

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
March 23, 2011

Approved August 2, 2011

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ATTENDANCE

Board Members

Norman Olsen, ME (AA)	Roy Miller, DE (GA)
Terry Stockwell, ME, Administrative Proxy	Craig Shirey, DE, proxy for P. Emory (AA)
Sen. Brian Langley, ME (LA)	William Goldsborough, MD (GA)
Dennis Abbott, NH, proxy for Rep. D. Watters (LA)	Tom O'Connell, MD (AA)
Ritchie White, NH (GA)	Steve Bowman, VA (AA)
Doug Grout, NH (AA)	Catherine Davenport, VA (GA)
Paul Diodati, MA (AA)	Red Munden, NC proxy for L. Daniel (AA)
William Adler, MA (GA)	Bill Cole, NC (GA)
Ben Martens, MA, proxy for Rep. Peake (LA)	John Frampton, SC (AA)
Bob Ballou, RI (AA)	Robert Boyles, Jr., SC (LA)
David Simpson, CT (AA)	John Duren, GA (GA)
Pat Augustine, NY (GA)	Spud Woodward, GA (AA)
Peter Himchak, NJ, proxy For D. Chanda (AA)	Jessica McCawley, FL (AA)
Tom Fote, NJ (GA)	Bryan King, DC
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	A.C. Carpenter, PRFC
Leroy Young, PA, proxy for J. Arway (AA)	Jaime Geiger, USFWS
Loren Lustig, PA (GA)	Steve Meyers, NMFS

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

Ex-Officio Members

Bob Beal
Vince O'Shea

Toni Kerns

Guests

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, March 23, 2011, and was called to order at 3:32 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: I will call the ISFMP Policy Board Meeting to order.

APPROVAL OF AGENDA

CHAIRMAN ROBERT H. BOYLES, JR.: The first item is seeking board consent on approval of the agenda. Bob has indicated to me that we have three additions to the agenda in addition to what was sent; a discussion on aquaculture policy, discussions on letters regarding shark management and a letter on horseshoe crab funding. With board consent I would like to add that. Pete Himchak.

MR. PETER HIMCHAK: Yes, I would like to add an item under other business. With the increase of states conducting public hearings for the Atlantic States Marine Fisheries Commission, I think we will all benefit from a very short discussion on the standard operating procedures and the archiving of the record, the recordings, the attendance sheets and things like that. I know it's required in the state when you have public hearings you keep a record of the public hearing record for review. I would just like us all to have a brief discussion on those issues.

CHAIRMAN BOYLES: Okay, without objection, Pete, we'll add that. Bill Cole.

MR. BILL COLE: Mr. Chairman, while Michelle is here, there was an issue that came up in the Shad and River Herring Board Meeting earlier this week, and it dealt with the almost real need for a policy decision from this board dealing with minority reporting at the TC level.

CHAIRMAN BOYLES: Okay, without objection we'll add that. Any other additions to the ISFMP Policy Board Agenda? Seeing none, any objections to approving the agenda as amended? Seeing none, the agenda is adopted. Next is approval of the proceedings from November 2010.

APPROVAL OF PROCEEDINGS

Any objections to approving the proceedings from our November meeting? Seeing none, that will stand approved. Now is the time on the ISFMP Policy Board Agenda for public comment for items that are not on the agenda. Anyone wish to address the ISFMP Policy Board at this time? Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Mr. Chairman, I think I do know one person that had planned to do that and I just think we ought to keep that mind because since we started early maybe they weren't in the room or were going to be in the room at the normal time.

CHAIRMAN BOYLES: Thank you, Bill, good point, we will reserve that. Okay, also, if I could go back to the agenda, one thing that I failed to mention is the menhaden tasking of Multispecies Technical Committee, if we could have some discussion on that. Without objection we'll add that to the agenda.

Next is Bob Beal, discussion of policy board involvement in species management. I will tee this up. Recall that we had this discussion with respect to our annual report card that was started back in August. Staff came back and gave us some refinements of that grading of where we stood with respect to the status of our species at our annual meeting. That led to a very vibrant discussion and a tasking of staff to go back and see how and whether the policy board may want to become involved in species management. Bob.

DISCUSSION OF POLICY BOARD INVOLVEMENT IN SPECIES MANAGEMENT

MR. ROBERT E. BEAL: In addition to the background that Robert provided, the discussion at the annual meeting was focused on what, if any, involvement the policy board should have in the management of the species that are designated as species of concern, depleted or unknown status. All the options that were displayed in the document relate to those species.

What I'm going to be working off of is a white paper that was included in the supplemental mailing. There are copies on the back table, but it also was sent around in the supplemental mailing. It's dated March 2, 2011, white paper on policy board involvement in species management. At the bottom of the document there are six different potential options for

consideration for policy board involvement in species management.

I'll go through fairly quickly. Again, a lot of these came out of the discussion from the annual meeting. Some of these are just kind of brainstorming on interim positions between status quo and the other side of that is the policy board completely takes over the management of species listed as concerned, depleted or unknown, so a lot of these are kind of middle-ground positions.

I'll just run through those options fairly quickly. The first is status quo which is the policy board sets the overall priorities for the commission and the individual boards handle completely the management of the individual species. The only involvement above the species management board is the commission approves or has final approval for new fishery management plans or amendments. The policy board and commission are not currently involved in approval of addenda to fishery management plans.

The second option would be that policy board task the species boards with providing verification that the current management program that's in place right now is responsive to the commission's vision. If additional actions are needed, the species board should highlight what additional steps and resources would be needed to meet the commission's vision. There is a tentative timeline, the first meeting in 2012, but that may be somewhat ambitious.

The third option listed is the Charter would be modified to allow the policy board to approve addenda. As I said earlier, that currently isn't the case. When a management board goes through the addenda process and makes an approval, that's the end of it. It's required to be implemented then by the states.

The fourth option is that the policy board would review draft addenda and amendments prior to final action by individual species boards. The species board would have to provide justification to the policy board on any options or actions that are not consistent with the commission's vision. If the species board does provide some justification, the policy board would review that and see if there are any remaining concerns that the policy board has that some of the management options may not go far enough or may not be consistent with the commission's vision.

The fifth option is the policy board establishes the fishing mortality targets for all the species that are listed as concerned, depleted or unknown. Then the species management boards essentially decide how to get there. In the tautog discussion tomorrow, the policy board may say that the appropriate fishing mortality rate is 0.15 and not the 0.2 that's currently in the plan, so that would be set by the policy board and then the Tautog Management Board would go back and decide how to achieve that. That's just a hypothetical course that number five might look like.

Number six is what I said earlier; it's kind of the other bookend from status quo, which is the policy board essentially takes over all the management for the 15 species that are currently classified as concerned, depleted or unknown until those species are moved to the rebuilt or the rebuilding status in our annual review of the stock performance.

Those are the six options and the kind of range of what additional involvement the policy board could have in species management. None of these are listed as preferred at this point. They are, as I said at the outset, kind of capturing some of the sentiments from the annual meeting discussion as well as some brainstorming at the staff level.

CHAIRMAN BOYLES: Bob, thank you; I think that's a fairly exhaustive spectrum of options that we've got available to us. First of all, before we go into discussion, are there any questions for Bob? I think they're pretty straightforward. Doug, a question for Bob?

MR. DOUGLAS GROUT: Yes, tell me, Bob, has the policy board ever rejected a plan that was brought – an amendment or a fishery's management plan that was brought before it and sent it back to the species board from your timeframe and your tenure with this commission?

MR. BEAL: I cannot recall a time. I know they haven't done it in the last decade or so. Before that, I'm not sure.

CHAIRMAN BOYLES: Other questions for Bob before we get into discussion? Pete.

MR. HIMCHAK: Well, that's our concern here. You'd think the species management board would be the experts on approving an addendum or an amendment. The policy board could have a number of states that don't even have an interest in the fishery, so it seems like this procedurally – it seems

like the management board should have the ultimate say on approval.

CHAIRMAN BOYLES: Pete, I think for this point – a couple of points; I think that’s a discussion point and I would like to have that discussion about it, and I think that gets to the essence of are we operating the right way. We’ve indicated relatively low confidence in our ability to achieve the vision, and so I think what this discussion entails is are there procedural changes that we need to take as a body to get us there or to increase the confidence that we’ll get there. Questions for Bob on the options before we open it up for discussion? Tom, a question.

MR. THOMAS FOTE: There was a whole procedure we went through to basically design the way it is right now over the history of where it went for the full commission votes and then we took the full commission out of it and put them in the policy committee and then basically redirected back to the management boards and they would come to the policy board for certain – it probably would have been good if we had part of that history in the discussion of why we went that way in the first place so we’re not reinventing the wheel and coming back and trying to change something that we did specifically over the period of time to go the opposite direction. Do we have that history of why we went – I guess it’s in the record someplace because I remember all those discussions of why we basically moved on to this situation.

MR. BEAL: I can comment briefly on that. I think it was really an efficiency and a procedural concern that originally – or I guess to start at the beginning, fishery management plans, addenda and amendments – actually, no, fishery management plans and amendments were run through the policy board and then approved by the full commission, so it was a three-step process, the board, the policy board and then the commission.

A lot of times it would be situations like there is tomorrow where there is policy board immediately followed by a business session. There would be a motion that says we approve, whatever, the Summer Flounder Management Board recommends approval of Amendment 5. That would be approved by the policy board and then immediately literally five minutes later the business session would take that same motion up.

There would be little discussion at the policy board and at the business session. A lot of times it just seemed like a very redundant procedural thing. It

was mostly shifted to how we have it now, which is only the full commission approves amendments just out of efficiency more than anything on a review or a formality.

MR. COLE: Bob, didn’t we put together about six or seven years ago a list of things that are appealable to the policy board from a state and so forth? It seemed to me like there were a couple of controversies and we established a list of things that are appealable to the policy board for reconciliation.

MR. BEAL: Yes, you’re correct. The ISFMP Charter always had the ability for states to appeal to the policy board, and that process was clarified a number of years back. There is a list of things that an individual state can appeal and bring to the policy board. I will find that list in second. That’s probably what you’re asking.

