby, and where they figured they would likely encounter fishing activity, meaning they were higher activity sites.

The site selection probabilities of those alternate sites was not known, so again our past methodology assumed that their fishing characteristics were the same as the assigned sites, which is not likely true and likely introduces bias into the estimates. The team was able to come up with a way to recover from the data that we have in our files sufficient information about the selection probabilities of the alternate sites that they could construct a model that enables us to estimate those selection probabilities and reweight the data from the alternate sites

appropriately to eliminate any bias they might have introduced into the estimates.

The new selection probabilities for alternate sites are now part of the catch estimation. The better approach, however, in the future in the shoreline design is to try to avoid doing essentially after the fact recalculations based on a modeled and a weighting approach and address the issue in the data collection phase itself.

Our intention there is to change our sample collection design so that samplers are going to be assigned to a specific cluster of sites, which they will visit in the order designated for the time periods specified and they will not be going to alternate sites. The size of the site clusters will depend on the level of pressure or activity at the sites.

High pressure sites will probably be one-site clusters. Low pressure sites will be probably be three-site clusters and intermediate will be two-site clusters so that a given assignment will consist of one six-hour assignment either at one, two or three sites for six, three, or two hours. Again, at the end of the day this will eliminate any source of bias that results from alternate site utilization.

That's an overview of the changes that we're making both now with the estimation method and in the future with the new intercept survey design. These changes eliminate sources of bias in the estimates and will result in some changes. Removing the bias will affect both the point estimates of the catch themselves as well as the associated measures of precision, which in our programs have generally been represented in the past as the percent standard error.

We are probably going to continue to report percent standard error but also probably we're thinking in terms of reporting 95 percent confidence intervals as well so that people can look at both ways of expressing the variance of our estimates in the future relatively easy. The changes that we will be making can affect both the results of stock assessments and management actions going forward.

Recreational catch data is one of several inputs that is used to determine stock status and sustainable yield, and any revisions to these estimates can affect those conclusions, both of stock status and how the management may work. What is next; where are we right now? Right now we're completing the use of the new estimation methodology to calculate the catch estimates for 2004-2011 and wrapping that process up, doing the final QAQC review of the

method, the SAS code that has been written to convert the data into estimates and reviewing the legacy data and dealing with some outliers as they pop up in the new estimates.

We are also pretty rigorously reviewing these methods as well as their impacts on stock assessments. We expect to continue to work with our partners, the councils, the states and to consult with stakeholders to understand the implications of these changes on stock assessments and management requirements and to develop the most approaches to integrating the updated numbers in our management looking forward.

Now, that is a dialogue that hopefully will begin now and will be with us for some time in the future as we move these numbers out. What else is coming? As I indicated, the improvements to the design of the intercept survey itself will be our next step, and we will be talking about that in greater detail here in a few minutes because so many of you are actively involved in that work.

Also, you know, this has all been on the catch side and we need to talk a little bit about improvements to our effort estimates and how we will use the registry data to address those, and I'll get to that in a couple of minutes as well. The other point is that as we conclude the implementation of these fundamental designed changes in our intercept surveys, that sets the stage for expanding our sampling as necessary and appropriate to improve the precision of the estimates that we generate.

I think we've said all along Step 1 is address the fundamental design issues, fix that, get rid of sources of potential bias and then consider how we expand sampling to increase precision and to address spatial and temporal resolution issues of concern and interest to all of you. Improvements to the intercept survey; we're planning now for implementation of the new survey design over the next eight months with a target for implementation early next year. Some of the key tasks here involve finalizing the design elements, and I'll talk a little bit more in detail about that in a second.

We need to update our site register and get pressures for all these six-hour time blocks, which we don't have now. We need obviously to do a new procurement to get new contracting services lined up that follow the new design rather than the old one. We have to have some discussions about sample size.

One of the issues will be that we're replacing an old method with a new method and we might need to adjust sample sizes to get equivalent results. Some of the design issues that we're talking about in consultation with the states include getting the states involved in the site register development to make sure that we have identified and have accurate characterizations of all your sites by mode, which I'm not convinced that we have now.

In fact, I think we ran into some interesting issues in the early stages in North Carolina pilot making sure of that. And, Tom, I don't even know; you may not have heard this yet, but we have a project that you folks are working on with the Eastern Shore where the early stages indicate we need to do some improvements on the site registry identification even in that, and I'm glad to see that is working out pretty well in the early stages and we're getting lots of good input from stakeholders on that. It looks like a good project.

There are some other issues about the definitions of the sites. There is some possibility of dividing some of the large sites that are too big to be sampled productively into multiple sites, which would still be high pressure sites at that point, so that's a very detailed task that needs to be done. There is a possibility of combining some adjacent low pressure sites and setting criteria for cluster size.

We have seven or eight pressure ratings now and there is some possibility we may reduce into a smaller number of pressure ratings. That can be done after the fact or it can be done up front. Either way will work but we want to make sure that these decisions re made in consultations with the states.

We've already asked the state representatives who are participating in our wave meetings to work on the site descriptors and site definitions and that work is going to continue. There are a couple of things I wanted to make sure that all the state representatives and state directors here were aware of.

As I said, we've begin a dialogue with your technical staff on this issue of updating the site register and how we define the sites and the pressure ratings. There will be a conference call in two or three weeks and typically the people on your staff we've been working with are your ACCSP recreational technical committee members and/or those staff who have been attending our wave meetings, so usually the same people.

It's very important hopefully that all the states will participate in this upcoming site register update, including the conference call and the October wave meeting where these decisions are going to get rolled out. What I'm kind of hoping is that the state directors will check in with your staff and make sure that they're engaged and you're satisfied with the decisions that are being made and who is participating at the state level and to ask that if your state is not active right now in that ACCSP recreational technical process that you consider making sure that somebody is assigned to work with us on this.

The other thing that I'd like to suggest is that we consider ways to increase state partner participation in data collection going forward. Our thinking is that we will have a better quality product in the long run if we working with site registers that have been generated by state personnel or with oversight from state personnel and if we are ultimately working with state personnel or state-supervised personnel collecting intercept survey data.

We believe that as a result of the experience we've had with the states where we do have that relationship now. It seems to work much better not just on the Atlantic coast but on the Gulf coast as well. We're hopeful that we can engage in some discussion about how to expand state partner participation.

That said, there are a couple of things that I think it's important for the Fisheries Service to try to put forward as well. The first is how do we engage you all in some of this decision-making. We know that attacking these things creates demands on you that impose some difficulties. Some of them are financial; some of them are logistical; and how do we get at that stuff?

We've heard the feedback from many of the states on some of these issues over the last few months. What we're thinking right now is that we need to put together a workshop later this year. Once we have kind of put behind some of these technical issues on site definitions, clustering sites, splitting them up, getting the site registers developed, take the next step into looking at the implementation issues through a workshop that will help us develop strategies to respond to that stuff.

That needs to include a discussion of sample size, which we also understand is important. It's important to us and it's important to you. We're thinking that probably late fall or early winter we'll

be doing that most likely via webinar, probably again involving recreational technical people but it may well be that you want to move some of your senior management personnel into that dialogue as well, and that would be perfectly appropriate.

The other issue is we recognize that some of this is going to cost us all more money and we are hopeful that we can meet that need through what is available in our MRIP budget. Obviously, the future is uncertain in that regard and we're all well aware of that. A few words about effort; I think we're all aware that under the MRFSS the effort estimates relied primarily on telephone surveys conducted of randomly selected residents of coastal county households.

The NRC identified a number of issues and concerns with this, including the low efficiency of this method because of the high number of calls made to households with no fishermen present, the potential undercoverage by us associated with not making calls to non-coastal households and also potential undercoverage by us associated with the fact that there are many households that are cell phone only and are not therefore accessible to us in a directory-based sample frame.

There are other problems associated with telephone surveys, including low response rates and length of recall issues, all of which were identified as concerns by the NRC. Their recommendation, as you know, was to proceed with development of a universal registry of everybody who fishes and to use that as a sample frame that would address all these problems in their view. Of course, that's a challenge and we have been working on it and we've made significant headway.

One of the things I wanted to share with you today is some of our thinking about how best to use registry data moving forward. We've been doing pilot projects of the use of state-provided angler registries for a couple of years now, both registry alone and dual frames in combination with other sample frames, and we've learned a few things.

We have learned enough to enable us to figure out what we think is the best way to go forward for the intermediate term. What we've learned is that angler licensed directory-based surveys all by themselves also suffer from undercoverage just as our current household directory does. There isn't an angler licensed directory that is complete.

Many of the states still have some gaps in their coverage and they all suffer from gaps from non-compliance. Our own federal registry suffers from the potential fact that we can't register anglers in state waters unless they're fishing for anadromous species. We don't yet have complete coverage. We want to work towards and build towards a point where the state-furnished registries are complete both in terms of who is required to register or get a license and in terms of getting everybody who needs one to have one.

Until we do, we expect to follow the advice of the NRC and to conduct dual-frame studies where a second broad sample frame can be added to a license frame to eliminate undercoverage bias. We have been studying dual-frame methodologies as well almost from Day One. The first dual frames that we worked on were a combination of licensed and essentially a replication of the coastal directory but without the coastal limitation, so a telephone and license frame all by telephone.

That dual frame addressed the undercoverage problem. We have no coverage bias with that kind of a dual frame, but non response is a big issue. One of the other problems is if you do a dual frame you need to be able to identify that overlaps between the two frames. You need to be able to separate out those that are in both frames.

What we learned, oddly, is that there are an awful lot of people who have fishing licenses who don't know it or can't remember it when you talk to them, so there is a real problem eliminating, it turns out, the overlap based on the use of a household directory-based sample frame. It's an important finding but not a helpful one.

One of the suggestions that was made by some of the experts that we're working with is to look a mail-based survey and an addressed-based frame as an alternate to a telephone directory-based frame. These methodologies, by the way, are not at all unique to sampling fishermen, freshwater or saltwater.

These methodologies are in very broad use in surveys of all kinds, both governmental and commercial all over the country; and the people we're working with are survey experts not just in fishing but they're survey experts, and this was their advice. Working on the mail survey, we found that it did address the coverage problem.

We don't have an undercoverage issue working with it. It significantly improves the response rate; and

because we have an address that we can match to the license list, we can identify the overlap. It's a substantial improvement over the other dual frames, but the one concern we have with it is timeliness.

Apart from all this, we also want to improve the timeliness of the delivery of our estimates. A telephone survey produces post-wave results much faster than a mail survey does so that's a step back on the mail. What our experts have developed as an alternative to all of this is what they're referring to as the dual-frame mixed-mode pilot, and I guess this is kind of like multi-stage cluster design.

I've learned a lot of stuff that I didn't know a couple of years ago when I sat around this table, let me tell me, and that's one of them. The dual-frame mixed mode is a combination of a telephone-based survey based on a license frame and a mail survey based on an address frame where we will be able to generate preliminary estimates of catch or in this case of trips that goes into a catch estimate quickly following the end of a sampling wave, whether it's the current two-month wave or something different, and then continuously update that over the course of a fishing year based on the results of the mail survey as a followup.

The recommendation we have now is that we proceed with that in an expanded pilot program that I'll talk about in a minute moving forward. Other issues associated with this are kind of the state/federal registry issues. We now have memoranda of agreement in place with every Atlantic coast state and jurisdiction.

That is something that I did not think that I would sit at this table and be able to tell you it would happen by now and it's a significant accomplishment that you all have made and many of you had to make it through very difficult legislative processes, and I congratulate you on that effort. I can't tell you how appreciative the agency is of the effort you've made to get us to this point, so we're now capable of providing a much more complete angler registry through the state data feeds than we could ever have done ourselves.

Frankly, let's be honest about it, it will cost us less to do it this way, and that savings will be savings that we can apply to things like expanding sample size and improving coverage, and that's our game plan. Each of you has provided initial data feeds or will have as of September. Under your memoranda or agreement the next steps following those submissions will be an evaluation of the data quality and the

errors and the issues we find in the data and that process is ongoing now.

Our reports will go back to you shortly and then the MOAs call on the states to provide a data improvement plan that is based on that feedback as well as other requirements of their MOAs for addressing any coverage gaps. Then we have provided additional funds to the commission this year to enable a second round of grants that we expect to be based on those data improvement plans later this year and extending into next winter.

The mixed-mode dual-framed survey that I referred to is scheduled to begin an expanded pilot in the South Atlantic beginning in Wave 6 of 2011, so it would include the states of Florida through North Carolina at that time. Then consistent with the results of that pilot and peer reviews of the write-up of the methodology that the team is working on, the expectation is that we will expand the mixed-mode survey across the Gulf and up into the Mid and North Atlantic Regions by the end of 2012.

I think the last point on that is that I will be in touch with all of you within the next couple of months just to go over with you what is in your MOAs and to make sure we're all aware of what those requirements are and that we're on board. I know a couple of states have had their licenses change on them this year and we need to make sure that we have notice of that on the record and that we have amended the MOAs if we need to.

Some of the other things that we're working on that there will be interest in looking forward, most of our discussion is focused on ashore and private boat mode data collection. The improvements to the estimation methodology and the intercept survey design are applicable to for-hire data collection on the Atlantic coast under the current standard that you work under, which is our for-hire survey methodology.

However, there is considerable interest in moving in the direction of electronic-trip-based reporting in for-hire surveys beginning with the NRC recommendations and the expert review that we had done in the early stages of MRIP. We have a pilot project wrapping up this month, wrapping up the data collection phase in the Gulf of Mexico and the results of that pilot should be available later this year to enable us to start to think about the pros and cons and costs and benefits and tradeoffs of exploring additional for-hire electronic reporting in other regions.

I think that dialogue is one that will certainly have to move into the east coast regions, and clearly the councils will need to be a big part of that discussion as well as our regional science centers. Earlier this year we had a workshop on methods and tradeoffs associated with improving the timeliness of delivery of our preliminary estimates.

Right now we get them 45 days after the end of a two-month sampling interval or sample wave. There is a lot of interest in getting preliminary numbers quicker to enable us to more closely track or at least more definitely project in-season catch in light of annual catch limits and accountability requirements.

There is on our website a preliminary report from that workshop. The final report of that project will be done in September. One of the things is we have requested funds in the President's FY 2012 Budget that would enable us, if we get them, to move from bimonthly to monthly sampling waves in the Atlantic and Gulf coast.

Again, that is contingent on that funding coming and we'll have to see about that, but it may well be that at the end of the day we want to look at the recommendations that will ultimately come from the workshop and the post workshop report review and some modeling work that we think should be done before we come to final decisions on how to improve data timeliness.

There is one other potential source of undercoverage bias that cannot be addressed by the estimation method and access point survey design, and that is the potential for private access bias that we've talked about before. We are not able to intercept trips that end at private access sites, so we are undertaking a project in Florida and North Carolina to try to get a handle on the differences and the significance of differences in catch rates between trips that end at private access as compared to public access facilities.

If we find that there are significant differences, there will be further efforts going forward required to employ methodologies to continue to understand and apply some kind of adjustment in light of any such biases we learn about. There is also a lot of interest in angler self-reporting programs. I don't know how many meetings we go to that somebody doesn't hold a Smart Phone and say, "Why don't you use this?" We get that; but as I've said it has not been a priority. The priority has been on fundamental design issues that addressed a bias in a statistical survey design.

But we do think that there are opportunities to employ angler panels and other angler reporting down the road as supplemental and alternate ways of collecting some of the data that we can use in the future in a constructive way. The Mid-Atlantic Council will be conducting a workshop later this year to begin a discussion of that.

Some of you may be familiar with the Blue Ribbon Panel which was a group of experts convened with funding that some of the national recreational fishing organizations were able to put together to look at some issues, and one of the things the Blue Ribbon Panel recommended was right along this line of find ways to engage anglers more directly in providing data, but it needs to be done in a way that the data is statistically usable.

I'm sure you guys all appreciate the fact that we have to be careful about voluntary self-reported data and the biases that can be associated with it. The last thing I want to mention is that we've doing some work looking at the potential for improving and expanding collection of data for our Atlantic Large Pelagic Survey in consideration of whether it's appropriate to expand it further south and into the Gulf and to make some improvements in the methodologies there.

Some time within the next year or two we'll be making some decisions about changes there. Implementation timing; the revised estimates are imminent. Within the very near future we will be rolling those out based on the new methodology. The mixed-mode dual frame will begin hopefully as planned in November for Wave 6 in the South Atlantic. The first phase of the new shore-wide intercept design for the Atlantic coast and the Gulf coast is scheduled for Wave 2, March 1, 2012.

In summary, our new estimation methods are going to give us more accurate numbers with a known level of precision; and once we've implemented them, then we will have the ability to make our estimates even more precise by committing resources to increasing sample size. This method was well researched and developed by the right experts, and it's a fundamental improvement that allows us to make and build on it as a foundation a range of future enhancements.

We have a bunch of additional changes and I think it's important to bear in mind that those additional changes may also modify the way we think about the changed estimates that we're going to see shortly because that's not the end of the implementation of

methods that may change the way the numbers look to us.

Lastly and most importantly in this setting, we are going to continue to work with you; and now that we're looking at implementing what we're doing, I expect that implementation dialogue will be much more extensive than it has been in the past. Mr. Chairman, that concludes our remarks here today. I look forward to your questions and your discussion.

ASMFC FEEDBACK ON MRIP DEVELOPMENT

CHAIRMAN BOYLES: Gordon, thank you for that very thorough and informative treatment of a very long and involved process to improve our recreational information and data collection. What I'd like for us to do is first focus on any questions we may have of Gordon; and once the questions about the presentation have been made, open it up for general discussion about the direction. Gordon.

MR. COLVIN: Can I do one more thing I should have done at the outset and introduce Russ Dunn. Many of you may not yet know Russ. Russ is our National Policy Advisor for Recreational Fisheries and he came up to join us today. He wanted to hear this dialogue and I'm glad he is here.

CHAIRMAN BOYLES: All right, Russ, welcome, thank you. Questions for Gordon.

MR. WILLIAM A. ADLER: Gordon, are you finding or is it too soon to say that you're finding the information coming in from this new program to be better, more complete than the MRFSS or is it too early, first of all, to see that as a change? That's the first question.

MR. COLVIN: Bill, we're confident that the estimates that we will develop using this new estimation methodology are more accurate because what we know is that we've taken sources of potential bias out of the calculation. They will be different; and when you see them, these numbers will be different than the numbers you saw in the past, but what you can be confident of is that we've rooted out the source of bias.

Whether they're better or not I think amounts to that, but they're going to be numbers and they'll be survey estimates and they will be subject to variance just as the old ones were because fundamentally we're developing an estimate based on a sample survey.

That's not going to change, but what we can all be aware of is that the experts have given us the necessary tools to get the sources of bias out of them.

MR. ADLER: And a followup; when does the agency think that they're going to actually be able to start inserting them in the data banks that we use? Is it going to be a couple of years before this new program will actually be able to be used in what we have to deal with?

MR. COLVIN: Bill, I think we're going to see when the new numbers come out that the stock assessors are going to want to build them into their new assessments going forward, and some of those assessments will come sooner than others. The question of how we get them into the management process is one that we're working on. It's going to take a little bit of time to get all that integration done.

MR. DOUGLAS GROUT: Gordon, I have a series of questions here. I don't know if you want to take them all at once or whether you want me to do it one at a time. Okay, one at a time. First of all, you indicated that the new estimates were coming out shortly. What is your process going to be for making them available to first of all the fisheries managers and second of all to the public. Is this going to be via e-mail or press releases; is it, well, you can go up to the website now and they've got the new estimates?

MR. COLVIN: Well, when we're ready to put them up, two things will happen. We'll announce it. The numbers, you know exactly what they look like on the website. The new numbers will replace the old ones in the same basic way of displaying and accessing them. In addition, we're going to post what we refer to as a comparison tool, which will graphically and in tabular form compare the so-called MRFSS, the unweighted MRFSS estimates by state, by year, by species with the new weighted estimates.

The comparisons are not going to get all the way down into modes and waves. I think you lose the ability to do that, but the numbers in the new numbers, modes and waves will be there. We're going to continue to calculate estimates both ways so long as we're using the current sample design so that if there is a need for people to continue to compare, if you will, apples to apples, so long as we can that data will be available to you on request.

What will be on the website, though, will be the new numbers. The comparison tool will have a little of change in how we depict the variance. The tables will highlight any PSE over 50 and there will be a

footnote indicating that any PSE over 50 is a highly imprecise estimate, just to kind of emphasize that because that's not a point that I think has been sufficiently appreciated in the past. The other thing is that on the graph we will show a 95 percent confidence interval around the new estimate.

MR. GROUT: Why was 50 percent PSE changed? I know in the past we've looked at anything above 30. The next question involves cost. Some of the new method such as eliminating alternate mode surveys and alternate sites and going to this cluster method, those original methods, the way I understood it, were used to try and be more efficient at getting surveys.

So clearly there is certainly a possibility of it costing more to get an intercept; and such of these other things such as increasing sample size will cost more money. In this climate of budget slashing, is there going to be the money to be able to do this at an increased level because it clearly will cost more money to get the same level of data or better level of data?

MR. COLVIN: On the issue of funding, we started MRIP and we got our first appropriation at \$3.5 million in FY 2008 and we have ramped that up now to where it's \$10 million this year. The President's budget request is for \$12 million for next year. We have a House mark which is at \$11 million, and we don't know what the Senate view on this is.

As I indicated to you, we've been fortunate that we have very substantially reduced the anticipated costs of operating a federal registry system. We're pretty optimistic that between having that funding available for sampling and what has come at us so far in the appropriations process, subject to who knows what after yesterday and today, that we should be able to meet any financial needs that this new intercept survey design would impose.

Stepping beyond it to issues of very substantially improving precision at smaller intervals, that we will have to see about, and we already can tell you that this notion of having funding available to reduce sample waves to one month or to do more for-hire logbooks is clearly dependent on the president's FY 2012 request being added to what we have now.

That's the only obvious contingency I can offer you. There is something that we really need to emphasize on this question of efficiency. Jay Bright and John Opsomer have drilled something into our heads that is a new way of looking at things. Historically – and I'm with everybody else on this – we've looked at a

measure of success as the number of intercepts we do. So we've made changes in the way we collect data to maximize the efficiency of the process of intercepting and getting data from anglers.

We felt that the more anglers we got the better job we did. Well, it turns out that is dead wrong. In our multi-state cluster design approach where the primary sampling unit is the site day, what is important is not how many anglers we interview but how many site day assignments we complete consistent with the sample design, and that will continue to be the case in the new methodology except that they will be six-hour time blocks instead of days.

In order to improve the accuracy and the precision of our estimates, we need not to be more efficient in how many anglers we talk to but how many site day assignments or site time block assessments we complete consistent with the sample design. That's where we need to all kind of reshape our thinking and that will be our focus.

That also means, of course, is it's a little harder for us right now to figure out the cost implications of that because we're thinking in terms of cost per interview and stuff like that as opposed to cost per assignment, and we're going to have to shift over and start thinking that other way as managers.

MR. GROUT: Clearly, that is going to be one of the things that – you know, how many of those six-hour time blocks you can do.

MR. COLVIN: And that's something that we have to talk about in this workshop.

MR. GROUT: Exactly and plus the cost of having to send now people out at midnight to six, which has a whole series of different complications from a safety standpoint. The electronic reporting survey for for-hire that sounds so promising; down in the Gulf states do they have small guide boats and are they able to electronically report sufficiently or has been successful that way using those small boats?

MR. COLVIN: The technology that was developed for that study included essentially Smart Phone applications that any size vessel could use. They actually had a workshop early in the stage where they brought in charterboat captains of all different kinds of charter operations and they had some guides here.

There was one group of guys that were saying we should do this with traditional VMS technology and these guys that had the trailer guide boats are saying,

“Oh, no, you don’t; not on my boat.” The project team put together a pretty good approach working with a consultant on a reporting methodology that can be done with a laptop on the boat, a laptop at home and right off a Smart Phone.

How well it has been working we’ll see when we get the report. The other issue there is the validation part. It’s very clear from the reviews that we’ve had done that validation of that data is necessary. The validation method that they’re testing essentially involved intercepting a proportion of the trips that the reports were done from and comparing the intercept numbers to the reported numbers. We haven’t seen any of that data yet so we don’t know what it looks like.

MR. GROUT: One more and then I’m done. I’m just bringing up something that my staff who conducts the survey has been concerned about and that is when we change methodology in mid-year. There have some plans to do that and that has been put off, but they have kind of wondered, one, trying to change your personnel’s methods of sampling at midyear is problematic at least from our state’s standpoint because we only sample in four of the six waves and usually we train them in those oft times, but all of a sudden in midyear – at one point they were looking at changing right in the biggest wave, changing that process, plus the perception of saying, okay, well, up ‘til 2012, halfway through the method was this and this is what the estimates are, but halfway through we changed the method; wouldn’t it be better to try and do – they have been saying wouldn’t it be better to try and make those changes on a calendar year basis? Clearly, the statisticians may have some reason that this may or not be a problem.

MR. COLVIN: And that’s clearly something we ought to discuss at the workshop. It wouldn’t have much of an effect in New England if we stick to March 1 because you guys won’t be in the field yet, but certainly in the Florida and the Gulf it would, and we understand that. By the way, when I said we’re going to have a workshop with the states, that will include the Gulf states. It won’t just be the Atlantic states. I think it will be actually helpful to have all you guys together in this dialogue and comparing notes.

