

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

**Hilton Mystic
Mystic, Connecticut
October 30, 2014
Approved February 2015**

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of August 2014 by Consent** (Page 1).
3. **On behalf of the Winter Flounder Board, move the commission send a letter to the New England Fishery Management Council and NOAA Fisheries urging a reduction in the Southern New England/Mid-Atlantic winter flounder possession limit to bycatch limits only for federal vessels based on sea-sampling data for trips targeting other species** (Page 1). Motion by Mark Gibson. Motion carried unanimously (Page 1).
4. **On behalf of the Atlantic Herring Section, move to recommend the commission send a letter to NOAA Fisheries recommending a modification in the Herring Closure Notice to reflect ASMFC no landing days and timing of the state notifications to directors** (Page 19). Motion by Doug Grout. Motion carried (Page 19).
5. **Motion to adjourn by Consent** (Page 19).

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ATTENDANCE

Board Members

Doug Grout, NH (AA)	Loren Lustig, PA (GA)
David Pierce, MA, proxy for P. Diodati (AA)	Leroy Young, PA, proxy for J. Arway (AA)
Bill Adler, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Robert Ballou, RI (AA)	Roy Miller, DE (GA)
Mark Gibson, RI, Administrative proxy	Tom O'Connell, MD (AA)
David Borden, RI (GA)	John Bull, VA (AA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Robert Boyles, Jr., SC (AA)
Dr. Lance Stewart, CT (GA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
Tony Rios, NY, proxy for Sen. Boyle (LA)	Spud Woodward, AA (GA)
Jim Gilmore, NY (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Sherry White, USFWS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Kelly Denit, NMFS
	Martin Gary, PRFC

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

Ex-Officio Members

Staff

Bob Beal	Mark Robson
Toni Kerns	Kate Taylor

Guests

Jack Travelstead, CCA	Stewart Michels, DE DFW
Derek Orner, NOAA	David Pierce, MA DMF
Steve Meyers, NOAA	

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The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 30, 2014, and was called to order at 2:55 o'clock p.m. by Chairman Louis B. Daniel, III.

CALL TO ORDER

CHAIRMAN LOUIS B. DANIEL, III: I would like to call the meeting of the ISFMP Policy Board to order.

APPROVAL OF AGENDA AND AUGUST 2014 PROCEEDINGS

Everyone should have their meeting materials as well as their agenda and our proceedings from our August 2014 meeting. If you would give me the license to move some things around on the agenda to accommodate travel schedules and plans, I would appreciate it.

I am adding two items to the agenda; an issue from Mark Gibson on the Winter Flounder Board and then an update from Toni on the Herring Section. With objection or correction, is everybody comfortable with the minutes and the agenda? By consensus, approved. The first item of business is Mark Gibson with a motion from the Winter Flounder Board.

WINTER FLOUNDER BOARD REPORT

MR. MARK GIBSON: Mr. Chairman, I guess I have just transitioned from dogfish to winter flounder. We have a committee motion from the Winter Flounder Board. The motion relates to inconsistencies and difficulties we're having with ASMFC and federal management of winter flounder.

The board passed this motion and I will read it for you: On behalf of the Winter Flounder Board move the commission send a letter to the New England Fishery Management Council and NOAA Fisheries urging a reduction in the Southern New England/Mid-Atlantic winter flounder possession limit to bycatch limits only for federal vessels based on sea-sampling data for trips targeting other species. Motion by Mr. Gibson.

That is a committee motion so I don't think we need a second to that. Again, this motion derives from some lack of comfort that the board has with federal management of winter flounder as opposed to the commission's management of the Southern New England stock. It is very restrictive.

For the benefit of the members that aren't on the board, there is a 50-pound commercial possession limit, a limited season and bag limits for recreational fisheries. In contrast starting for groundfish fishing year 2013, the New England Council reallocated winter flounder. It had been closed; a possession ban for four years prior to that; but they reallocated it so that the sectors have a winter flounder ACE in their portfolios and the general category or common pool fishery has a sub-ACL, which is administered by the regional administrator through possession limits.

In some cases those possession limits have been very high, 5,000 pounds I think at the beginning of the first year; again, contrasted with a 50-pound state possession limit. There has been a lot of angst at the Winter Flounder Board and this is a motion that came out of the board. I would suggest at the Policy Board that they take a close look at this. It is very prescriptive. They're asking for something very specific in terms of making major changes as to how the New England Council has proceeded with winter flounder management.

There are some New England Council members here. It looks like the Chair may have left. I'm not sure that this is doable for the council at least not in the short term. We have Framework 53 is going to be voted on at the November council meeting. That does not contemplate changes to the winter flounder management program. There is already an ABC set with a state waters assumption. I think this board might want to consider a softer letter or a different tone that perhaps asks for consultation and closer cooperation with the commission, perhaps reminding them that we have different levels of cooperation.

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We have, for example, this winter flounder plan where we have sort of a tagalong, for lack of a better word, but in Atlantic herring we have much closer coordination; and then there is something like summer flounder we're embedded right into a joint plan with the Mid-Atlantic Council; so different levels of cooperation and coordination that the commission has; and it may be a better model for winter flounder.

There is some thinking that the letter might be better served to express those kinds of concepts and opening a dialogue on that as opposed to a very prescriptive action that the New England Council is probably powerless, even if they wanted to do so, to address in the short term. That is my comments to the board on this motion.

MR. DAVID SIMPSON: As I recall, it was my motion, but I appreciate all of Mark's comments about the practical limitations of some of the things we're asking for; and certainly Bob and Toni and the rest of the staff have heard the deep concern the Winter Flounder Board has. I think a letter that simply conveyed that, the tone of this, and perhaps preserve that, but perhaps back off a little, as Mark said, in terms of the specificity, I would certainly be comfortable with that.

I do think we want to urge New England to really engage and try to get that fishing mortality back down on winter flounder given the troubled stock status it has, the challenges with environmental change and the inability for this species to rebound in the face of the 1,600 ton ACL that is set on it now.

DR. DAVID PIERCE: I support the motion. I am a New England Council member. There has been a great deal of discussion about winter flounder across the board. Gulf of Maine winter flounder, of course, that is going to be focused on – Georges Bank and Gulf of Maine winter flounder focused on at our upcoming November council meeting.

We're going to get some information from the SSC regarding specifications for that stock.

There will be a lot of discussion about winter flounder; and Southern New England/Mid-Atlantic winter flounder discussion I am assuming will still continue. This particular request is very timely. It also is timely in that the New England Council appears at this point in time to actually be considering for May 1, 2015, having Gulf of Maine cod as a bycatch fishery only.

It will stimulate more discussion, certainly, and this motion will stimulate more discussion about the benefits from the pros and the cons of having this sort of a restriction applying to winter flounder as well as Gulf of Maine cod.

CHAIRMAN DANIEL: Anything else on the motion; any further questions? Seeing none; is there any objection to this motion? If this motion is approved; we will have Mark and David work with Bob to craft the letter in the way that you deem it most appropriate. Everybody is comfortable with that? Is there any objection to the motion? **Seeing none; the motion carries unanimously.**

FISH PASSAGE WORKING GROUP REPORT

CHAIRMAN DANIEL: The Fish Passage Working Group met back in February and Steve Gephard is going to give us report on the Fish Passage Working Group.