MR. COLE: Bob, to follow up, if I may, Mr. Chairman, do these follow up with those or are these in addition to that list?

MR. BEAL: I think these are in addition. It’s from my perspective somewhat of a different – a little bit apples and oranges. In other words, the appeals process was set up if an individual state had a concern that they weren’t handled fairly or there was a procedural issue that was violated at a management board level, then they could bring that back to the policy board for some further review by all the states at the commission.

I think the notion here or at least the discussion at the annual meeting was that individual management boards are potentially taking actions that are not consistent with the commission’s vision and moving far enough for management; so rather than an individual state being aggrieved and appealing to the policy board, the white paper that is being discussed now is dealing with more philosophical decisions on how far and how fast the individual board should go on restoration of some of the species.

CHAIRMAN BOYLES: Jaime, did you have a question on the paper?

DR. JAIME GEIGER: Yes, sir, Mr. Chairman. I see the policy board serving as a very valuable role as quality control and quality assurance for the management boards, and I think we have done that in the past. I think also the policy board – one option I don’t see here is making sure that we’re engaged in the full force of fiscal and personnel assets to bring to

bear to assist management boards. Sometimes my sense is we don't utilize all the resources necessary.

Many states do not choose to participate in one or more fisheries management plans. I do think there is a power for the policy board to look at that from that perspective, and if there is value to engage the collective expertise of the Management and Science Committee, the Habitat Committee, to bring into bear our Atlantic Coastal Fish Habitat Partnership.

I think the policy board can serve a valuable role to bring in additional expertise to assist a management board in those cases where you may want a broader scientific opinion, more opportunity to make some significant habitat investments or whatever. I don't see that necessarily listed in any of these options, but I do think it's something we may want to consider.

CHAIRMAN BOYLES: I see no more hands on questions, but I looked over here as I saw Ritchie White, and so I'd like to discuss what Bob presented, so Ritchie.

MR. G. RITCHIE WHITE: I have very strong feelings on this. I certainly appreciate Bob bringing this forward and putting this together. Unfortunately, I think there is a very good example that we did this week of how I see this being used somehow, and it was lobster. I'll tell a little bit of the history for the people that aren't on the Lobster Board, and correct me, Bob, if I misspeak in this.

The Lobster Board was presented with a technical committee report that said there was recruitment failure in the Southern New England stock and they recommended a moratorium on fishing, and that is pretty severe stuff. We don't hear that very often. Clearly, there are huge ramifications for those states. It's going to put fishermen out of business, it's a lot of money. It's severe action.

A meeting was held and because of that there was concern and the technical committee's report was asked to be peer reviewed, so that happened and that took time. The peer review comes back and basically backs up the technical committee. The board then starts an addendum and I think prepared an addendum to go out to the public that had the proper amount of measures – a variety of measures to go to the public.

Instead of sending it to the public, we delayed and we put it off to another meeting time. My sense is that – and I should back up and say a majority of the states on the Lobster Board are states that are involved in

that issue, so a minority of states were kind of independent from that. The states that were independent looked at that and said we've got to take action and voted in favor of going out to the public. The states that were involved in it that have difficult issues – and I sympathize with them; it's hard stuff – voted to delay.

My sense is that if the policy board was involved in that, the policy board would have said send it out to the public, start the process to get public input. That's how I see some involvement in this. I don't want to see the policy board be involved in everything, but I think when there is drastic action needed, I think sometimes having more independent people sounding in on some of these issues could be of benefit. Thank you.

MR. PAUL DIODATI: I guess it would probably help me knowing what I said about this during the annual meeting, but I can't remember. That it's an interesting point that I didn't think of this process being used that way. I envisioned it being a situation where we've already went through an addendum or an amendment process. The board approves it, it goes to the policy board at that point, and then the policy board determines whether or not it meets a certain standard to achieve our vision.

What you're suggesting, Ritchie, or what you're talking about is something different. It's the policy board reacting even more aggressively than that, saying that an addendum or amendment needs to be done, you need to go out and you need to do this, and it might also be reviewing what measures are in it. I think we want to be careful about how much abdication I guess we want to put on our management boards.

I think in this process it gets back to the "heaven" discussion. We better make sure that's where want to go and that it's the right place for everyone, because the vision that we're having trouble thinking about reaching, maybe the vision needs to be changed. That's another way to look at this instead of changing our entire process to achieve this vision.

On the other hand, do our feet need to be held to the fire? Sure, but I think we have to be careful about creating these gold standards. You know, we don't have the MSA requirement that we talk about very often, but that doesn't mean that we pass the buck on what needs to be done. Maybe lobster is taking a long time. On the other hand, we moved very swiftly on striped bass this week, very swiftly, and I'm pleased with that. We go back and forth on these

things so I think we need to move carefully and have a good discussion about this.

MR. WILLIAM A. ADLER: I don't see anything wrong with the way we're doing business now. One of the advantages that in the outside world that has sort of been put forth that the ASMFC and how it works is not perfect; nothing is. I think it is vastly better than the way other government fishery agencies work; council, NMFS, whatever.

How they work and the process they go through, I think we're much better. I see nothing wrong with the way it works now. I understand like to send an addendum for approval – before approval through the policy board and then back to – will delay whatever is going on. It's good that an amendment – the difference between the amendment and a plan does need to come before the policy board, and that's good, and yet an addendum on anything can get done, eventually, but can get done without having to go through all the rigmarole.

There was one thing you mentioned which had to do with, okay, so if something is going upstairs to the policy board and the business – the idea that I noticed it comes before the policy board and they say, yeah, fine, then it has to come up to the same group 20 minutes later, and I don't know how to – well, I really don't see that there is anything wrong with that, it's a big deal. I don't think it has ever developed into something that kept us here for 14 hours.

Based on the way we operate – and I'm somewhat proud of the ASMFC when I frequently have to face the people at home on any species and I can explain how it works and I can explain the process – and, of course, they all say, well, you know, it's just those guys, it's the federal government that they who cares, you know, they all get their paycheck.

I do tell them about my pay, which is terrific at the ASMFC, zero, but I do mention that they listen to you and know what comes out of that may not be to your liking and may not always – you may not always approve of it or agree with it or whatever, but you've got a better chance at getting through whatever has to be done through the ASMFC rather than those other people. I do not see anything wrong with the way it operates now.

MR. FOTE: I'll use Ritchie's example of the lobster meeting. There was a lot of reasons why people were cynical and the debate went on for a long period of time. The only three states not on the Lobster Board

are actually Florida, Georgia and South Carolina. North Carolina is on the board and decided not to show up, but they are on the board, so you're really only talking about three states that wouldn't have been here that are different than sitting at the policy committee – and Pennsylvania.

What also happens in a lot of the – oh, I forgot PRFC, but you're getting null votes all week so you're Mr. Null so it depends on what Maryland and Virginia want. So, we get into a discussion of what goes on. If you basically had that discussion and you brought the Lobster Committee back now to policy board, you wind up with the same four or five hours now that you basically sat because everybody wants to get their full opinions basically put in at the policy committee.

The other thing I watched at another committee meeting where the states didn't have a vested interest, when we came to the vote there were six abstentions and the vote went like four to six with six people abstaining, which they could have basically done the vote one way or the other. I agree with Bill Adler. I've been watching this process for a long time. Since 1990 I've been on this commission in one form or another.

We have made adjustments over the years; we took our time making adjustments. This process went through a long time when we got here. It has its flaws, yes. I lose votes and I basically get knocked down but sometimes I get supported, but the process – I respect the process that we're going through.

The only time I get upset is when we forget about the public when we're handling new matters and sometimes we skip over public comment. That I think we need to start really paying attention to, but as far as the rest of the process, it works. I'm not always happy but I'm part of the process.

Also, when you're looking at the states that are voting on the issues, they understand the issues. They have the same fishery and so we're looking at how we handle our fishery. If you're looking a different regions when it comes to lobster, but you basically understand how the lobster fishery works. When you bring in other states, they don't really understand it and get to looking at just the figures and the facts. That's what happens at the federal level when we get an SSC and that's why we're winding up with all the problems with sea bass, summer flounder and scup, so that's my concern here.

MR. GOLDSBOROUGH: Mr. Chairman, I guess I want to echo Ritchie's remarks with some slightly different examples. Basically I think I'm seeing that I think there is a role for the policy board to provide some 30,000 foot guidance for the species boards. I do think we need to be careful about it getting down into the process weeds, as it were.

I think it could become cumbersome and duplicative at some point, but I think the role is maybe best captured in number two is what I'm trying to say and echoed in some of the other ones; that being that the policy board providing some guidance as to all the species boards meeting the same standard, whatever that is, and in this case we're using the commission's vision for that, but it could be something else.

I'll say this with your previous permission, Mr. Chairman. What occurred to me in an example I want to use from this week were your remarks from the annual meeting when you basically beseeched all of us to strive for a higher standard, as it were, with respect to our stewardship of these resources.

The example I want to use from this week is menhaden and striped bass where with striped bass, as was already noted, we were real quick to take action or begin action to cut back on fishing mortality by as much as 40 percent, and that's in response to some – in the grand scheme of things fairly recent slippage from an all-time high in biomass; whereas, with respect to menhaden we have gone through a bunch of hoops over years.

It was two and a half years ago when the Menhaden Board first voted to develop ecological reference points for menhaden. At this point if we go as fast as we can, we will another year or more before we get an interim reference point and probably another five before we really get ecological reference points.

But the action this week was even recognizing that the latest assessment noted that the menhaden population is at the lowest point in a 54-year time series, we decided we would take interim action that would bump the spawning stock 10 percent. Of course, we all know that those two species are pretty closely linked.

I'm perceiving for whatever reason – and I know they're pragmatic issues involved and so forth, political issues, I'll have to note as well – we're applying a different level of conservation, I'll say, just to use the term in different species boards. That's where I see some role of the policy board in

trying to keep us all at the standard that we collectively want to meet.