MR. G. RITCHIE WHITE: Gordon, is there a reason that the large pelagic survey is separate? It would seem like there would be a level of efficiency to combine – I know I get sampled on a regular basis.

He comes down, no, didn’t large pelagic fish today but did other fishing, and he moves on.

MR. COLVIN: I can really betray my ignorance real fast when I start talking about the large pelagic surveys and any of that stuff, because this is not something that I’m all that familiar with personally, Ritchie. I know we started doing the LPS because of the fact that we had a very low level of confidence in the MRFSS methodology to get us anywhere near precise estimates of catch of the ICCAT-associated species, particularly Atlantic bluefin tuna.

Historically our efforts to get that data through mandatory reporting didn’t work out all that well either, which is something by the way we should all bear in mind when we talk about angler reporting data and requirements. The LPS was developed as an alternate methodology that has similar intercept methodology to the MRFSS but uses a vessel permit frame as a basis for sampling to improve our ability to hone in on boats that are permitted to take tuna.

I don’t think there is any real clear efficiencies or savings that could be employed between the two that would continue to get you better estimates of tuna catch; but if there were, that’s certainly something that I think we will identify. The LPS only operates down to Virginia; and one of the things that folks are looking at now in the South Atlantic and the Gulf of Mexico where the numbers are basically MRFSS numbers are whether the LPS or something like it should be added to what we do with our basic survey designs down there. So it may well be that we’ll come back at your question from that other direction and we’ll see what the team suggests in that regard. It will be interesting to see.

MR. PAUL DIODATI: Thank you, Gordon and Sam, for taking the time this morning. On the intercept presentation, Gordon, you didn’t nor should you – the RSA Program is relatively small, but becoming increasingly more popular in the northeast at least for the for-hire fishery. With that popularity, I’m thinking that intercept frequency could be lowered if you’re going to eliminate RSA trips from the for-hire sampling program or significantly biased if you by chance include them. I am wondering if that is something that has been talked about amongst your group or something worth touching on.

MR. COLVIN: Paul, I don’t think that the RSA Program has been anything that has been embedded anywhere in MRIP. It certainly has been something that we’ve been addressing in the ongoing management of the for-hire surveys. The basic

guidance to our contractor has been that they are not to include RSA trips in the data that they report in either the angler intercepts or the sea sampling on headboats that they do in conjunction with that survey; that that should not be a part of that.

It should be a separate data feed that comes from the RSA permit holders themselves because it's off the top of the quota. It's not something that should be monitored with the rest of the catch. If there is a need to revisit that, whether it's again part of our normal operations either at the office level or through the councils, we'd be happy to have that dialogue with you.

DR. DANIEL: Gordon, I know my staff has worked very closely with your folks in developing a lot of these things. I just have maybe more comments and request than questions. I know we're going to see revised estimates. I don't know what the direction of change is in those estimates, whether the new estimates are higher than the old landings data or lower than the old landings data or whether it's consistent along jurisdictions.

Certainly, the level of collection programs in North Carolina is different than some of the other states that may not have as much of an add-on survey that we do. I don't know whether there is consistency in the change or the bias that we're seeing in the new estimates. I have a pretty good idea of where they'll be.

The public is going to be wild over these re-estimates, and so I think it's going to be critical for us to get these re-estimates at the state level before they get released to the public so that we can get some sense of how to respond when we start getting the calls. I don't know about all of you, but we have state fishery management plans in North Carolina and from what I'm hearing some of these estimates are going to have some pretty significant impacts on the results of our stock assessments.

Maybe they won't, but certainly we're going to get a lot of questions immediately upon release "what does this mean", and I think it would be very helpful from the science folks at NMFS if we could have maybe some kind of fact sheet or some kind a statement out that says if the landings look like this, then what are the impacts of all this to these assessments for the lay person that may not understand, well, if we have been underestimating recreational landings all this time, what does that mean?

Finally, I think to go back to Bill Adler's question, I think that once we've released these data they become best available and I would think that a lot of folks would be wanting to use these new estimates in their assessments. Otherwise, I think they're going to run into criticism of not using best available data after the four years of effort that we've put into developing these estimates. I guess there are questions sort implanted in those comments that raise concerns for me and maybe others at the board.

MR. COLVIN: Louis, I understand your request and that certainly is something we'll consider, and I understand the basis of it. One of the things that you might want to consider – by you, I mean the commission, the policy board and the commission staff – is understanding that some of the estimates will be higher and some of them will be lower is to begin your own thinking about the implications of that for the assessments of importance to your management programs and for the likely challenges of integrating higher or lower catch estimates into your ongoing management. I think we will certainly and we are certainly thinking about how to do that with the federally managed fisheries. I would encourage you to do the same.

MR. ROBERT BALLOU: Thank you, Gordon and Sam, for your time. I have two questions and a comment. My first question is I think a pretty straightforward one and that is does the Service intend to continue the registry indefinitely or will that be sunseting?

MR. COLVIN: The Federal Registry, Bob, yes, definitely, it's in the statute and we will maintain the requirement. One thing that I think I should have and didn't mention is that we are thinking of doing some tweaking of the registry rule in a proposed rule some time later this year. I don't think that the changes that we have been thinking about would be significant on the Atlantic coast at all or any coast, really, but hardly at all on the Atlantic.

The federal registration requirement which is established by the Magnuson Act remains, and so that in the event that we – well, for the three jurisdictions that we don't have agreements with and the event that any of our current agreements lapse or for some reason the state withdraws, we will still have an underlying federal registration requirement, yes.

MR. BALLOU: A separate question; can you comment – in this changing environment and changing paradigm, can you comment on the continuing appropriateness and value of state

investments and add-ons? Does it remain as appropriate and as valuable now and will that continue next year and will that continue in five years?

MR. COLVIN: I believe that it will. If I were you, I might want to know a little bit more about the details of how the intercept design and for that matter the effort sampling programs will look in the future to help me make a sound investment decision, but there is no doubt that expanding sample size will improve resolution using these new methods. If you want more precise estimates, your investment in expanding sampling at the state level should get them for you, and you should be fairly confident that what you get is relatively bias free.

MR. BALLOU: And I could just follow on, Mr. Chairman, I think you alluded to this, but I could just ask for more clarification; is there any point in waiting until things sift out a little bit more or does it make as much sense to move forward and perhaps continue moving forward for those states that have already been doing this, this year and next year or are we in a pause. Is there any disincentive to continuing to invest in add-ons now given the changing paradigm? I will leave it there; thank you.

MR. COLVIN: Well, I'm trying to think where are we? We're in the middle of the year; and if I were you I'd be thinking about investments for next year, anyway, at this point so I think it is appropriate to think about maintaining or expanding a buy-in investment in 2012.

If you're asking me should I pull back on any plans I have for the balance of 2011, I mean that's your call. We're going to continue to use the current methodology and produce estimates using it. There will be a higher precision associated with the buy-in, but it will come with the associated bias.

MR. BALLOU: One last comment and that is just to echo what I understand you've been hearing a lot of, and that is the interest in angler self-reporting programs. In Rhode Island we certainly have a lot of interest. We are now at the point of actually issuing hats for those who agree to participate and, boy, is it ever working. It's what a hat will do.

We are getting a lot of contributions to that program and we think there is a great value in it or we anticipate that there will be great value in it, and we just look forward to working with you in trying to find ways to incorporate that information into the program. Thank you.

MR. ROY MILLER: Thank you, Gordon, for the excellent summary. I may have missed this during your discourse, but the issue of how far up a tidal tributary the MRFSS covers, that's an issue I wish you could clarify a little better because it was hazy years ago and it's still hazy to me now. If you take a river system like the Delaware; does the MRFSS cover as far as head of tide, does it go all the way up to the New York State Border? I know that's a specific example, but relatively speaking what is your thinking in that regard? And then I have another question to follow up.

MR. COLVIN: Roy, actually I'm very glad you asked me that question because it prompts me to remember something that I intended to say and did not during my remarks. Right now there is nothing on the table that would expand the geographic coverage of our surveys beyond that which is in place now.

By and large, for the most part our intercept survey coverage ends at the mouths of the large rivers, so George Washington Bridge and the Hudson, for instance, which is obviously the one I'm most familiar with. We have talked with all of you more than once about the interest in expanding the coverage at least to the extent of tide if not beyond for some of the anadromous fisheries.

These questions of geographic expansion have been identified by MRIP from the outset as something we will get to after we get the fundamental design stuff done. When I speak in terms of increasing sampling after the design is done, I mean increasing the amount of sampling to improve precision but also the coverage of sampling to include geographic areas and one other thing, waves, that we are not now covering.

There is a lot of interest also in expanding coverage to include Wave 1 at least through the entire South Atlantic and possibly part of the Mid-Atlantic Region and possibly doing some Wave 2 sampling perhaps in for-hire fisheries in the Gulf of Maine. We're aware of that. All these issues are out there.

Now, the thing that I meant to say before and forgot to; we're also well aware and were part of the process that ACCSP is revisiting its standards this year for recreational data collection; and in the course of that standards' dialogue the issues of what do we really need and what ought to be in our Atlantic Coast Partnership Standards are on the table.

I'm hoping that issues like what is the necessary geographic coverage to get anadromous or diadromous fish catch, what is the necessary temporal coverage to get necessary data from sample waves as well as some discussion of precision will emerge from that standard-setting process. It is on the table and I'd urge you all to make sure that you and your technical staffs are fully engaged in that. If we want, we can bring it back up again Thursday afternoon when we're back here to talk with ACCSP. Thanks for giving me the opportunity to get back to that point that I had forgotten, Roy. Your second question?

MR. MILLER: Very quickly; concerning the registry, now that many states have a FIN number, I think I heard your answer, but I just wanted to affirm how do you avoid duplication? For instance, I have a FIN number for Delaware, Maryland and New Jersey. How do you prevent three data records with something of that nature?

MR. COLVIN: Well, first of all, I'm not sure that we need to, but we will ultimately have capability within our data base to cross-walk records by address at least that are duplicates, but we may want to keep records in the data base based on the state in which an angler is licensed; so that when we ultimately do a sample draw for a given geographic area, we know that we have all the anglers who are permitted to fish in that area.

I've got registrations in New York, Virginia and Florida and they all have my New York address on them, but I would think that we would not necessarily want to toss any of those out because the sample draw for Florida might very well need to include a different pool of anglers than one for New York or even Virginia. Right now our thinking is that we'll probably retain those state-specific tags on them. I'm sure the survey experts will play with that more going forward, but right now that's the thinking.

MR. LOREN W. LUSTIG: Mr. Chairman, I have a question and then you will allow me a follow-up comment. Sir, I was very interested in your dialogue, especially when you spoke of – I believe your quote was “rooting out sources of bias”. I took note that the plan to go to site day assignments rather than the number of intercepts would be beneficial in that regard.

I can appreciate that and encourage that. I also appreciated when you said that the survey people had been encouraged not to abandon sites. I thought that was also a very good step in terms of the issue of

bias. My question relates to those anglers who may have either reluctance to participate in the survey or an inclination for exaggeration.

I theorize that those who have reluctance may be anglers who have greater expertise or greater avidness and they simply don't want to share information about what caused them to have a lot of success, so would that information just be lost? On the other hand, those anglers who have a tendency to exaggeration, how do we control that, through some validation process? What happens to eliminate bias in that regard?

MR. COLVIN: There are sources of bias that are going to be very difficult to get at, and you've put your finger on two of them. The first is non-response bias; and all kinds of surveys, no matter what they are, are subject to concerns associated with non-response bias. It is very difficult and all we can really do is to try to get continuous feedback on an operational level as to how best to do an interview to minimize non-response or maximize response.

There is a lot of literature on this in the survey literature, and one of the biggest issues boils down to things like the length of the survey and the manner in which people are approached, but at the end of the day non-response is a problem and it's not something that can be prevented. What you want to try to do is to get at it in a way that hopefully the fishing rates of those who choose not to respond are not dissimilar from the fishing rates of those who do respond, but it's tough and there is no silver bullet out there.

Similarly, we can try to do a certain amount of validation on the information we get, and in some degrees I spoke about doing some follow-up work with angler panels and some other things that eventually it may be possible to do supplemental data collections that will give us insight on the rates of certain things, whether it's catch rate or participation rates or whatever that we can compare to the data we collect in the surveys to see if there is a big mismatch in trend; and if there is, that's going to suggest a bias that may be misreporting bias.

There are certain kinds of trips that we can independently sample and validate, particularly on headboats where we can put observers. The biggest problem area we have in this regard is actually on release rates. The NRC correctly noted that our ability to estimate the number of fish released by anglers is impaired by the fact that we can't observe it; there is nothing to count.

We're entirely reliant on angler recollection and willingness to accurately report. MRIP has been trying to come up with some ways to improve our estimation of released fish and it has proved to be very difficult. Apparently from what we've learned, it's difficult in other context of fishery surveys historically, freshwater and saltwater, and it's just a tough nut.

We're trying to come up with some camera-based method, to try to use angler panels with cameras on their boats to give us insights on it – that's under study – as well as expanding the sea-sampling efforts on headboats. We've done some independent checking of release rates that are observed and not observed and they tend to match better than we thought, so it may not be as big a problem as we think it is.

Another issue that's associated with that is length of recall. Intentional or not, length of recall tends to affect the accuracy of people's ability to estimate and report their activity. We think that a side benefit of shortening, for instance, the sampling waves for effort from two months to one month will be a significant improvement in the accuracy of people's ability to recall the number of fishing trips they made and get it right.

There is a tendency of some people to get it too high and some people to get it too low. We're also taking a hard look at the issue of whether that non-response bias is influenced by the avidity of the anglers, and it appears that it may well be in the case of the effort surveys affected by the avidity of the anglers.

Anything we do to improve non-response bias or non-response rates will improve the underlying sources of avidity bias in those estimates as well. I guess the bottom line to all that is that the experts are trying everything they can think of but there are elements of this that are resistant to rooting out all of those sources of non-response, and I don't know what to call it. Prevarication bias seems to endemic with anglers.

MR. LUSTIG: I'll just offer a comment, if I could, Mr. Chairman; certainly when we have a survey technician speaking directly to an angler, we have an opportunity to receive data, but we also have an opportunity to offer environmental education, don't we, and so I would encourage that to occur. It may be as simple as a simple brochure that helps to explain creel limits or size limits, something like that, or issues that are of concern for conservation.

Hopefully, we can take that opportunity and run with that. Thank you, sir.

CHAIRMAN BOYLES: Thank you. That's all I've got for questions. What I would like to do now – are there any other questions for Gordon on the presentation, where we are with MRIP and perhaps more importantly where we're going with MRIP? Seeing none, recall that we sent out an e-mail suggesting that I be prepared to craft a letter to the Service outlining one of several courses of action, either a general outline of support – there has clearly been a lot of work done by a lot of people here to improve our recreational data collection – or to outline any concerns that we may have.

I appreciate the discussions and the dialogue. I wrote down three main points that I think are very, very important. First is to reduce if not eliminate bias; second, to improve the precision of the estimates; and finally enhance the spatial and temporal coverage of our survey data. Any general discussion along those lines? Tom Fote.

MR. THOMAS FOTE: I think in light of the budget issues we need to talk about funding; funding for both the states and for the federal program. I'm looking at a budget crisis in every state along the coast. I guess the Senate just voted and approved the debt ceiling so we know the budget is going to call for a dramatic cut. If we're going to have a program that goes forward, it's nice that we have all the framework; but if we don't properly fund it we're not going to get the information that we need. Without proper funding, we can't do it so I think that's important part of the letter.

CHAIRMAN BOYLES: Other comments? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, Gordon was getting ready to leave and I asked him to stay. It seems to me another issue that the board needs to consider is the commission and the states have been integrated into the MRIP process; and as part of that there has also been an outreach by Gordon's shop to keep the commission and our states informed about what is going on.

I think one of the questions to this policy board is – and with useful feedback to Gordon – is the adequacy of those progress reports, the clarity of that, because embedded in your question is two things. Do we understand when and where and how NMFS is moving forward; and, number two, are we supportive of it, so it seems to me does this group feel that they have been adequately informed; and if not, what

other things do we need to do to make sure everybody is on the same page about what Gordon is doing. Thank you.

CHAIRMAN BOYLES: Good point, Vince. I certainly feel very well informed and, Gordon, it's always to have you here, but other comments or perspectives? Bob.

MR. BALLOU: Yes, I think this is an issue that really needs to remain on the policy board's agenda. It seems to me that we may be as early as the next meeting looking to develop some sort of a response plan essentially as we look at now two sets of numbers, as we look at striped bass stock assessments, and then trying to work through the process of which numbers go into the assessments; those are policy decisions that I think we're going to need some uniform guidance on for the various boards. It's probably not the sort of thing we can wrestle with here today. It's something we need to anticipate and have ready to address as early as the next meeting and then on a continuing basis thereafter. Thank you.

MR. FOTE: As Gordon was making his presentation, I was going through the powerpoint and looking at the 28 slides. I wish I had tape recorder to tape record all Gordon's comments, so it might be advantageous that we basically – that Gordon and NMFS put together a video of the slide presentation just with the comments with Gordon.

Yes, it's nice for me to know but I'm going to have to explain this to a whole bunch of fishing clubs or individuals that are out there, and it would be nice to have Gordon's words of wisdom on video that I could basically use.

CHAIRMAN BOYLES: Other comments? Do I sense consensus from the policy board that a letter to the Fisheries Service is in order certainly outlining our support, appreciation and our interest in a lot of the work, Gordon, that has gone into this and we can pick up on some of Dr. Daniel's comments in recognition that we are in this boat together and by hook or by crook we're interested in improving these recreational catch and effort estimates; and additionally recognizing that we appreciate the dialogue.

Bob, I think that's certainly a good point as well. Do I see consensus along those lines? Okay, I see a lot of heads nodding in the affirmative so we will move in that direction. Gordon, again, thank you for your time and your team's time. I know there has been a

lot of effort. It's nice to see you and Sam and Russ and your folks and welcome back and look to hear from you again.

MR. COLVIN: Thank you, Mr. Chairman, it's my pleasure and I thank you for giving us so much time. This has been very helpful from our perspective to have this opportunity to address you assembled this way. The letter you've outlined would be most welcomed and most appreciated. I know you're going to spend some time with our assistant administrator tonight and tomorrow, and I know that he will be delighted to hear that as well.

OTHER BUSINESS

CHAIRMAN BOYLES: We are down for the time being to other business. Louis, you had something you wanted to share with us.

DR. DANIEL: Just real quick; I've got to get back for a contested case in a Division of Coastal Management Hearing tomorrow and so I won't be here for something that I've sort of been one of the architects of in your continuation of the ISFMP, and that is the potential movement forward with an FMP for black drum.

I just wanted to say I appreciate all the work that Genny has done putting together the information that you'll see I guess tomorrow in the ISFMP. It's pretty clear to me that we're mining these year classes so fast that we're not able to develop any kind of age structure in this population except from perhaps the fish we see in Virginia and the Chesapeake Bay.

I think we're losing a great opportunity by not moving forward with some kind of a management plan on black drum. I just wanted to put my support behind that. I hate I'm not going to be here, but I just wanted to get that on the record for your discussions tomorrow. Thank you.

CHAIRMAN BOYLES: All right, thanks, Louis, I appreciate that. Any other business to come before the policy board at this time? Seeing none, we will be in recess.

(Whereupon, the meeting was recessed at 12:58 o'clock p.m., August 2, 2011.)

AUGUST 3, 2011

WEDNESDAY SESSION

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, Wednesday, August 3, 2011, and was called to order at 1:15 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CHAIRMAN BOYLES: Good afternoon, everybody. I'd like to call to order the meeting of the ISFMP Policy Board. My name is Robert Boyles; I chair the policy board. The first couple orders of business is seeking consent of approval of the agenda. The agenda was sent on the Briefing CD.

I had a couple of requests for additions; one regarding looking at the impacts of the new MRIP numbers and the second one is a letter requested by the Spiny Dogfish Board to NMFS on electronic reporting for sharks. Any other additions to the agenda? Bob.

MR. BALLOU: Mr. Chairman, just a quick chat on the timing of the release of meeting materials, please.

CHAIRMAN BOYLES: Okay, we will add that. Anything else? Okay, seeing none, any objections to approving the agenda as amended? Seeing none, then we will move right into public comment. Now is the time on the agenda for members of the public who wish to address the policy board on items that are not listed on the agenda. Is there anybody in the public who would like to address the policy board at this time? I see none and we will move straight into Bob's review of stock rebuilding performance.

REVIEW OF STOCK REBUILDING PERFORMANCE

MR. ROBERT E. BEAL: My presentation will be a summary of what was included on the Briefing CD as far as annual performance of the stocks. This is the third year that we've done this. It's a review of the stock status for all the species managed by the commission and how well the rebuilding programs are going.

The background on this is as part of the 2009-2013 Strategic Plan the commissioners requested more frequent reviews of how the rebuilding and stock performance is going for all the species. We initiated

this in 2009, as I said, and it's part of the action plan for this year. Overall the purpose of the document on the CD as well as the presentation I'll be giving now is just to validate the status of the stocks and review the rate of progress as far as rebuilding goes and achieving the 2015 vision that the commission has set.

If the trajectory and course for the species rebuilding is not acceptable, what changes should be made? Ultimately what this will do is provide feedback to the management board from the policy board and also feed into the 2012 action plan. As everyone remembers, following the August meeting the staff goes back and starts to work on our budget and our action plan for 2012.

We'll be working with the board chairs highlighting what activities need to occur over the next year and we will draft an action plan for presentation at the annual meeting in Boston in November. Ultimately that's where all these things are leadings is to actions for next year. The document is divided into five categories, rebuilt, rebuilding, concerned, depleted and unknown.

These are the same five categories we've used for the last few years. I'm not going to go into much of the kind of the good news species, which are the rebuilt and rebuilding. American lobster, croaker, herring, sea bass, striped bass, bluefish, northern shrimp, scup, spiny dogfish, Spanish mackerel, summer flounder and red drum are the species that are essentially on the good list. The stocks are in good shape and the management programs seem to working well.

Going into the species of concern – actually as a summary of kind of what changed from last year to this year, there has really only been two species that have moved categories from 2010, when I did this last, to now. Menhaden moved from rebuilding to a species of concern based on the overfishing determination by the stock assessment. Spotted seatrout was moved from unknown to a species of concern based on some of the state-level assessments that have taken place.

Other than that, all the other species have stayed in the same categories that they were in last year. Most of this information or all of this information is in the document so I'll just kind of highlight quickly where things are with the species of concern. American shad is assessed 86 different rivers; 64 percent of those are unknown. Collectively, though, they're at

an all-time low and they don't appear to be recovering.

Amendment 3 is going to have a moratorium by 2013 for shad if the fisheries are not determined to be sustainable. Atlantic menhaden, as I mentioned, this one is new to the category of concerned. Overfishing is occurring and not overfished currently. There has been poor recruitment for the last number of years. There is a benchmark assessment scheduled for 2013.

As of yesterday the management board initiated a biological reference point and addendum that will consider changing the fishing mortality target and threshold for Atlantic menhaden followed up potentially by a second addendum to deal with management measures. This is a figure of the fecundity of Atlantic menhaden and this is just a proxy for biomass essentially.

As you can see, there were some really high peaks in fecundity in the late fifties and early sixties, and since then it has been bouncing around but we are at about 99 percent of the target right now for the overall egg target and fecundity level.

Coastal sharks; some are overfished and overfishing varies by species. There are 40 different species in the coastal shark plan so there is quite a range of stock status there. The states implemented the Coast Shark FMP in 2010, and the current FMP complements the federal regulations, but there is concern over some of the status of these stocks. The slide up there is a summary of the coastal shark stock status relative to a number of different species.

Horseshoe crab is also in the concerned category. The assessment and peer review were last done in 2009. There are a lot of unknowns in the stock assessment which led to some concern. The Delaware Bay and the southeast populations appear to be increasing. New England and New York populations appear to be declining.

There is pending implementation of the full adaptive resource model, and that is potentially going to be considered tomorrow for an addendum. There is some concern there, but there is good news as far as the Mid-Atlantic stocks apparently, but the New England stocks seem to be dropping off.

Spot; this stock again is a species of concern. The plan development team has evaluated the data and there is essentially enough information to do a stock assessment. However, the lack of information on shrimp bycatch would be something that would

hamper the stock assessment. The state surveys; there is a mixed signal coming out of those.

It appears the age structure for spot is contracting so that's causing some concern. In 2009 the juvenile indices were all low up and down the coast, but the good news is they're a little better in 2010 for some of those surveys. Again, it's a species of concern and we need some biological samples and a better understanding of the life history to manage spot more effectively.

Spotted seatrout, again, us new to this category of concern. There are state assessments. These assessments at the state level do have some mixed results. There is an effort to update some of these assessments at the state level. Some of them are getting somewhat dated, but again biological sampling and some independent surveys for this species would be helpful in the assessment process.

The Gulf of Maine winter flounder; we're only at about 30 percent of the target as far as biomass goes based on the 2008 assessment. Reference points were not approved based on the peer review. The peer review had some concern over how those were developed and calculated. Overfishing is occurring. We need about an 11 percent reduction and the board did implement that.

There has been a new stock assessment on winter flounder that was conducted actually earlier this summer, late June/early July, through the federal SAW/SARC process. Those results have not been published yet so the Gulf of Maine winter flounder and any other winter flounder stocks may be – the status may be changing once we get those results.