MR. STEVE GEOPHARD: The Fish Passage Working Group did meet on February 11th and 12th of this year; and most of us promptly got stranded in Raleigh while it experienced its first worse snowstorm in memory. The objective of the meeting was to make progress on four of the eight tasks assigned to the group.

The first, Task 2, is to prioritize fish passage projects on a coast-wide basis and developing a prioritization system has been a long-standing and elusive objective. In the light of recent developments, the working group considered two protocol options for developing an inventory of barriers. One is a state-specific approach using existing prioritization approaches or the use of regional aquatic

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connectivity tools that are being developed to prioritize barriers.

Several states have begun to prioritize their projects within their states using expert knowledge; but alternatively the Nature Conservancy working with many partners has developed a habitat-driven approach that ranked about 13,000 dams in the northeastern states. These ranking reflected the benefit derived to anadromous species if the dam was made passable either through fish passage or removal.

It most reflected the amount of habitat that would be reconnected. This Northeast Aquatic Connectivity Project was completed in 2011; and a similar project was completed by TNC soon thereafter for the Chesapeake Bay area. A Southeast Aquatic Connectivity Project is scheduled for completion in December of this year.

The working group received a report from TNC on this last project. Slight differences were noted between these three regional barrier databases used in the projects; and consequently slightly different metrics were used for prioritizing barriers. Consultation after the meeting suggested the differences would have minimal effects on the prioritization.

The completion of the Southeast Project would allow us to use coastwide to rank potential passage sites into priorities. Therefore, the working group decided that the regional connectivity tools provided the more standardized approach to prioritizing fish passage projects and finalized the protocol for guidance in developing a coast-wide inventory.

Regional connectivity tools provide data-based repeatable methods. Following the completion of the Southeast Project, the group members will develop a prioritized list that will be compiled into a coast-wide priority inventory. The inventory will allow comparison of passage projects across states and serve as support for regional or coast-wide funding opportunities. We're making progress on that task; a little more work needs to be done.

The next task, Task 4, is to recommend targets for increasing fish passage in each state. Our goal here is to provide guidance and challenges to agencies to restore more diadromous fish runs of managed species to their state. There was much discussion on what types of targets to use. The two main approaches considered were, one, species; so an example of that would be let's say each state needs to add 200,000 American shad to their waters over some given time.

The second approach is habitat. An example of this would be each state would open up 200 miles of habitat in their state for the specified species. The working group agreed on the habitat approach. It was reasoned that individual watershed plans, many of which are already developed, could help develop these targets.

The group agreed that the current fish passage monitoring abilities are not adequate for tracking progress toward targets. The group discussed that resources providing fish passage vary considerably among states; and therefore a state-specific target should be developed. Each representative on the group was asked to consider what target challenges and time frames would be reasonable for their states for future discussions.

Task 6; develop guidance for navigating the FERC Dam Relicensing Project. Of course, this is hydroelectricity relicensing. While most states engage in this process, it is often the Inland Fish Divisions and often the Marine Fisheries Divisions that are represented here in ASMFC and our managing diadromous fish species have not been engaged.

The purpose of this task is to encourage involvement by ASMFC parties; but the FERC process is not easily understood for the uninitiated; so a subcommittee of the Fish Passage Working Group is developing a users' guide to help state staff understand how and when to intervene on behalf of the agency, working to protect and restore managed diadromous species.

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Subcommittee members from the U.S. Fish and Wildlife Service and NOAA have taken the lead on developing this document and will be providing a draft to members and FERC staff for their review. The people who are working on this are people who have quite a bit of experience in the FERC process; and so their involvement in this has been just critical to developing this document.

We're waiting on one more section to be contributed from a member and then this draft will be compiled and sent out for review. I can't say exactly when a final would be available, but we're working toward that goal.

Finally, the last task is Task 5, initiate an East Coast Passage Plan. We are deliberately kicking this can down the road. This task really must wait until Task 2 and 4 are completed. We want to be able to prioritize the fish passage projects on a coast-wide basis; and we want to be able to have some recommendation for targets within the states.

There is one more report to discuss that indirectly is going to support this task. Dr. Alex Harris of the U.S. Geological Survey at the County Lab in Massachusetts is working on establishing an East Coast Fishway Database and is working with our on this. The group discussed the merits of this database for improving regional connectivity tools and contributing to the development of an East Coast Passage Plan.

These regional connectivity tools that I talked about earlier that Nature Conservancy and others have been working on; they don't include comprehensive fishway data. We list the dams but we don't necessarily know which of those dams currently have fish passage at them. The group decided that including dam removals in the database would also be a beneficial addition for tracking connectivity; so no only tell us where the fishways are but where the dam used to be and have been removed.

The database was redeveloped as an Excel format as opposed to an access format to increase participation and instructions were

developed for updating the database. The Fish Passage Working Group is currently wrapping up edits and refinements to this database before going online for data population this winter.

I know that Jeff Kipp has very recently had a discussion with Alex on this and we're hoping to get this database up on an FTP site soon so that all of the states can start populating it with data from their individual states. This will be an ongoing project, but the working group will continue to work with the various project principal investigators after initial data collection this winter to link the fish passage database with the barrier database for prioritization, which will give us a much more complete picture. That is my presentation.

CHAIRMAN DANIEL: Thank you, Steve. Questions for Steve? Leroy.

MR. LEROY YOUNG: I'm just curious. In the work that you guys have been doing; are you taking into consideration expansion populations of invasive species? That is something we've been wrestling with a little bit in Pennsylvania of late.

MR. GEPHART: I understand your question. No, the answer is we are not; and I understand the concerns. I mean with invasive species coming up; I know people are thinking if we start removing dams, is this just going to spread species out. We're sort of working at cross-purposes. Obviously, we want to increase connectivity for native species, but we don't want to spread these invasives.

Our working group has not grappled with this thorny issue; and I think every state is going to have to do that. Right now we're just focusing on really – especially with the prioritization, that may be an extra parameter that people are going to have to consider; but so much of this prioritization work is being done for funding purposes.

Therefore, if a state or its regional partners don't want to connect the habitat because of catfish issues, they wouldn't be looking for funding so they would sort of withdraw that from the list.

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But for right now we think the best use of these databases is to be inclusive, have everything in there so at least we know what is there.

CHAIRMAN DANIEL: Anything else for Steve? Seeing none; thank you very much for your report. Melissa, are you ready?

HABITAT COMMITTEE REPORT

MS. MELISSA YUEN: I will be providing an update on the Habitat Committee. The Habitat Committee held its second in-meeting earlier this week. To start off the meeting, we had a series of presenters; three speakers, two from the universities and one from Environmental Protection Agency, to share their research in habitat-related issues.

The purpose was to bring in outside expertise and perspectives that can enhance the work of Habitat Committee members. We followed with a discussion of the Ocean Acidification Task Force and then reviewed the 2014 and 2015 work plans. The first speaker we had was Troy Hartley from the Virginia Institute of Marine Sciences. He is a research associate professor.