MR. GROUT: As I've looked through the options that the staff put through, I think there are a lot of good options here. The one that strikes me the most appropriate for the policy board to help us get on the vision is number five to address our vision, and that's having some kind of an oversight over making sure that we have established the proper fishing mortality targets and that the various species management boards have developed measures that have a relatively high probability of achieving those targets.

How they get to it specifically I think is really the job of those boards. They know those fisheries, they know the resources better. I think it would be really something that this policy board could do is to be able to review those things and make sure the fishing mortality target is appropriate and that the measures in either the addendums or the amendments have a relatively high probability of hitting those targets.

CHAIRMAN BOYLES: A.C., did I have you on the list or were you just saying that you are not on lobster?

MR. A.C. CARPENTER: I was just saying I wasn't on the Lobster Board.

MR. TERRY STOCKWELL: Mr. Chairman, I'll be brief because a number of my comments have already been expressed. I understand the concerns that have been raised here, but I'm extremely uncomfortable about the policy board being directly involved in every FMP. It's going to be hugely time-consuming. There is a lack of expertise that has been expressed.

I have no more business to talk about weakfish than someone else does about lobsters. In terms of the grand vision, we certainly can talk about our collective goals, but it adds another duplicative layer. If we're forced to review every plan, we'll abstain like we do on some of the other issues. I think it would be a collective waste of time. I'm fairly satisfied with the status quo.

MR. ROY MILLER: To just seize upon the example Bill Goldsborough suggested regarding menhaden, I daresay that if this policy board took an action to change the recommendation of the species board to some higher level of F reduction or something of that nature, there would be a hue and cry from our constituents from both industry and fishing groups and environmental groups that they weren't

represented at that particular policy board meeting when they fully anticipated this issue would be fully vetted at the species board meeting.

Therefore, for new commissioners I suspect there is probably some confusion as to what the proper role of the policy board is as opposed to a species board. This is a healthy discussion and I hope we shed some light on it for the sake of the new commissioners in this room today because I suspect they're a little confused as they look around the room and see the same faces in the same chairs that were sitting there for the species board that are now present for the policy board. Keep at it is all I can suggest and I hope we resolve this for them. Thank you.

MR. DENNIS ABBOTT: Mr. Chairman, I too oppose the policy board getting involved in plan management to the degree that we're talking about. One thing that happens from a practical point of view is you see by Thursday that various commissioners have requirements that require them to get back to their home states.

You've seen it today where some of them are already heading home, and you'd be looking at extending everyone's stay. You'd also be looking at probably having all the people that are in the audience for the various species, we'd have probably more than a roomful and we'd never – I won't say we'd never finish, but I think it would only increase the time we spend and I don't know to what good advantage it would be. I just think that each species board has to be – I won't say more diligent but come up with the right plan.

MR. R. WHITE: I don't think I was clear when I made my statement because I certainly was not recommending that the policy board be involved in all species boards because that was not my recommendation at all. I haven't been around as long as Tom, but I've been around a while, and this commission is not acting as timely as it has in the past and I don't believe has been making the hard decisions as well as we have in the past.

I think we can do better at it. I agree with Bill Adler that the commission is a great process. I believe strongly in it, but there still is room for improvement. Looking back, there are only a few instances that I see where I think the policy board – it's possible the policy board could have made a different decision than the species board did.

There are not a lot of instances where I see this working, but I think we are taking more time to make

tough decisions than we used to take, and I think that's not a positive. I think the public certainly is seeing that and I think telling us that.

DR. GEIGER: We had a lot of discussion at least at two of the management boards about ecosystem services and new approaches in terms of the roles played by menhaden and American shad and river herring. Again, certainly, Bill Goldsborough did make the thing that menhaden and striped bass could and should be interminably linked, and certainly I would add American shad and river herring to that particular mix.

Is it the role of the policy board to look at those three individual species management boards and sort of connect the dots, so to speak, to make sure that critical ecological and biological issues are being addressed and they're being appropriately interfaced and discussed. We have a new paradigm.

Again, I'm certainly one that if ain't broken don't fix it, but on the other hand I'm also very aware that we have a new paradigm in fisheries management that is rapidly coming and that's ecosystem services and that we have to take a broader view in terms of either looking at all the aspects in a much broader landscape above and beyond just somewhat narrow fisheries management tools and objectives.

I do think that is an appropriate role for the policy board. Again, I think we're going to have more and more of these kinds of discussions. I think this is a work in progress. I think this discussion has been extremely valuable, Mr. Chairman, and I congratulate you for stimulating this discussion, but I think issues like this – and striped bass is going to be the yellow canary, but it's also going to be menhaden, it's also going to be American shad, and how this commission responds to those collective management boards and the challenges offered by those resource management outcomes. Thank you.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, a couple of things. Embedded through the options paper that Bob prepared was really the notion of special treatment in the cases where species were of concern or depleted. I don't think that the board's options here are limited to say all species automatically will go to the policy board. I think it was targeted to a much smaller subset of species.

The second point is our process now requires important actions to go to the policy board. An amendment goes to the policy board. Whether there are five states on the board or fifteen states on the

board, to do an amendment it has to go through the policy board, so we're doing that now. The third is relative to the audience, I think it's a chicken-and-egg thing. If there were issues of concern to the public being conducted this afternoon, I suspect the public would be here. We've moved the timing of the policy board and the business session over the years.

Recall it used to be Thursday afternoon. We purposely moved it up to Wednesday; and if the policy board were to convene for a special purpose, if you were to go down that route, where you were going to maybe provide guidance or take action on a specific board, if you wanted to there is no reason why that meeting couldn't be called for a Monday or a Tuesday. Obviously, it would be given plenty of public notice. I'm not advocating you do that, but I'm saying some of these concerns I think we've already addressed them and have worked with them in the past.

MR. PATRICK AUGUSTINE: Mr. Chairman, all the comments around the table, basically they all boil down to looking at status quo. I think Bob did a great job in delineating what the possibilities were to either one through six. I want to take a different tact on this. Mr. Chairman, the other day you called me, thinking I was the chairman of the blackfish board, and I wasn't.

You had called me to prod me on looking at what action we might have to take. Hopefully, you might, if you haven't already, adopt that approach with all chairmen of all species boards; and either yourself – I know you're busy as all get out – either yourself or Bob or one of the staffers could highlight those stocks that need action at the next meeting and whatever could be done – the problem I think I have with all of this is we bring an agenda to the table and there are certain actions that are required to be done knowing full well in many cases it's a stopgap measure that is being put on the agenda.

The action is not going to be there or the information is not going to be there to make that action that Ritchie is talking about. I also think you're right, Ritchie, when you say we have people around the table who are new who don't know the process, who haven't seen it action, and it's new to them, so there is a lag there.

Maybe it's requiring another reach-out session for the new proxies and commissioners, that you take them aside in the woodshed, if you will, and show them how the process works and here is where you will spend time doing this, come to the table well

prepared, read the background information, talk to your fellow commissioners from your state, come to the table with some idea as to how you're going to support this or support that.

I think we could clean up some of the lag and some of the blank faces around the room, and I'm not being disrespectful, gentlemen and ladies, because I was there, too. But when you're not talking with your fellow commissioners, Mr. Chairman, and you come to the table you're representing a so-called group, well, the fact of the matter is you're still representing that part of your state. Every group has two options. They either love it or they hate it.

Without Tom talking to Adam and Adam talking to Peter, I think they'll always have null votes like A.C. Carpenter. Today it's a null vote and tomorrow it's a null vote. The point I'm trying to make here is I think trying to arm our commissioners to learn how to become a little more aware of either, one, the nuances or the process itself. I know if you've been to a council training session, you have three days of council where you get brainwashed with every single law that's on the books.

You've got a day and a half of what the laws are that you're being faced with; and at the end of the day when you've raised your hand and say I am, I is, I did, I took it, you are no longer the friend of the people you're representing. You are the enemy and you're the one who has to make the hard calls.

Ritchie is right on target; we have people who have difficulty making the hard calls. Somehow, Mr. Chairman, if we can embrace our new commissioners and lead them a little bit as to here what you're going to be faced with and maybe one step further in that process give them ammunition when they go back home how to answer those hard questions that they're going to nailed with.

Some of the decisions that were made this week are going to cause some aghast for some folks around this table when they go home; painful, very, very painful. And when you get your first batch of bad e-mails like I'm Mr. E-mail – I'm the bad guy and I sometimes love it – but the fact is you will get them; but without being armed with the information, Mr. Chairman, that I think they need to have to respond to those, we can make their job a lot easier; when they come to the table and make those hard decisions, that we will focus on them.

But, I think with your leadership and the idea of calling each chairmen, having two or three items that

you feel, supplied by the staff, that that chairman should be looking at, have on the agenda and press to get the board to make that decision. I agree with folks around the table, we don't need another super look-see group as a policy board; the same people sitting around the table at the board, policy and business and executive. I think it's just a duplication of effort.

MR. THOMAS O'CONNELL: As one of the newbies, this has been a really helpful discussion and I just want to share my perspective and specifically with the question that rated the lowest is how confident are you that the commission will achieve its vision. Personally I will tell you that is one I scored low. The reason I scored it low is because I believe at times we don't make the difficult decisions, and that was one of the common themes that came out in this survey.

But saying that, I think we have made some difficult decisions and we can't lose sight of the successes that we have made. Some of the ideas I'm thinking in my head is that I'd be really interested to see if we could conduct a survey of our commissioners to find out how do they rate our decisions on a species-by-species basis to identify those species that we feel are falling short of our standards to achieve our vision and maybe a small subset of the species that we are all responsible for, but then really begin to look at why did we score those species low.

Was it that it was difficult to make that decision because of constituencies back home? Was it because in my view the lobster discussion earlier this week there was a lot of new information brought to the table at the meeting and it got a little complex and people were uneasy in making a decision and that would lead to trying to focus on more time before meetings to try to bring that information for a good discussion.