This is just a figure of Gulf of Maine winter flounder stock. You can see the light blue bars are biomass and the lower horizontal line is the SSB threshold or only about two-thirds of the way to the threshold and they've got pretty far to go to get to the dotted horizontal line, which is the biomass target.

Moving on to the depleted stocks, Southern New England lobster, we had a meeting obviously earlier this week about this. Based on the 2009 assessment, we're only at about 58 percent of the target spawning stock biomass. Overfishing is not occurring. The abundance is the lowest since the 1980s. The technical committee recommended a five-year moratorium and the board has established a rebuilding goal of 2022.

Earlier this week the board approved a draft addendum to take out to public comment that included a 10 percent reduction in exploitation. This is a figure of the total abundance in millions of animals for Southern New England lobsters. You can see the red horizontal line is the 25th percentile and the yellow line is the median that we're trying to rebuild to, so you can see we're somewhat below that; quite a bit below that in the recent years.

Tautog is a stock that we talked about earlier in the week, also. The spawning stock biomass based on the assessment from earlier this year is at about 39 percent of the target so we've got pretty far to go to rebuild that stock. Overfishing is occurring. The board approved a fishing mortality target of 0.15, and the states are currently working on implementing their new regulations and have to do so by January 1, 2012, as the addendum is written right now.

It's unlikely that the stock trajectory will meet the rebuilding target by 2015 given a fishing mortality rate of 0.15. It looks like just to get to the threshold it's going to take a number of years let alone the target. This is a figure of the spawning stock biomass for tautog. Again, the lower horizontal line is the spawning stock biomass threshold; the higher one is the target; and we're only at about 30 percent of where we want to be with this stock, 38 percent.

Weakfish, we're about 10 percent of the target as far as spawning stock biomass goes for this animal based on 2009 assessment results. Overfishing is not occurring and not many animals are even taken out by fishing right now, but there is still limited rebuilding signals coming out of the stock; again, unlikely to meet the 2015 rebuilding timeline.

States have implemented a hundred pound trip limit and one fish creel limit on the commercial and recreational fisheries respectively. I've got a 2014 assessment lined up that hopefully we'll be able to incorporate some of the new Virginia Tech assessment methodologies. North Carolina does have the conservation equivalency proposal or plan in place that the board discussed earlier today. This is a figure of the weakfish stock; again, pretty low levels and getting pretty close to the X-axis as far as this one goes and appears to be flat if not still going down for the last few years.

Southern New England and Mid-Atlantic winter flounder; again this stock status may change based on the assessment through the SAW/SARC process, but based on the most recent assessment, which is the 2008 assessment results, we're only at 9 percent of

the target; so pretty far to go there. Overfishing is occurring. The F target equals zero.

In other words, the idea is that we should stop all mortality associated with fishing. The federal government has closed the EEZ to possession of winter flounder for the Southern New England and Mid-Atlantic stock, so there is no federal possession at all. The board did approve a limited fishery back in 2009 with the goal of discouraging a directed harvest for this animal.

Again, this is a figure of the biomass for Southern New England winter flounder. The horizontal line pretty close to the top of the graph is where we're trying to get to, and the solid horizontal line in the middle of the graph is the threshold. We've got a long way to go, as I said, but we're at about 9 percent of the target.

The stocks that are unknown, American eel, Atlantic sturgeon, hickory shad, river herring and spotted seatrout – actually, spotted seatrout should come off this one. It did move into the other category. American eel, hopefully we'll have a new benchmark by the middle of next year. The assessment folks are working on that right now.

Based on the last assessment effort, we're at or near low levels. There are still significant eel fisheries occurring up and down the east coast. We are limited by biological sampling for this animal by life stage, so that is hampering the assessment abilities, but hopefully we may be able to take this one off the unknown list and put it into one of the other four categories based on the assessment results coming out early to mid next year.

Atlantic sturgeon, a historic low abundance; we've got another 30 or 32 years with the moratorium that's in place right now. Obviously, there is also the ESA listing consideration right now for Atlantic sturgeon. There are no assessment efforts right now at the commission level to get a new read on the sturgeon population given another 30 years of moratorium that is in place.

Hickory shad; we've got a moratorium in five jurisdictions. The New Jersey survey appears to be increasing. North Carolina currently has the majority of the commercial harvest. Again, we need better data on understanding the life history and the habitat needs of this animal to be able to do a good assessment.

River herring; we've got a benchmark assessment that is going on right now and wrapping up all the

individual surveys over the last few weeks, and that is being synthesized. Hopefully the results of that will be released in early to mid 2012, after the peer review. Again, this may be stock that we can take out of the unknown category and put it into one of the known categories. Overall, a number of surveys are flat or decreasing. This stock also has a moratorium that will be implemented in all fisheries that are not proved to be sustainable by January 1, 2012. I think that is the end of the summary, Robert.

CHAIRMAN BOYLES: Thanks, Bob. Any questions for Bob. Bill.

MR. ADLER: On the menhaden, Bob, on the piece of paper that you provided us you have Atlantic menhaden in the rebuilding column, and you just mentioned it's in the concerned column. I didn't know that was. That's the first question.

MR. BEAL: I think that's a typo on the cover sheet. If you look at the meat of the document, it's actually in the concerned column. It just ended up on the wrong column on the cover sheet there, but it should be in the concerned category. The Menhaden Board agreed to that at their last meeting.

MR. ADLER: Okay, and the second question had to do with – I do have to put in the winter flounder, both the Gulf of Maine and the Southern New England ones; on those charts that you had that showed how far down the stock is versus where the limbo bar is – and I think I asked this at a winter flounder meeting before was who put the target and threshold up that high when it looks like they haven't been there in a long time? I just wanted to say that I think those bars are way too high in the target and threshold because if you look at where they've been all these years, I don't know how you ever get back there. Thank you.

MR. BEAL: Bill, yes, those stocks can walk under that limbo bar pretty easy without ducking very much. Those reference points are developed as a majority of the other reference points are developed on the potential of the stock to rebuild given the right environmental conditions and the fishing pressure coming off the stock.

Both of those stocks, again, were just peer reviewed through the SAW/SARC process and I'm not sure if they've indicated that a change in those biological reference points is appropriate. We will see what the results are from that assessment.

CHAIRMAN BOYLES: Other questions for Bob? Leroy.

MR. LEROY YOUNG: Not a question but just some good news about American shad I'd like to share. On the Delaware River both last year and again this year there appears to be tremendous runs on the Delaware. Based on what the anglers are telling us and some of our own sampling for egg take for our hatchery, we have reports of anglers catching eighty to a hundred shad in one trip, so some pretty good news.

CHAIRMAN BOYLES: Thanks, Leroy. Any other questions on the presentation? Okay, seeing none, now the discussion is where do we go with this? This in essence, if you recall, in accordance with the strategic plan in essence the area where we need to spend some time and energy on correcting some of the deficiencies that have been pointed out, so where shall we go?

MR. DAVID SIMPSON: Just to get started, I think one of the things is to put greater emphasis on the target fishing rate as a metric of performance rather than the stock biomass because in a growing list of species we're learning we don't have the control over ultimate stock biomass size. Bill Adler alluded to the winter flounder as one example, and there are many others.

I think that would help a lot in terms of performance measures for the commission are we achieving our target fishing rates at or below that level I think should be given greater weight. And then just in terms of semantics, the summary tables that we've put together, which are really helpful – the Fish Watch Website is an example that Eric brought up this morning is very nice.

I guess they update it quarterly or every half year, a single page to refer to, but it would be nice if in both places we tried to put good news in the affirmative like the question is overfishing, no. It just seems like you want to be able to be affirmative and are we doing our job, and the answer is yes. You know, are we constraining the fishing mortality rate to the target level at or below the target level; yes. So, it kind of fits in with that red, yellow, green light kind of concept. That's the communication part of what we're trying to do.

MR. FOTE: I was thinking about the Mid-Atlantic Council and how they post their successes and their failures or where they're moving on recovered stocks, and they have control a lot more just on ocean fisheries than a lot of them on estuarine dependent as we are and not as dependent on other factors.

But I'm looking at winter flounder and I'm looking at weakfish, and to follow on what Dave is saying, a lot of that is we've done everything we can to rebuild those stocks and it's not fishing pressure, so somewhere we need to put that on there for people and naysayers saying, well, aren't you doing your job and we have done our job on those species; that those stocks should be rebuilding if everything was – you know, everything was normal and we have taken all the proper actions and we're just not seeing the results and we have no answers, as our technical committee has pointed out to us. We should make that clear so it's not really our failure; it's a failure of the environment or other people or we haven't taken the other steps outside of just managing fishermen to do that.

MR. PATRICK AUGUSTINE: I think it's a great presentation, Bob. I think the way you've presented it clearly gives us a better picture than we've had in the past, and Dave's comment added to that. It just seems to me, though, when we take the stocks that are depleted – in this particular case I would focus on weakfish and winter flounder – would it be possible for the staff – and I know we've got all kinds of time for the staff – to look at what are some of the real solutions to bringing back weakfish and winter flounder; i.e., maybe a project that says we identify certain animals that are having a direct impact on them, cormorants, I don't know, seals, whatever.

We're not going to kill seals so maybe we can pick them up and relocate them. But, how about research to the point where we can take these species – I had a conversation with Dr. Geiger and they have the ability to actually hatch these species of fish. They've done it in California and you might ask Dr. Geiger about that.

But, why could we not in the long term – or short term and long term devise some mechanism or develop a plan where we could farm raise weakfish and winter flounder and at same we know what specific gears do the most catch and damage, if you will – and same time, when we put the profile together as to here are the problems, here is the result, here are the parameters for changing the status of the stock to bring it back to where we want to get with our goal.

And maybe it's just two species of fish but for the public and again for our board members I think would be most helpful. It would be a proactive approach, and I think we could hang our hat on that. Now, if that's possible, Mr. Chairman, we might want to look at the list and see if there is some other

species that we could do the same thing with. But for the short term I would suggest that weakfish and winter flounder; would that be doable, Mr. Chairman?

MR. BEAL: I'm not sure I got your specific question, Pat; there were kind of a number of ideas intertwined with a question in there, I think, so if you could shorten it maybe I'll give it a try.

MR. AUGUSTINE: You want a specific one? What action could the board take through ASMFC to help to bring back weakfish and winter flounder utilizing possibly a hatchery approach, to bring a number of those fish back into the population in the short term or long term? Follow on to that, be more specific in identifying not only natural mortality but what particular specie or what particular gear types are doing the most detrimental damage to those?

I'm not talking about putting any gear type out of business but I'm saying if we can identify – maybe it's a remodification or modification of a particular gear type to reduce the mortality rate, but that would be a proactive move. If we go along the same route we're going as with Atlantic sturgeon, what are we doing?

In the Hudson River we actually got some brood stock and we sent them up to Pennsylvania and they grew them up to a pretty good size and then we reintroduced them back into the Hudson River and the results from what I understand have been phenomenal, and it was a start. So, that was my thought on that, Bob, and I'm not sure you have the wherewithal to do with time, staff or whatever. Do you have any thoughts on that?

MR. BEAL: We could summarize efforts and ability to raise these animals in aquaculture facilities for these two species, weakfish and winter flounder, but I think there is obviously the other side of that, which is that is a pretty expensive way to go about producing more weakfish and winter flounder. It would have to be sort of a two-part question.

As far as the gear types that do the most detrimental – or have the highest level of impact, or whatever your wording was, we can characterize landings by gear type and we can characterize potentially bycatch by gear type, and I think bycatch may be as important right now for these animals. Obviously, if F is supposed to be zero for winter flounder, it's all bycatch. Those things can be characterized. Once it's characterized, then the next step is a tough one, which is management action to deal with the bycatch.

MR. AUGUSTINE: Followup, Mr. Chairman, very briefly, but that's the idea, identify what is causing the root of the problem and then address it at that point in time. Otherwise, we can sit around the table here and point at various gear types that are causing the damage, and in my humble opinion it's all anecdotal. Now, what we had is a presentation this morning when we talked about weakfish in the incidental catch or overage of the 10 percent, incidental.

In the meantime North Carolina is taking action to correct that with enforcement and so on. It still doesn't give the board any other tools to go forward to try to help these two stocks to come back, and they're critical. That was my thought on it, Mr. Chairman.

MR. LUSTIG: Thank you for that report. I did notice on a slide regarding sturgeon that it was specified that indeed there was limited signs of recovery. I believe that's a quote. Could you be more definitive about what those limited signs are and when those signs would encourage sort of a proactive stance on management by our own team here.

MR. BEAL: Well, I think there has been a number of river surveys for Atlantic sturgeon that have shown increased catches in some of those survey numbers. We hear increased incidents of bycatch of sturgeon in a number of fisheries, which is a good thing and a bad thing. If there is more bycatch it probably means there are more animals, but you don't want to see anything happening to those animals as far as bycatch goes. Sturgeon are pretty hardy and they're usually able to be released without damage. I think some of the states have indicated they're seeing more sturgeon in their river systems is where that note came from.

DR. JAIME GEIGER: Again, Bob, I think an excellent report. I would sort of paraphrase Pat Augustine's question and comments and try to put it this way. I think we would be doing ourselves a great favor by identifying all the collective biological, ecological, social and economic tools that the commission can utilize to rebuild some of these stocks and at least identify those available tools that are available either to the individual states, the collective federal agencies, the NGO partners that traditionally partner with us in these activities.

Capital propagation certainly is one of those many tools that we can use and certainly reducing some of the limitations and restrictions on utilizing a variety

of tools to restore fish populations I think would be a good first step. The other value I see of this report is allowing us to set true priorities. In an era of reduced resources – and we talked about just in the recent board meeting this morning in weakfish about the difficulty we have in getting more folks to participate on technical committees – we are truly in an era of trying to do more with less and stretching our already thin technical expertise even farther.

I think this document really should help us form and focus on true priorities and utilize our available assets to look and work on the most high-priority species and then as an outcome show measurable results and outcomes; that we have made a difference. I

I would submit to the policy board that the ability of us to focus on horseshoe crab conservation has gone a significantly long way to avoid further train wrecks with migratory shorebirds like red knots. I think the leadership of this board has gone a long way to assist in that endeavor and I see that opportunity on a variety of other fish species under the jurisdiction of ASMFC. Thank you, Mr. Chairman.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, the issue of sort of asking, gosh, isn't there something we could possibly do and perhaps it's hatcheries or whatever, but just to put that challenge into perspective relative to weakfish, I just happen to have recreational landings. We took out 4 million pounds of weakfish out of the stock in a four-year period from 2005-2008.

If you're trying to back-calculate how many three-inch weakfish we have to put into the stock and then grow up to be big enough to take out of the stock at 4 million pounds – you know, and that includes in 2005 a 1.6 million pound removal and in 2008 a 700,000 pound removal, so the issue of saying they sort of disappeared on their own is not really a full understanding of what is going on.

So one of the things that strikes me is when I look at this historical table of landings in weakfish, maybe the value here isn't necessarily going to hatcheries but maybe saying what lesson is to be learned here. I can't help but have right behind this the striped bass landing data, which the Striped Bass Board looked at on Monday and is wrestling with.

I think one of the lessons in weakfish is if we knew where this was heading back in 2005 or 2006, would we have been more precautionary and put the brakes on sooner. I'm thinking maybe that's a more practical response to some of this rather than say –

maybe we've lost it for weakfish but maybe there are some other stocks that if we get to do a do-over, using the weakfish lesson maybe we'd do it differently. Thanks.

MR. FOTE: You're comparing apples and oranges when it comes to weakfish if you listened to what the technical committee has been saying for years. When we had those years of 2005, we also had a huge amount of the spawning index where the juvenile index was great on weakfish. There were all those two- and three-inch fish around there. Somehow starting in about 2002 they never matured to those 13 and 14.

And when you look to the size of the fish that we were basically harvesting on weakfish, they basically – unlike the old days where most of them did not spawn, we had every weakfish at least to spawn once or twice before we were harvesting it. I mean, states like New York had 16-inch size limits and even New Jersey was at 14 when these fish spawning at 9 and 11 years old.

The technical committee pointed out seriously that it was not fishing pressure that is causing this stock to collapse. We're not sure what it is, so to say that the recreational landings were 1.1 million pounds to try to explain that – of course, I look at those landings and remember the year that New Jersey supposedly caught 1 million pounds and our state next to us caught 135 pounds and the state on the other side caught 7,000 pounds.

Weakfish is an animal that I really have taken personally because I worked on it for many years and thought we were rebuilding those stocks when you look at what was happening in the early 2000s and all of a sudden when the croaker population expanded and a few other things went on, it went the other way, and it wasn't from fishing pressure because we basically had restricted the commercial fishery, basically changed the dragger fishery completely out of that back in the early nineties when we actually eliminated that fishery.

So, there is something else going on. It is the habitat, it is the environmental issues here, and that's what always upset me because we have very little control over those issues and some of what is going on in the Chesapeake Bay on striped bass is environmental issues. So, you know, we need to be honest and when we can't rebuild through fisheries management, we should say that, like we could with horseshoe crabs and other species.

But when you do everything you're supposed to do, I feel strongly that this commission over the years has done everything they could on weakfish and we still don't rebuild the stock, we've got to look for the other answer. That's the problem with the technical committee was for three years, so don't blame it on recreational landings.

MR. MILLER: Mr. Chairman, I wanted to respond to Pat's well-meaning comments. Pat, if it was as easy as building weakfish hatcheries, maybe we would have gone down that road years ago. As Vince and Tom have pointed out, in my opinion hatcheries are not the answer for weakfish restoration.

Some of us in this room, myself included, were on the Striped Bass Stocking Committee back in the late eighties and early nineties and none of us that were on that stocking committee, in spite of massive efforts for hatchery-generation purposes by the Fish and Wildlife Service and the state of Maryland and other entities, no one claims that the striped bass stocking did much of anything towards the restoration of that species.

In that species case we all know it was a decline in fisheries mortality coupled with favorable spawning conditions that allowed that stock to become restored. Don't look down the road towards weakfish hatcheries. It's a species that hasn't been raised in a hatchery situation. The technology is not there. It would be very expensive to ramp up.

The number of fish that we would have to raise to make an appreciable difference would just be mind-boggling. We've got to look elsewhere. If you want to do something radical, reduce the striped bass population or the spiny dogfish population or eliminate once through cooling at power plants. You know, those are the types of things that might make a dramatic difference in terms of weakfish but no one is going to tackle those particular items and I'm not suggesting them. But, thanks, anyway, Pat.

MR. AUGUSTINE: Could I respond, Mr. Chairman?

CHAIRMAN BOYLES: Actually, no, Pat, I don't think we want to talk about hatcheries and tools here. Let's get back on track and let's remember the purpose here is this in essence the commission's report card. This is how we're doing, these are the responsibilities that we have got, and I think the take-home message here is that we continue to have a lot of work in front of us. I think the way I look at this,

your management is all about matching resources to needs.

I think what I saw from the presentation today is that we have a number of needs; and despite difficult budget climates, this commission does have a considerable amount of resources with respect to certainly the intelligence and the energy as well as the funding in some cases to take care of some of these issues that have been pointed out.

What I'd like to suggest is an affirmation and a nod of heads is this the right list of our to-dos as we go and develop the action plans and that staff brings back an action plan for us at the annual meeting, and is this the right list of things, are there things that we're missing, and this will lead further into the next item on the agenda? Bob.

MR. BALLOU: Mr. Chairman, I'm inclined to want to nod yes in response to your question, but then I find myself thinking about striped bass. I think I know the answer but I'm going to ask Bob had the Striped Bass Board agreed to send the addendum out to public notice, would that have moved striped bass into the concerned category?

MR. BEAL: Not necessarily. I think the stock assessment results that will be presented at the annual meeting will determine what category that stock is in more than the actions by the board. You're right, there are some concerns with catch rates and the low recruitment for a number of years and those sorts of things. The species are usually categorized by the results of the stock assessments.

MR. PETER HIMCHAK: Mr. Chairman, I just want to comment on Jaime Geiger's recommendation. Yes, it's on the money; I mean, you put your resources where you have your biggest needs, but in reality we don't do that. Striped bass was our glaring success story. How much effort was put into striped bass, including hatchery programs, and still gets invested into striped bass. So, it sounds good and it seems like the proper course of action, but in the political reality of funding I don't think it's likely to occur.

CHAIRMAN BOYLES: Pete, thanks for that. I guess the questions that is left that strikes me is that I count 15 species, I believe, that we highlighted between the three categories, concerned, depleted and unknown, and is it the consensus of this board that we direct staff to go back and craft an action plan that will lead the various management boards or this commission, depending on the outcome of the next

agenda item discussion, to take action to deal with the deficiencies that have been identified here? Dave.

MR. SIMPSON: Again, I'll come back to the comment I made earlier and that is if this is to be a report card for the commission on how the commission is doing, I think the best metric for that is are we hitting our fishing mortality targets. I think that's one important part. The public also wants to know how the resource is doing and how much concern there might be. That's a separate need and that encompasses things like what has recruitment been like lately, is the stock as big as we hoped, that sort of thing, but that should be distinct from our report card, I think. I'll leave it at that.

MR. DIODATI: Just to add some information, we are doing hatchery work for species that we think are potentially beneficial to do so. In fact, we've had a joint program with U.S. Fish and Wildlife Service using one of their federal hatcheries for the past several years to grow shad. These young juveniles have been stocked out in Massachusetts river systems and we are recovering now shad that were released to part of that program.

I think Vince made a good point, though, that during the striped bass discussion this week we did talk about taking quicker action to correct what is going on, and we're currently still removing 15 and 16 million pounds a year of adult striped bass for the stocks and at the same time we are seeing the largest spawning area experiencing some problems. Now is the time we want to take action for that sort of thing, but if we wait four, five, six years we'll be saying to ourselves, well, we had no control over that, they didn't recruit, but actually we do have some control.

DR. GEIGER: Mr. Chairman, I just think Dave Simpson hit it right on the nose, you know, let's look at these critical species but let's have some kind of a biological metric or a biological outcome that we can tie and show accountability.

Again, we're all under increasing amounts of accountability we're funding and where we put our dollars, where we put our assets, and are we producing measurable outcomes, and that's going to become more and more important in the future and we should have well-vetted out, reliable, consistent biological outcomes, be they targets, be they fishing mortality, whatever, but is fully understandable and explainable and documentable by the general public and our constituency. Thank you, Mr. Chairman.

MR. GROUT: As far as our list of actions, I think clearly for the species that are concerned or unknown, unknown we know how to address that. We need to do what we can to try and get them off the unknown list. Species of concern and that are depleted, we need to look, as Dave said, first are we at or below our fishing target. If not, why not, and how does that board give the board specific tasks to get it under?

If we are under our target and yet we have been depleted for a while, is there a biologically rational lower reference point that we need to work at to increase our potential for rebuilding? If we're already at a very low level of fishing mortality and the stock is not responding because it continues to be a depleted or concerned, then we need to also have our own technical committee staff start looking into, okay, what are the other factors; can we identify any other factors that are inhibiting this species from recovering, whether it be predation, habitat loss, bycatch in other gears but that would show up under fishing mortality, but some other factors – it could be climate change – try and identify those things. That's the kind of list I think we need for these species.

EXECUTIVE DIRECTOR O'SHEA: Two quick points; one is similar to the point Doug made, I think the commission needs to think about hanging its hat on the mortality rate as the indicator and say we're doing all we – you know, there is a difference between saying we're meeting the mortality rate and saying we're doing all that is within our control.

The difference between the two is a policy question, quite frankly. I think the board needs to think about that. The second thing is – and I think is maybe the place to put it in – is I think one of the most powerful things that Eric Schwaab said to the commission this morning, and he said it very subtly and I think it's an important point to take, is that the effect of limits and time schedules are having effect in driving the results that the National Marine Fisheries Service is getting. That is what they're marketing this recovery on is the fact that there are established targets and there are dates that hold the management process to that.

I think the coded message there is that it's – granted, we're don't operate under Magnuson; we operate under the Atlantic Coastal Act but sooner or later the continued progress in the Magnuson side is going to put increased pressure for targets and limits – and I think the coded message is that we have choice – the commission has a choice to either be told what those are or to adopt them and live by them. Thank you.

CHAIRMAN BOYLES: Okay, any other comments and discussion. It's a vibrant discussion, good discussion and good comments. I think what I'm sensing is, is that this is a good list. The discussion and the comments that have ensued and looking at things like targets and looking at some of these other factors that we need to account for we also need to take into consideration, but what I sense is that the staff will come back in crafting the action plan – and I guess the AOC has the first crack at the action plan between now and November, and then that will be presented in a workshop forum out in Boston.

I guess, Bob, maybe to get your point, I don't sense that if it's – there are going to be things that come up, and we are going to deal with striped bass issues; and whether or not striped bass is on this list of 15 or not, I think we've got that nimbleness, I think is the way Eric put it, that we can deal with as well. Is that a sense of where we are? Okay, I'm seeing heads nodding. Vince.

EXECUTIVE DIRECTOR O'SHEA: One other thing to the process you just described, and it has been our practice for a number of years, when staff goes to build that list of work items for the action plan, we do that in consultation with the board chairs; so if board members have strong feelings, know that process is going on and they need to communicate their feelings to the board chairs so that it will be able to be pushed into the plan.

CHAIRMAN BOYLES: Thanks, Vince. Okay, good discussion. Bob, I believe you're up next and this leads right into the discussion on policy board involvement in species management.