He did a study on fisheries and land-use discourse. This was a two-part study. Commission staff had advised Mr. Hartley and his research associates earlier this year on the fisheries' aspect of his study. First he conducted a network communications analysis of all land-use planners. The second part of the study he conducted a discourse analysis to compare the language between fishery management plans and comprehensive land-use plans.

Here is a very abbreviated summary of his presentation. What he found was that fisheries and land-use managers are not communicating often enough so they're not building the trust that is necessary when they're trying to implement things such as fish passage on people's property. The second was that they're not using similar words.

There is complex jargon associated with each of the disciplines; and so there is not understanding developed between land-use managers and

fisheries managers. Some of the take-away message that he provided to the Habitat Committee was that it would be helpful to recognize individuals that serve critical roles in making these networks function.

Regular communication between regional fisheries and science and management and local land-use planning committees would allow for more effective implementation of these restoration projects; and also to understand the layers of professional networks at the local level. So again frequency of communication will lead to mutual understanding, trust, interests and concerns.

The second presenter we had was Phil Colarusso from the EPA. He provided a talk on blue carbon, which even some of the Habitat Committee members had not heard of. Blue carbon is carbon associated with salt marshes, seagrass and mangroves. Green carbon is what is associated with trees and their ability to absorb carbon dioxide. Blue carbon is what is in the ocean.

Blue carbon is actually more effective than tropical forests at absorbing carbon dioxide from emissions. The Commission for Environment Cooperation formed a working group which consists of NOAA, EPA, the USGS, NASA and even government officials from Canada and Mexico. They have over a million dollars in funding to estimate blue carbon in North America or the potential of these habitats to absorb carbon dioxide.

The policy implications for blue carbon is development of the carbon trading markets. This would create more incentive and potentially provide more money for large-scale restoration of these habitats. Naturally, this would lead to economic evaluation of seagrass, salt marsh and mangrove habitats. Also, blue carbon is a potential bridge between the Clean Water Act and the Clean Air Act.

The last presenter we had was Peter Auster from the University of Connecticut. He shared his research on habitats, populations and ecosystem-based fisheries management. In the interest of

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time, I won't go through all the points he made; but he wanted to press that fisheries science and habitat managers need to connect the dots in order to more realistically parameterize spatially explicit single species, multispecies and ecosystem models inclusive of habitat-mediated processes and to then use this information to advise managers. Specifically stock assessments should, whenever possible, include considerations for habitat.

The next topic we discussed was the Ocean Acidification Task Force. States such as Maine and Maryland have created task forces to study the effects and potential risks of ocean acidification in their state waters. Since we didn't have a Maine representative, the representative from Maryland provided experiences and some of the results from the task force so far. Then we moved on to the 2014 Work Plan.

We are currently developing the Habitat Hotline Atlantic 2014 Issue, which is on climate change impacts to fish habitats. Also, this includes updates on activities by state and federal agencies to address climate change. We are hoping to publish this by the end of this year. For our Habitat Management Series, we are working a Nearshore and Estuarine Aquaculture and Fish Habitat Publication. This would hopefully be a useful reference for managers and also people that are interested in aquaculture.

We continuing working on developing the Sciaenid Habitat Source Document. This would be similar to the Diadromous Fish Habitat Document that we produced in 2009. The commission had hired a contractor to do a lot of the literature review for this; so this is just moving along. We also are working on a Living Shoreline Erosion Controls Document; actually an update of the 2010 edition that we produced.

After events such as Hurricane Sandy, there is more and more interest in living shorelines as a strategy for erosion control. This is a natural way of mitigating climate change effects rather than like bulkheads and things that are not as natural; and this would offer more opportunities for fish habitats to be developed.

Now moving to the 2015 Work Plan, some of these things will be carrying over to our activities next year. We will also be continuing on the Habitat Bottlenecks White Paper. This is to address species that may not be rebuilding in response to management; but there is a habitat component that is limiting the ability of these species to rebuild. We are providing some more case studies to this Habitat Bottlenecks White Paper and hopefully it will be used to increase considerations in stock assessments as well for certain species.

Following the land-use discourse presentation, the Habitat Committee is interested in developing a toolbox, so we will pull together references that we can share with land-use planners to hopefully increase communication and understanding of what fisheries managers need in terms of things like fish passage and other restoration projects.

The Habitat Committee is interested in filling in some of the vacant and inactive seats. For example, we currently don't have a Maine representative. We feel that it would be a valuable addition to the committee. We also looking to recruit a new Army Corps of Engineers representative. That concludes my presentation.

CHAIRMAN DANIEL: Questions for Melissa? Dr. Pierce.

DR. PIERCE: Melissa, you described the action plan for 2015; did that action plan have anything in it regarding what the committee would do regarding continued discussions on the concepts you highlighted, which is blue carbon? I hadn't heard that term before, "blue carbon trading". It is kind of interesting. It sounds to me like industry could pump more CO₂ into the atmosphere provided it would somehow promote proliferation of seagrass and mangrove swamps to take the carbon dioxide out the water. Is the committee going to address that concept in any way?

MS. YUEN: This was actually the first time the topic came up to the Habitat Committee; so we have not thought of any activities to address this

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issue. If you have suggestions, we will be happy to listen.

MR. LOREN W. LUSTIG: Thank you very much for that report. I'm especially interested in the Living Shoreline Initiatives that you discussed, erosion control strategies, and in particular how that might have an interface with our educational institutions. For example, I'm personally familiar with a program called "Grasses in Classes" that helped kids to actually participate in such activities, hands-on activities. Has there been an effort to reach out to educational institutions, whether it be elementary or perhaps high school programs to develop such a component to this program?

MS. YUEN: Yes, that was actually something that we discussed in addition to this publication was to increase the educational aspect of living shorelines, because there is an increasing amount of interest among landowners; but there is still a distrust on like how the designs would be built and what would happen to their property. There is definitely interest in creating more outreach tools for this; not necessarily children but their parents who own the property.

CHAIRMAN DANIEL: Anything else for Melissa? Thank you, Melissa. You are up, Lisa.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP REPORT

DR. LISA HAVEL: For those of you who don't know me, I am new here. I'm the ACFHP coordinator, taking Emily Greene's place. I'm going to give a brief report on the Atlantic Coastal Fish Habitat Partnership meeting with the steering committee that we had on Monday. First, we had some discussion on science and data initiatives that were going on.

We talked about a decision support tool to assess aquatic habitats and threats in the North Atlantic watersheds and estuaries. We're working on a North Atlantic Landscape Conservation Cooperative-Funded Project. It is being carried out by Downstream Strategies. ACFHP is the lead on the coastal component of this project.

We are currently in the process of finalizing the Winter Flounder Model that is taking place in Narragansett Bay; and we're working to move on to river herring next as a diadromous fish component. We've been working for the past couple of years on the Species Habitat Matrix; and we finally were able to submit the manuscript to Science last week. We're waiting to hear back on reviews for that.

Also, we are working on a National Fish and Wildlife Foundation funded River Herring Habitat Restoration Strategies Assessment. That is working to identify priority threats to five different watersheds on the Atlantic Coast. This will be useful for identifying key on-the-ground projects in the future for both ACFHP and also NFWF.