What are the specific species that have us concerned about not accomplishing that vision? Is it non-fishing mortality issues like habitat, which gets back to Jaime's earlier discussion, but what are the specific issues that we feel we're falling short to rate our ability to achieve that vision so lowly and try to identify those problems and look for solutions to overcome those problems.

MR. ROBERT BALLOU: Mr. Chairman, I concur with pretty all the sentiments that have been offered and I do think this is a very healthy discussion. My sense in thinking about the role of the policy board is that it should really serve as a policy board, and a

very good way to do that would be – and this discussion in some ways is actually getting at what I have in mind, and that is essentially a debriefing on a species-board-specific basis as to what happened at those boards, letting the chairs perhaps frame the outcome in two or three minutes or so and then a general round table discussion as to where is the Lobster Board, where is it going, how is it going to get there and benefiting from everyone's input without the bright lights and the motions up on the boards but more of a sort of open round table type discussion, which I think can help inform the – you know, these are all processes that exist on a continuum so we're all going to be back every few months to take up the issues again.

At first I was thinking that should happen at the end of the week, but then I appreciate the comments offered about how people tend to filter out. I think a Wednesday afternoon session like this, looking back on what has happened during the meeting week so far, focusing on the high-profile key issues and inviting comments from all the good minds that are here at the table, recognizing that it's, as indicated, a lot of the same folks who were actually on those species boards but maybe felt a bit more constrained or weren't able to really offer the broader visions and outlooks and perspectives that might emanate from a discussion at the policy board.

I think that kind of communication and that kind of open dialogue can really help address a lot of the goals and objectives of the commission and give the species boards the kinds of insights that might help them as they continue on in their efforts. Thank you.

MR. DAVID SIMPSON: I think we do largely have with status quo what I'll call a fail-safe mechanism and sort of a backup to make sure that the boards are implementing or standing up to their responsibility, but understanding that those boards need a tremendous amount of latitude to find the right thing to do.

I guess a refinement of that is – you know, I'm noting that this full commission review only applies to FMPs or amendments and doesn't to addenda, and I guess I would say that's probably appropriate if addenda really are what I thought they were supposed to be, which was tweaks, but if you consider this week that in three addenda we considered closing a lobster fishery for five years, a little bit more than a minor tweak.

And we picked up and made an allocation decision on spiny dogfish in an addendum and we're

considering tomorrow doing the same thing with black sea bass in an addendum, so I think we need to maybe take a look at those lines of significant adjustments to our plans and make sure that we have that backstop, that fail-safe mechanism when we're making major decisions that hold your feet to the fire kind of backstop, but again with latitude and understanding that there are a lot of things that we have to balance when we do this work, and we don't always share exactly the same views on what should be done and what the problems are and so forth.

MR. FOTE: There were two boards this week that we discussed in November were supposed to come back with two pieces of paper. One was in lobsters and we were supposed to do a vision statement. The only state that I saw a vision statement that was supposed to be in the materials was New Jersey. I was looking to see the vision statement for the other southern states because we were talking about how we were going to handle this lobster and how it was different from what was going on.

In Tautog tomorrow we were supposed to back and look at the MRFSS figures and try to get some estimation because a lot of us realized at the last Tautog Board Meeting that there were some real discrepancies in what was in MRFSS and we've basically seen. States said they were going back to do that. I look and there is nothing in the supplemental materials.

I understand what is going on in states. I know it in New Jersey. There are so many cutbacks; there is so much more demand on time and effort that things get lost in between, but those are important papers that we need to make decisions and sometimes they're missing from the criteria.

So we're going to go to tautog when we're supposed to have papers tomorrow that we're supposed to be looking at on the MRFSS corrections so we can at least address them where we basically went through this process tomorrow; we're not going to have them. I think the only state that put it in was again New Jersey because Peter got very passionate about this and said he was going to do the work and committed to do that.

I'm not saying that anybody should because again I'm looking at staffing requirements and it's just going to get worse. Also, I find this meeting was very – this meeting week was very difficult because we didn't have one in February, and we're trying to jam a lot of stuff in and every board meeting went over for one reason or another. It puts a lot of time

and pressure on us and we're basically – you know, how many hours do you sit and how much longer?

We used to meet six times a year. We cut that back to four and there is some discussion of three. I don't think three weeks is enough and we can't spread it out. There are too many reports in between, but there are time constraints in all we're doing. I'm with Bill; I have no paying job, but I've been on the road for three weeks. I've seen John at three of the meetings I've been – we've been traveling all over.

I'm not a state director because they even go to more meetings than that. We have balance this all out. I'm just saying that these things go on. And then when menhaden; I actually look and I think – I remember A.C. was the chairman of the Menhaden Board so the only jurisdiction that is sitting at the policy committee that wasn't sitting at the Menhaden Board is Pennsylvania. Otherwise, everybody was there and we had six abstention votes.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, picking up on the comment from Dave Simpson, I had a question for Bob. We put in adaptive management measures within the plan that allow the boards to make changes via addenda. Is there anything in plans or in the charter that prohibit a board from deciding to take an action by an amendment?

MR. BEAL: No, I think if a board wanted to use the amendment process to do something that can be done through adaptive management, that's a decision that the board can make. For any issue, whatever it may, state allocation or something that is listed on the things, we can do through an addendum. If the board felt that in this instance that is a significant enough change that we should go through the full amendment process, the board has the discretion to use that vehicle.

EXECUTIVE DIRECTOR O'SHEA: So in the three examples, for example – and it's relative to this discussion because we're having a discussion about the prerogative of the individual boards to decide how do they do business. It was the prerogative of the boards to close down a fishery, reallocate quota and such via an addendum.

MR. SIMPSON: I think we need more structure to draw lines between what is a major action and requires an amendment, whatever that means. Otherwise at a minimum in the context of this discussion, it triggers the ability of the full commission to review. I will tell you in terms of

open public process, full weight of decisions and so forth, to make allocation decisions in conference calls and fax polls is not exactly open government.

We have too much latitude then – the boards have too much latitude. If you can close a fishery for five years in an addendum, just sign here and it's done, I think we have a problem; I know we have a problem. I don't how subtly different the amendment process is, but I do think we need to examine those thresholds where we say this has gone beyond a tweak, this goes beyond adjusting the fluke size, season and bag limits for the 17th time. This is a major new decision that bears some reflection and some pause and perhaps another level of analysis. Thank you.

MR. ADLER: Mr. Chairman, I just wanted to reiterate the amendment/addendum. As I understood it, if something is in an amendment and you want to change it, it requires an amendment to change that. It's like the cement mixer; whereas, if adaptive management, it's open in the toolbox, whatever you want, from an amendment, then you can do an addendum to take care of it unless you want to do a completely different thing. I thought that was the way it has always been portrayed. It's in an amendment so you can't change it with an addendum.

MR. BEAL: That's not necessarily the case. All of our recent amendments have a list of items that can be modified through adaptive management, and that is the addendum process. Just because something is in an amendment, that amendment also allows that to be modified through the adaptive management addendum process. It doesn't automatically trigger an amendment. It's not black and white necessarily on what triggers an amendment versus an addendum.

MR. ADLER: I was trying to say that; adaptive management things were tools in the amendment that you could do by addendum, but if it is in cement, a definite not open to adjustments, and it's in an amendment, then it would probably need an amendment. I was going down the same road with you.

MR. NORMAN H. OLSEN: Mr. Chairman, I don't really have a view on it since I haven't been around long enough, but does it really need to be resolved today? It seems to me we've got an awful lot of items on the agenda and there is probably a lot of discussion that could take place all around and put it off until the next meeting.

CHAIRMAN BOYLES: Good segue. Ritchie, last word.

MR. R. WHITE: I like the direction David was going. Could we look at the possibility of doing an addendum but having it somewhere between an addendum and an amendment when a moratorium is considered; so when we're going to take drastic action, could we have an addendum-plus, maybe an additional public hearing or could we look at that and thinking about that where there is such a drastic action, we probably should do more than we're doing. On the other hand, doing a full amendment takes longer so maybe we want to not go the full amendment route. I just like what David was starting.

CHAIRMAN BOYLES: Let me wrap this one up. I want to thank you for the comments that you've made, but also perhaps equally important, if not more important, is listening to the comments that have been made around the table. I think it has been exceptionally important. I think this is offered in the context of how do we address that survey question that, Tom, you referenced, how are we going to achieve our vision?

I think it's something that we've got to constantly remind ourselves of. Thank you for the comments and again for your ears to listen. I think it's important that we continue to do that, but I think it's also equally important that we talk about meeting times, the numbers of meetings we have each year or the hours that we spend around this table.

I think it's important that we keep our eyes focused on the prize. Certainly, I think each one of us around the table can talk about the obstacles that are in the path, whether it's here at the commission or whether or it's back home with constituents, but I think it's equally important that we focus on what we have collectively agreed is what we want to do. Again, I salute you for the discussion.

PUBLIC COMMENT

I think there is some stuff here I think that we can all take away from it, but I think it's probably time that we move on. We breezed past because we were a little ahead of schedule public comment. We're past the time on the agenda for public comment, and I was reminded by Bill Goldsborough that there may be members of the public who might want to address the policy board on items that were not on the agenda. Is there anyone in the public who would like to address the policy board? Okay, seeing none, we will move right in and we're going to hear from and welcome back, Pres Pate, who is standing in I guess for Gordon Colvin.

UPDATE ON MRIP

MR. PRESTON PATE: That is correct. Thank you, Mr. Chairman. I was starting to have flashbacks sitting up here and wanted to grab the mike and start recognizing people. I guess there is a medication for that illness somewhere. I consider it a perk of the job to have the opportunity to come back and address this commission and meet with my friends and my former colleagues. It's good to stay in touch and this is a good way to do it.

I am filling in for Gordon Colvin today, who is attending and leading another MRIP-related meeting in Silver Spring, and I'll be saying more about the purpose of that meeting through my discussion. What I want to do today – and I'll run through these as quickly as I possibly can given the hour and don't want to give you information that you already are aware of.