DISCUSSION ON POLICY BOARD INVOLVEMENT IN SPECIES MANAGEMENT

MR. BEAL: On the Briefing CD there is a document titled just that, "Policy Board Involvement in Species Management". The background on this is that the – actually, following the presentation on stock status and rebuilding performance that I gave last year, this policy board initiated some discussion on consistency between management boards and how actions are taken by boards may not be consistent from meeting to meeting.

That occurred at all the meetings last year and then leading up to the March meeting this year a white paper was drafted with a series of options that were discussed by the policy board for quite some time.

At the March meeting there was a good discussion. At the end of that meeting, Chairman Boyles asked staff to go back and summarize that discussion that occurred at the last meeting and come up with essentially a new list of options for increased policy board involvement in species management.

That is what the white paper in your Briefing CD is, is that summary and list of options. Just as a reminder, the discussion that occurred back in March focused on the species that we just talked about, the species of concern, that were depleted and unknown status. This discussion was not involved with increasing policy board involvement for rebuilt or rebuilding stocks. It was just should the policy board have a greater role in the management of the species that aren't in great shape right now?

With that, a summary of the discussion that occurred in March, these points were made by a couple of speakers that the management boards are applying varying degrees of conservation for different species, so some commissioners expressed concern about lack of consistency. For a variety of reasons difficult decisions are being delayed by management boards.

No matter what the outcome of this discussion on policy board involvement is, there should not be a more cumbersome process or a delay in the management process that exists right now within ASMFC to take away the nimbleness that Robert and Eric and talked about. Part of the concept of involving the policy board would be that all the states that are part of the commission would be involved in a decision on species.

Some commissioners noted that even at the species board, if a state is not affected by that management measure, they often abstain or stay out of that vote, so there was concern that may or may not occur should the policy board be involved with species management. There is concern about the potential to overwork this board.

If all 15 of these species that we just talked about came to this board for sort of play-by-play management measures, there would be a lot of work for this board to do. That's a quick summary of what occurred at the March meeting. As I said, it was I think than an hour-long discussion so it's obviously hitting the highlights of a detailed discussion.

The next portion of the white paper is the series of options that the policy board talked about coming out of the white paper that was presented in March and as the discussion evolved in March. Essentially the six

options listed here are kind of a continuum from number one being status quo where nothing changes and number six is the policy board takes over the management of these 15 stocks that are listed as concerned, depleted or unknown.

Those are the kind of bookends we're dealing with. All the other options in the middle move toward greater involvement of the policy board of differing degrees. The first one, as I said, is status quo, which is the individual species boards handle the management of the species and the policy board sets the overall priorities for the commission.

The second option is that – and these options, I should have said, if the policy board chooses to go forward with implementing any of these options, it doesn't have to be just one. There are probably instances where multiples can be selected or a hybrid of different options can be selected.

The second option is the chair of the specie's board would bring back and report out to the policy board what has happened with that species and what the course of action for that specie's board is and the policy board can then speak to the specie's management board through that chair. If there is anything that the policy board would like to provide as direction or recommendation to that species board, the chair would bring that back to the board at its next meeting.

The third option is that the policy board would review the direction to the plan development team; so if an addendum is initiated or some action is initiated by a board, the policy board would review the direction to that plan development team and make sure the range of options that are being asked to be included in a draft document are consistent with the commission vision and have a sufficient range to achieve the commission's vision.

The fourth option is that the policy board would have the final approval for all addenda. Right now the policy board or the full commission actually approves new FMPs or new amendments, but addenda are only handled at the specie's management board. The concept here would be that addenda would come forward to the policy board for review and approval.

The concept as it's written here is that the policy board would only review addenda that impacts stock rebuilding; so if it's an allocation only type addendum where a quota is being divided differently such as the board did with spiny dogfish, that wouldn't need to come back to the policy board

because it doesn't impact the rebuilding or the removal of animals from the stock. But if there is anything that deals with fishing mortality targets or rebuilding timelines, those would come back to this board for consideration.

The fifth option is that policy board actually establishes the fishing mortality rate for the 15 species that were listed as depleted, concerned or unknown; and then based on that fishing mortality rate, the individual species boards would then go back and decide what management measures should be implemented to achieve that F rate.

The final option, as I mentioned earlier, is that essentially the policy board just takes over the management of these 15 species, which is a big shift from how the commission does business right now. That's a quick summary of the options and I'm happy to answer any questions.

CHAIRMAN BOYLES: All right, thanks, Bob. Any questions for Bob on the typology of the options? Jaime.

DR. GEIGER: Bob, I explain that good explanation. A couple of things seemed to be missing from that discussion. At several of the management boards we talked about ecosystem-based management and talked about multispecies management and talked about that as a strategic vision for this commission to start moving towards.

In the March discussion I believe I heard several discussions about tying together some of the management boards that have relationships, menhaden, American shad, the striped bass; okay, American eel, menhaden, striped bass together, and look at some of these interactions.

It seems to me that the policy board rather than trying to oversee all these individual species boards could take a higher responsibility and make sure that those necessary linkages, those interactions, the connecting the dots, so to speak, in terms of looking at viable management options is occurring and stimulating that discussion between the various management board chairs.

I thought that was a pretty good discussion that came out. I thought several of the board members indicated that kind of approach would be valuable and yet I don't see that on the list of potential options. I just wanted to bring that to your attention, Mr. Chairman. Thank you.

CHAIRMAN BOYLES: Thanks, Jaime. Other questions? With Jaime's suggestion, is this the right range of options; yes or no? Tom.

MR. THOMAS O'CONNELL: Two comments; one, it was interesting to reflect back on some of the comments that were captured in that one slide under the March discussion and observations and see that we find ourselves this week even falling into those same struggles, making difficult decisions, slowing down the progress, and what can do to help us overcome those difficult processes and challenges.

The other comment was involving the policy board on approving addendums. If we go down that route, does that involvement of the policy board need to happen earlier. I use the example of lobster; a lobster situation where overfishing is not occurring so looking at our performance metric on the fishing mortality rate, but then looking at the recovery trajectory.

If the chairman came to this board and said this is where we're at with the objective that is now included in the draft addendum for a 10 percent reduction to initiate rebuilding; would that be acceptable to this policy board knowing that it's the policy board that is going to have to respond to any public criticism come 2015. I just wonder if we go down that process, should the policy board be involved earlier rather than at the end game of that process where it would be too difficult to change. Thanks.

REPRESENTATIVE DAVID H. WATTERS: Mr. Chairman, this in a way follows up on that last comment that as you get towards Options 5 and 6, it becomes harder for me to conceive that this board would want to adopt those. I'm not really sure whether it's good to send all six of these for further consideration or maybe you could get at least some sense of the meeting whether there are some that are just kind of really unlikely to survive the kind of political process that we are involved in as an entire group and maybe that would let you focus on some of the ones that would better benefit from refinement and have more of a chance of a productive debate when they came back to us.

MR. GROUT: Mr. Chair, I think these are a good range of options. As I looked down these options, I saw several that seemed promising to me. One, I think number two, on an annual basis we almost do that except instead of the specie's char doing it Bob Beal is doing it. Maybe it needs more detail and

maybe it doesn't, but I think we're already doing that and I think we need to maintain that.

I think some kind of a hybrid between three and four might be beneficial here because with the policy board looking at the beginning of development to see if the range options that are in that addendum are consistent with the commission's vision, so there at the beginning you could be looking at it.

And four, on certain cases you might have to look at something that maybe you've had a depleted species for a certain period of time before four would kick in where the policy board would have some kind of final approval on this. That is sort of the way I'm thinking would be a good way to go. I don't know how the rest of the board feels about, but I think some kind of hybrid between those three.

CHAIRMAN BOYLES: Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, two points. One is in those range of options one of them was cast in terms of just the F, and I think the policy board might want to think about some sort of situation where the issue involves science advice as opposed to not only just meeting an F target but how that particular management board is responding to the scientific advice.

Folks have kicked around lobster here in this discussion, but we have an F but we also have science advice that was prompting to reduce exploitation to as low as possible, so that's one issue. The other issue is I think the elephant in the room here is getting the political will to make difficult decisions, and in the Atlantic Coastal Process there is a mechanism to transfer management to another entity.

That mechanism transfers it to the secretary, and I think the track record of that has been given that alternative, that that has been useful in generating the political will to find a solution. I think that maybe when you look at Options 5 and 6 the policy board needs to think about it in those terms. If it's really effective it would be a tool we would never use because it would drive the outcome that we want through some other means. But if you take it off the table, then you might not get the advantage of it.

MR. FOTE: I think we already do three and four. I mean, I remember there are examples of when the policy board – they can't change a management plan but if somebody brings that and said I have a problem with this and the policy board gets into a discussion,

we have sent it back to the management board for them to redo that. That's already in the procedure that we have.

We have that ability. If we want to do something on lobster, somebody could bring it up. The policy board could basically make a decision, all the voting members. We can't change what the management board did, but we could send it back and we say we don't approve this, we want you to rework the plan.

That has always been an option of the policy board if I remember how we've done things previously because I remember doing that over the years. Jack could probably remember when we've done that. That's has always been an option so I'm looking at three and four and we're already doing that.

Sometimes we forget that we have the ability to do things that we just don't use, but I think any member of a board can come in here and say to the policy board I think we made a mistake at the management board and I'd like you to review this. I remember the policy board going around and sending it back to the management board.

Now, sometimes what happens there is you have the lag time between one meeting to another and now with doing the policy board after – like you did on lobsters and striped bass you did some of the most contentious before you had the policy board. It could have been worked out something different but you would still have had time to go back.

And we called a special meeting of that board, remember, if my mind is working well, and sometimes I'm getting older and I forget more, but we actually allowed that. We actually allowed that and had a special meeting of that board to redo something on an addendum before we sent it out. If people remember, I think we've done that previously.

CHAIRMAN BOYLES: Tom, thank you for that. I think it's a good reminder. In my mind it's almost a question of certainly that option exists. I don't know that we've operationalized that very frequently, and I think that's really what has led this. I think it's no secret that I look over the weather rail and see 2015 and I look on our placard about our vision, and it certainly motivates me. I think I've made my comments and my sentiments clear over the year or so. I think the question is do we want to formalize this or are our existing tools sufficient to get the ball over the goal line where we can? Ritchie.

MR. R. WHITE: I'm not sure what parts of this we'd need to formalize, but I don't believe that lobster was a satisfactory outcome. I know the difficulties in this are substantial, but I believe the policy board, given all the information, there would be a different outcome than what the lobster board passed.

How we deal with that I'm not sure, but I think that it was not a satisfactory outcome. I think it's not doing business as this commission has done business in the past and should be doing it. I'm not sure what the next step is, but what Tom says, if we have the ability to send an addendum back to the Lobster Board to redo and say 10 percent is not enough when the technical committee has recommended a moratorium; that's too far apart and we need to do better. That's more of a question, I guess. We have to do something and I don't know if the tools are in there to use.

MR. SIMPSON: If I could ask Vince to report what he said, I wanted to make sure I got it right. Is it in ACFCMA a recourse if a commission action is inadequate, that a potential recourse is to send that back to the Secretary of Commerce or did you mean that's part of the Magnuson Act where NOAA Fisheries would have to take over if a council did something inadequate?

Okay, because I would be perfectly happy with the Secretary of Commerce taking over anytime that the federal government deemed what the commission was doing was inadequate, and they're welcome to take over lobster tomorrow if they would like.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, my point was if the state was found out of compliance with a fishery management plan and through the ACFCMA process that is reported to the secretary and the secretary investigates it, that then there is a mechanism for the secretary to take over that fishery in that state. That's what I was referred to and not preemption in Magnuson.

MR. SIMPSON: Okay, because I think that next step would be perfectly fine, too, and then we would work in a world of ten national standards; and if any of those standards were violated, there is an opportunity to sue and so forth. I'll leave it at that.

EXECUTIVE DIRECTOR O'SHEA: And I think really my point was mostly the issue of that as a tool to confront an unpleasant situation of going to two fish at 28 inches, which is very bad if you're at four fish, but the alternative is no fish under the secretary

so the will is generated to go to two fish at 28 inches. That has been the historical record of that.

MR. AUGUSTINE: Thank you, Mr. Chairman, very lively conversation. What is the difference between the members that sit on the policy board than the members on the specie's board? They're the same people except you have a few more in some cases. If the board, based in their wisdom of evaluating the technical material and in the interest of their state – let's put it that way – as opposed to the sector that they are supporting, if they come to the table and vote accordingly, whatever their group decides, why would you then want to override their decision other than the fact that we're not meeting the target that we think, Ritchie, is the right target – why not just eliminate one or the other, eliminate the board or eliminate the policy board, one or the other.

It would seem you'd only need one group to make the decisions based on the findings of the technical committee and their recommendations. In one case it's duplicative and in the other case it's redundant – same word, I guess. Can you respond to that? I'm not sure what value added we get out of elevating a decision that was made at the board level to the policy board when the same votes are going to sit around the table and basically vote the same way.

CHAIRMAN BOYLES: I'll take a swing at that, Pat. My sense of things is, first of all, it's not always the same folks. There are those of us who have proxies. I think really the question, as I see it, that really gets to the heart is what we're really talking is accountability of the commission, I think, each one of us has very different and very disparate interests and pressures back home.

I think that's why we're here talking about this today is that are there mechanisms that we need to either formally or informally put in place just to remind ourselves of not only the vision that we have agreed to but recognize that vagaries of fisheries management as we know it.

MR. AUGUSTINE: Thank you for that. It was a good attempt and I think it went far. It would seem that maybe we have got to go back to the highest levels of the states that are being represented here, either at the governor's level, and indicate to them the importance of the decisions that we make around the table and that the representatives that are here, representatives of their state, be it legislative or otherwise, those folks have got to be looked at from – I'll use the word less selfish point of view for their

state and look at the overall wellbeing of the fishery or the stock that we're trying to manage.

I'm not sure how you do that other than it's similar to educating the fishermen to learn to be more conservative and going with a J-hook versus a circle hook. It's an education process and how do you do that? I think it's some of us in our state being able to go back to our group that we represent and educate them and stand up for what we think is right.

I beat get up a lot, as you know, but it seems as though the message has got to be on high the value of the deliberations that we make here and in the survival, if you will, of many species of fish that we're managing. I mean, it's that critical, it's basic. Either we want them or we don't want them. I think somehow we've got to find a way to overcome the stigma of a group, commercial or recreational or environmental, having such a say-so in the proceedings and the outcome.

I would agree with you, Ritchie, we argued for 25 percent in lobsters and we settled for 10 percent, and we said what is that all about? We were questioning as to how we could support it or not support it. So, just a case in point. So, is there a possibility that we can have discussion on that; as to how to develop a method or technique or communication tool back to the governors and back to the legislative group and try – I mean, just through an education process try to have it work on down where we try to work up.

CHAIRMAN BOYLES: I don't know, Pat. I think we've always operated under the presumption that we are a collection of sovereign states, and I think we've tried to respect the in-state processes to the degree that we can, so what might work for those of us in South Carolina might be anathema to the folks in Maine. Let me move on to Tom.

MR. FOTE: Ritchie, I wanted to respond to you and I had to wait my turn again. Basically, if you look at the makeup of some of the boards, whether it's menhaden, whether it's weakfish, there is every state that's on the policy board on that thing. And if you had proxies, you say, well, proxies, but those proxies are supposed to be listening to the person that sends them there.

I think the check and balance that comes on a board is that, you know, when I first got here it was five state directors sitting around a board and they made the decisions for everybody, and the only place you could override it was at the full commission when we

basically – when the governors' appointees and the legislators' appointees had a vote.

When we sit around the table and you have a governor's appointee, legislative appointee and a state director sitting around the table, there is a lot of angst that goes beyond the three of us trying to decide how we do it, and that's why you wind up with null votes and you wind up with us pulling each other's hair out.

That's part of your checks and balances. In extraordinary circumstances, yes, you bring it before the policy board if we really have something that we feel that strongly about. Because you only do it in extraordinary circumstance is because you don't want to make policy board a management.

Because if we're going to discuss lobsters here, then we've got bring back the technical people and then we've got bring everybody that was in on the decision and go through another Lobster Board meeting, which I don't really want to do at a policy board. But if it's extraordinary enough and things need to be done, that is when we have to do it, and I agree that we should be doing that at certain times.

I mean, we have to pick and choose carefully. If it's like me feeling that we should have done this on something and I'm going to come here and try to drag us into this battle, it has got to be more than two or three people. It has got to be a delegation of states saying we think we did the wrong thing and by having the vote of Florida, Georgia, South Carolina – because that's what you're really talking about – on lobsters – and Pennsylvania – and it's going to make a difference in that vote on an outside view, because the two services are on those boards and they get to vote.

Excuse me, the Fish and Wildlife Service is not on lobsters. They are on most of the other boards. They don't have a vested interest in lobsters. But, you know, that's what I'm looking at. I'm looking at those extraordinary circumstances because I don't want to have a five-hour policy board meeting just discussing what we failed to do or what something thinks we failed to do at a management board. That's why, yes, we should do it in extraordinary circumstances.

MR. R. WHITE: I agree with you, Tom. I don't see this as a normal circumstance. It's only in extraordinary circumstances and it's only when we go far from the science and also when the votes are close. Lobster wasn't an eight to two vote; it was

very close. I think bringing some independent people into the mix that have no dog in the fight – we don't sit on weakfish, Maine and New Hampshire, and maybe we would be an independent view on weakfish and look at just the science.

No allocation, we don't have any fishermen involved, and maybe we would take a different tact just as maybe some of the other states that have nothing to do with lobster might look at the science and what is going on. So that's my thinking; we don't want all the boards coming to the policy board, but very occasionally when we vary substantially from the recommended science. That was my thinking.

MR. A.C. CARPENTER: In looking over this list and notwithstanding my personal opinion on menhaden, of which I had none yesterday, I think number three has some real potential if we want to move in the direction of having the policy board get a little more involved, and I would change the last line of that to read, "Options to be drafted are consistent with the technical committee advice and with the commission's vision."

I think what that does is it says the Lobster Board would have had to have approved at least going out to public hearing or the public – I don't know what stage that process was in, but the public document that was being released would have to include the option of a moratorium, so that at least the general public has the full range of options to comment on. That's kind of an interim step toward the policy board assuring that the public knows everything without overriding the management board's opinion of what they think needs to be done. It's kind of a halfway step.

MR. HIMCHAK: Okay, just briefly, boy, David Simpson's comment caught my attention, and I'd drive home the point as far as what kind assistance can New Jersey have in enhancing lobster management and reaching targets? Why are we carrying the burden on a fishery that over 90 percent of our harvest is in the EEZ? We do the sea-sampling program in federal waters. We have no recruitment data. I mean, if you want to look for help or direction from the policy board, I'd welcome their assistance in asking NMFS to get on board and help deal with Areas 3, 4 and 5.

DR. GEIGER: Mr. Chairman, you raised an interesting comment a couple of minutes ago when you talked about the value of ASMFC, and it was accountability. You mentioned the value and what is at stake is the Atlantic States Fisheries Commission

accountability. I would submit to you, Mr. Chairman, that not only is it accountability but all the more importantly its credibility.

Certainly, I would say that although we all sit on different management boards, when a decision does not support or is not based upon sound science or good management or good options, it's not that specie's management board that takes the heat. It's not that board that is identified as not using or following the appropriate science or making reasonable and appropriate decisions.

On the contrary, it is the Atlantic States Marine Fisheries Commission. The commission is in my opinion obviously more than just a collection of sovereign states but also sovereign states, NGOs, two federal agencies and a variety of other partners that assist ASMFC in achieving its mission. Mr. Chairman, I think Ritchie has an excellent, excellent point, and I would submit that I think there is value in terms of looking at quality control and quality assurance of the policy board that having the best professional judgment of biologists and administrators and leaders around this table putting their best profession judgment on what is the best for that particular resource, there is value to that.

There is power and accountability and credibility to that. What we're doing is we're stepping out of our individual biases or bottlenecks or political constraints and we're looking out for the benefit of the resource, and we are providing credibility and accountability of the commission when we do that.

I do believe that needs to occur and in many cases it needs to occur more frequently than it is now. I do think that it is possibly and usually under extraordinary circumstances and I think it should be utilized under some criteria that defines what that extraordinary circumstance is. But, Mr. Chairman, I will submit to you that the power and the credibility of the Atlantic States Marine Fisheries Commission reflects each and every one of us, our best profession judgment, and ultimately what are we doing for the conservation of fishery stocks along the Atlantic Coast. That's how we should be held accountable and that is how our credibility should be judged. Thank you, Mr. Chairman.

MR. DIODATI: I think there is a saying that everything is in walking distance if we have the time, and I think we're running out of time on this one, Mr. Chairman. I do agree with Ritchie White and with everything that he said that I thought that the Lobster

Board, using that as the example as the week, spent a profound amount of time and money.

A lot of that money was the Commonwealth of Massachusetts' money, and I never saw so little return. In fact, I've never seen a group work so hard to become so deeply superficial, but that's what happened. Nevertheless, I think it would be wise – we have a white paper; there is no action on the table to adopt this paper. I think it's a good draft; and we should probably continue to work on with staff and maybe discuss it at the annual meeting.

MR. MILLER: I just wanted to say that I feel this discussion is healthy, Mr. Chairman. Yesterday I had the task of attempting to orient a new administrative commissioner at a single meeting who had never attended an ASMFC meeting before. The part I struggled the most with was the very topic we're discussing right now; what is the role of the policy board as opposed to the species board.

He said in regard to a given species, "Who is on the Species Board?" I said, "Well, you, Bernie and I." "Who is on the policy board?" "Well, you, Bernie and I." I had a lot of difficulty conveying to him what the additional role is. I appreciate the comments that Ritchie has made and Jaime Geiger, and maybe we can pursue that a little more formally in the future to help define the role of the policy board with regard to the management of a particular species. Thank you.

CHAIRMAN BOYLES: Thanks, Roy. I think our vice-chair is right; we are very quickly slipping behind time. I think this is a very good and healthy discussion. I had hoped that we'd have consensus to be able to move forward on one or maybe an amalgam of options, but it appears that we don't have that. Mr. Travelstead, do you want the last word?

MR. JACK TRAVELSTEAD: I'll take it. I thought Paul made a good point and you just, too, that we're running out of time on this issue; and, quite frankly, when I raised my hand to be noticed, I was going to ask you what you wanted on this, what were you looking for? Do you want more discussion or do you want a motion? **Quite frankly, I was ready to offer a motion to adopt number three.**

I think my memory isn't what it used to be but thinking back over the last thirty years of the times when difficult issues were elevated from management boards to the policy board, the policy board was nine times out of ten reluctant to do anything. When I first read this document, since it all

has to do with how the policy board is going to deal with things, I didn't see anything there that would work.

But the more I heard the discussion around the room today, I think I came to the conclusion that the only solution is to try something, experiment, and see if it works; and if it doesn't, then we'll try something different. That's what led me to believe that Item 3 is pretty close perhaps with A.C.'s modifications that he suggested earlier is something that we ought to try and see if it works. That's all I have.

CHAIRMAN BOYLES: Mr. Travelstead, your motion is in order. Is there a second? Second by Mr. Goldsborough. Further discussion on the motion? Bob.

MR. BALLOU: Mr. Chairman, I guess I would ask the maker of the motion what his view is of the word "direction". Does direction include goals and objectives? In fact, does it perhaps primarily involve goals and objectives? Is that what this discussion is about is looking at each potential action and making sure that it is being crafted in a way that meets the goals and objectives of the action?

If I could, Mr. Chairman, just briefly on our favorite topic, lobster, to just refresh everyone's memory, the Lobster Board was faced with an incredible conundrum. They have a proposal to reduce fishing mortality in a draconian way, in a way that would wipe out industry without any associated guarantee that reduction would lead to meeting the target, and so what a conundrum.

I think what I found disappointing – I share Paul Diodati's concerns about the outcome of the Lobster Board's deliberations – is it still lacks a vision. It still lacks a well-founded goal and objective in terms of what we're trying to accomplish with regard to managing the Southern New England Lobster stock.

I understand the challenge of trying to work through the various options because none of them met – none of them would succeed in rebuilding the lobster stock in 2015 or 2022, for that matter. That's a really important issue and so I just don't want to get us caught up in a box where we're adopting, with regard to the motion that was made, direction to meet a rebuilding target that isn't attainable; that I have a concern with.

I think it's more about resource-specific goals and objectives and I think it is incumbent upon each board to be able to articulate those goals and

objectives, and I think it's a wonderful role for the policy board to play in making sure that those goals and objectives are well stated and that the proposed management actions meet up well with them. I think I share the sentiment and the direction that we're going in here, but I'm just a little concerned about the specificity of the language. Thank you.

MR. FOTE: It you want to go back to the lobster, because of the lack of science or the lack of being able to break out in regions, you have lumped – like when it comes to winter flounder, you have lumped certain states in with regions that are basically not being affected by the rules, and lobster is a clear example where New Jersey is an entirely different fishery and so is Long Island along the south coast – I mean the Atlantic coast than it does in the Long Island Sound.

What is needed to rebuild in that Long Island Sound and the Massachusetts and Connecticut area is not what is happening in New Jersey, but because we don't have the science and the money to spend on the science to break out through NMFS – and that's why NMFS dumped lobsters into the commission because they didn't want to deal with it anymore.

I didn't want to take it when they wanted to give it to us. I said you keep it because I knew it was going to be a mess. We don't do that so there is part of the other problem here because of the lack of money by the commission and lack of money by the states and lack of money by NMFS we haven't broken out those things where they're supposed to be.