Next we spent a great deal of time talking about our implementation plan. We evaluated the status of every action item in the implementation plan and identified areas that need attention before the spring meeting. The majority of the tasks have been completed or are underway; so that's a good thing.

We also talked about the Conservation Strategic Plan as well, which is coming to conclusion in 2016. We also talked about Fish Habitat Partnerships updates at the national, coastal and regional level. As far as the national is concerned, we received a multi-state conservation grant back last month for \$50,000 for ACFHP, which is great. We also talked about the 501C status of the National Fish Habitat Partnership; and we have been granted this status and we are now working on the tax exemption.

We are currently working on rebranding and marketing at the National Fish Habitat Partnership level as well. All this will be discussed further on Sunday at our National Fish Habitat Partnership Workshop in Washington, D.C. At the coastal level we will be presenting at Restore America's Estuaries Meeting next week in Washington, D.C. and working on collaborations for both the panel discussion and giving presentations.

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Then in the regional level we talked about our White Water to Blue Water Initiative. We are working on moving our focus to more on-the-ground projects and away from outreach. We currently working on a Fish Passage Barrier Brochure Template that can be modified by various non-profits and conservation groups to reach target audiences. That is our current project for White Water to Blue Water.

We also accepted a new member into the partnership. The International Federation of Fly Fishers came up here and gave a presentation on their organization. They're an international organization of 13,000 members. They approached us to join the partnerships so we are very excited to them on board. This is our first conservation group to join.

Also, we think it is a great addition because they have a lot of non-traditional background; so most of them are not scientists, which will add a nice perspective to the partnership. Last, we discussed the applications for proposals from various groups. We requested project applications back on August 20th, and this was to restore and conserve habitats necessary to support coastal, estuarine-dependent and diadromous fish species.

We were asking for on-the-ground habitat conservation and improvement projects with a maximum amount available for requesting of \$50,000. The deadline was October 3rd. After that, we received three proposals; and a subcommittee on ACFHP got together and ranked the proposals. We discussed this with the entire steering committee on Monday.

The steering committee decided to recommend two projects for funding. One was a dam-removal project in Massachusetts and the second was a fishway installation project in Maine. We will be contacting U.S. Fish and Wildlife to recommend those projects. With that, I will take any questions.

DR. PIERCE: Lisa, you said in your presentation that something was submitted to the Journal of Science for publication; what was that?

DR. HAVEL: It was the Species Habitat Matrix that ACFHP has been working on over the last couple of years. Once this gets accepted into a journal, we will be able to post more about it online, but there is a review of the matrix. It talks about all the different priority habitats along the Atlantic Coast broken down into four different sub-regions. It prioritized habitats through the life cycle for the fish that we're most interested in.

CHAIRMAN DANIEL: I haven't gotten anything in Science; do you? That's pretty cool! Welcome, Lisa, and thank you for your report. Mark.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MARK ROBSON: The Law Enforcement Committee had a very busy and productive meeting this time around. We had standing room only for a good part of the day; and we had a lot of outside participants from different enforcement jurisdictions come and visit with us throughout the day. I have submitted a written summary of the meeting for the ASMFC Policy Board.

I will just go through a couple of quick highlights. We did talk about a number of different species issues that ASMFC is dealing with. We did hear a presentation from enforcement folks in Maine regarding something they're exploring dealing with the possible transferability of lobster trap tags from trap to trap.

This is not something that is being actively considered by the commission at this time, but it is they're interested in and they wanted to get some early input from the Law Enforcement Committee. We heard that presentation and we discussed a number of possible enforcement issues that might be a concern there as a response to that.

The folks in Maine are going to give us more specific language and some details in writing that we can take a look at as a body and consider whether it is necessary at some point down the road to comment on that proposal. As you

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probably know within the ASMFC Action Plan, we have a number of tasks that are specifically assigned, if you will, to your Law Enforcement Committee.

We try to make sure that we cover those every year. One of those for the current 2014 Action Plan that we really needed to get working on was a review and possible update of the Enforcement Guidelines that we've referenced every now and then in commenting to you. There original guidelines were completed in 2009; so it is a five-year review process.

We had a good bit of discussion during our meeting, going through the document and looking at specific edits and changes and updates that we want to make. We've also incorporated some of the formatting and the approach that has been taken in similar document that was prepared by NOAA and the U.S. Coast Guard for federal use.

We're hoping to combine the best features of those two documents; and we want to have that done before the end of the year. It is our commitment. Once we do that, we will certainly be presenting it to the ASMFC Policy Board. In some early discussions with Bob, hopefully we can do this.

The LEC members expressed real interest in bringing that new document to you in kind of a more formal way and maybe even having an opportunity to sit down with a few of the members from the LEC, go through it, explain some of these basic law enforcement precepts that we really want to keep hammering at and familiarize you with this enforceability guidelines' document that we're working on.

In other issues, we also heard a presentation concerning possible enforcement issues with American lobster particularly in federal waters, offshore waters, where enforcement challenges increased significantly. We discussed some of the problems if limited capability in terms of offshore vessels and gear for hauling traps and inspecting traps to make sure that they're being properly deployed and used. We talked a little bit about some ways to start thinking of getting

additional funding or resources to enhance our enforcement efforts particularly in Area 3 for the lobster management areas.

We had a similar conversation earlier in the day or later in the day regarding VMS, which happened to be a discussion that was also part of our action plan commitment. As it turns out, of course, this issue of offshore enforcement in the American Lobster Management Area 3 is an area where possibly use of VMS for that fleet would be helpful. There are some things that tied in there.

Then at the end of the day we had a very personal sendoff for our friend and colleague Joe Fessenden. As you all know, this was his last meeting; so as a member of the Law Enforcement Committee we kind of gave him a special sendoff. It was a very fitting tribute; and, of course, he will be greatly missed. We also welcome – Maine has a new representative to the LEC, John Cornish, so hopefully we won't miss any strides. That concludes my report, Mr. Chairman.

CHAIRMAN DANIEL: Questions for Mark on the Law Enforcement Report? Seeing none, nicely done; thank you, sir. Cherie for the Management and Science Committee Report.

MANAGEMENT AND SCIENCE COMMITTEE REPORT

MS. CHERIE PATTERSON: The Management and Science Committee met to discuss a number of issues and had presentations on various topics. The committee heard updates from ASMFC staff regarding progress on stock assessments currently underway. We saw presentations from the Science Center for Marine Fisheries regarding collaborative industry, agency and academic research; the NMFS Climate Change Stock Vulnerability Analysis; the NOAA Fisheries FishSmart Program, including the latest in barotrauma reduction tools; and the Research Set-Aside Program and plans to improve the Mid-Atlantic Research Set-Aside in the future.

The committee heard updates on the ASMFC

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and Mid-Atlantic Fishery Management Council Observer Programs and deliberated over future plans for the program. Then we revisited the role of the committee and stock assessment peer-review planning; and finally the MSC was updated on the current status of the Atlantic Coastal Fish Habitat Partnership; the Cooperative Winter Tagging Cruise, SEAMAP, NEAMAP and coast-wide aging activities.