We want to bring you up to date on what the MRIP Program has done so far, some of the important projects that we're working on and the estimation methodology that is the substance of the meeting that Gordon is attending now is one of the issues or elements of the program that I'll be focusing on and then end up with some feedback from you about what we need to provide you to help you understand the program better and where we're going.

Many of you already know what the genesis of this effort is; and just as a brief reminder and new information for those that have not been exposed to the information yet, it stems from the review of the MRFSS and the other NMFS survey methodologies by the National Research Council in 2004, which culminated in a report in 2006 that contained a number of observations and comments about the quality of the surveys that the National Marine Fisheries Service was using at the time to estimate recreational fishing effort and harvest and served as the starting point for the Marine Recreational Information Program, or MRIP.

We've been very conscious of the sensitivity of this issue because of all of the criticism that came from the managers and the participants in the recreational fishery for a number of years and started this MRIP Program with the commitment to go about improving the survey methodology and the quality of information that is coming out of those surveys in a very deliberate and scientifically sound way that includes participation by stakeholders and our management partners such as the ASMFC with the expectation that when we come out the end of this

tunnel and start using these new methodologies, there probably will still be a lot of dissatisfaction created by those estimates because they are estimates.

A lot of people just have a hard time accepting the accuracy of estimates that result from sampling such a small portion of the population. Our focus has been and what we've been trying to communicate consistently with our constituents and particularly with the managers right from the very start has been that even though we will be still using estimates, they will be based on much improved statistical science and improved methodology that hopefully will translate into a lot more confidence in the reliability of the estimates.

Beginning with the start of the program in 2006, we developed an implementation plan that has been updated each year that serves as a source document of the history of the program but also as a status report for all those that are interested and follow the activities of the program. That report is up on our website. It's, as I said, renewed every year and the 2011 update was concluded and put on the website in early January.

In addition to that, we, by requirements of the law of the Magnuson Act, made a report to congress this year that presents in another format the status of the program and we used the recommendations that are categorized out of the NRC Report to focus an explanation of how we've addressed those recommendations and submitted to congress, and that also is on the website.

My role in this program is chairman of the operations team, which is composed of 20 members of people that have expertise in survey methodology and applying the results of that methodology to management decisions. We sit each year to identify research priorities that reflect the prioritization and the degree of comment and criticism, if you will, in the NRC Report.

To date we have funded 31 projects, which have been developed cooperatively with our state and regional partners. As I said, those have addressed the major concerns identified by the NRC and so far they've primarily focused on the fundamental design and sampling methods which was a source of a lot of comments in that report.

We've changed our strategy a little bit this year because of the pending completion of some critical projects that will improve the survey methodology and give us some better insight and documentation of

the cost and benefits of taking different survey approaches than we have in the past and instead have concentrated on projects of more regional importance as opposed to the ones that we've had in the past that have had more global applications to projects or surveys like the MRFSS.

We've received this year I think 18 or 19 project proposals that are being reviewed by the operations team, and we are scheduled to meet on April 15th to make the decisions on the recommendations that we want to make to the executive steering committee for funding those projects this year. Norman.

MR. OLSEN: What do you mean by a project?

MR. PATE: They're pilot projects. I'm sorry, I'm making some assumptions that folks are familiar with some of the terminology here, but they're pilot projects that are proposed to test new methodologies that will improve the scientific accuracy and efficacy of the way that the surveys are conducted, but they also, as important as anything, give us some insight into the practicality of applying those methodologies to the real world and judging the improvements in precision, the improvements in accuracy of the estimates as compared to the cost of those estimates.

Please don't hesitate to interrupt me if I'm not being clear with any of these points. Some of the key accomplishments that the program has made so far is that we've implemented a National Saltwater Angler Registry, which was a big component of the reauthorization of the Magnuson Act in 2006. Gordon Colvin has been the lead staff person from the MRIP Program in getting that registry program up and running.

We pilot tested a number of very important projects, including the electronic for-hire logbook survey in the Gulf of Mexico, which was a big area of interest by the Gulf Fisheries Management Council.

We're testing registry-based surveys, taking advantage of the angler registry that narrows down the number of participants in the fishery or the universe of participants in the fishery that we are pulling our samples from.

We've developed methods that address potential sources of bias in the survey designs with the new estimation design for catch per unit of effort and an alternative sampling design in the intercept survey, which is a pilot project being tested in North Carolina now and due for completion soon.

The angler registry has moved along very well. So far there are only four coastal states or territories that are not exempt from that program; and out of that four, New Jersey is one of those, and they're not exempt yet only because they have not gotten far enough into the process to sign a memorandum of agreement with the National Marine Fisheries Service to qualify for the exemption, but that's in the works and hopefully it's imminent.

There are over 700,000 anglers that have registered outside of those exempted states. They are now subject to the fifteen dollar registration fee that went into effect in January 1st of this year. Again, based on those registrations, we're pilot testing a number of projects that take advantage of the sampling frame that the registry creates and testing dual-frame methodology for the phone calls and the mail surveys. Yes, sir.

MR. OLSEN: How was the fifteen dollar fee arrived at; is that cost based, based on an analysis of your actual cost per transaction?

MR. PATE: It was in the law, Mr. Olsen, and I really don't know the legislative history or the background of how that was derived. I'm sure they used some precedent from the states to arrive at that. A.C.

MR. CARPENTER: The 700,000 number that you have up there, is that for 2011?

MR. PATE: Yes.

MR. CARPENTER: Do you have an estimate of what the 2010 number was?

MR. PATE: No, I don't. I'm sure Gordon would but it's off my radar.

MR. CARPENTER: Okay, but that's only for the non-exempt states?

MR. PATE: Non-exempt states, right, and there probably are a few that registered before their states became exempt, so I don't have a good judgment how many that might be, but there are some that would fall into that category potentially.

The next slide is a little bit busy and hard to see, but it just gives you an example of how some of the major components of this program are working in parallel to each other with the ultimate goal of meeting up in the end or meeting up soon and hopefully next year to improve the estimation.

This bottom group is the registry program that I was speaking of that started with the development of the fundamental aspects of the program and has gone on through the process of working with the states and getting their existing license or new licenses included in the data base and the memorandum of agreement signed. The top section is the development of the dual-frame methodology that will take advantage of the federal registry and the state licenses to enhance the quality and the efficiency of the surveys.

Those methodologies are following this path and the registry process is following this path. They'll join up in 2012, which is the time when we'll start collecting data and analyzing the data against the improved procedures. As I mentioned earlier, a lot of the comments and concerns that were expressed in the NRC Report were associated with biases that were ingrained and instilled into the methodologies being used for the MRFSS Survey.

These are some direct quotes out of that report which speak to the potential sources of bias that can occur in the methodologies associated with the ways that the catch were estimated, the design of the surveys to sample the anglers as they were coming to the points of access and the various assumptions that were made about the characteristics of the fisheries and angler behavior.

Just a few examples of where some of that bias could have been introduced into existing surveys were that there were assumptions that anglers that are not covered by the phone surveys may have the same fishing behavior and fishing success of those that were covered by the surveys, the same being true for fishing trips that start and end in private access points which are not being captured by the MRFSS Survey, fishing trips that return at times of day that are not covered by the shoreside surveys such as anglers that are fishing at night and coming back to the dock at night when the port samplers are already gone, and assumptions that non-respondents to the surveys have the fishing behavior as those that do.

And a big one and one that is an important aspect of the survey redesign project that is ongoing in North Carolina now is that the on-site survey data was not rated to reflect complex probability-based sampling designs, and I'll not bore you with a lot of discussion about the methodology of that.

But certainly some of the key recommendations that we focused on as priorities with our pilot projects were to incorporate selection probabilities in the estimation calculations, and that is the project that

has been completed now. Gordon is working with a group to help us understand how to best communicate that information to the public and that the estimation methodologies match the sampling design used in the dockside survey for the angler intercepts.

Our response to that is that we brought on a group of experts to participate in the re-estimation of the methodology. They're Jay Breidt and John Opsomer from Colorado State University, and they are being supported by two NOAA staff, Han-Lin Lai and Dave Van Voorhees, who both are with the Science and Technical Section of NMFS.

I'll probably speak for the next 30 minutes on some of the statistical methodologies associated with this, and I hope that gets a chuckle because it's totally farcical, but these slides that show empirically the design of the old estimation and its relative simplicity to the new estimation speak to how detailed and technical some of these procedures and survey approaches are, and I hope gives you an idea of how we have focused very diligently and effectively on ensuring that we're using the best science available to design these surveys again with the ultimate goal of creating a higher degree of confidence with the managers and the end users of this information once these new designs are put in place.

The new methodologies, just in a very general explanation, factor in the use of selection probabilities to weight the data and use multi-stage cluster designs into accounting for some of the potential biases. In the old MRFSS survey there was a lot of flexibility that a port sampler had with how he conducted his business during the day.

The sites were selected in advance based on the registry of potential access sites and given to the port sampler with the instruction of going to those sites at a specified time during the day with the goal of interacting with 20 to 30 anglers during that sampling period and gathering information about their activities on the water during that particular day.

If a sampler under the old methodology went to a site and there wasn't any activity, then he either assumed or was given the discretion to move from the inactive site to a more active site to gather the 20 or 30 samples which was the goal for that sampling period. That just led to a lot of statistical problems where the methodology could not account for the probability of that secondary sample site being included in the sample. With more rigid survey designs and controls over the port sampler, applied and coupled with these

new methodologies, then those biases will go away. Gene.

DR. EUGENE KRAY: Pres, one of the criticism of the port sampling in the past – and I've heard it from numerous fishermen – was that if they came in and they didn't catch anything, the port sampler would just bypass them and went to the next person. That in my mind tremendously biases – if you multiply that by all of the port samplers, that terribly biases the amount of the catch if they're only contacting the people who have caught fish. What about guys like me who don't catch fish sometimes?

MR. PATE: Well, certainly, it is if that actually was occurring, and we have had reports of that occurring, then that is yet another source of bias. It's one of the levels of discretion that the port samplers under these new guidelines will no longer have. All of this is going to come with cost if you're tying down the port samplers more rigidly to a site and you're requiring them to sample for longer periods of time, you're requiring them to sample at night, you have may have to have two port samplers in those situations for safety reasons.