So all of a sudden because you're lumped in the wrong area, you're stuck on a penalty. There have a few species like that and it usually winds up because we're in the middle of the north/south line we get caught in the middle a lot of times.

MR. LUSTIG: Jack, I was listening when you made your motion and I believe that you specified that it would be indeed number three as it's listed on the board, but also with an additional comment from one of our previous speakers added to that; is that correct?

MR. TRAVELSTEAD: Well, Mr. Chairman, I have a point of order that I need to raise because there may be some confusion on number three. I was looking at a document that has a March 2, 2011, date on it; "White Paper on Policy Board Involvement in Species Management," and A.C. has a different document and the options are in different order.

I think I need to clarify which option I was speaking to, and it ends up being different than A.C.'s and it may be different than what Mr. Goldsborough had in mind. The option I was looking at was the one that said, "The ISFMP Charter will be modified to require final approval by the policy board for all addenda that are developed by the species boards for these 15 stocks. The policy board review and approval will focus on the overall protection that is provided in an addendum and ensure that it is consistent with the commission's vision." Perhaps I was looking at an earlier version of the document.

CHAIRMAN BOYLES: A.C., to that and let's clarity on where we are.

MR. CARPENTER: The one that is number three on my sheet of paper says, "The policy board will review direction to each plan development team at the beginning of each FMP amendment or addendum. The policy board will ensure that the range of options to be drafted" – and I had edited – "are consistent with the technical committee's advice and the commission's vision." These are two entirely different things, so we need to work this out.

CHAIRMAN BOYLES: Absolutely, and, Jack and A.C., thank you for that. A.C., it sounds like your Option3, which is what I was looking at, is the document that's in the briefing book for this meeting. Bob, can you help clarify where we are?

MR. BEAL: The version that Jack had is the version that was presented at the policy board in March, so that's the older version. The newer version is the one that is on the briefing book, and that is the one that A.C. quoted, which is the policy board would review direction and guidance to the plan development teams as they go off to draft documents.

CHAIRMAN BOYLES: To the point of order, Vince.

EXECUTIVE DIRECTOR O'SHEA: What happened to the old Option 3?

MR. BEAL: Old Option 3 is very similar to new Option Number 4, but new Option Number 4 notes that addenda that don't have anything to do with rebuilding timelines do not need to be reviewed by the policy board since it may be strictly allocation or something else that doesn't affect rebuilding.

EXECUTIVE DIRECTOR O'SHEA: Yes, so I think maybe the issue is what Jack was kind of looking at was the old three, which is now the new four; and

what A.C. Carpenter was talking about is the new number three.

CHAIRMAN BOYLES: Let's clarify this, Jack.

MR. TRAVELSTEAD: Well, I'm still of a mind to support the measure that I was reading, and that is what is now number four. Number 3 doesn't go far enough. It talks about a dialogue with the plan development team. I think we need to be a little bit more bold than that. I think we need to genuinely try something different that elevates management board decisions to this body.

I recognize it's a lot of the same people sitting around the table, but in some cases it's not. It's good to have those folks I think who are unencumbered from the political baggage that goes along with a lot of these decisions, helping us make the right decisions. That's what I liked about number four and that's what I'd like to see this board vote on.

CHAIRMAN BOYLES: All right, to the point of order I'm going to look to Mr. Goldsborough who seconded – and I apologize for the confusion – Bill.

MR. WILLIAM GOLDSBOROUGH: I did think that he meant the new number three, but I like the new number four also. I wanted to raise a question whether the exercise here was choosing one or whether or not we could seek to implement more than one because I would prefer the latter. In fact, I think three and four are complementary.

I mean, three says the policy board shall give some direction to PDTs before they start their work and four says the policy board shall review their work it's done if it's or a certain type; that has to do rebuilding and so forth. I think they're consistent and I would combine them if we're trying to adopt just one thing, and I would second that.

CHAIRMAN BOYLES: Okay, for the point of order, let's make clear the motion we have is to adopt Option 4, which was sent in the briefing book, on policy involvement and species management. I'm going to go back to my list. Terry.

MR. TERRY STOCKWELL: Mr. Chairman, my original question was to resolve the confusion that A.C. and Jack just resolved. I was concerned about the end result that number three didn't provide any accountability, which is certainly critical to our mission. Those of us who work in the council process have had to suffer through the ACL and AM process over the last couple of years, and I'd hate to

see us slide down that slippery slope. The idea of coupling number three and four is attractive and I would be agreeable to that.

MR. CARPENTER: The more that I've delved into the differences here, my suggestion on the briefing book version number three, I was reading that last sentence that the policy board will ensure that the range of options – I should have said, “submitted for public hearings include and are consistent with the” – “include the technical committee's recommendations and the commission's vision”; so that not only are they included in drafting the document, but they have to be included as an option in the public document; and then combining that with number four I think is a dramatic change.

CHAIRMAN BOYLES: Jack, to that point.

MR. TRAVELSTEAD: **To that point, if a friendly amendment to add number three to the motion is being offered, I would accept that.**

CHAIRMAN BOYLES: It sounds like it was a friendly amendment. It looks as though we're getting consensus on a lot of a discussion around three and four; is the seconder okay with that, Bill? **I see affirmative so the friendly amendment is to adopt Options and 4 operationally.** Doug.

MR. GROUT: I appreciate this friendly amendment because one of the things that was important to me is that we look at things ahead of time before we get to final approval. I think that was a very important part. The only thing that I would like the board to consider is that maybe we should try number three first or have some kind of number three with four with, for example, a timeline; that if a board's actions keeps fishing mortality over a certain level for a period of – over the target level for a five years or if you're below the rebuilding threshold for a period of five years, then number four would trigger in. That's more of a let's see if we can get out ahead of everything with number three first by trying to make sure what is going out has the range of options before we start coming in and essentially making the management decisions on this.

CHAIRMAN BOYLES: I've got a long list of folks who have asked to speak and Bob and I were just conferring. We seem to be zeroing in on three and four, but there is quite a bit of – I think we need to flesh things out a little bit more.

I'm wondering if the body would entertain staff further going back and chewing on this a little bit and

we bring this back at the annual meeting zeroed in on these two options. I recognize we have a motion on the floor that has been seconded. I think parliamentarily we would need to withdraw or a motion to postpone. **I would entertain a motion to postpone until the annual meeting. All right, motion by Bill McElroy and seconded by Representative Martin. Vince.**

EXECUTIVE DIRECTOR O'SHEA: Maybe to sweeten that offer before you vote on the decision, one of the things that you might consider asking us to do n fleshing it out might be to sort of maybe pick a couple of species and a couple of situations and maybe try to give you all some examples of how this might work or how it wouldn't work or what the impacts would be so you have some operational understanding of what would happen. I'm offering that, Mr. Chairman, as an option.

CHAIRMAN BOYLES: And I'm seeing heads nod in the affirmative. I think that would be very helpful to inform us. Representative Watters.

REPRESENTATIVE WATTERS: Just as a point of order because I'm relatively new to the commission, it mentions Charter revision in there, and what is that process? If we approve this whenever, it wouldn't be a charter revision; it would suggest that process would still have to take place.

MR. BEAL: Charter revisions are handled by the ISFMP Policy Board, so action by the board can modify the Charter. I was thinking in my mind as part of this sort of further fleshing out those two options would be drafting that Charter language for consideration at the annual meeting.

MR. JAMES GILMORE: Mr. Chairman, just a practical note; in looking at this I agreed with it but from looking at the number of things we'll have to do, there is a significant amount of work for the board then and we may be adding another day of meeting time onto this; so when the evaluation is done by staff, to get some assessment of how much extra effort this will take and how long these board meetings will actually be.

CHAIRMAN BOYLES: Good suggestion. Again, we've got a great discussion. Thank you all for this. This is my mind important. It's important to the present and future wellbeing of the commission. We do have a move to postpone this discussion to the annual meeting. Any further discussion on that motion? Any opposition to that motion? **Seeing none, that motion carries.**

REVIEW OF COMMISSIONER PROXY APPOINTMENT AND CONDUCT PROCEDURES

CHAIRMAN BOYLES: We will move on now to the review of commissioner proxy appointment and conduct procedures. Before Bob gets started, I'll say that we're blessed to see a lot of new faces around the table and I think it is helpful that we do in addition to some orientation some continuing education on some procedural questions. With that, this presentation is offered in that vein.

MR. BEAL: On your Briefing CD there is a document entitled, "Review of ASMFC Commissioner Proxy Appointment and Conduct Procedures". This is essentially is just a summary of the guidance that ASMFC has established with respect to appointing proxies and how the proxies function during meetings.

There was concern brought up over one proxy situation that occurred between the last meeting and this meeting. An individual had the ongoing proxy of an administrative commissioner and the individual also received a meeting-specific proxy from a legislative commissioner, and there was concern whether that is kosher or not.

Reviewing these rules, it is acceptable to do that because the administrative commissioner was at the meeting so the individual's representing the meeting-specific proxy for the legislative commission was not essentially wearing two hats at one meeting. They were just serving as the proxy for the legislative commissioner because the actual administrative commissioner was at the meeting. That's the reason this whole thing came up.

There is a quick summary and I'll go through it very quickly and I can answer any questions. At the end of this the question will be are these guidelines and protocols adequate for commissioners establishing proxies and the conduct of those proxies at individual meetings? The rules and regulations provide that commissioners can establish proxies in three different ways; permanent proxies, ongoing proxies and meeting-specific proxies.

Each of those proxies is defined in that section. No person may by proxy vote more than once on any issue, and this is kind of where the example that I brought up earlier came about. In other words, can a person essentially carry more than vote within a state's delegation when they caucus, and the answer

to this is no, and that did not occur in the example I mentioned earlier.

The Charter goes on to note that changes in designation to permanent and ongoing proxies can only be made once per year and it also provides additional details on how proxies are designated. The conduct of proxies refers back to the commission's code of conduct, and it says that all proxies are bound by the commission's code of conduct as well as most proxies and most commissioners are bound by code of conduct and guidelines in their home state.

Going on to the second page very quickly, any commission or proxy at a meeting can essentially fully function in making motions, seconding motions and participation in the deliberation at board meetings. Any meeting-specific proxy that is appointed by a legislator or governor's appointee may not vote on final action being considered by a board.

This was agreed to by the commissioners four or five years ago, maybe even longer, seven or eight years ago. The idea here was that many meeting-specific proxies for legislative and governor's appointee commissioners may show up for just one meeting and they disappear and may not have had the background on individual or final actions that the commission may be considering.

In the spring of 2009 the commission and this policy board made some decisions on conduct and participation of proxies at board meetings. The policy board confirmed that only three individuals from a state can participate in the deliberation at a board meeting. However, more than three individuals can be sitting at the table.

If an administrative commissioner and that administrative commissioner's proxy want to both sit at the table, the policy board agreed that was fine; however, only one of those individuals should engage in the conversation and deliberations at the board and the commissioner and the commissioner's proxy need to determine who is going to engage in deliberations.

There is also an example where a proxy or a commissioner may be serving as the chair of a management board, and the commission and the policy board agreed that if a proxy or a commissioner are serving at the chair, the other individual may sit with the state delegation and confer with the state delegation; however, they should not engage in deliberations at the management board. That is a quick summary of the guidelines that we have right

now. Obviously, the commission defers or provides a lot of deference to the state when they're appointing proxies. It's really up to the states who comes to ASMFC and represents the state's perspective. That is a quick summary and I'm happy to answer questions.

CHAIRMAN BOYLES: Thanks, Bob. Any questions for Bob? Again, I just remind you that questions may come up from time to time and I'm sure I'll speak for Vince and say the staff is always available to answer procedural questions, protocol questions, but this was something that I had been asked to cover. Dave.

MR. SIMPSON: I guess just to that and revisiting to the days of Doc Gunther and Vito and people lingering on after they had direct connection that Paul pointed out, you know, that you have a direct connection to your state legislature or your governor, I think when we get into proxies and the potential for proxies to have proxies and maybe for them to have proxies, too, that the commission confirm that in the case of a governor's appointee that a copy of the proxy letter goes to the governor's office and we're aware of that so we know that loop has been closed. In other words, the governor of that state knows who is representing him at the table and can speak for that state; likewise for the legislative commissioner.

CHAIRMAN BOYLES: Anything else on proxy procedures? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I'm thinking about what just said, so we're saying the commission would have a policy of notifying a governor about what his or her appointee is doing relative to ASMFC, and that would be a responsibility of the commission to notify the governor and it wouldn't be a responsibility of the commissioner appointed by the governor to tell the governor?

MR. SIMPSON: Just as we got into a difficult situation where there were people at the table from Connecticut who were no longer directly tied to government and therefore no longer accountable to the people, I think whether it's a letter from the commission doing that or a proxy a letter that we need confirmation that the person at the table said to represent the governor of a state is there truly representing the governor of the state with that governor's knowledge; likewise – okay, that's what I'm looking for confirmation of and likewise the legislature so that we know that the people speaking from a state are speaking for the state.

EXECUTIVE DIRECTOR O'SHEA: I'm glad I asked the question, then, and I got wrapped around the axle on whether it's a proxy thing. Our policy now is to not act on a person's status until we're notified by the governor that status has changed if somebody who is appointed by the governor and we consider that person to be the governor's person until we're notified otherwise.

Now, the nuance here is because of the regulations and in the Compact that is a legislative commissioner must be a member of the legislature, so the position we take there is we don't wait to be notified on that. If the person resigns from the legislature or if the person has lost the election, then we go by – and we don't necessarily say the person that, say, won the election becomes the commissioner.

That person by the Compact is terminated by no longer being a legislator. We don't take that same position on the governor's appointed position. Say the governor leaves, what happens to their appointee? Most states have sort of an executive continuity of the executive branch so when the governor leaves a lot of his appointments stay in place unless they've resigned or unless they're appointed by the new governor. Rather than get into all that, we assume that the governor's person maintains their status. But to the point of saying that we won't seat anybody as the governor's appointee without a written notification from the state, that's our policy and has been our practice. Thank you.

MR. SIMPSON: Yes, just to follow up on a complication and the detail and the fact that governors can change, you really can't imagine this disconnect that – I mean, after all, what the commission does is not at the forefront of every new governor's mind. So the idea that we can start to get further – you know, the proxy who is not known to the governor as a proxy or the appointee has a proxy, I would like to see the commission as a matter of process and comfort that we all represent who we purport to represent, that we close that loop one way or another; that the governor of the state is aware of who represents him down here.

MR. HIMCHAK: I just wanted to revisit some recent history because this was a topic in New Jersey where the legislative commissioner was not re-elected, and we had a discussion at the ASMFC at that time, and the burden was placed on the state to ensure that whoever the new legislative commissioner was the ASMFC, that the proxy – you know, you could not just assume that whoever had been the proxy before would continue as the proxy

because he is a proxy for somebody that wasn't re-elected.

So we were required to ensure the ASMFC before the next meeting week that the proxy was in fact a legitimate proxy for the legislative commissioner. It wasn't the ASMFC's responsibility; it was the states.

CHAIRMAN BOYLES: And I think part of that, Pete, is it goes hand in hand with the deference that the commission has given to the individual states. As I understand the Charter, it is a necessary condition to represent the state as a legislative commissioner or a proxy for a legislative commissioner that first and foremost that designated commissioner has to be an elected member of the legislature. I think that's what the nuance is there. A.C.

MR. CARPENTER: As far as ASMFC notifying say the governor's office, I think it would be more appropriate if the ASMFC called it to the administrative commissioner's attention and let that commissioner deal with his own government rather than having a letter coming from the ASMFC.

CHAIRMAN BOYLES: And I believe that is the way things are handled now; that the administrative commissioner often is brought into clarify questions of status. Any other questions on this? Again, staff are available to answer questions about this as they arise.

EXECUTIVE DIRECTOR O'SHEA: Somebody had mentioned to me that, well, maybe ASMFC ought to require that a copy of the proxy form go to the governor; you know, when the governor is designating another guy, but my initial gut reaction to that is if individual states want to put that requirement on, it seems more logical that could vary from state to state. I mean, the guy from North Carolina, does he really care whether the person from some other state is representing that governor. I think that's an issue for that particular state to be concerned about.

CHAIRMAN BOYLES: If you could grant me a little bit of forbearance, I think we've got a scheduling issue, and we'd like to swap around the next couple of agenda items. Kim McKown is going to give the Assessment Science Committee Report, and she has got some travel restrictions. Kim, if you could come on up and give us the report of the Assessment Science Committee.

ASSESSMENT SCIENCE COMMITTEE REPORT

MS. KIM McKOWN: Thank you for moving me up. The Assessment Science Committee met in March and we had a number of items. The first thing that we discussed was the stock assessment schedules for the next few years, from 2012-2015. That information was in the material that was sent out to you all.

There are several changes since the policy board meeting in November. Lobster originally had been scheduled for 2014 and it had been moved up to 2013. Spanish mackerel was added on. They're going to go to SEDAR in 2012. Spot is going to be assessed for the first time, a peer review assessment, SEDAR 41 in 2013 and ASMFC is going to be lead.

Atlantic menhaden is going to have an update assessment in 2012 and a benchmark assessment in 2015. Atlantic red drum is going to a SEDAR in 2015 and highly migratory species, blacktip shark is going to SEDAR 30 in 2012. The assessment group also has some recommended changes.

Because of the need to have menhaden have an update in 2012 and the benchmark in 2015, we also need to update the MS-VPA in 2012, and it will probably go to a benchmark in 2015. Horseshoe crab was originally scheduled for a benchmark in 2014, but the group felt that it would be good to have a few more years to see how the new ARM Model is working, and so they felt it should be pushed back to 2016.

There were some suggestions that Atlantic sturgeon should probably be assessed in the next few years. What is written in the information you got is incorrect. The moratorium is not up in 2018. The moratorium is actually a 40-year moratorium and that is scheduled to be up in 2038, but 2018 is halfway through so that will be 20 years since the fishery was shut down, and that should be the period where we should start seeing some recruitment from those sturgeon that have been totally protected by the moratorium.

We're recommending that we consider having a benchmark review for them in 2016. The group also felt that the earliest that we could have the next benchmark assessment for weakfish would be in 2014. I guess the Assessment Science Committee has recommended these changes and the policy board will need to make a decision.

The next thing, the group looked at the schedule for 2012 and 2013 and 2013 in particular is an extremely heavy schedule. In 2012 there are four benchmark assessments and eight updates – actually four benchmark and seven updates, and in 2013 there is going to be eight benchmark assessments and three to five updates. We really that's way too many assessments for the amount of scientists that we have at this point.

In 2013 lobster, striped bass, bluefish, northern shrimp, spot, large coastal sharks, scup and fluke are all going to be assessed, and there is quite a bit of overlap in staff especially with striped bass and bluefish and lobster and northern shrimp. The Assessment Science Committee is recommending that lobster be moved to 2014 to help with this workload.

CHAIRMAN BOYLES: Kim, thank you for that. I guess the first order of business is questions on the stock assessment schedule. Pete.

MR. HIMCHAK: Kim, you weren't here to have the benefit of our Tautog Board meeting on Monday, but I know the benchmark was scheduled for next year, I believe, and we did a turn of the crank instead. It seems with the coast-wide VPA and everybody coming up with area-specific fishing mortality rates, it really gets confusing as to I guess the legitimacy of having a coast-wide VPA. Has the tautog benchmark stock assessment fallen off the radar screen?

MS. McKOWN: No, that has been moved forward to 2014.

CHAIRMAN BOYLES: Other questions? Bob.

MR. BALLOU: Can you just explain to me – I'll use fluke and scup as an example – how the ASMFC stock assessment process compares to the council and federal stock assessment? Are they one and the same or are we talking about two different assessments?

MS. McKOWN: For the jointly managed species it's the same assessment.

MR. TRAVELSTEAD: Striped bass; there was some discussion at the Striped Bass Board about the fact that the assessment update that is scheduled for this year, in a couple of months, will probably not reveal some problems that might be occurring in the stock. I think it was Mr. Diodati who suggested that we really won't understand what is going on there until a new full-blown assessment is conducted.

There was no clear direction from the board on that, but I'm just curious what would it take to get the striped bass full-blown assessment that is scheduled for 2013 moved up? Is that even a remote possibility? I just want to be able to respond to the board members if that gets further discussion in the future.

MS. McKOWN: I can't answer that question at this point. I don't know if the staff –

MR. TRAVELSTEAD: I didn't think you could but I thought maybe staff could take a shot at it.

MR. BEAL: Jack, speaking purely from the peer review end of it, right now it's scheduled to go through the SARC process in the spring of 2013. There is not an opportunity to move that forward to a 2012 SARC, so we definitely would have to – if a new benchmark assessment could be worked up, we'd have to find a venue for a peer review or money to conduct an independent ASMFC peer review. That's a money issue I think there. The bigger issue probably is, are the assessment scientists available to crank something out in 2012. I think a number of those individuals are working on some of the other species we have slated for 2012 already.

MR. TRAVELSTEAD: So the answer is if you're going to keep it in the venue that it's scheduled for, it can't be done, it can't be moved up?

MR. BEAL: That's correct.

MR. TRAVELSTEAD: That's all I needed; thank you.

CHAIRMAN BOYLES: Any other questions? I'm looking for a motion to approve the stock assessment schedule. Dr. Kray.

DR. EUGENE KRAY: **I move to approve and accept the stock assessment schedule as presented.**

CHAIRMAN BOYLES: Motion by Dr. Kray; is there a second? Second by Doug Grout. Further discussion? Vince.

EXECUTIVE DIRECTOR O'SHEA: Just to make sure that folks understand that embedded in that recommendation was moving lobster to 2014.

CHAIRMAN BOYLES: So noted. Further discussion? Bob.

MR. BALLOU: I'll just note my concern with that issue that Vince just noted and ask I guess through the Chair to whoever might be the best respondent; is there any wiggle room on lobster? I mean, clearly, we're hearing from the assessment team that it is either undoable or just too big a challenge to try to do in 2013. For the record I would like to make sure that is the case and that there is no opportunity to keep lobster on track in 2013 given the significance of that resource and understanding its status particularly in Southern New England. Thank you.

MS. McKOWN: The group really feels the amount of work that is needed to do the lobster assessment correctly and thoroughly, that it really can't get done until 2014.

CHAIRMAN BOYLES: Further discussion? Dave.

MR. SIMPSON: Yes, I guess just wondered if some of the basic data needs and complete reporting and changes that would be required to bring in an adequate amount of data also entered into the decision to move lobster or was it simply needing the people to do the programming and to stuff the same old numbers into the slightly modified model and so forth.

MS. McKOWN: It was a discussion of both having the numbers of people and also the amount of work and data needed for that model because we are dealing with the University of Maine Model, which isn't part of the NMFS toolbox that is just easy to implement and update. It's a lot more complicated.

CHAIRMAN BOYLES: Further discussion? Any objection to the motion? **Seeing none, that motion carries and the stock assessment schedule as recommended.** Do you want to continue?

MS. McKOWN: The next thing is the Assessment Science Group had a big discussion about concerns regarding ASMFC's capacity to conduct stock assessments. We developed a subcommittee as a joint Assessment Science Committee and Management and Science Committee subcommittee that developed a white paper on the stock assessment capacity.

We started out with a survey to state agencies that went to both the Assessment Science Committee representative and the Management and Science Committee just to see what is the current and future assessment capacity for each state. The results really indicated insufficient staff, losing staff at the present or in the future due to layoffs and retirements and little ability to rehire afterwards due to either budgets

or hiring freezes. Like I said, we developed a white paper to discuss this issue and I have a presentation on this.

The survey basically describes the states current and future capacity to contribute to stock assessments. There is basically, as I said, a limited number of state staff with the skills and ability to actually run the statistical models. The states seem to have an adequate number of people to pull together all the data to put in the model and to do some of the simple statistics; but when it comes to actually running the models or developing new models, there is a minimum number of staff in the states who can do that.

Currently there is a shortage of state scientists that are needed to meet the assessment needs. In the future, as I mentioned, we anticipate losing assessment science staff due to budget cuts, retirements and the lack of ability to refill these positions. This graph up here shows on the left-hand side the number of people that were necessary to conduct assessments.

From 2005-2010 you see a dotted line up there, which gives you that six-year average, so on average there is about 28 assessment scientists were needed each year to conduct the number of assessments that were needed. When we looked at the next six years, which is 2011-2016, it's up to about 30 assessment scientists on average from the states to conduct the assessments; but if you look at 2012 and 2013, we're talking more about to 2013 we estimate more than 45 assessment scientists needed to do the assessments.

Unfortunately, a number of the species, there is a real overlap in scientists so it's not 45 different people. There are many people who are being tasked to contribute a lot of their time for a number of different species, and we really feel that at this point we have too many assessments and not enough staff and that it's only going to get worse in the future.

That's why we recommended the movement of lobster for 2013, but it's still going to be a big haul to get these assessments done. The Assessment Science Committee and Management and Science Committee developed several options for the states to consider to improve the capacity to do these assessments.

One thing we felt is you guys need to decide how to run these assessments. Historically, it has basically been the states who have taken the lead on the assessments and ASMFC has helped out running it, but it has been sort of the state lead. Another way of

running it would be having commission scientists do the lead.

The commission has hired two assessment scientists to help out, Genny Nesslage and Katie Drew, and they have increasingly taken larger roles in some of our assessments, so that's a different model that we could move forward with. Some of the recommendations for improving our capacity would be to develop state-specific plans to improve the stock assessment capacity in each state; encourage the full and active participation of state scientists in the technical committees and the stock assessment committees.