One of the tasks that the MSC addressed was to provide input to this Policy Board in proposing changes to the technical committee guidelines on consensus and voting on recommendations or decisions coming from the technical committees. The MSC has prepared a number of recommendations and explanations for these recommendations.

However, the MSC would like to recommend having more time and having members of the MSC and the Assessment Science Committee work together to draft some language that would change the meeting policies and procedures for technical committees that would remove the language about voting entirely; add an option for technical committees to prepare minority reports if a unanimous decision cannot be made; allow ASMFC staff to participate in the decision-making process; and define the term “consensus”.

Currently it is a bit nebulous in meaning either unanimous or a majority. Through the MSC discussion, it was felt that if a unanimous recommendation was not achieved, then allowing a minority report would provide unbiased technical advice without bringing politics to the technical committee table. An example would be technical committee members may feel pressure to support their agency or state position and may feel conflicted if science supports an opposition position without first consulting with their agency or state.

Voting may lead to uninformed scientific products. Examples may be technical committee members have less expertise on certain issues may feel pressured to vote without being fully informed where they may normally refrain from voting or technical committee members may

simply abstain from voting entirely, decreasing overall participation in the actual process.

Voting does not give the reasoning behind a technical committee that cannot come up with consensus. Typically when the technical committee or stock assessment scientists cannot come to a consensus, they need more time to further explore all options. Multiple Management and Science Committee members that have been on technical committees in the past express that they did vote in the past. At times it was very contentious.

Rules of Order were really not understood and it became a little wild. They felt that they were doing a disservice to board. The consensus initiative came out of past voting forays on the technical committees. Voting may break the level of trust between members, which is important so that members feel important to express ideas openly during discussions.

While ASMFC staff currently are not technical committee members; they conduct much of the technical committee’s technical work and has a thorough understanding of the scientific issues. Without a change to the policy, they will need to remain mute during some of these important decisions and discussions of which they may add a lot of clarity to some of this confusion. The MSC is asking of the Policy Board that you provide us with a little bit more time to continue to discuss this and come back with a more thorough recommendation. Thank you.

CHAIRMAN DANIEL: Thank you, Cherie; and just for clarification, if you’ll recall, we had run into some issues where we weren’t getting technical committee advice because they couldn’t come to a consensus on the science. As a result, we requested that they go back to voting on issues that come in front of the technical committees when a consensus couldn’t be reached.

This is the response from the Management and Science Committee on our direction to the technical; committees to provide a vote. It is not that we necessarily asked for their opinion; I’m glad they felt comfortable enough to provide us

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with their opinion. There may be options that we want to consider similar to what the Management and Science Committee has presented here today.

The one thing I would say – and I guess to some degree speaking unilaterally – is I would be very concerned about having our staff be put in the position to vote on any issues at the technical committee level. I think that could create a tremendous amount of trouble for our staff and conflicts there. Just as background to the issue, that is why this issue is on the table. So with that if there are any questions for Cherie on any of her report, I'll be happy to – Brandon.

MR. BRANDON MUFFLEY: Just for clarification, then depending on the answer, maybe I have a comment. Has the technical committee got in its document – has it been changed to indicate they will vote or are we discussing whether or not we should change the Technical Committee Guidance Document to ask them to vote?

MS. TONI KERNS: Brandon, the Policy Board made that – you all voted to change the procedures. Currently, yes, you have told the technical committees to vote. I have language to present to you today as a reflection of that vote at the last August Policy Board meeting for you all to review and accept for the guidance document itself.

From August to now, if a technical committee has met and had to make a recommendation or a decision to bring back to the board, we have given them the instructions that if they cannot reach consensus, then they would need to vote on the issue.

For everything that has come back to us for this meeting, no votes have needed to be taken. The next presentation is that language change that staff put together prior to the MSC putting together their report.

MR. DOUGLAS E. GROUT: I appreciate the technical committee providing their input on this because from someone who was at one point part of the technical committees that did vote, it

appears that the culture has changed. There were many of us that when the board implemented this were very concerned about not being able to vote because now the new standard was consensus.

Sometimes instead to try and help move the technical committee forward in the task that they had been charged with, we had to possibly give in to some of things that we felt fairly strongly about from a technical standpoint. In other words, oftentimes, as with any science discourse, there are differences of opinion that both may be very well founded.

But at that time I remember some of the technical committee were very concerned that we could not sit there and say this is what we believe and we're going to vote on it in this way; and clearly if we lost the vote, there was a minority report that you could request, but the majority opinion would also be put forward, but at least you could stand by what you believed in as a scientist.

Now, clearly, also in our guidance document, there is clear instructions to the technical committee that you should not be representing your state's policy but to give your best technical input – unbiased technical input on this. At least at that time, when we had that guidance, some of us felt that we had to stray what our opinions were to try and move the process forward.

I noticed we're going to be discussing this; and I think ultimately I still agree that the number one priority should be consensus. Absolutely, we want to try and develop consensus; but if there isn't, the desire was to have a vote because we didn't want to have a minority and majority opinion if the minority opinion was one person on, say, twelve or thirteen person board.

I can understand where a minority/majority opinion when you had, say, a seven to six difference of opinion where we'd really want to have that difference. It is interesting to hear how obviously we have a new crop of technical committee people that have grown up under consensus; and now they're concerned about

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voting because they're afraid that they may be forced to – because their vote is going to be known to not be able to give what their true opinion is.

CHAIRMAN DANIEL: With that lead-in, I think we can go to Toni and let her move on to the next – unless there is more for Cherie on other items of the MSC Report. Seeing none; thank you, Cherie.

REVISIONS TO ASMFC COMMITTEE GUIDANCE AND ASSESSMENT PROCESS DOCUMENT

MS. KERNS: I think the lead-in has taken care of; so I'm just going to go through the language that we changed in the technical committee and stock assessment guidance document to reflect the board motion last August. Doug, just to reassure you; that guidance is still in the document about representing the best scientific information and not the political, and it is in bold.

MR. GROUT: I saw that.

MS. KERNS: There two things that we addressed. The first is committee tasking. The Policy Board gave specific guidance on committee tasking; that the Board Chair will communicate all committee tasks to the groups. The new language is on Page 7 of the document. It was on the CD. It is highlighted in yellow; but species-specific technical tasks should be directed to the appropriate ISFMP technical support group in writing by the board, section or chair.

This can be communicated via the ISFMP staff. Board and sections will develop specific and clear guidance in writing whenever tasking committees for advice. The board or section will develop that charge. Any charge developed by a board or section to a technical committee would be initially forwarded by the chair or ISFMP staff to the technical committee for their review and input. That is the first set of guidance. Are there any questions on that language?

Okay, that's a pretty simple one and we were already basically doing that and we just had to tweak the language a little bit. For committee deliberation, the Policy Board changed the technical committee deliberation procedures. The previous method was a consensus-based decision. The new guidance was to reach consensus if you can; but when you cannot, then the decision should be made via vote.

This is on both Page 11 and 19 of the document; 11 has a little bit more detail; 19 is pared down. The committee chair is also responsible for clarifying the majority and/or minority opinions where possible. The overall goal of the technical support groups is to develop recommendations through consensus.