There are situations in some of the high-use, high-volume access sites where a port sampler might be engaged with an interview of a particular angler and miscounting the boats that were coming out while he was focusing on that one-on-one interaction, so there has to be some way to correct for or eliminate that loss of count of the anglers that were coming in during those periods.

The estimation methodology project that I've spoken so much about was the first one that has actually been vetted through the complete MRIP process so far, and that's because it's the first one that actually has a new methodology that will be applied to and affect the way that the intercept surveys are completed.

The four-member workgroup that I was explaining with the previous slide completed the report on that methodology and sent that out to three external peer reviews. The final report responded to the comments that came from those external peer reviews and was sent to the operations team. The operations team reviewed the report, applied its scientific expertise to the quality of information that was included in the report and the process that led up to the final report preparation.

The operations team subsequently made its recommendation for approval to the executive steering committee, which is the top-level governing

body for the whole program. The executive steering committee subsequently made a recommendation to the National Marine Fisheries Service for adoption of the methodology, and last week Assistant Administrator Eric Schwaab for NMFS signed the decision document for the methodology so it is now available for application to the data that is being collected through the Angler Intercept Survey in 2011.

We'll also be re-estimating historical data from the Atlantic and Gulf coast and Puerto Rico back to 2003. There is an internal workgroup internal to the National Marine Fisheries Service that is working on putting that legacy data into a form that the new estimation methodology can be applied to it. That re-estimation process is scheduled to start at the end of April of this year.

We really don't know what the outcome of that would be. The estimation report used a small sample of historical data to try and get some picture or pattern of how the methodologies would affect the historical data. They used striped bass landings for one wave for one year from New York, and the confidence intervals around those estimates were – there was no pattern to them. I almost said all over the place and that might be an overstatement, but there was no trend that they were higher or lower.

When we do the retrospective analysis for all of the estimates back to 2003, we may very well find that there is some trend there that will then have to be considered as to whether or not there is any need or utility in creating some factor for correcting some of those earlier estimates. Those methodologies will be applied to the wave one estimates of this year since they have been approved now by the National Marine Fisheries Service.

The meeting that Gordon is in that I've spoken to several times is an extraordinary effort that we're making to try and get some feedback from the people that are being affected by the new methodology and hence the improved estimates. We're calling them our observer team for the methodology. We brought them on to go through a couple of presentations by the experts to help them understand the principles behind survey in general and specifically how these methodologies are addressing the comments that were included in the NRC Report and how they will be applied to the new survey design.

We had one webinar a couple of weeks ago and a face-to-face meeting is taking place in Silver Spring today. The feedback that we're getting from that

group is going to help us gauge how well we are communicating those changes and also hopefully create a network of individuals in strategic places that will help us communicate with their constituents and any official boards or committees that they are members of how we've gone about improving the sampling program.

If you have an opportunity to read the report out of that estimation methodology pilot project, then you'll see a lot of discussion about the sample design. Some of the points that I made in responding to Commissioner Kray's question about the flexibility that the port samplers have, there is a pilot project that is ongoing in North Carolina that is testing the new survey design and the parameters and sideboards around the flexibility that a port sampler has during any particular site visit.

That pilot project includes a side-by-side test with the current survey design so that we'll have an opportunity to test the difference in the estimates and as importantly the difference in the cost of implementing that new program. We did, through the communication element of this program, create about a five- to ten-minute video of interviews – they were staged interviews, of course.

Well, they were staged in the sense that we went there with a script and actually intercepted an angler coming in from the port. The whole purpose of the video was to try and give a straightforward, simplistic approach of just what the angler intercept survey is and how it's used and reported and presented in such a way that the average angler can better understand it.

That's up on our website and I certainly invite – as are all of these documents that I've been referring to – and encourage you to go to the website and take advantage of the information that is there. This is just another slide to show how the two programs are running side by side with the beginning of the initial project by the operations team of evaluating and documenting the current survey and estimation designs and then flowing from that were the various pilot projects that were necessary to address the NRC concerns and gauge and improvements that could be made.

All of those are just coming in as the other slide was for complementary action in 2012 as we start applying these new surveys. What we want to make sure that we're doing with presentations such as I'm making today to various groups is to get feedback from you as to whether or not there is any information that you need from us to help us

communicate with your constituents or to help you respond to any questions that are coming up back in your home state or with your home-base groups.

We're perfectly willing to give you any amount of source information and official documents to develop talking points and any other approaches that you want to take. Our website is countmyfishnoaa.gov. A lot of effort went into creating that and an equal amount of effort goes into updating it to make sure that all of the information that we're presenting is easily available to anyone that is interested in it and that this process remains as transparent as it possibly can be.

CHAIRMAN BOYLES: Pres, thank you for that great presentation. I will say I know that you guys are going to be back with us I think at the August meeting for a more in-depth discussion, I believe.

MR. PATE: Yes.

CHAIRMAN BOYLES: We've got time for a couple of questions for Pres. Roy Miller.

MR. MILLER: Pres, always great to see, welcome back. An issue has been directed to me that may be of interest to other states as well. I'm specifically referring to those states and jurisdictions that have internal requirements for FIN numbers or something like that in order to generate obviously a list of names and addresses to be able to maintain a state's exempt status.

How is duplication avoided? People say to me I had to get a Delaware FIN number. What do I do in Maryland; do I have to get registered to fish in Maryland waters? Frankly, I'm not sure at this point how to answer them. I'm also not sure how to assure them that there isn't duplication in the data base for a person appearing twice, if they use a middle initial one time and not in the other. How is that handled, Pres? Can you give any insight or is that something that Gordon would have to answer?

MR. PATE: Well, I don't know; it's certainly a good question. There are a lot of similar concerns associated with the current data base and within individual programs of duplicating names that might have a subtle difference on their license or whatever mechanism they're using to get into the system.

I don't know that we have discussed the problem of double registry from one state to the next and how that affects the sample size. It's a good point, Roy, and again Gordon being much closer to that aspect of

the program than I may have already thought through that, but I'll discuss that with him and get back with you on it, if that's okay.

MR. ROB O'REILLY: Pres, you've generated lots of thoughts today with your presentation. One thing was your first slide was a little surprising to me because it mentioned to the effect that it's to produce scientifically sound estimates for managers and for stock assessments. That makes me feel optimistic because a lot of folks who have done assessments have always been concerned about NMFS willingness to have that type of data be in stock assessments.

I think that's a good step forward. You said something else, however, which is a little bit related, pretty much you can get what you need at a cost. I think one of the things that's of interest to a lot of the species management right now is the intercept, and it looks there has been a lot of attention to the sampling design and methodology that's probably ongoing and my understanding will probably phase in after the registry does since that's supposed to be scheduled for part of this year.

But what we're finding is that for summer flounder, for example, the added cost is important because the number of intercepts is much less. If your state that adds to your intercepts to try and improve the precision of the estimate, you now are about equal to, say, five or six years ago before you're even adding on, and that is because of cost.

I want to make sure everyone hears that because it's going to be an issue here a lot because the other part that NMFS has been reluctant to say that they had any involvement in and they don't, but it's quota management, and we have got involved in quota management even with striped bass back in 1997 in the Bay; and now with other species targets our quotas – and these estimates depend a lot on that intercept, especially in the core area, and the breadths of samples that are taken or conducted by the survey.

With the accountability measures coming in play after 2012, that brings another level to some of these either coastwide quotas for recreational or targets or limits and sort of a necessity that not only the registry but also those really good estimations from the intercepts. I'll look forward in August to hear more, but I was glad to hear that a lot of effort and a lot of pilot projects have also been aimed at that segment of it.

MR. PATE: Thank you, Rob, and you've raised two very important points that I didn't focus on in my presentation; the first one about the need to increase sample size or the cost of the samples because we're going to this new survey design. The side-by-side comparison of the new design and the old MRFSS design is going to give us a good gauge of the precision of the estimates that results from applying the new design with the new estimation methodology.

Certainly, the new survey design is going to result in fewer samples; so if you want the same level of sampling in terms of numbers, then you're going to have to pay more through add-ons or NMFS is just going to have to increase the basic program unless you're getting the same or improved levels of precision based on that lower sample according to the new design.

That is yet to be tested but it is certainly a big concern. My former agency, which is very involved in this program, has been very aggressive in its add-on aspect of the MRFSS survey in the past. The second is how the estimates are going to be used in the future for quota monitoring and the accountability measures.

There is another project that we have ongoing that I did not mention even though I had a note to do so, so I'm glad you brought it up, and that's a timeliness project that will look at the cost associated with improving the delivery of the estimates through improved information technology or other internal procedures or going to a shorter sampling period such as a one-month wave or a two-week wave. Similar to what we've done with the observer team for the re-estimation methodology, we've convened a panel of constituents to work with us on identifying what the needs of the managers are and how frequently that the information needs to be delivered to those managers.

The workshop for that project was held in St. Petersburg, Florida, last week. I couldn't go because I was in Houston giving a similar presentation to the Gulf Commission at the same time. I wasn't there to observe firsthand the discussion that took place, but the feedback that I've gotten from Gordon and others that were there said it was very positive and very revealing about just what level of delivery is going to be expected and necessary.

That whole project is looking at three fundamental aspects of the program, the cost, the precision and the timeliness. The message is pick two. You can't have

all three of them; it's just impossible to do. If you want it quick, it's going to cost you. If you want it precise, it's going to cost you and take possibly more time. There has to be some balance there and the whole purpose of that timeliness project is to try and identify and establish what that balance is. It may very well have some innovative aspects to it that we haven't tested in the past.

MR. GROUT: Pres, my question revolves around timeliness and when things are going to be implemented. As I took from your presentation, the new estimation design, the new estimations are going to going to come out this year?

MR. PATE: They'll be applied to the wave one estimates.

MR. GROUT: The wave one estimates; and that calculating to 2003 will be provided to us when?