Often we have a group of people who do the majority the work and then other members who don't do quite as much work, and it would be good if we could get all the members being active participants. Some of the training that I'll talk about later can help with this. Also, identify the stock assessment committee members when policy board approves or modifies the annual assessments. This way you just see the different species, but when you start seeing the same names coming up over and over again and how they're being tasked I think it would be important for the policy board to start seeing some of that.

Also, to dedicate funding and staff time for non-ASMFC training, graduate work courses and mentorship programs; so we do have a good ASMFC training program but that's not enough to get people who aren't trained up to actually running these assessments. We also suggested increasing travel budgets for mentorship programs and allow designated assessment scientists basically to come to meetings as apprentices and learn how to be an active technical or stock assessment member.

Another thing is to form partnerships with academic units and utilize their resources to develop assessment models. That's something that we've done with lobster very successfully and I think is being done right now with weakfish. We could hire additional stock assessment scientists in the states; and as I said, we could hire also additional stock assessment scientists at ASMFC dedicated to either working in specific regions or coastwide.

We could also modify assessment frequencies to reflect species status and life history; so for those species that have longer lifespans, we may not need to do annual updates and we may be able to lengthen the amount of time between benchmark assessments. We feel that it would be good for the policy board if it can review the survey results and summary paper

and develop state plans to revisit the assessment capacity at the annual meeting.

We recommend it might be worthwhile to form a working group between the commission staff, the commissioners, members of the Assessment Science Committee and the Management and Science Committee to explore the pros and cons of the different options, what the implications are for the managers and the scientists and what the cost and benefits are.

One of the things if we go for the states being the lead analysts and really try to bolster the states' assessment capacity, that also gives the states the ability to utilize those staff for some of their own internal assessments. Meanwhile, if you go more as an ASMFC-based assessment, then you develop a framework more like the National Marine Fisheries Service where you have an assessment center where people can interact with each other, and so they're just different models to work on.

CHAIRMAN BOYLES: Kim, thank you. Questions on the assessment capacity survey? Doug.

MR. GROUT: Kim, what kind of training do you think would be sufficient for someone to be on the stock assessment subcommittees? Do you think someone who has taken the beginning, intermediate, maybe one of the advanced but has no stock assessment formal college training would be helpful at all with that level of training?

MS. McKOWN: This sort of moves into the next discussion item is the ASMFC training program. The beginner training is just to get people introduced into assessments and how they work. Intermediate is meant more to start getting people more hands-on, and so what we've sort of set up is doing a data workshop and doing an assessment workshop and then I think eventually doing a mock peer review, and so having people actually work with species data.

I think the feeling is after they've finished the intermediate course, they can at least be much more involved. Whether they can be a lead analyst, I don't know, but at least help out more with the assessments. The feeling is the assessment training couldn't take somebody who had absolutely no assessment background and turn them into a lead analyst in three or four years. It would probably take more outside training, but certainly the mentorship program on top of that might help – you might need a number of avenues to do that.

MR. GROUT: Is our shortage in lead analysts or is it something that having someone on a stock assessment committee that isn't necessarily a lead analyst but can help with the stock assessment? Do we have people on the stock assessment team that aren't lead analysts?

MS. McKOWN: We do. One of the problems right now is coastwide we only have a number of people who have the capacity of being lead analysts. We have a lot of people who can bring a lot of the data together, but those people who can actually run the models and even develop new models is really lacking, and so we're really tasking those few people who have those capabilities with a number of species, we need to develop some more.

MR. GROUT: You mentioned taking the intermediate course and maybe taking an advanced course and then having some kind of a mentor program, because I have someone on my staff that is really interested in stock assessments. We'd probably have to hold him back because he has so much other stuff do, but he isn't formally trained in stock assessments but he is a smart guy and he can learn pretty quickly. Do you think having a mentor program on each stock assessment subcommittee would be a good way to go?

MS. McKOWN: Yes, and, Doug, to be honest that is the route that I have taken to get to this point, so it does work. It takes somebody who is really interested and wants to do it, but, yes, it just takes more time, though. It's not a short-term answer.

MR. STOCKWELL: Thank you, Kim. I suspect most all the other states are like Maine with both a rapidly shrinking budget and a hiring freeze and retirements, but I'm wondering if you've projected the cost benefits between both ASMFC and state leads.

Certainly from my perspective bang for the buck would probably be – and easier for us would be to develop an assessment center at ASMFC where we could contribute but not necessarily – we're under manpower and I don't think we have the ability or capacity to hire anymore assessment scientists.

MS. McKOWN: That was a big discussion items. It's tradeoffs. The good part about developing the assessment capacity in your state is, number one, they can help out with coast-wide species assessments but also internal species assessments. It also gives you a little more ownership in that

assessment if you have your own personnel running it.

On the other hand, it's a large cost. The state of New York, we have the same budget issues and retirement issues and hiring freezes that you're seeing in Maine and it's difficult. We have a limited number of staff and we have not been able to just dedicate staff just to assessments. There is an advantage of having a group of people together at an ASMFC level is that they can work together easily. Now that we have WEBEX and send things through e-mail, it's a lot easier to work between states, but it's still a lot easier just to walk across the hallway and look at somebody's computer and chat about things. Like I said, there are tradeoffs each way.

MR. STOCKWELL: Well, I think the bang for the buck would be in training some of our staff to be able to communicate with the assessment scientists just to bring them up to speed. We have several staff like the ones that Doug just mentioned and I know you work with some others, but it's a shrinking crew.

MR. GOLDSBOROUGH: Mr. Chairman, I seem to recall that Eric Schwaab reported to us this morning that the one area of their FY-12 budget that at least at this point in the process not only was holding its own but might actually be increased was stock assessment science. I was just wondering – and, of course, now Steve has left the roof so maybe we can only ponder this, but I was wondering if this might have any implications for the assessment science capacity that we could tap into.

EXECUTIVE DIRECTOR O'SHEA: I'm not going to try to speak for Steve, but I've been at a number of NOAA/NMFS/Council meetings on this issue. The councils are very concerned about additional stock assessment requirements needed to support the ACLs and AMs. They have this whole big suite of species now and they want more and quicker updates.

I think one of the challenges of doing that is going to be competing with the councils who have already documented what their needs are, and I think they're oversubscribed, quite frankly, relative to the capacity.

MS. McKOWN: That was discussed at the Assessment Science Committee also. We had a presentation by John Carmichael on the SEDAR process and the changes that they're making and the changes also that they're making at NMFS with their process. Both of them are seeing that they have a lot more species to manage, a lot more different levels

that they have to deal with, and they frankly just don't see that they have the staff.

As far as SEDAR is concerned, they're changing their assessment process. They're actually adding an intermediate three-step process. They have a standard update in between a regular update and a benchmark, and that's basically to just help them deal with the capacity of assessments that they're seeing.

The NMFS, with their SAW/SARC process, they're also at this point just trying to figure out operational changes that they can decrease the amount of annual updates that they're doing because they just can't handle the amount of work. They're feeling at this point that we may not get as much help with assessments from the federal government as we have in the past.

MR. MILLER: Thank you, Kim; just a note of caution. I've always felt that assessment scientists were born and not necessarily made. The average biologist that I've run across in my career, not all of them would make good stock assessment scientists. You could teach me the game of golf, teach me the rudiments, but that's doesn't necessarily mean I'd be a good golfer.

So, just a note of caution, I think that the training in stock assessment techniques is good. That way the states can meet the data needs for stock assessments, but cranking out accomplished stock assessment scientists is not as easy as it may appear to an outsider. There is reason those folks are relatively few and far between. Thank you.

MR. DIODATI: It sounds like Roy's golf game would be like feeding hay to dead horse. I think there is at least one option that I'm hearing on the table here to deal with future, and that is there is a lot of interest that we're hearing about at the federal level to fund stock assessment work. It has been my experience at least that a fisherman's credibility with state scientists is usually higher than that than they have for federal.

I'm not going to say why, but I think it's the boots on the ground mentality and they know the state scientists are usually a little bit better or a little bit closer to the fishery, I guess. I think you also get a better bang for the buck when you spend money at the state level as well. Maybe it would be a sound business decision on the part of the federal government to approach this like they do with their JEAs and create a whole new program and put this new money into some kind of joint cooperative

program that would funnel that money to the states to hire stock assessment people and work on a variety of assessments, both state and federal.

CHAIRMAN BOYLES: I'm sensing there are some real challenges, for sure, and some opportunities, and I'm wondering if it would be a good path forward for us to ask some members of the Assessment Science Committee as well as some volunteer commissioners to sit down between now and the annual meeting and flesh out potential paths forward, up and including Paul's suggestion on how we might do that.

I'd look to maybe Doug Grout, Tom O'Connell and folks who have chewed on the biologists and technical matters before the commission if they would help us with that. Is that a reasonable path forward? All right, I'm seeing at least Doug and Tom shake their head in the affirmative so maybe that's all we need. Kim, if we could enlist some help from the Assessment Science Committee to do that.

MS. McKOWN: Certainly.

EXECUTIVE DIRECTOR O'SHEA: And the other thing with the policy board, Mr. Chairman, in years past the executive committee has met – and I think this is going back probably five or six years ago and it has been brought up occasionally, and that is the executive committee/commission to make a strategic decision to invest in a stock assessment capacity organically within the commission, and as time has gone on has had different levels of support.

Initially it wasn't even willing to be discussed and then there was potential interest and I've moved gently in that direction and gotten support in the budget to do that; but just as a reminder the fact that we're not doing it now doesn't mean – and chosen in the past not to do it doesn't mean in my view that should still be an option that should be looked at. Thank you.

CHAIRMAN BOYLES: And I agree, and, Terry, I don't think I'm putting words in your mouth and I think many of us around the table would agree that it has been very, very difficult to develop that capacity at the states. As divergent as some of our opinions are on some of these issues before us, I think we can all agree that this is probably a very good area of investment for the commission and something that we can all rally behind. We'll include that with this subgroup and Doug and Tom, and if there are other volunteers – Steve, is that volunteer or do you want speak?

MR. STEVE MEYERS: I'll speak to volunteer.

CHAIRMAN BOYLES: Very good; I like a fed that does both – I like that – and will do both. Thanks, Steve. Kim.

MS. McKOWN: Okay, I've got I think just a couple of more things. One thing is we finished the Assessment Science Training Program. Like I mentioned before, it basically is set up as a three-tier level, so a beginning assessment course, which just introduces who have no background into assessments; this intermediate course, which tries to actually get people working with data and be much more productive in technical and stock assessment committees; and then an advanced program where we're just trying to keep people who are basically advanced people new techniques, being able to learn new things. I guess you saw a draft at the last meeting and this final draft is in the information, and I guess it needs approval, so this actually should have been on an action item.

CHAIRMAN BOYLES: Questions? I'm looking for a motion. Doug.

MR. GROUT: **I move that the ISFMP Policy Board approve the Stock Assessment Training Program Guidance Document.**

CHAIRMAN BOYLES: Motion by Mr. Grout; second by Mr. Adler. Discussion on the motion? Any objection to the motion? **Seeing none, that motion carries.**

MS. McKOWN: We had a short discussion on the telemetry program that is being conducted in Chesapeake Bay and then a discussion that there is some telemetry that's going out on the coast and there is work trying to get the different groups talking together so that we can actually get the most bang for our buck with all the acoustic receivers that are out in the Mid-Atlantic, North Atlantic and South Atlantic.

Also, the MRIP estimates are not developed yet, but what the Assessment Science Committee would like to do is once they're out and the new tool that NMFS said they were going to develop for looking at old and new estimates, we would like to review this and develop some guidelines on how to use the new information for assessments.

CHAIRMAN BOYLES: You must be clairvoyant; that was one of the topics that we were going bring up under other business, Kim. We were going to ask that some of these questions be referred to the

Assessment Science Committee as well as perhaps the Management and Science Committee. Thank you for asking for that and it shall be done, I believe. Any questions for Kim on the Assessment Science Committee Report? Thanks, Kim, we appreciate your being here. The next item, we're going to flip back to a northern shrimp control date. We'll turn it over to the Northern Shrimp Second Chair, Mr. Grout.

REQUEST FOR NORTHERN SHRIMP CONTROL DATE

MR. GROUT: The Northern Shrimp Section has been working on an amendment to address increased capacity in the fishery and the fact that the past two years we've had to close the northern shrimp fishery early because fishermen have been catching more than we anticipated within the season that we had set.

We have a number of new tools that we're going to put in our toolbox, and one of them is limited entry. There has been increased effort in the fishery. Particularly last year I think there were over a hundred new entrants into the fishery in one of our states. As a result of that we were quite concerned as we're going through development of this amendment that there would be a mass influx of new entrants in here.

Basically what has happened over the past two years is the price has gone back up to where it was six, seven, eight, nine, ten years ago, and the catch rates are higher. Because of our concern about new influx, **we made a motion at our June meeting that the section recommend to the policy board that June 7, 2011, be the control date to the northern shrimp fishery and future entrants may be treated differently than current members of the fishery.**

Our purpose behind this is to warn the industry that if you're going to get in and start fishing for shrimp and buy new nets to put on the vessel, that when we finalize this amendment you may be treated differently than people who had been in the fishery prior to that date. This is sort of a warning to people so this would discourage some people from trying to get into the fishery at this point in time and then expecting or saying, "You know, oh, my gosh, I bought this permit and I bought all these new nets and you're going to shut me out of this fishery."

Well, right now we feel we are approaching and may have exceeded the capacity of this fishery, so we were hoping to get the policy board to approve this control date. I don't know how the process works

here. I know at the council if this is a committee motion it doesn't need a second at the board. Is that the way our process works here?

CHAIRMAN BOYLES: Yes, Doug, I think you're making this on behalf – this is a motion that was made and seconded and passed by the section so it is now a section motion. You're making it on behalf of the section so it does not require a second. We have a motion on the floor. Discussion on the motion? Dave.

MR. SIMPSON: I think the idea is a good one. The question would be the date that is chosen and the mechanism that we would use to make sure that the public that could be potentially affected by this is made aware. Typically, control dates published under a federal fishery management plan, you wouldn't set a date in the past.

You would set at a date of publication; today or subsequent and not the past because how can you advise somebody they might be treated differently based on what they've already done. It's not exactly fair notice. So the feds publish in the Federal Register; that is the official way of notifying the public. I have those two points. I would have concern about publishing a date that is in the past, that has already taken place; and, second, what is our mechanism for informing the public of this advice?

CHAIRMAN BOYLES: Good question, Dave, and I'm guessing that June 7th was the date that the section made that motion, but I want to confirm that. Bob, can you deal with issue of notification?

MR. BEAL: I think there is going to be two approaches to notification. First is the section is going to meet tomorrow to consider a draft amendment that will go out for public comment. In that document the draft currently contains this control date with notification during the public hearing process and the general public comment process. That's going to be highlighted.

As part of that, the second part of the notification will be if the section moves forward with that document tomorrow, the press release will notice that this date was approved by the policy board and is moving forward as part of the amendment. Between tomorrow's press release and the public comment period and public hearings, I think that's effort.

MR. SIMPSON: In that case I think I would offer first as a friendly amendment that today's date be substituted for June 7th; so that when the notice goes

out it's current with the date at which the public is made aware of it.

CHAIRMAN BOYLES: Dave, hang on a second. Because it's a section motion, I think it's going to be difficult to make a friendly amendment.

MR. SIMPSON: **I'll offer an amendment then that the date June 7th be changed to August 3, 2011.**

CHAIRMAN BOYLES: Okay, Mr. Adler.

MR. ADLER: Pretty much that was what I was after was what was the date that you're going to do this; should it be today? Since it wasn't us coming up with this, it's the section coming up with this, which is asking us – and I didn't know whether it was the section that could make the determination; and if so, why would it have to come to the board. It was pretty much the same thing here.

CHAIRMAN BOYLES: I've got a motion to change the date to August 3rd. I need a second to that motion; is there a second? Dr. Kray. Okay, how we'll deal with this; let's discuss the motion made by Mr. Simpson and seconded by Dr. Kray to change the control date to August 3, 2011. Discussion on that motion? Terry.

MR. STOCKWELL: To provide for us a little bit more context to Doug's rationale, we not only exceeded the target TAC this last year; we blew by it by a significant amount. The licenses since the suggested control date of the section has actually increased by another 50-plus. The prices for this next year are projected to increase by about a third.

Limited entry and a hard quota are two of the tools that we have proposed under our adaptive management components. It's going to take a while to think this through, but the public is keenly aware of this date. The AP has asked for limited entry every year for a decade. There was a large number of public members at the Shrimp Section. This isn't a surprise.

CHAIRMAN BOYLES: Further discussion on the motion? Ritchie.

MR. R. WHITE: I would just add to what Terry said. I don't know that I have a big angst about the difference, but there was a substantial amount of public at the meeting when we did this. As Terry said, the public is well aware of this. The AP Chair happens to be here today and maybe we could hear from Vincent on that.

MR. VINCENT BALZANO: Thank you very much, Mr. Chairman. To give you folks a sense of how much overcapacity there is in this fishery right now, through our rebuilding period we had about 125 active participants. In 2010, which we had an emergency action to close the fishery, we had roughly about 260. In 2011, when we caught about 150 percent of the target TAC, we had 360 participants. In the state of Maine, when we made the motion to June 2nd, we had about 575 potential license holders, roughly about another 30 in New Hampshire and I believe, Mr. Diodati, if you could correct me, I think you have a little over a hundred in Massachusetts.

To give you a sense, the stock has a carrying capacity of about 200 to 250 participants, and we have roughly already today 800-plus. So as you can see, we are way over what the carrying capacity of this stock can support economically. It has been the history of this fishery for the last 45 years that we rebuild we get a great amount of effort; the stock crashes, we rebuild; we get a great amount of effort; we get a shorter amount of biomass and a shorter period of time.

We've just gone through a ten-year rebuilding period that a lot of people did a lot of heavy lifting with 25-cent shrimp and 20-day seasons, and the industry, the reason we've been asking for this, just can't afford to go through that again, simply put. We had a failed motion in the Maine State Legislature in 1998 and it has been a quest since then to get a comprehensive management plan in this fishery. Thank you.

MR. FOTE: I'm trying to deal with this problem and I'm thinking about when was the time that the commission set a limited entry? Usually what happens with us, because we deal strictly with state waters, it's the state that sets the limited entry and at the council level you set it for federal waters.

I don't remember what we did on lobsters. I don't know whether the feds set the limited entry before we got into it and who could get permits or not, but I'm not sure we have ever set a limited entry at the commission level. I'm trying to think because Pete keeps asking me, and the more I think about this – because we were looking at in-state fisheries so we basically did a limited entry at the in-state fisheries. This is a new hybrid and how do we deal with that?

That's a simple question to ask and I'm trying to figure it out. I don't think there is a precedent. The only one I can think about where there was a limited entry is lobsters. Truthfully, I might not have been

on the Lobster Board when we did that so I have no idea how we did that with lobsters.

CHAIRMAN BOYLES: You just answered your question. Doug.

MR. GROUT: I think one of the things that I'd like to point out to the policy board here is that the Northern Shrimp Section is managed under Amendment 1 to the Compact. It's not a normal board. The three states have agreed to manage the resource together. When we set the control date of June 7th at our section meeting, we were informed that we needed to bring this to the policy board – that date to the policy board for approval.

To me it was more of are you going to approve it or are you going to reject it saying we're not going to have control dates, period, and not change the date. I think this might be unique because we do manage under Amendment 1 and maybe Vince can tell me I'm all wet with this, but I think this is a unique situation. It's not whether you can change the date; it's whether you're going to say, yes, we're going to approve control dates as a commission policy.

CHAIRMAN BOYLES: Yes, thanks, Doug, I think that certainly separates the question and I think clarifies in my mind at least. Pat.

MR. AUGUSTINE: Point of clarification – that was good, Doug, I appreciate it – all of the participants are aware that the section stated it was going to be a control date of June 7th? The advisory panel might know that, also, so can someone tell us whether that's true or not.

MR. GROUT: I can't say that every single one throughout Maine, New Hampshire and Massachusetts had. I can tell you from our tiny state of New Hampshire they're all well aware of it.

The intent with this was once it was finally approved – you know, I would have ideally liked to have sent out a notice on June 8th, but because we had to come to the policy board I said, okay, we're going to wait, but what I was going to do is once the – if this got approved, the commission sends out a press release, we were going to literally notify everyone in our state of this. I don't know if Maine was planning to do that but they have permits for shrimp so they have the capacity to do this. We'd probably be sending the notices to even people that don't shrimp.

MR. AUGUSTINE: To that point, I just wanted to make sure that all the participants had an idea of what

was going on. If you're making the decision for other states and they're participating in it and not aware of it, from what you're saying all the participants are from those three states?

MR. GROUT: They are.

MR. AUGUSTINE: Then it's over, so I don't know how we as a board can go ahead and change what the section has agreed would be the best course of action and in view of the fact the advisory panel is even involved with the process. Everybody is in concurrence, so I don't know how we court support this motion that's on the table.

MR. DIODATI: I agree with Pat on this one. I think it's important to note, and maybe you already did that the fishery for the current year is closed. It has been closed since early spring, and so I doubt that there would be any new participants unless they're issued a permit by one of the three states like today or something like that, but I'm not sure that you would issue a permit for a fishery that is closed. I don't think that we would do that. I would recommend – although you do have this motion on the board to amend, but I would recommend that we just stay with the section's original recommendation.

EXECUTIVE DIRECTOR O'SHEA: I think the intent of the control date was to notify people that entered the fishery after the control date may be treated by the second differently than people that were in the fishery prior to the control date. I think that's all that is intended here, so this action doesn't by itself take anybody in or out of the fishery. It just says that one group may be treated differently, I think.

CHAIRMAN BOYLES: Doug, could you confirm that?

MR. GROUT: Yes, absolutely.

MR. SIMPSON: Yes, and that was exactly my understanding and Tom is the one that sort of woke me up to the reality that it is the permitting authority and the commission doesn't permit anyone. I mean, the reason for my motion was more along the lines of very often the federal process and the federal standards for how we do things is a good model to follow, and so I offered that up as a logical how can you inform somebody not to make further investments in a fishery using a date that's in the past?

Paul answered the question I had in my mind, you know, the fishery is over, but doesn't mean someone hasn't geared up thinking they can get in but frankly it's the three states issue and to some degree a federal issue that those three states will have to work out. **I'd be happy to withdraw my motion.** The only remaining concern I have is setting a precedent for the commission to establish control dates that are in the past. This is recent past but it could easily have been five years ago, and that I'd have a real problem with.

CHAIRMAN BOYLES: Is the body okay; can I get consensus on withdrawing that motion? **All right, I see affirmative so we are back now to the motion that was made on behalf of the Northern Shrimp Section.** The motion is to set June 7, 2011, as the control date to the Northern Shrimp Fishery and future entrants may be treated differently than current members of this fishery. Again, that motion was made by Mr. Grout on behalf of the Northern Shrimp Section.

Further discussion on that motion? Seeing none, all those in favor of this motion signify by raising your right hand; all those opposed to this motion raise your right hand; null votes; abstentions. **Okay, that motion passes 16 for; zero against; zero nulls; and two abstentions.** Doug, thank you and thank you for that discussion.

Dave, I appreciate the comments about the precedence. This is new ground but I think good work on behalf of the Northern Shrimp Section, and I appreciate the work there and the discussion here. We're eating well into Dr. Rhodes and the Shad and River Herring Management Board's time, but if we could move through a couple of more items.

I think we're going to convene again as the policy board tomorrow so I would like to put off a couple of things to tomorrow. I think we've got some folks in the audience who are here to see the discussion on the blue and flathead catfish resolution. Bob.

DISCUSSION ON THE BLUE AND FLATHEAD CATFISH RESOLUTION

MR. BEAL: Obviously, the ASMFC does not have Catfish Fishery Management Plan, but this issue was brought at the March meeting. Within the Chesapeake Bay Region there are growing populations of blue and flathead catfish and there is growing evidence that they're having an impact on the native species within those regions.

Just passed out to everyone is a draft resolution on blue and flathead catfish from the commission. At the March meeting this policy board asked staff to go back and draft that resolution for consideration at this meeting. Up on the screen is a slide that evaluates the sort of predictors of invasiveness. This put together by Mary Fabrizio from the Virginia Institute of Marine Science.

It is a number of dimensions for blue and flathead catfish that if a number of these predictors are tripped, a species is determined to be invasive. As you can see, the majority of these factors are in fact true for both of these species. There are some differences in their diet and their growth and fecundity levels, but overall these animals have a larger native range and they have long lifespan. They have high adult trophic status. These animals are having an impact on the trophic interactions and are consuming a lot of things within the river systems within Maryland and Virginia.

This issue has been discussed quite a bit with the Chesapeake Bay Fisheries Goal Implementation Team, which is a group that looks at Chesapeake Bay issues and fisheries issues within the Chesapeake Bay and the states of Maryland and Virginia are represented. The National Marine Fisheries Service, the Potomac River Fisheries Commission and District of Columbia are all represented on that group.

They have reviewed this draft and had a lot of discussion on this draft. I'll go through the draft fairly quickly. The whereas statements start out generally – and I should say the document that was just passed out has one clause that is new to this version that was not include in the version that was in the briefing material, and that's the second to last paragraph in the document that deals with additional research.