The chair is responsible for facilitating committee discussion towards reaching a consensus recommendation for board or section consideration. If a consensus cannot be reached, the committee shall vote on the issue. The majority opinion shall be presented to the board or section as the recommendation, defined as a simple majority, including to be presented to the board or section as the recommendation, defined as a simple majority, including in the record number of votes in favor and against.

The committee will also present the minority opinion, prepared by a committee member that voted in the minority, to the board or section. Voting should only be used as the last resort when full consensus cannot be reached. This is that second set of language. If the Policy Board has a different opinion from what they did last August based on the MSC's concerns; then we can either rewrite the language – we can try to tweak that language now or we can come back to the group in February.

MR. DAVID V. BORDEN: Toni, in regards to voting procedures; is it the intent to identify the individual committee members who are in the majority and those that are in the minority? If not, I think that would be useful for commissioners to know how individual technical people had voted. In other words, do exactly what you're proposing; just identify the individuals that are in each group.

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MS. KERNS: It was not our intent to associate names with votes; only the number of votes; to try to keep the voting a little bit anonymous so that pressure that Cherie was talking about, they didn't feel that peer pressure about the political versus the scientific and what would happen if it got out. It is not that the vote would be anonymous in the sense that, yes, the meetings are all open to the public and if you voted, you're raising your hand in one way or another; and if someone is there, they see, but that wouldn't be the record that was recorded unless that is the desire of the Policy Board, and then we can write that into the guidance.

MR. BORDEN: The only reason I'm suggesting that is if I were reading minutes and I came across a minority opinion and I had some idea who the individuals were in the minority and I needed a further explanation; then you have somebody to go to. You can actually contact them, but maybe the confidentiality issue is more important than what I'm talking about.

MR. GROUT: Well, a couple of points, but to your point, David, in the past when we did minority reports, the person who wanted to craft that minority report clearly wanted people to know who they were. From my personal standpoint, it is not important to me to know who voted for what; because I'm looking at the overall technical committee opinion.

There are two reasons that I feel fairly strongly that there needs to at least be this option on a vote was one because of what was mentioned before. We had a situation here where the technical committee could not come to a consensus; so essentially the management process stopped. This was in striped bass. We obviously weren't going to get a document out because they couldn't come to a consensus on something. To me that is unacceptable.

The other reason that I am concerned about just having a minority and majority report presented without any kind of votes on it is because if you do have that scenario that I mentioned before where you have eight people in favor and one against; that gives the one against equal weight with the other people on the technical committee

that felt just as strongly in favor of the majority; as opposed if we had the vote, we'd know, yes, we understand that one person feels very strongly enough to create a minority report, but here is what the majority of the technical committee opinion was. Clearly, consensus should always be the number one priority here; but sometimes that doesn't occur; and that is a good thing.

MR. MUFFLEY: To Dave's point, I would not advocate for assigning names or state representatives to a particular vote. I don't support necessarily voting at the technical committee level; but if the Policy Board, which I must have slept through or must have been outvoted on at that particular time, I don't remember that discussion.

I came through the technical committees when we had consensus requirements – it was not a voting system – and to me it seemed to be okay. I guess my comment would be in terms that might help a little bit might be to define what consensus means. Does that mean it is a hundred percent of the people need to agree on an issue or is it a majority in terms of what consensus might be?

I do agree that the technical committees need to continue to provide advice to the board even when they can't reach a consensus. Their opinion has to still reach the board in terms of how they feel on things; but maybe adding what consensus means or a definition to that might help in terms of getting them to reach what consensus is.

CHAIRMAN DANIEL: Generally consensus from our definition usually means that you can live with the result and it doesn't compromise your scientific integrity to have that recommendation go forward from the technical committee. I came up through the voting technical committees; and it wasn't political.

It was just the battles that would rage into the late night hours at BWI trying to get a position for the technical committee. I know back in the old days of weakfish if we would have had to operate by consensus, we'd still be working on

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weakfish. I have real concerns, as does Doug, with not having a recommendation. These folks work for us around this table.

I'm assuming that you know the positions of your staff. It would make me nervous to find out if I had one that was going off on a tangent or something or disrupting things. I would hope that staff would let us know if they were having difficulties with one of our technical representatives. I don't particularly have a concern in regards to listing down the number.

I think we used to do that, though. It used to say everybody in favor; Louis against most of the time. One option to think about – and maybe this is splitting the difference a little bit – and it kind of gets to Doug's suggestion about having one person being able to generate a minority report; is that perhaps if they cannot come to consensus, then their opinion has to be a super majority of the technical committee.

That way there has got to be at least nine people or however many people are on the technical committee; and you have at least three people in the minority that could then file a minority report. As long as there is more than that negative super majority, then you could have a minority report. The other option is to keep it the way we had it or to go back to just consensus. Those are the three options I can come up with; and there may be a fourth, a fifth, a sixth. Roy.

MR. ROY MILLER: Mr. Chairman, as someone who first served on technical committees with this organization dating back to 1978, I think I've had a little experience in this regard. Like some of the others in the room, I've seen the procedures run the gamut. What I've heard today is I like that approach of a majority report if they're unable to reach consensus and a minority report.

Now, whether it is a nine vote minimum for that majority report of super majority, I think you referred to it, versus a three-person report, I'm not so sure I feel strongly one way or the other; but I like the general suggestion of the report. I like the general direction that it is going with in

the event of a non-consensus; then I think it would be useful to have a majority report and a minority report. I don't think it is necessary to identify individuals.

I think if you're truly interested in checking with a person that may have been instrumental in issuing a minority report, you can always check with the chairman of the technical committee rather than have that information made generally available to the public. That is my suggestion; thank you.

MR. GROUT: Just a question with the option that you were talking about that you'd need a super majority or you'd have to have at least a minimum number for a minority report; what would happen if you do have something – well, I guess the way I'd see – okay, originally I was thinking what would happen if you had something that was seven to six; but clearly you'd still have a majority and a minority report. Clearly, in your example, anything less than that two-thirds, they'd still have to be voting on it; but anything less than that two-thirds, all you'd be presenting was the majority report.

CHAIRMAN DANIEL: Correct.

MR. GROUT: That way we'd be moving forward and we'd have an idea of – you know, I'm certainly comfortable with that. I still like the simple thing of what Toni has written here because it still encourages consensus as the primary document; but I certainly could live with your suggestion.

MR. JOHN CLARK: Mr. Chair, I just think that unless there is a logistical problem with producing a minority report, even if it is just one person, I don't see that being a problem. If the one person wants to hold out and do this report, just to know what they're thinking, having worked with somebody for many years, recently retired, that would be that one person, it sometimes helps just to know what they're problem is with the majority opinion. Thank you.

CHAIRMAN DANIEL: Any other comments, thoughts, suggestions? Bob.

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MR. BALLOU: I'm generally comfortable with the way this is going; but the only concern I have is if this were to start to develop into a regular pattern of every time it comes to our technical committee reports we hear from the majority and then – well, we hear the majority report and then we hear the minority report.

In other words, if it becomes a common occurrence, to me it just doesn't feel right. I agree with the benefit of knowing what others on the committee think, and that would be reflected in the minority report; but given how challenged how we are right now with our processes to now think that we're going to be hearing perhaps on a regular basis – and that is my point; how often might this happen, both a majority and minority report?