MR. PATE: The data will be available – I don't want to get too far in the weeds, but the data has to be cleansed, so to speak, and put in such a form that the new methodology can be applied to it, and that is a very laborious process. The goal for completing that process is the end of April of this year. After that is ready, then they will to go through probably an equally laborious process of actually doing the estimates. I don't want to overcommit myself or the agency to anything, but I would think sometime early fall, late summer or early fall those would be available.

MR. GROUT: Okay, and then the improved sampling design; when is that going to start?

MR. PATE: I think the data collection aspect of that runs through August of this year.

MR. GROUT: That's the pilot?

MR. PATE: The pilot study, yes, and then the report has to be done and then the results of that project have to be vetted through that same process that I described for the estimation methodology; the peer review, the operations team review and ultimately to Eric Schwaab.

MR. GROUT: So probably next year some time before a decision is made whether they're going to –

MR. PATE: Yes, without a date certain but in more of a general sense we're expecting the new survey design to be available for use starting in 2012.

MR. GROUT: And using the registry, I know there is no specific date, but is there a vision of when we're going to start using the registry; are we looking two years out, a year out?

MR. PATE: Probably a year out, and we have a number of pilot projects that are ongoing now that are actually using the registry, the mail survey pilot and a couple of the other dual-frame pilots that are being based on the information that is coming in from the states and the federal registration as well.

MR. GROUT: And, finally, I saw a project up there that applied to for-hire vessels, and are we looking two years, three years, before we get something to –

MR. PATE: No, again, I think the data collection component of that is August of this year, and again it has to go through – that's a little bit different in that it doesn't necessarily have to be – what we're trying to do in a large respect is fix some of the fundamental flaws in the global sampling program that is being used throughout the country particularly with MRFSS and the intercept survey for that is the basis for the for-hire survey as it is now.

The Gulf Pilot Project is in response to a need that the Gulf Council specifically has for having a more of a census approach for the for-hire industry in the Gulf of Mexico, so we're testing the methodologies to provide that census and then it will become a tool in the toolbox, so to speak, such that if the Gulf Council wants to use that methodology, they will be able to. If the Mid-Atlantic Council wants to use it, they will be able to.

On the other hand, if they are satisfied for their management purposes to continue to use the for-hire survey, which in and of itself is being improved by some of these other projects that I have been explaining, then that will be their option as well. Does that make sense?

MR. SIMPSON: Pres, I do appreciate the efforts that the MRIP Program has gone to conduct an open, informed process all along, the use of the website and updates for the public on what is going on and how you're trying to do it and so forth. I take from your comments that the MRIP Program really hasn't identified a goal for, say, percent standard error estimates at some level but rather will have information about – we'll be able to develop information through these surveys about how much it would cost to get what; is that right?

MR. PATE: Yes. Well, as you know, one of the fundamentals of surveys and statistics is one way to lower your precision is to increase your sample size; so if the precision that's associated with the estimates resulting from these new surveys proves to be too great to the managers for reliable use, then the response to that is going to probably have to be to increase the number of samples, which is going to be costly. That's one of the aspects of the program that we're paying a lot of attention to right now with this timeliness group.

MR. SIMPSON: Right, because that's one of the features that would cost as you said in the pick two out of three scenario; and I guess thinking about quota management in particular and the consequent higher demand for greater precision – I guess I wonder in this process if the information would be available and if the group could provide some kind of analysis of – it may have to be done in examples, but cost per precision; I expect that becomes an exponential function so that we can look at that and say, all right, to get 20 percent CVs, 10 percent, 5 percent CVs around some estimate, it would cost this much money to be able to weigh one against the other.

MR. PATE: Exactly, and I'm hopeful that's going to be one of the outcomes of that timeliness project, because you do get to the point of diminishing returns at some point on that curve. I think that's going to be very important for all of us to understand is how precise do we need to be with the type of decisions that we're making; and if it costs an unacceptably high amount to increase precision, then you back up from there and change your management approach.

You have more management uncertainty in some of the measures that are adopted. Those are some very important discussions that are yet to come. I think one of the alternatives that was discussed at the timeliness workshop about changing the way the frequency with which we're sampling now is to look at increased sampling or decreased periodicity during peak periods of the harvest.

If we're using two-month waves throughout the year now for striped bass harvest but there is a three-month window there when the intensity is such that 70 percent of the landings take place, then you would want to consider going to a one-month wave. Again, there are diminishing returns or there are limits on just how short you can make those wave periods just because of the quality control and quality assurance component of the data. You can't get too short without jeopardizing the quality of the data, but one

month seems to be a very acceptable period to reduce to in some circumstances.

MR. ABBOTT: It's good to see you, Pres, and it's good to see that you're letting your hair grow out. You never mentioned much about the telephone surveys. You've talked a lot about what is going to go on dockside and whatever. Could you give us some comments about the information you'd be gathering from the states through their names and telephone numbers and possibly how the use of cell phones is going to influence your ability to contact a lot of these folks.

MR. PATE: The use of cell phones is a big problem, and that's one of the reasons that – well, let me back up. One of the big criticisms and one of the aspects of the MRFSS Program that most fishermen had the most difficulty to getting their brains around was how you could have reliable estimates based on random dialing of coastal phonebooks, which is exactly what that program was in very simple terms.

That is the fundamental basis for support of the registry program in that those phonebooks, which were that big under MRFSS, now become that big under MRIP because your population is more discretely identified; so the likelihood that when you call those numbers that you'll get a fisherman is very, very good because those numbers come from people that hold a fishing license.

That is the benefit that is stemming out from the registry program; but in addition to that to address some of the problems that are associated with folks that don't have any phones at all or just have cell phones we're trying to correct and judge with the use of mail surveys. We've got some really interesting results coming out of the initial project that was completed last year in terms of response rate and the quality of information that is coming out of that approach. Those are dual-frame surveys in most cases where we're supplementing the mail surveys with the random digit dialing based on the registry as well.

MR. ABBOTT: A quick followup; and are you standardizing the method of conducting these phone surveys like you're doing dockside?

MR. PATE: Yes.

CHAIRMAN BOYLES: Wilson, last question.

DR. WILSON LANEY: Pres, my question follows on Dennis'. As you pointed out, the angler registry

narrows things down greatly. One of the things that the Act did was also specify that those individuals who were fishing for anadromous species would be captured in that registry. In some states like our home state we have this problem where we have a freshwater license, a saltwater license and then we have lifetime licenses.

Have you developed a method yet to distinguish the anadromous anglers from the inland and the lifetime license group as opposed to perhaps the coastal ones? How are you going to ferret out the anadromous anglers?

MR. PATE: I don't know. I don't want to sound quip about it, Wilson, but my brain isn't fast enough today to remember any discussions that we've had on that; I'm sorry.

DR. LANEY: Well, thank you for that. I don't know is a valid answer. The reason I asked it in part was because in previous conversations with Gordon about the whole issue – and, you know, this was a shortcoming of the MRFSS was our ability to identify as completely as possible the harvest of anadromous species as far as they ran up the rivers.

That was one issue that this commission raised with MRFSS and specifically requested be addressed by MRIP; and based on previous conversations again with Gordon, it didn't make it to the top tier of issues that are being addressed; so it seems to me that if you could at least identify that subset of the registry that do target anadromous species, that would get you some way down that road of at least being able to address the question.

MR. PATE: Thank you, Wilson, your memory is better than mine. Yes, I recall now some discussions that we have had about that potential being a future pilot project.

CHAIRMAN BOYLES: Pres, thank you, and again it's very thorough and terrific information and we look forward to you and/or Gordon visiting with us more during our August meeting and certainly devote a lot of time to that. Ritchie.

MR. R. WHITE: Mr. Chairman, with your indulgence I would like to ask a question on our last agenda item. It kind of felt like we were making some progress and we didn't have any conclusion. I'd have a suggestion that the chair with the help of staff take the top four or five ideas that were being generated and kind of flush them out some along with any new ideas the chair may have after the discussion

and that we continue this discussion at the next policy board meeting.

CHAIRMAN BOYLES: Terrific, Ritchie, and thank you for putting words to that. That was the intention I had for doing that, so thank you. I see heads shaking around the table so thank for that. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I was wondering for planning for the next meeting if you have a sense of how much time you want to spend doing that just so we can – there are certain expectations around the table of how much time we're – we've been working on this for three years now. It's a big issue and you don't necessarily need to give me that answer right now. I think we're going to convene again tomorrow so you can give me a sense so that we can plan your meeting in August to give you sufficient time. Thanks.

CHAIRMAN BOYLES: Okay, next we're going to hear the NEAMAP Report.

NEAMAP REPORT

DR. FRANK ALMEIDA: Good afternoon, everyone; I'm Frank Almeida. I'm the Chair of the NEAMAP Board. Over the last year we've had two meetings and we discussed NEAMAP, NEAMAP funding, NEAMAP operations. We got into some technical details. I would like to share with you some of the details that we covered today. I should be rather brief.

The last meeting that we had was held in Falmouth, Massachusetts, in December of 2010. We discussed the current NEAMAP Survey, the NEAMAP Program as opposed to the NEAMAP Survey and what it actually meant. The program itself was designed to be a program that coordinated fisheries-independent surveys, mostly inshore surveys from Maine through North Carolina, through the rather extraordinary efforts that the VIMS Group has put into the southern portion of the NEAMAP Survey from North Carolina to the Massachusetts border.

People have associated NEAMAP with that one survey, but in fact the NEAMAP Program is a survey that covers the area from North Carolina to Maine. There are three surveys that are included in that – that are encompassed in that program with a large "P". One is obviously the NEAMAP Survey that is conducted by VIMS from Maine to North Carolina. Second is the Maine/New Hampshire Survey that is conducted by the state of Maine and New Hampshire, and the third is the Massachusetts Survey.

The Massachusetts Survey is a survey that has been conducted in the spring and fall since 1978, I believe it is. The Maine/New Hampshire Survey is funded through a line item that partially funds the survey each year and is funded in part by the National Marine Fisheries Service each year. The Massachusetts Survey is conducted on a vessel that is operated by the National Marine Fisheries Service in Woods Hole, Massachusetts, and is operated by NOAA Corps officers.