The general flow of this document is to highlight generally overall concerns of non-native species and their potential for predatory impact and displacement to native species, and then it goes on to describe in greater detail some of the characteristics of blue and flathead catfish and then notes their spread and high abundance throughout the range of the Chesapeake Bay and the trophic impacts that they're having.

Ultimately, the focus of this document is the Chesapeake Bay but there are concepts of general concerns over invasive species. The document notes that the intersection between ASMFC and the blue and flathead catfish issue is the species managed by ASMFC to some degree. There is evidence that these

animals are consuming shad and river herring and potentially striped bass and American eel and other species that the commission manages and puts a lot of effort into managing and a lot of money into managing, and, frankly, full moratorium on river herring in many states and likely throughout the Chesapeake Bay Region.

The document goes on through the NOW, THEREFORE, BE IT RESOLVED statements that indicate the commission doesn't support the introduction of non-native species. The second – and this is the newly added wording which is additional research should be conducted to fully understand the ecological impacts of non-native catfish on the species managed by ASMFC and consideration for the reduction of population levels and for developing a strategy to deal with the impacts of these animals throughout the Chesapeake Bay Watershed.

It seems like a pretty straightforward issue. We've got new animals introduced into a system and they're consuming species that the commission manages. I think the twist to all this is that there are a number of fisheries that have developed within the Chesapeake Bay and the tributary rivers that are very important to some inland fishermen. There are trophy fisheries.

Folks come from far and wide to participate in those trophy fisheries. There is a concern over economic impact to the fishermen that have developed businesses based on these species. There is the ecological impacts of these animals, but there are potentially some negative economic consequences for the individuals that have built businesses associated with these animals that are in these river systems. I don't know if any of the individuals that participated in the development and review of this document may want to comment, but that's quick summary and I'm happy to answer any questions on the document.

CHAIRMAN BOYLES: Questions for Bob on the resolution? Jim.

MR. GILMORE: Mr. Chairman, I think from a quick read of the document it looks fine. The only question is why is this limited to just those two species? The example I'll use, which I think Maryland and maybe the Potomac River Commission – I spent the last two years of my life in Region 2 chasing snakeheads, which has all the same – you could add that to the list and maybe a few other things. Was that done previously or is that something that we should be expanding the list on for species? Thank you.

MR. BEAL: The commission did talk about the impacts of snakeheads and their introduction and sort of taking up residence within the systems, but the commission did not issue a resolution on those animals or has not at this point, anyway.

CHAIRMAN BOYLES: Yes, and, Jim, we did talk about this. We talked about how broad can you get? I think for many of us you could put any number of species in here, and I think the effort was to look for consensus. The folks who put this together said this has come up with respect to blue and flathead so let's restrict it for the purposes of this resolution simply to blue and flathead. Jaime.

DR. GEIGER: Mr. Chairman, certainly the intentional and unintentional introduction of non-native species is a serious issue nationwide as well as on the Atlantic coast and certainly in the Chesapeake Bay. I do have some concerns primarily that I certainly could support a resolution about all intentional and unintentional introductions of non-native species into the Atlantic Coastal Watershed.

We've had issues with obviously northern snakehead; we did nothing. We had big issue with ariakensis, non-native oysters in Chesapeake Bay. That is again an intentional introduction of a non-native species that impacted this commission. We had Asian carp. We have a variety of mitten crabs that have been identified.

My concern is singling out obviously blue cats and flatheads. I certainly can support a more general statement on just intentional and non-intentional introductions of non-native species affecting species affected by ASMFC, but I think this is one that is best suited for discussions and basically, how would I say, resolution by the appropriate jurisdictions.

I still see no sound science that shows impact of flatheads or blue cats on any population level of species managed by ASMFC. I am somewhat concerned that this sort of sets a precedent that may not necessarily be supportable or desirable or reaches to the level of the engagement of the policy board of ASMFC. Thank you, Mr. Chairman.

MR. AUGUSTINE: Mr. Chairman, to that point, I read the last sentence and it indicated that we should support the development of and implementation of a strategy that minimizes the population and ecological impacts of non-native invasive catfish species throughout the Chesapeake Bay Watershed. What is the intention? Is it to eventually go toward a plan

FMP? A.C. talked about it extensively the last time and I think he might have an idea.

MR. BEAL: Well, the Chesapeake Bay states and jurisdictions can speak for themselves, but I think the idea is not develop an ASMFC FMP or ASMFC policy other than this resolution. I think the point of the resolution is to support efforts that may be ongoing within the Chesapeake Bay jurisdictions to address these animals in their watersheds.

MR. AUGUSTINE: To follow on; would that include funding then for surveys, research or some methods or techniques of removing them such as electro-shocking and using massive gill nets and trawls and that sort of thing? It's nebulous. I think we're identifying what the problem is. A.C. has done a good job of identifying that. You've done a good job of doing this, but it doesn't give us anything more specific than a touchy-feely good thing. Is there something more on it, Bob; would you have anything else in mind.

MR. BEAL: The intention of the commission is definitely not pay for the eradication or electro-fishing or anything else. I think it's just a policy statement that the commission has concern over these animals at this point, anyway.

MR. O'CONNELL: Maybe just to shed a little bit of light on Pat's question is I think from a Bay jurisdictional perspective is that – I'm not going to speak for our partners, but we are very concerned about the likely or already existing impacts. If you look at those invasive species characteristics and science that we started collecting this year, we are very concerned about their impacts to anadromous species that are managed by ASMFC.

What we're trying to do is to see if the Bay jurisdictions can develop a joint bay-wide policy because of their migratory movements both natural and by man. You know, one state taking action with another jurisdiction not, we're not going to achieve our goal. We're trying to formulate a bay-wide policy which would be followed by a strategy to accomplish that policy.

I guess just in regard to Dr. Geiger's comments there have been questions about is there science that shows their impacts, and obviously there needs to be more work done on that; but if you look at research of invasive species and you look at the characteristics Bob portrayed and some of the data that has been collected that shows impacts to native species like freshwater mussels, white catfish and see their diet

samples that were collected in the Potomac River, I'm very confident that we will be seeing negative impacts.

Part of this resolution I think was to bring awareness to this commission. If we're going to see increases of natural mortality in these nursery grounds for these anadromous species, I think it's something that this commission should be aware of and be concerned about. Thanks.

MR. ADLER: I just want to know what the price of the catfish is on the market and maybe we could have a fishery for it.

MR. CARPENTER: Not enough. To give the members here an idea of how dramatic this thing has become here just in the Potomac River, they showed up here about ten years ago, maybe twelve years ago, and initially they were recorded as mixed catfish along with others. In 2003 we modified our harvest reporting trip ticket system to list them as a separate species. We had about 20,000 pounds. In 2010 there were over 300,000 pounds taken. That shows you how quickly these things can dominate an area.

We have some suggestions of them being 70 percent of the biomass in certain parts of the James River. We are in the position of trying to restore the shad run and are almost successful at that. We're being asked to impose a moratorium on our herring fisheries. Is it just to feed blue catfish is the problem.

It is potentially quite troublesome to us. We think it's a major source of mortality to lots of – you don't get a hundred pound fish in freshwater and in the spawning areas of all the anadromous fish without him eating something.

We're putting this resolution forward in the spirit of asking for the commission's cooperation in supporting us in our efforts to try to develop some of the science that we will fund ourselves and trying to develop some kind of control mechanism to at least minimize the impact of these things and to spread the word that unintentional introduction of this through other river systems is dangerous to the anadromous fishes and we would ask your support for this motion and hope that you will approve it.

CHAIRMAN BOYLES: Was that a motion, A.C.?

MR. CARPENTER: **Yes, sir, I'll move the motion as the presented resolution on the non-native invasive catfish if I can get a second.**

CHAIRMAN BOYLES: Second by Mr. Adler. Further discussion on the motion? Pete.

MR. HIMCHAK: I kind of fall back on Dr. Geiger's comment about why these two species. We had concerns all up and down the coast on the Asian Oyster Issue and it took over a year to resurrect the Shellfish Transport Committee to even have a meeting. I'm not too familiar with the policy board developing resolutions and why this policy board has to come out – yes, I don't doubt you have major problems with this, and I'm kind of like having reservations on why this needs the seal of approval from the full commission.

MR. CARPENTER: If I can respond to that, the Asian Oyster was a planned introduction and went through proper channels and we did have quite a bit of study and effort. This one is a non-intentional introduction that we suspect fishermen were catching these things in other river systems and transporting them and releasing them alive here in the Potomac simply so they wouldn't have to travel so far. We didn't have the opportunity to have the discussion about studying these things beforehand. They're here and we need to deal with them, and that's why we're asking for the support of the ASMFC.

DR. GEIGER: I believe Virginia Inland Fish and Game has been involved in this issue I'm assuming for some of the discussion, and I thought it was my understanding that some of these species were intentionally introduced by the Virginia Inland Fish and Game. Thank you.

MR. CARPENTER: That is correct; they were in the 1970's in the James River. It has now become an interstate issue because they have crossed the boundary lines into the Potomac and the District of Columbia.

DR. GEIGER: So, Mr. Chairman, this is an issue of both intentional introductions by one state of the six-state jurisdictions and unintentional introductions by one or more of the other states or jurisdictions in the Bay jurisdictions; to correct A.C.'s comment. Thank you.

CHAIRMAN BOYLES: Further discussion on the motion? The motion is to move to approve the resolution on non-native invasive catfish as presented. Anybody in the public who would like to comment? Yes, sir, Mr. Leonard.

MR. MIKE LEONARD: Thanks, Mr. Chairman, and the commission for giving me this opportunity to

talk. I'm Mike Leonard. I'm with the American Sportfishing Association. For those of you not familiar, ASA is the sportfishing industry associations so we represent those businesses that make, sell or distribute fishing tackle.

Again, first I want to thank you for all the great work you've done particularly on menhaden yesterday. We certainly appreciate that. This catfish resolution, though, is the one that was brought to our attention and is one that has ASA and a lot of members concerned. Blue and flathead catfish, while not native to these waters they've been introduced in and arguable are piscivorous when they're larger fish, these are fish that, as has been discussed, have turned in to be a pretty significant sport fishery and a trophy sport fishery in the tidal waters of the Chesapeake where they are established.

While there has been some evidence to indicate that they are piscivorous, the evidence that they are contributing to negative effects on other fish populations is sorely lacking. I think that is inarguable.

There may be predictors and anecdotal evidence that show there might be impacts, but if you look at the James River where these fish have been established since seventies and the population of catfish has been steadily increasing – I think it has flattened out over the last few years – the state of Virginia has been sampling that river and over the last twenty years or so other fish population metrics have stayed relatively stable.

Ultimately what we're concerned with is that by taking this resolution and then steps moving forward is we'll see an elimination of those trophy fish regulations in Virginia that again are supporting a tremendous fishery. It is having tremendous economic impacts drawing anglers from all across the country. We sort of see this resolution as addressing a crisis, one, for which there is very little evidence to support; and, two, which might not even be an issue to begin with.

As far as efforts to stop transport and further introduction, we certainly encourage the commission and those states with jurisdictions to redouble efforts to ensure that these fish are not introduced into waters in which they're not currently established, but it's one of those where they are where they are, and they're certainly having some significant economic benefits.

If you look at the cost benefit tradeoff here, we would argue that there are some significant economic benefits that these sportfish are contributing and have yet to see evidence to indicate that they are having a negative where they're currently established. That's all I'll say and just encourage the commission to think long and hard about this. The draft that I have seen did not include the language that I heard discussed earlier about focusing on further study. I think that is a more sensible approach than the draft I saw that sort of concluded with encouraging all efforts to be made to reduce population levels. I believe that's mature at this time. Again, thank you, commissioners for your time.

CHAIRMAN BOYLES: Thank you, Mr. Leonard. We have a motion on the board. All in favor of the motion please signify by raising your right hand; all opposed raise your right hand; null votes; abstentions. **The motion carries fourteen for, three against, two abstentions.** That takes us down – we are now almost an hour overdue and so what I propose we do is that we take the black drum workshop report as well as the three other business items and hold that over until the policy board session tomorrow and now make way for shad and river herring. We will stand in recess until tomorrow.

(Whereupon, the meeting was recessed at 4:26 o'clock p.m., August 3, 2011.)

AUGUST 4, 2011

THURSDAY SESSION

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, Thursday, August 4, 2011, and was called to order at 1:05 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CHAIRMAN BOYLES: Good afternoon, everyone. I'd like to reconvene the policy board to discuss several items on our agenda today. We've got one item that was left over from yesterday's printed agenda, and that's the discussion on the Black Drum Workshop Report and Assessment Recommendations.

BLACK DRUM WORKSHOP REPORT AND ASSESSMENT RECOMMENDATIONS

In addition we've got another business item on the agenda for today and Emily will give us that presentation; and finally there is some other business items with respect to MRIP numbers, a letter from the Dogfish Board on electronic reporting; a question about timing of meeting materials; and a letter to the Mid-Atlantic Fishery Management Council regarding Amendment 14. Are there any other additions to the agenda? Seeing none, any objections to adopting that agenda as modified? Seeing none, we will go from there. The item on the agenda is Item 9 on yesterday's agenda, the Black Drum Workshop Report. Dr. Nesslage.

DR. GENEVIEVE M. NESSLAGE: Just a little reminder about where we are on black drum; a couple of years ago members of the policy board expressed concern about the status of the black drum stock on the Atlantic coast. They were also concerned about a potential for increased directed fishing on juvenile black drum.

In response the science staff was tasked with forming a workgroup with members of the technical staff from the states from New Jersey to Florida, which is where most of the black drum harvest occurs. That workgroup met several times via webinar over the last year or so. They were tasked with developing recommendations on the feasibility of conducting a coast-wide stock assessment for black drum. We held a series of webinars in the spring of this year to discuss those issues and to review all the available data that we could find on black drum from both states and academic data sources.

Just a little refresher on black drum, all of the information that we are aware of, both genetic and tagging data, indicate that this is indeed a single Atlantic coast stock. They conduct a northward migration in the spring and a south migration in the fall, and that is age-stratified so the larger, older animals move farther north.

The black drum is the largest sciaenid and it reaches over 120 pounds and can live over 60 years of age, but also keep in mind that it matures relatively early, around four to six for females and a little younger for males. The states from Maine to New York pretty much do not have much harvest of black drum at all. It's occasional at best, so to the best of my

knowledge there are no regulations in place for black drum in those states.

All of the other states from New Jersey to Florida do have both recreational and commercial regulations in place with the exception of the state of North Carolina. I'm just going to briefly review some of the major trends and the data sources that we were able to gather and then present to you our recommendations on what we think we can do with that data and how the workgroup felt about moving forward.

This is the trend in total recreational harvest over the years in which we have available data from the early eighties. You can see that there wasn't much trend in the first decade from 1980-1990 or so, but over the last two decades there has been a slow and somewhat spiky but steady increase in the recreational harvest of black drum.

At the state level, if you're interested, Figure 2 in the report has the details, but in general New Jersey, Delaware, Virginia, Georgia and Florida all had recent increases – and that's within the last ten years or so – in the harvest of black drum recreationally, but the majority of the increase you see here in this graph is coming from the state of North Carolina.

Another large contributor until recently was South Carolina as well, but in 2007 they instituted harvest regulations and their contribution has dropped off significantly. The majority of the recreational harvest coastwide is taken in the state of Florida followed by North Carolina, so there is a large concentration of black drum harvest largely in the South Atlantic states. However, there are significant and meaningful fisheries in the Mid-Atlantic states as well.

One thing to keep in mind when we're talking about recreational harvest of black drum is that this species is Gordon Colvin's nightmare. I think it's probably the kind of fish that would give him absolute migraines because of its biology, and I'll talk about that in a little bit why that is. It has to do largely with when the sampling occurs for black drum.

It doesn't really overlap with when the fishing occurs. There is a lot of shore and nighttime angling for these fish especially in the more northern states, and also it's a very short season in some areas, especially Chesapeake Bay, Maryland and Virginia they're not really fished on very heavily throughout entire year; so if the MRIP samplers don't target

them and don't hit them, you may get poor recreational harvest estimates.

That's what we see here in this graph from north to south, left to right there. The proportional standard errors on the recreational harvest estimates are quite high for the Mid-Atlantic states from New Jersey to Virginia. They're reasonably lower for the South Atlantic states, but the only state that at least as a stock assessment biologist I would feel completely comfortable using the statistics from would be the state of Florida where the PSEs in general are below 20.

I should mention that the PSEs in general have gotten a lot better over time, so we're hoping that as the MRIP continues in the future we'll get better and better statistics. Also, some of the states are beginning to collect better and better recreational harvest information as well, so this may improve over time.

At the commercial level the trends in commercial harvest, there was a bit of a peak in the late sixties, but since then in the early 1970's the total commercial harvest for black drum has remained largely stable. I would note that at the state level all of the states from New Jersey to Florida their commercial harvest has either remained steady or has declined in recent years with the exception of Delaware and North Carolina, which have both experienced increases in their commercial harvest.

The other exception is Florida, which since their management regulations were enacted I think in 1989, a few years after that we saw pretty substantial declines in commercial harvest in Florida and they've pretty much dropped off. The concern that the board had about the harvest of juvenile fish was something that we looked into very closely.

We examined all of the available length information from both fishery-independent and dependent sources. In general what we noticed was that the Mid-Atlantic states from New Jersey to Virginia tend to catch more mature animals, and that's largely due to this migratory behavior of the fish. The larger, older animals are available up north.

The South Atlantic states therefore end up catching a greater percentage of juveniles in both recreational and commercial fisheries. As an example, this is just a length distribution of fish caught in Delaware's recreational and commercial fisheries. You can see that pretty much most of the fish caught are above

650 or so millimeters – that’s about, what, 24 inches or so – so these are largely mature black drum.

In contrast if you look at Georgia’s MRFSS length distribution, they’re largely catching animals below 600 millimeters so these are largely juvenile fish. They do catch some mature fish but the majority is juvenile fish, they have not spawned yet. I won’t show you all of the survey data. The report was quite lengthy. If you’re interested I can answer any questions you have about the state and regional surveys that we examined.

The good news is that we did identify a large number of potential young of year or juvenile surveys that could serve as indices of recruitment for black drum. I’ve listed them here; I won’t name them all, but the one drawback, the one big missing piece in the picture was we couldn’t really identify any really good, reliable adult indices of abundance for this fish.

The surveys that the states and the regional surveys conduct just don’t overlap at the time and the place where the adult animals are. The two surveys, CHESMAP and NEAMAP, those are the two surveys that pretty much had the best potential for creating an adult index, but the catches of adult animals in these surveys are still really, really low, so we would have to take a much closer look at whether or not statistically we would feel comfortable using those as indices of abundance.

I know the board was interested in seeing whether or not we thought there was enough here to conduct a stock assessment. Overall, after taking a good look at the data, we felt that the recreational fishery data is very poorly characterized. As I mentioned before, the biology of the animal just isn’t convenient for the type of sampling that we do, especially both state and federal fishery-dependent sampling programs.

The thing to keep in mind is that there have been increases in the sampling of black drum for recreational and commercial fisheries at the state level, and we have been getting more and more information from the states, but they’ve only started recently in the last few years. That may be a source in the future that we can tap into, but at the moment we’re a bit concerned about the high PSEs on the MRIP statistics especially in the northern states.

As I mentioned in the last slide, there is really no coast-wide index of abundance, which is what you want if you want to conduct a coast-wide stock assessment and use most of the available modeling tools that we have. Also, there were a couple of

potential adult indices, but we’re a little worried that we may not be able to develop these into full reliable indices of abundance for adult animals.

But the good news is that there were several regional young of year and juvenile indices that we could create and use to monitor recruitment in the stock. Age information is largely lacking for black drum. As I said, a number of state sampling programs have increased the number of otoliths that they have been taking in recent years, but it’s going to be a while before we have a long time series of age-specific catch data.

The really good news about black drum, though, is that they can be aged with almost a hundred percent precision. In fact, Dr. Jones participated in the workgroup meetings at ODU and she runs a big, as you know, aging lab there, and she said that they test their new employees on black drum and if they can’t age black drum with a hundred percent accuracy she fires them.

The good news is if we can start collecting and analyzing these otoliths, we can get really, really good age information on these animals. The trick will be in the states – I believe South Carolina and Florida have a maximum size limit. Given most of the ages are coming not from fishery-independent surveys because they don’t encounter the adult animals, most of these otoliths are coming from fishery-dependent sampling programs and those two states aren’t going to be able to collect many of these animals above I think it’s 24 inches, so we’ll have to rely or borrow from other states or figure out another way to get otoliths from adult animals in those two states.

There are ongoing life history studies being conducted in Virginia with Dr. Jones in conjunction with the VMRC and Dr. Duane Fox and his graduate student at Delaware are looking into various life history aspects of black drum, so there is going to be some very recent information on their maturity, fecundity and so on coming up very soon, so that’s good.

We use that in a stock assessment; it would be very useful. Also, the state of Maryland had a tagging program. Virginia and South Carolina also have ongoing tagging programs that may be very useful if we were to conduct a stock assessment. We didn’t have the opportunity to analyze these data so we’re not sure if they will be completely useful, but we think there is potential there, so that is a positive as well.

There is pretty no information on discard or bycatch mortality for these animals and gear selectivity is largely unknown. There are a number of really good pieces of information that we and there is lots of potential, but there are a big gaping holes in the data that are available to assess the stock.

We took a quick look at what we thought we might be able to try with the data that are available regarding stock assessment modeling approaches. The one thing that we definitely can do is some sort of stoplight or index-based trend analysis at least with the recruitment indices that are available and any potential adult indices we could come up with.

We may be able to provide you with some sort of ad hoc reference points. If you're happy with the stock as it currently stands, we can let you know if it drops 25 percent, 50 percent or something. If there was some sort of warning sign, we could continue to monitor at least recruitment in this stock at the regional level.

But when it comes to providing biological reference points, which is I know what you're all most interested in, there are a couple of techniques we might be able to use with the catch data that are available assuming that we believe the recreational harvest estimates. Given the fishery is largely recreational, that could be an Achilles heel. We'd have to see how comfortable we were when we start to really delve into this at an assessment workshop.

There are a couple different options. Depletion-corrected average catch stock reduction analysis may be possible. Production models are iffy because there is no coast-wide index of abundance and certainly we don't think we would be able to pull together an adult index of abundance, but if we can we could try this, but we'd still need to take a closer look at a couple of those data sources.

And then there are always life history models like SPR, yield per recruit, spawning stock biomass per recruit. Those have been done. There were two of those type analyses done at the regional level in the Chesapeake Bay and in Florida. They are possible at this time. The problem is in order to give you a reference point we also need an estimate of F for fishing mortality.

In order to do that we might be able to pull that out of the tagging data or from catch curves, but again we'd have to really get into the nitty-gritty details at an assessment workshop to know whether it would work, but we could certainly try it. The one thing

that's not possible at the present because we don't have a time series of aged catch are age-structured models like VPAs, statistical catch at age and so on.

If we can get that type of information and continue to collect it and analyze it, in the future we could definitely do this. I know it would be a really nice option for black drum because we can age them with such high precision. In general the workgroup recommended that at the present – they have a number of recommendations but the good news is at the present we didn't see anything that was glaringly dangerous.

The stock appears to be healthy; no length collapse; no age structure problems. There appear to be a lot of adults caught in the fishery where you would expect them to show up. There don't appear to be any major declines in recruitment in recent years and the spawning stock, where it's measured, appears to be relatively healthy from what we could tell by just grossly examining the data.

The workgroup did feel that coordinated interstate monitoring and management would be ideal given the migratory nature of this stock. If the northern states obviously are starting to impact the spawning stock, then that would negatively affect southern states; and the southern states are affecting the juvenile stock and so in, that would affect northern states, so this might be of interest to the ISFMP Policy Board.

We also kicked around the idea of a minimum legal size largely because of the increased targeted effort on juveniles in recent years, and so that might be one way to pull back or I guess prevent any declines in recruitment in the future. Also, they recommended continued monitoring of fishery trends.

The recent increase in targeted fishing effort at both the commercial and recreational level in some states is of concern. It's not dangerous at the moment but it's something that we felt needed to be continued to be monitored.

If possible, we would like to assess the impacts on the stock. It's something that you want to keep an eye on, for sure. I'm happy to entertain any questions at this point. That was a quick overview of a very long report, but I believe the policy board has a few decisions to make at this point. Thank you.

CHAIRMAN BOYLES: Thanks, Genny. Questions on Genny's presentation about the workgroup's work? Vince.

EXECUTIVE DIRECTOR O'SHEA: Genny, I didn't hear you say it and if you did I apologize for not getting it, but are things showing up at all in any of the NEAMAP data and is that going to be helpful?

DR. NESSLAGE: Yes, they are showing up in NEAMAP, largely juveniles, but that is one of the surveys that is catching adult black drum and we may be able to develop a long-term adult index of abundance from NEAMAP if they continue to intercept adult animals, but definitely juveniles.

CHAIRMAN BOYLES: Further questions? I think we really are at a point where Dr. Daniel spoke to us before he left the other day advocating moving forward with interstate efforts to manage these fish. The question before us is if the policy board thinks we should move forward with an FMP for black drum, and I think there were a couple of options that we might consider. Comments about that topic? Tom.

MR. O'CONNELL: Just following up on Louis' comment the other day, from the state of Maryland's perspective we would support moving forward with the establishment of an FMP. I know our resources are already stretched pretty thin, but I think that would be something worthwhile pursuing, whether that is now or as soon as we have the resources to do so.