Now the discussion goes into the back and forth of how the majority felt versus how the minority – I'm just wondering out loud how it might affect the logistics of our process. I'm trying to think this through; and I don't have a good suggestion other than I like the general direction this is going in. I like the idea of making sure we get a recommendation, which I think is what started all of this. I like the idea of working toward consensus and only as a last resort doing a vote. It is just that last part, that minority report, that I'm struggling with. I'll just leave it at that. Thank you.

CHAIRMAN DANIEL: Well, from my recollection back in the day, we would often – some of us would actually get together and write a minority report unsolicited; and then our state directors would carry those into the meeting or whatever. I think this actually gives everybody a little more of a heads-up of what is coming by actually having a minority and a majority report. If you've got some strong technical committee members and some very interested directors on specific issues; they're going to take that information and run with it at the board level. Dave.

MR. SIMPSON: Toni mentioned it and I thought it was interesting and maybe informative that we implemented this in August and there has been at least a few different

technical committees that have gotten together and you haven't even needed to go to the vote yet. That is kind of encouraging in terms of frequency of minority reports and so forth. Roughly how many technical committees have met in the last few months; three or four or do you think more than that?

MS. KERNS: Where they actually had a decision on the table; maybe three; maybe four.

CHAIRMAN DANIEL: So I'm sensitive to their request; but it doesn't sound like there is a lot of interest in granting that request. I think we can soften it some by keeping all the language that Toni has in the document. I'm going to throw out a recommendation here just from what I've heard around the table is maybe just simply require at least two, preferably three, dissenting voices to jumpstart a minority report, to require a minority report. I know somebody said one is cool; I think it was John. I'm sure if it is your guy, you'll want that minority report or we can we just keep it at the dissenting vote even if it is just one gives a minority report. There would be no requirement for a minority report.

MS. KERNS: The language that we pulled together since the committee will also present the minority opinion prepared by that committee member or members that voted in the minority; so do you want me to change that language to say "the committee may also present" instead of "will"?

CHAIRMAN DANIEL: Thoughts of "may" or "will"; Dave.

MR. SIMPSON: I like the idea of "may". Then the burden is on the folks that dissented; do they feel strongly enough to put that work in. Otherwise, it may be just a comfort level; so I like that.

CHAIRMAN DANIEL: Does anybody object to using "may"? Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I'm not objecting. I think the way Toni just read that, it said that the technical committee may present a minority report. I would think it would

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be the individuals in the minority have the opportunity to draft a minority report and bring that forward to the board; so the minority report is not a product of the technical committee; it is a product of the individuals that are dissenting.

CHAIRMAN DANIEL: Good suggestion; yes, I like that. Is everybody comfortable? Pat.

MR. PATRICK CAMPFIELD: The Management and Science Committee also raised the other topic about having staff participate; and then if it goes forward, vote on the technical committees. I just want to provide some background on that; that it could be limited to the stock assessment staff; with the explanation being for non-assessment technical committee work that staff person is heavily involved in, if not leading the work, they would have the expertise and be informed to vote on that subject; whereas, if they did not participate, that would be one less informed person participating in the vote and the outcome of advice brought to the board.

CHAIRMAN DANIEL: You may have been out of the room; but I said I did not support that at all. I don't believe that the staff should be put in that position. I think they need to be unbiased facilitators and information sharers and gatherers. To have them vote puts them in that political arena potentially; that it would really worry me for them to get in. If anybody feels differently about that, that is my strong sense as the chair. Dave.

MR. SIMPSON: I'm hearing a distinction maybe between a technical committee meeting and a plan coordinator who really I think needs to serve a facilitator role and maybe a stock assessment committee that is doing the number crunching; and in that case I certainly would want to hear from the folks we hired specifically to development assessment advice.

CHAIRMAN DANIEL: I definitely want to hear from them, but do we want them voting?

MR. SIMPSON: I think in that context in the stock assessment committee, yes, I would like their input in the formal way, yes.

MR. GROUT: You used a term that bothered me "in the political arena". This is the scientific arena and we're asking our technical committees and our stock assessment committees the best unbiased technical advice. I would see that a stock assessment biologist is in the past we didn't have these ASMFC stock assessment biologists; but I could see where the stock assessment biologist that has helped develop this stock assessment, as has the other state stock assessment biologists and federal stock assessment biologists, if they feel that this is something they like, I wouldn't have an objective to it.

I agree totally that the plan development team coordinator; there is no way a PDT coordinator should be voting on a technical committee input. In fact, a plan coordinator shouldn't voting on the technical committee. That is the way I understood it and I, like Dave, in that very specific instance someone providing their best technical unbiased advice, I would not be uncomfortable with allowing them to vote.

MR. KERNS: And the distinction I think where Pat was going is that commission staff are members of stock assessment subcommittees. Katie Drew was on the Striped Bass Stock Assessment Subcommittee. Katie is not a member of the Striped Bass Technical Committee nor I or Mike isn't a technical committee member; and so that is where the two distinctions are.

There are times when commission staff do provide analysis or input for technical tasks; and so the question is would they be voting with the technical committee when they are working on those tasks because they are committee members. The guidance that we have here would say, no, they would not be voting because they are not committee members. Only the committee members would be voting. If you want something out of this, then we would need to change the language.

MR. ROBERT H. BOYLES, JR.: Mr. Chairman, I made comments like this back in August, but I think for the record I want to go on and say it again. I'm comfortable with where

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we're going. I do believe we will be revisiting this very soon. I just think it is important for us to recognize – I would like to at least state my concerns about this is as we get into more and more difficult discussions where we're seeking more technical certainty; I'm afraid the direction we're going is that the discussions are going to be encapsulated in a vote with numbers.

Well, this was eight to three or seven to three or whatever the number may be; and I just think it is very, very important that when we leave this room here this week, we own a striped bass decision, we own an eel decision, we'll own other decisions later; and I think it is important that we keep in mind that the strength of the commission is in our group and in the collective decision-making that we've had for 73 years.

I get concerned when we talk about, well, I just want to make sure that my voice is heard from technical advice and that voice is going to be shorthanded with simply a vote coming out of the technical committee. I've got no alternative here; but I think it is important that we should recognize that. I think consensus still is a very, very powerful tool for a group as diverse as we are. With interests as varied as ours, I think consensus is very, very powerful. Thank you.

MS. KELLY DENIT: I was on vacation in Alaska in August so I guess I've got a legitimate excuse for why I don't remember this conversation the last time. I can certainly appreciate that the striped bass conversation is very fresh in all of our minds from the discussion this week. But from what I heard from Toni's response to Dave's question, it certainly sounds like that situation is relatively isolated and it is seemingly not happening consistently.

It just raises the question to me of going down this path and whether we really need to do that or if we're just having a specific reaction to a specific something that has happened most recently. I'm not suggesting stopping moving forward if that is what the board wants to do but something that sort of caught my eye as we're having this conversation.

CHAIRMAN DANIEL: It kind of caught mine, too. Spud.