CHAIRMAN BOYLES: Thanks, Tom. I think to that point I'm not sure that we're in a position to move forward this calendar year. I suppose, Bob and Vince, we could perhaps roll it into the action plan if the policy board wants to move in that direction and Calendar Year 2012 could devote some resources to it in that manner. Tom.

MR. FOTE: My only concern is with all the – Pete had to leave – with all the technical people, we can't fill all the technical committees right now and we can't fill PDTs right now. If we start doing a plan without getting more resources to cover this not only from the commission but at the state level, how are we going to do this? That's my concern.

I think we need a plan, but we've also got to figure out how we do this and maybe it means that we have to shift priorities. If we're going to do monitoring, how do we get the money to do the monitoring on this? There is a big catch in the Delaware Bay that needs to be done, but I'm looking at resources and I'm looking how far we're stretched right now in New Jersey. It scares me.

CHAIRMAN BOYLES: Further discussion? Wilson.

DR. WILSON LANEY: Mr. Chairman, should the board decide to move forward with an FMP in the future, I presume and do I presume correctly that this species would probably be assigned to the South Atlantic State-Federal Fishery Management Board since it is predominantly a southern species?

CHAIRMAN BOYLES: Wilson, I think that probably would be a logical place. I suppose we could do a Black Drum Management Board and create another management board, but I'm not sure that's very efficient. Dr. Duval.

DR. MICHELLE DUVAL: Mr. Chairman, I'm just going channel this here for a minute. I had spoken to him earlier about this, and it was his strong feeling that this should not be under the auspices of the South Atlantic Board just given that the Delaware Bay and Chesapeake Bay really drive this and those populations really drive this fishery. It was his feeling that given the stakeholders in the management of the fishery further north, that the commission would be better served to have this be a coast-wide FMP.

CHAIRMAN BOYLES: Further discussion? Just for the record, Michelle, New Jersey and Delaware are voting members of the South Atlantic Board. Tom.

MR. FOTE: I'm just thinking of creating another board. I know it needs its own attention and I think the South Atlantic Board – I was sitting here through the whole South Atlantic Board, even though I was pretty quiet. I really think instead of creating a whole new board and all the stuff that goes with it, I think it should fall to the South Atlantic Board.

New Jersey has a voting – as a matter of fact, if New York needs to vote on it, they start getting black drum with global warming, they can get more involved because they can sit on the South Atlantic, technically. I think we should just leave it with board. I disagree with Louis on this just because of the staff time and just because of our time. It's easier to put it at one location instead of scheduling – I think I would like to hear the executive director's position on this, but I think as tight as our agendas are at these meetings, I just don't see where we want to space another board.

CHAIRMAN BOYLES: I'm sensing consensus that there is interest in moving forward with the

development of a Black Drum FMP, but I would certainly entertain a motion to that effect just to make sure. Dr. Duval.

DR. DUVAL: I move that the ASMFC develop an Interstate Fishery Management Plan for black drum.

CHAIRMAN BOYLES: Motion by Dr. Duval; second by Tom Fote. Discussion on the motion? I was conferring with Bob here and probably the first step in this is to complete a stock assessment so should this motion pass the staff would take this back and roll this into the action plan for 2012 and get it in the queue. Further discussion on this motion? Doug.

MR. GROUT: Well, when you said the first action would be a stock assessment, might I remind the policy board of the extremely packed nature of 2012 and 2013 that we just approved and we've already moved lobster out to 2014 because we don't have enough stock assessment scientists. Where are we getting them? That's my concern with this right now is resources.

As important as it is and given the fact that it also looks like it's stock that is in relatively healthy state, maybe it might be a little while out before we get that stock assessment. We might want to look at that in the action plan that we might have to delay a little bit even if we are intending to manage it.

CHAIRMAN BOYLES: Thanks, Doug. Suffice it to say, we'll initiate the development of an FMP. Dr. Duval.

DR. DUVAL: Mr. Chairman, I think Dr. Daniel would be absolutely fine with that approach. I know that he is aware of the burden on staff right now and the deficiencies we have on the technical team. I know that this is important enough to him that he would certainly be willing to devote the time of a couple of our staff members toward this. I definitely agree it deserves a little bit of chewing on by staff to see where it would fit most appropriately in the action plan.

CHAIRMAN BOYLES: Further discussion? Okay, any opposition to this motion? **I see none and that motion carries.** Let's jump to today's agenda and I think Emily is going to give us an Atlantic Coast Fish Habitat Partnership Update.

ATLANTIC COAST FISH HABITAT PARTNERSHIP UPDATE

MS. GREENE: Kate is passing around a one-pager with major updates recently for the Atlantic Coast Fish Habitat Partnership, so I'm just going to touch on them briefly. The first year is fiscal year funding through the Fish and Wildlife Service was approved for our top two-ranked projects.

The first is a Shoreline and Spartina Marsh Stabilization Project located in South Carolina, along the Intercoastal Waterway. This is within the ACE Basin National Estuarine Research Reserve south of Charleston. The project should rehabilitate tidal marsh areas experiencing degradation from boat traffic by constructing natural breakwaters using oyster reefs. The expected results are increased fish habitats, specifically oyster reef and tidal salt marsh, stabilized shoreline, improved water quality and increased public awareness through hands-on stewardship opportunities and associated outreach.

We'll be contributing nearly \$25,000 in ACFHP funds to a portion of the South Carolina Department of Natural Resources employee salaries and use of South Carolina DNR vessels. The project is a cooperative undertaking between DNR, the Coastal Conservation Association, community volunteers and ACFHP.

The second project which was approved for funding is a Diadromous Fish Passage and Habitat Restoration Project. This is located on Shoreys Brook in South Berwick. This is in the southern portion of Maine near the New Hampshire Border. The Great Works Regional Land Trust plans to completely remove a partially breached dam and coordinate with the Maine Department of Transportation to replace a failed perched culvert with an open-arch culvert and restore the streambed to its approximate original condition.

The project should restore approximately 800 feet of habitat for diadromous fish species and enhance approximately 4.3 miles of habitat in Shoreys Brook. ACFHP will be contributing \$50,000 to this project. It will partially assist the Great Works Regional Land Trust in contracting with vendors to provide pre-project monitoring and inventories, design and engineering services, dam removal, stream restoration and post-project monitoring. This is a large partnership including partners from federal, state, private and non-government organizations.

The second major happening, we are currently requesting project proposals for our Fiscal Year '12, Fish and Wildlife funding available under the National Fish Habitat Action Plan. We expect awards to range between \$10,000 and \$50,000, similar to last year. Larger projects may be considered but might not receive the full amount requested.

The funding amount and date of availability is not known at this time, but as mentioned in Fiscal Year '12 we received approximately \$75,000 in total for our top-ranked projects. The deadline for proposals is September 16th. If you'd like more information on that, I suggest that you visit the webpage in the handout.

The third major happening, in coordination with the Southeast Aquatic Resources Partnership and the Eastern Brook Trout Joint Venture, we will submit a proposal later this week to the Multi-state Conservation Grant Program for Calendar Year 2012 and 2013 funds to support and enhance the continued operation and enhance the coordination between these three fish habitat partnerships in order to implement to the National Fish Habitat Action Plan.

Funds from the grant will support the following activities for each of the three FHPs: coordination and committee operation; communication and outreach; capacity development; and mutual compilation, development and sharing of data. Objectives will be achieved through coordination within and between those three partnerships as well as with the National Fish Habitat Action Plan Board and Science and Data Committee.

The last thing I want to draw your attention to are three pieces of outreach material that I have left on the back table. The first is an Atlantic Coastal Fish Habitat Partnership Fact Sheet and an additional fact sheet for each of our Fiscal Year 2010 projects. These were developed over the course of this past spring and summer. That's it.

CHAIRMAN BOYLES: Emily, thank you, I appreciate that. Any questions for Emily on ACFHP?

OTHER BUSINESS

DISCUSSION REGARDING IMPACTS OF NEW MRIP NUMBERS

CHAIRMAN BOYLES: We're going to go now into items that were added to the agenda. Just for a reminder, I've got several things; regarding impacts of new MRIP numbers; a letter from the Dogfish Board to NMFS on electronic reporting for sharks; timing of meeting materials; and then a letter to the Mid-Atlantic Council from Shad and River Herring. Bob, do you want to start us with MRIP numbers?

MR. BEAL: This was brought up initially following Gordon Colvin's presentation on MRIP efforts to re-estimate the landings from 2004 through current. It was brought and concern was raised over how are we going to transition from the old system to the new system when we have those new numbers and what should the commission do to kind of triage for that and be prepared when those new numbers come out.

When Kim McKown was here yesterday, she requested on behalf of the Assessment Science Committee that they be able to look into the new numbers and provide some feedback to the policy board on what those new numbers might mean as far as impacts to stock assessments. They felt they can't go too far until they actually see the numbers and what the magnitude of the changes are and the direction of the changes.

I think they're in a position to provide some feedback on what stock assessments may be affected the most and sort of prioritize the changes. Obviously, the commission and the stock assessment folks aren't in the position to redo all 15 or so of our assessments that are affected by recreational data.

At the staff level and working with Gordon Colvin, I have also gone through all the fishery management plans that the commission has and evaluated what the potential impacts are of changes to the landings from 2004 and beyond. We can pull together that report and distribute that to the commissioners.

I looked at things like on summer flounder is the 60/40 split that is currently in that plan; would that be affected by new landings from those years? The answer right now, anyway, is no because that allocation is based on recreational landings from a suite of years prior to 2004. I went through all the fishery management plans and kind of highlighted where changes might occur.

Striped bass has a reference to a PSE level of 20 percent and there is an indication that the PSE levels in new MRIP numbers might be higher so how will that impact striped bass management and those types of things.

I think the idea is we'll pull together the Assessment Science Committee's information as well as the staff report and be able to report out to the policy board at the November meeting where things are what sort of triage and prioritization the commission might want to give to changes coming from those numbers.

CHAIRMAN BOYLES: Thanks, Bob. Questions? Tom.

MR. FOTE: My concern over the last 15 years, when we always started talking about doing a better system and actually getting better numbers; I mean, we set up quotas and we tell states to direct their fishery and what those quotas are and how past performance, especially on the recreational side, have done.

Now we wind up where a state could wind up being overfishing one year; they'd wind up with all kinds; and how are we going to handle that whole problem. Also, again, the stock assessment is an important role, if we have been underestimating the stock because of recreational catches is greater – I mean, I think of the conversation with Doug Vaughan many years ago when we basically changed the hook-and-release mortality for summer flounder.

And being naïve, I said when we went from 25 to 10 percent, I says, that means we have more fish out there and we're going to be able to catch more fish; and he says, no, it might mean that we have less fish out there and you guys have just been doing less mortality or something entirely different.

We really need to brainstorm how we're going to handle all those particular situations and maybe that paper needs to be a bunch of us coming up with ideas on what if – what if this happens, how do we handle that. I have grave concerns; you know, people always say, well, we're underestimating and we're overestimating; we don't really know until we start digging into the figures.

I think of New York's problems on summer flounder. In a couple of those years was because they started producing all these and got better results on how many anglers they had out there according to the survey and some of us still question those numbers, but that's what they wound up and they wound up

overfishing because we extrapolated those numbers out there.

I want to make sure that doesn't happen this time around and we take careful consideration. And now we have the problem of having an SSC that has all kinds of precautionary approaches into what they're doing in the Mid-Atlantic and how is that going to affect on those stocks that we have joint plants with. It has got some grave concerns as far I'm concerned.

CHAIRMAN BOYLES: Thanks, Tom. Further comments or questions on this? I think we'll get a good subset from the Assessment Science Committee and Management and Science Committee to help us wade through these things.

DISCUSSION OF LETTER REQUESTED BY SPINY DOGFISH AND COASTAL SHARKS BOARD

CHAIRMAN BOYLES: The next item on the agenda is regarding a letter from the Dogfish Board to the Fisheries Service regarding electronic reporting for sharks.

MR. BEAL: At the Spiny Dogfish and Coastal Shark Board earlier this week the board requested the policy board support to send a letter to the National Marine Fisheries Service, HMS in particular, in fact supporting some changes to their electronic reporting system for sharks. The Shark Board indicated that the changes are going in the direction that they supported and they wanted to send a letter to the Federal Service to let them know that they support those changes.

CHAIRMAN BOYLES: Okay, consensus to move in that direction; a coast-wide board; we've talked about extensively. Okay, Steve.

MR. MEYERS: Mr. Chairman, on a scrap paper there, just put down I abstained on that, if you would, please.

DISCUSSION OF LETTER REGARDING MID-ATLANTIC COUNCIL AMENDMENT 14

CHAIRMAN BOYLES: So noted, Steve, thank you. The next item I think, Bob, for you or Malcolm is the letter to the Mid-Atlantic Council regarding Amendment 14. Malcolm.

DR. MALCOLM RHODES: Mr. Chairman, the Shad and River Herring Management Board met and responded to a request from the council that we take

a proactive approach, writing a letter that formalizes communication between the Mid-Atlantic Council and the Shad and River Herring Management Board.

A lot of information is already being communicated between the two but trying to get a more formal arrangement where information on bycatch and state-wide fishery management is being passed to and from each other. We just want to write this letter to formalize the relationship and ask that the policy board allow the staff to write this letter.

CHAIRMAN BOYLES: Okay, thanks, Malcolm. Again, another state-wide board, a lot of discussion and everybody knows where we are. Can I get consensus to move in that direction? I'm seeing heads nodding in the affirmative so it shall be done. The last item for the policy board that I've got is the topic regarding timing of meeting materials. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, actually there were two issues coming out of the Shad and River Herring Board. The first was the agenda item on the communications and that was approved, but the second was they're doing scoping for Amendment 14. There were items one through eight and a motion was passed to express the board's support for those items remaining in the document to go forward for scoping.

There was an item nine regarding the status of stock in the fishery. And the board, after having a discussion about wanting to see a bit more analysis and a bit more information, mulled it over and then passed a motion to postpone making a decision on their status – they didn't take a position. The reason I bring that up is because this was a second motion; that originally there was a motion – I think maybe it was from – I can't remember who it was.

Maybe it was Terry Stockwell who had a motion that said the board wouldn't oppose removing nine, and that was toned down a bit. That thing was discussed but I think there is this issue of communicating the actions to the Mid-Atlantic Council. I was under the impression they were going to write a letter.

What originally happened was there was a motion to write a letter at the March meeting and that was postponed until this meeting; and due to the late hour of the day, the motion really wasn't crafted in a way to pick up this notion of writing a letter relative to Amendment 14. I think I got that whole history and recollection correct; and if I didn't either the chairman of – well, you weren't here in March, unfortunately, but that was my recollection. I think

the sense of the board was to have communication on this Amendment 14 issue.

CHAIRMAN BOYLES: Malcolm, do you or your vice-chair, Dr. Duval, affirm that?

DR. RHODES: Yes, thank you, Vince. There were actually two motions. I believe there was one above that that was a letter where we affirmed all the options that were put, one through eight in the document; and if that's put in the form of a letter to the Mid-Atlantic Council saying that we agree that all of those sections should go out for public comment; and then Section 9, we wanted to find out essentially the response of the legal and what they thought at their FMAT where they were discussing Section 9, and so we took no stand on whether that should go out awaiting further information from them at their meetings. But, thank you, Mr. Director and Mr. Chairman.

CHAIRMAN BOYLES: Okay, I've got Pat and then Wilson.

MR. AUGUSTINE: Do I recollect correctly we also said we were going to copy or in some form or fashion send a copy of that to the New England Fishery Management Council? Remember, we had that discussion about that; how we were going to handle it and Mr. Grout indicated that it was the first he had seen it; so didn't we decide to take any action on that; how are we going to handle them?

MR. BEAL: Pat, I think that was the correspondence and coordination issue and not the Amendment 14 issue.

MR. AUGUSTINE: Okay, terrific, thank you very much.

DR. LANEY: Mr. Chairman, just a question to Malcolm and Michelle and also Vince, I guess, is that given the discussion at the board regarding the desire of the Spiny Dogfish and Coastal Shark Board to see the additional information on Alternative 9, could we not put that into the letter and just basically say the discussion was that the board would like to see the additional information developed by the council. That still doesn't take a position one way or the other on Alternative 9. It just says we would like to see the additional information developed by council staff and the FMAT.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I think the reason we're getting strange looks around here is we've just shifted back to the Spiny Dogfish

Issue, so we're on Shad and River Herring and I think that's what Dr. Laney meant.

DR. LANEY: Yes, exactly, I was talking about shad and river herring and Amendment 14.

EXECUTIVE DIRECTOR O'SHEA: Right, and I don't think it's Option 9. I think it's Alternative Set 9; so if I understand what Dr. Laney is suggesting is that we just include in that just a request that we want to see more information.

DR. RHODES: And that was the intent of the board.

CHAIRMAN BOYLES: Okay, is everybody comfortable moving forward with a letter to the Mid-Atlantic on Amendment 14 in this manner? Okay, Vince.

EXECUTIVE DIRECTOR O'SHEA: And let me just put a finer point on it, I had a long talk with Doug Grout and Terry Stockwell this morning. I think the pressure point is going to be triggering the ACL and AM requirements if this happens and what the implications are to the states, and that's really what I understand is where the potential concern is here, Mr. Chairman, so I'll make sure that this letter is worded in such a way that we can extract that information and that commitment so you all know where you stand on this. Thank you.

CHAIRMAN BOYLES: Okay, that sounds good. Michelle.

DR. DUVAL: Mr. Chairman, not to belabor the point but that was the whole reason that I asked Mr. Didden yesterday about a legal analysis from some NMFS attorneys as to their interpretation of that flexibility within National Standard 1 because I have the same concerns about any kind of stocks in the fishery designation triggering the development of ACLs and AMs and what that means for us and how that could potentially delay conservation action for these species even further. Thank you.

CHAIRMAN BOYLES: Thanks, Michelle, so noted. Further discussion on this letter moving in this direction? Everybody is comfortable with where we're going and the manner in which we are moving? Okay, we will move on. Bob Ballou.

DISTRIBUTION OF MEETING MATERIALS

MR. BALLOU: Mr. Chairman, I'll be brief. I'd first like to preface my remarks by saying that I really

have tremendous admiration and respect and appreciation for the excellent work that staff does in putting together meeting materials. The sheer volume of materials is amazing as we all know and I find that they're always very well organized and well presented.

I also would note that I think there is great value in having the information bundled and issued in a single bulk format with follow-up supplementary materials rather than in dribs and drabs. Having said that, on behalf of fellow Commissioner Bill McElroy I just want to bring to the board's attention his concern for what he viewed as a very short turnaround on in particular the draft addendum on the lobster issue that was considered on Monday.

Now, I think the dates that he offered – because I asked him for some backup because I thought that was important for the discussion, and I think there may have been some confusion. He indicated that the draft addendum was not included in the original materials received on July 21st. Rather, he didn't get them until the 26th.

I mentioned this to Toni and I have a feeling that he is off on that and that the addendum was included in the original batch that came out on the 21st. So for the record, we'll clarify that I think he would have had a more valid concern had his July 26th date been accurate, but it turns out not to be the case.

Nonetheless, I appreciate where he is coming from. It is a double-edged sword. On the one hand I think it's fair to say that the commissioners and other interested parties do need enough time to review meeting materials, particularly on action items. On the other hand, he had a motion prepared that would have had a line in the sand of two weeks; and if anything is received after two weeks prior to a meeting, it wouldn't be allowed to be considered.

I don't feel comfortable offering that motion on his behalf. If he were here, he could do it. I'm really just noting for the record what I think is a valid concern, but also recognizing that it's awfully difficult to put together materials and get them out much more than I'd say ten days. I guess maybe the question to you, Mr. Chairman, and to staff is what is the – is there a guideline, is there a target – and my guess is it's probably about ten days – is there any way to perhaps improve that a bit to two weeks?

I guess in particular what we're thinking about here would be action items, draft addenda, that sort of thing, with perhaps supplementary materials to

follow. I believe that would be the essence of Mr. McElroy's commentary if he were here, and so therefore I offer it on his behalf and will end there. Thank you.

CHAIRMAN BOYLES: Thanks, Bob. I think you're right; there are two sides to the coin. You want the latest and greatest information. We operate sometimes under very, very tight deadlines, but at the same time we want to give people an opportunity to digest the information. Bob, could you just kind of remind us where we stand in terms of operating protocol in terms of meeting material distribution.

MR. BEAL: Our general timeline is the CD is compiled and mailed out to commissioners and posted on our website about ten to twelve days prior to the beginning of a meeting week, so for this meeting week everything was mailed out and posted on our website July 21st. The idea there is that even dropping the CDs in the mail, priority mail, all the commissioners should have a week or a little bit more than that to spill over all the information.

The supplemental mailing that we try to bundle up and send out, we try to minimize what is in the supplemental mailing; but what has to go into that mailing, we usually send that out the Thursday before the meeting week, so that came out a week ago today. That is the general timeline that we work under. I think late documents, if we wanted to call them that, come from a lot of places including industry members and a lot of things and Capitol Hill, so those folks – if a new deadline is set, we probably need to publicize that pretty well.

EXECUTIVE DIRECTOR O'SHEA: First of all, I appreciate raising this issue, but it's not a new issue before this commission or the policy board. In a way, maybe just to give you an insight into sort of our world, if the proposal, if the information, if the mailing is favorable to certain commissioner's position, they would like the deadline to be Friday before the meeting on Monday.

If the proposal is contrary to their view, they would like to see it a month ahead of time and otherwise don't see it. So part of the challenge that we face is trying to get a policy that balances and consistent to both sides of a particular argument. You heard from a handful of constituents – thank goodness on this multi-signature menhaden letter.

One of the sources came in almost 24 hours later, and you get into a whole slippery slope of being fair to people and let people in. Now, fortunately,

somebody else had sent it to us right on time. I think one of the challenges we have here in trying to define this and please people frankly depends on what the content of the material is.

I sit on three regional fishery management councils and I sometimes go to those councils and am handed information the day that I arrive there, the idea being that if it's in front of the decision-makers it's good. That's not an answer to the question but it's insight to the challenge that we face. I'm happy to do whatever deadline the board would take; but again as I think as the chairman said there is a tradeoff.

MR. FOTE: I don't care whether it's pro or con and my position, I like to get the information as fairly as you can do it, and I think you do a great job at doing that. My concern has been – and the webpage is great. There is a lot of information and then you put the supplemental materials up there, but when I try and download it a lot of times, I'm getting to hear some of these not responding, so I don't know what that's all about or sometimes it's downloading the information.

I try and do that and sometimes it gets a little difficult. We all have higher speed lines than we had ten years ago so you can send a lot bigger files, because somebody tried to send me a ten meg file yesterday and it was a little difficult sitting here. I think you're doing a great job. I appreciate it and I think if materials come in and you can get it to us in a timely fashion, you should do that. Whether it's pro or con against New Jersey, I don't care, I just want to look at the information.

MR. SIMPSON: I think the schedule you're on now is good. I know your staff works extremely hard to get all that stuff out, and I'm sure there is a huge push in the days and weeks leading up to that deadline, so I think that's great. The one thing I would ask for is on that approximate ten- day-ahead schedule that the final agenda for the meeting be published and provided so that we know this is what we're working off of, this is what we're going to discuss and what we won't.

CHAIRMAN BOYLES: Further comments or discussion? I think it's helpful just to remind us where we are. Vince.

EXECUTIVE DIRECTOR O'SHEA: And just to clarify where are we relative to you all getting that final agenda if it's not on that ten-day thing; does it come in after that? Are you getting it after that, Dave?

MR. SIMPSON: I'd have to look. I can remember getting draft agendas and I can recall a year ago when we had a joint meeting with the Mid-Atlantic Council and none who aren't on the Mid-Atlantic Council realized it was a joint meeting. That's my most recent example. If a final agenda is sent now on that first mailing, that's what I'm looking for and if that's what we're doing I'm happy.

EXECUTIVE DIRECTOR O'SHEA: That's what I thought our practice was, Mr. Chairman, so I'm glad I asked that. I think the other nuance here that I'm hearing is maybe we need to do a little bit closer look at it and make sure it's complete and we have everything in there for things like joint meetings and other things. So that's point taken and we'll look at that.

MR. FOTE: I received mine on 7/21 so it was ten days ahead of when the meeting was.

DR. DUVAL: I was just going to say the CD that comes with the final announcement, that was stamped July 26th from our office but honestly I always use the web. I never use the CD. I always wait for Tina's announcement. I don't use that but also in North Carolina sometimes it just takes our mail a little bit longer to get there; and any of you have been to Morehead City, you know why.

CHAIRMAN BOYLES: Bob, thanks for bringing that up. It was a good discussion. Any other items to come before the policy board at this time? Tom.

MR. FOTE: I just would like to thank the staff for the outstanding job they did getting through most of these meetings. Really, they did a fantastic job and we don't compliment them, and I'd like to give them all a hand right now. (Applause)

CHAIRMAN BOYLES: Yes, well done. At risk of being a downer, I would like to read a note I just received. I wanted to let you all know that Jessica McCawley was in a serious car accident last night. She is undergoing surgery today for her injuries and we understand that they are not life-threatening. Would you please keep Jessica and her family in your prayers, please.

ADJOURNMENT

Any other business to come before the policy board? All right, seeing none, we will stand adjourned.

(Whereupon, the meeting was adjourned at 2:05 o'clock p.m., August 4, 2011.)