MR. SPUD WOODWARD: I guess in follow-up to what Robert said is what concerns me is that we are plagued by uncertainty; and if we end up giving our technical advisors a tool to vote, then what I'm afraid will happen is their votes will become the proxy measurement of uncertainty. If we end up with a seven to four or a six to four or whatever, in our minds we're going to have a hard time saying, well, that is not the strength of the uncertainty that is being represented here. That is a slippery slope that I'm afraid we go down.

MR. JAMES J. GILMORE, JR.: I'll add my voice to the choir. I think if we start going down there, we're going to get to what I think was out of control yesterday when someone asked for roll call votes on that. The next thing you know we're going to have what we had yesterday. I'll just make that comment I think got a little out of control.

We used to not have a lot of roll votes and now we're doing them like for everything. I would feel more comfortable leaving it with the consensus. I think Kelly is right; we shouldn't – it is what we all do in government; it is like we get one little problem and the majority is working pretty well and then we come up with a new procedure to fix that one little problem. I think I'd prefer to let it ride for the time being until we really do have a problem.

CHAIRMAN DANIEL: Right now our charge to the committee is to vote if they can't meet consensus and strongly urge consensus; but in the absence of consensus, they vote. That is what we directed them to do last August; so if we want to change that, we need to change that. I think the issue of staff voting on stock assessment subcommittees is a lot bigger issue than one I want to tackle today.

I'd really like to have the chance to talk internally, particularly with Bob and Doug, about that issue, because that raises some red flags that I might miss my flight; and I don't want to miss my flight. If that is okay with you

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to handle it that way, I'd rather handle that issue that way; but we need to resolve the direction to the technical committees on voting and whether or not we want to continue directing them to vote in the case of no consensus or not. Dave.

MR. SIMPSON: I think we made a decision in August; we've had a little bit of experience with it. Let's give it to the February meeting where there will be more technical committees getting together and more experience with it. I think a lot of the issue can be personality driven; and I think we might be in probably a better calmer waters as far as that goes presently. While I'm a consensus person, like Jim and Robert, we made a decision in August and let's give it a little more experience and encourage the plan coordinators to really work toward that consensus and use the vote as the last resort.

CHAIRMAN DANIEL: Yes; that would be the direction I would like to see us go in; and also that gives us an opportunity to talk to our technical committee folks as well. Again, they work for us, most of them; so having our opportunity to find out what the real angst is there – I wish I would have known about that discussion at the meeting. I would like to have attended to hear the discussions from the MSC. Is there anything else that we need to do on this issue at this time?

MR. YOUNG: Just a thought; it seems to me that, yes, you want to work towards consensus, but all the commissioners should know just how much the likelihood is of error or what the sensitivity is around these issues. I would think the technical committee could work towards consensus but also make sure to include in that report some of the concerns that are – you know, to make them clear that a commissioner is aware of that.

Yesterday we didn't go with the technical committee recommendation; but we looked at all the considerations and made a decision not to go with that. I would want to know if there was a significant concern on behalf of a technical committee member, at least to know what that is. I would think you could include that in a

consensus report but just include that information in some way.

CHAIRMAN DANIEL: Good suggestion. Anything else on this topic? I think, as Robert said, we'll be talking about this again, for sure. It is a sensitive issue, I recognize. Mike.

PROGRESS REPORT ON ATLANTIC MENHADEN STOCK ASSESSMENT

MR. MICHAEL WAINE: Mr. Chairman, I will make this extremely brief. I just wanted to update the board that everything is on schedule for the results of the 2015 benchmark stock assessment for Atlantic menhaden. We have a SEDAR review in December. That will be an independent peer review of that assessment.

We have a technical committee meeting next week, actually, to make a final review of the assessment document and prepare that to be submitted to the peer review for December. The stock assessment subcommittee has worked incredibly hard over the last two years to prepare this assessment and has really just completely reinvigorated the assessment model, looking through all existing and new datasets and really has done a nice job putting together the most comprehensive assessment they could for this very important species of ours.

Compliments to them; I've worked very closely with our stock assessment subcommittee and technical committee on this. Anyway, the other part of the assessment is remember that we have these interim reference points until we can develop the ecosystem-based reference points; and that is part of initial review of this assessment.

Our Biological/Ecological Working Group has put together some preliminary things on the development of those ecosystem-based reference points. That will be part of the peer review process; so we should get some initial feedback on the development of those. That will be the term reference for our assessment; so we will also be presenting that in February. With that, I will end and take any questions.

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CHAIRMAN DANIEL: Questions for Mike on the progress of the menhaden assessment? All right, no questions on the menhaden issue. Congratulations!

ATLANTIC HERRING SECTION REPORT

CHAIRMAN DANIEL: I think the last item is the Herring Section.

MR. GROUT: I am making this motion on behalf of the Herring Section since the chair is not able to attend the Policy Board Meeting. I'll make the motion and give you a very brief description of what led to this. **On behalf of the Herring Section move to recommend the commission send a letter to NOAA Fisheries recommending a modification in the Herring Closure Notice to reflect ASMFC no landing days and timing of the state notifications to directors.**

Mr. Chairman, what happened last week was there was notice from NOAA Fisheries that the Herring 1-A Fishery was projected to attain 92 percent of the TAC. Per the ASMFC management plan, this meant the fishery should close as well as the federal waters would close as of 12:01 on the 26th.

The states Massachusetts and New Hampshire were able to close; but because of a need on the part of Maine to have a three-period to try and get a formal notice in a newspaper, they were unable to close and so herring vessels went out, fished and came to port on Saturday and then waited to offload until the landing period on Sunday, which was at 6:00 o'clock.

This was because of the way the notice was written by the National Marine Fisheries Service that it didn't have any mention of the ASMFC no landing days and also in the past the state directors have always been given a heads-up that this quota was going to be attained so that we could get our notices to be triggered at the same time.

This did not happen this year probably because there was a changeover in the administration at GARFO; and so they didn't realize the past

practices. These were two of the three ways that we have agreed at the Section in between the states of Maine, New Hampshire and Massachusetts to try and prevent this situation from going again.

We felt that we needed to send a letter because we are a Section and there is no National Marine Fisheries representation on the Section; so just to complete the communication cycle, we'd like to have the commission send this letter to GARFO. They already know it is coming.

CHAIRMAN DANIEL: Any questions for Doug? Is there any objection to this motion from the Herring Section? **Seeing none; the motion carries.** That brings us to the end of our agenda. Is there any business? Jim.

MR. GILMORE: Louis, just very quickly – and I don't want any policy change on this; but just I mentioned before, I'm glad we have roll call votes. We're doing those and I agree with them for final actions and all those things; but quite frankly, I think everyone yesterday was a little excessive and was kind of slowing us down.

I just would suggest to the commissioners that they use a little discretion on that; because I think it is important for big issues, but when we're doing routine stuff, we do not need roll call votes and it just slows the process down. Thanks.

CHAIRMAN DANIEL: You'll need to say that again when the primary person that was asking for roll call votes on everything is in the room.

MR. GILMORE: Well, actually, there was a couple of them.

ADJOURNMENT

CHAIRMAN DANIEL: All right, anything else to come before the Policy Board? Seeing none; we're adjourned.

(Whereupon, the meeting was adjourned at 4:30 o'clock p.m. October 30, 2014.)