We're reimbursed for the use of that vessel but it's run by the state of Massachusetts survey technicians and the data from that survey is integral to the bottom trawl survey data base at the Fisheries Service in Woods Hole. There are three other surveys that are conducted in the inshore waters that overlap with the NEAMAP surveys, primarily the NEAMAP south surveys.

That's the Rhode Island Survey – it's a small survey in Rhode Island Sound – the New Jersey Ocean Stock Assessment Survey and the Delaware Bottom Trawl Survey for juveniles and adults. The survey has been conducted since 2005. The first pilot was in 2005 and it was funded through ASMFC using ACFCMA funds.

The pilot ran 2005 and 2006. In 2007 the survey actually began – it was provided with ACFCMA funds from ASMFC and also through some funds that the National Marine Fisheries Service Cooperative Research Program provided to round out the survey funding for that year. In 2008 there was additional funding that was provided by ASMFC and we also utilized some funds through the RSA Program that is conducted by the Mid-Atlantic Fishery Management Council, the Research Set-Aside Program.

The Research Set-Aside Program has funded the NEAMAP South Survey ever since and it will in fact fund the survey that is conducted this year, both the spring and fall. The actual survey itself began in the fall of 2007 so we have four fall surveys and three spring surveys. The spring survey will begin within a month; and once that's done, we will have four full years of survey.

Jim Gartland, who is in the audience, if you have any specific technical questions about the survey, I'm sure Jim can – that questions that I can't answer, Jim certainly can. He gave a detailed summary of the survey, also describing some of the progress that was made after the peer review was conducted in 2008.

There were several recommendations that the peer review panel made in 2008. We have been working towards achieving some of those recommendations ever since. There were some recommendations that were made that probably can't be done because of the logistical size of the vessel and some of the requirements that the recommendations were, but there were several recommendations that we have been moving forward.

They include an improved on-board data collection system. We're now moving from an older system that used linear measuring boards and now we're using scan-trawl measuring boards that are far more rugged and they contain the capabilities of far more data requirements. We also have a net mine system that is on the net now.

The net that is used on the NEAMAP Survey is the same net that is used on the Henry Bigelow for the Fisheries Service Bottom Trawl Survey. Of course, the doors are slightly different because of the size of the vessel. We also drafted a survey manual. The draft manual was very detailed and very complete, and the plan now is to separate out from that manual the at-sea operational plans versus the on-land plans; things like stomach sampling, sampling for hard parts. That part of the survey manual is going to be removed and we will end up with actually two sample manuals.

We also have collected sex-specific lengths by species and also increased the number of specimens identified by sex. We include striped bass, summer flounder, winter flounder, dogfish, skates and black sea bass. Of course, the biggest issue that we have with NEAMAP is funding. I skipped over that but it is the biggest issue that we have.

I did say that it was funded by the Research Set-Aside Program for the last three years. It's covered by the RSA this year, but I think pretty much everyone agrees that a survey as important as this and certainly a survey program, including the Maine, New Hampshire and Massachusetts Surveys as whole – these surveys are probably too important to be funded either through earmarks, which are in jeopardy this year, and RSA funds, which are funds that are generally used for a cooperative research program other than long-term surveys.

However, because of the vagaries of the budget process and the way budgets have been executed in the last several years, the RSA Program is really the only source of funds that we have to run the survey. The last thing I'm going to talk about is the

NEAMAP Operations Plan. We have an operations plan every year; it's updated every year. We do have some plans for this year.

The biggest plan that I would like to see happen and the biggest goal that I would like to see happen through the operations plan this year is the data management side of it. We now have four years worth of data. They're secure and they're stored at the Virginia Institute of Marine Science, but they're not in a central place along with Maine, Massachusetts and the National Marine Fisheries Service bottom trawl data.

What I would like to see and I know the board would like to see this year is to develop some options for archiving this data in a central place; so that when assessment scientists and other biologists need or want that data to look at, it will be in a place that is documented and archived in a safe place.

It's one of the issues that we've brought to the data management board and we hope that we will, along with attempts to identify long-term funding, have a place where we can archive the data in a secure place – it will have a permanent home in a secure place. It's brief; I know I went pretty quickly, but I think we've had this discussion before. I know there are some new members here. If there are any questions, I'd be glad to answer them; if I can't, I'm sure Jim can.

CHAIRMAN BOYLES: Thank you, Dr. Almeida. Any questions? Wilson.

DR. LANEY: Frank, would you just remind me of the seasonality of the survey.

DR. ALMEIDA: On the survey runs in the spring and fall, it's somewhat concurrent with the Fisheries Service Bottom Trawl Survey. The inshore spring survey is run slightly later. It begins in April, is that correct?

MR. JIM GARTLAND: The third Monday in April.

DR. ALMEIDA: The third Monday in April and the Fisheries Service spring survey is underway right now. The fall survey is concurrent.

DR. LANEY: So there is no sampling during the wintertime?

DR. ALMEIDA: That is correct.

DR. KRAY: Frank, could you comment on the peer review of the NEAMAP and also on the utility of the data? Is it being used currently and in what fishery management plans is it being used?

DR. ALMEIDA: The peer review was conducted in 2008 after the pilot was done and we had one year of the full survey under our belt. The peer review panel – it was interesting. I was there and I think the report on the survey operations group, Jim and Chris Bonzek in particular, was so complete and the survey was run really well; that the peer review panel actually had some difficulty with identifying recommendations.

I think some of the recommendations that they made were – I've been doing this for a long time, and some of the recommendations that they made were a little bit off the wall, and I think they were stretches. But the overall recommendations from the survey panel was that the operations of the survey were sound, the science behind the survey was sound, the station selection was sound, the sampling procedures were sound. The land-based sampling procedures for age samples and predator-prey basically stomach samples were sound.

They basically gave us the green light to proceed. Now we have four years of fall survey data and after May we'll have four years of spring survey data. The biological data from the survey has already been used in some assessments. I think now that it's maturing and we have three or four years worth of data, I think that the utility of the survey as a component of many of the inshore stocks will be realized very soon. Some of the species that are shorter lived, we're using them now. I'm pretty sure that it was used in the latest butterfish survey. It was used in fluke.

MR. BALLOU: Frank, can you expound a bit on your concern regarding RSA as a funding source. I'm not sure I understand whether that is about long-term stability or pushing out other projects or both.

DR. ALMEIDA: I think it's both. I think the idea of our Cooperative Research Program and the RSA Program were to fund short-term projects and these long-term programs really should have a stable permanent funding base. Whether or not they force out other programs, it depends on your perspective.

I know that the Mid-Atlantic Fishery Management Council has placed the NEAMAP Survey as the number one priority for RSAs for several years, so it's funded first. I think there may be some hurt feelings for projects that aren't funded with this one,

because it's also an expensive program, but it has been at the top priority.

MR. BALLOU: But do you sense a concern going forward with regard to being to secure RSA to keep the program moving? I'm just trying to get a feel of whether you're worried about its long-term viability or whether it's more about whether RSA should be going to other projects.

DR. ALMEIDA: Considering the fact that the council has placed the survey at the top of its priority, I wouldn't be too concerned about it not being funded, but I do think still that these long-term programs do need a permanent source that isn't through earmarks or isn't through cooperative research.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, two points and I'll adjust it so I'm following up on what Bob Ballou said. I sit on the RSA Committee to the Mid-Atlantic Council and we're looking at an overhaul of that entire program. One of the items under discussion is to say maybe where we were ten years ago when this program was first conceptualized maybe the world has changed a bit and maybe there are new things going on.

I think within the committee we're going to have a discussion about whether it would be appropriate to recast the definition of the use of RSA to acknowledge the drop in federal funding and say maybe an important use of this is some traditional well-accepted scientific data-gathering exercises that had taken part in the past.

Now, that's not to say that we give up on the importance of trying to get dedicated funding for it, but I think the serious issue is that we not in midstream blink and stop doing this for three years until we get the funding straightened out. Picking up what I hear from you, Bob, is the concern that is RSA in jeopardy, and I think from the Mid-Atlantic Council's standpoint in the short term the answer is no, that we're interested in getting this time series done.

The second point with regard to a home for the data, it strikes me that we have so many partners that are participating in NEAMAP and have invested into NEAMAP, that maybe we need to change a sentence or two in the ACCSP mission statement that says in addition to fishery-dependent data we'll make some exceptions. Last night Geoff White was showing us all the racks inside his little room there; and if he could put another box in that had the NEAMAP data,

that might be one way to make accessible to everybody.

DR. ALMEIDA: I know that the data management board has looked at the possibility of ACCSP. It's one of the options. I know the ACCSP is primarily fishery dependent. There are options for the fishery-independent data as well.

EXECUTIVE DIRECTOR O'SHEA: Yes, we'd have to make a policy decision, but I think that as a member of the coordinating council, I think that's certainly a question I'd be willing to look at. Thanks.

MR. OLSEN: Mr. Chairman, I don't really have a question at this point. Some of it has been asked, but in this and in the talk about the cost curve on the recreational fishing data and everything else I'm not coming away with a real warm, fuzzy feeling that we're going to be able to – that the trawl data is going to have the funds to eventually be used and that the recreational fishing data is going to have the funds to be collected to the level that gives us that high precision at the point where somebody was describing the curve earlier.

I just got something about a – I know his budget is going before a committee next week, I guess. I'm not getting warm, fuzzy feelings about that nor am I directly out of Eric Schwaab's office about the certainty of funding to back up the registry and all the data processing that goes for it, which is going to pose a real problem for us in the state of Maine if we have gone through all this process to get a saltwater registry two years in a row now, slugged it out, and then the data can't be compiled and utilized.

MR. O'REILLY: I just wanted to respond to Gene's question about use of the data. Frank had mentioned summer flounder, but this year I know for our liberalization plan for summer flounder recreational fisheries, since every state this year was in a position that it was able to liberalize quite significantly without a lot of good data sources to use, we went to VIMS, talked to Jim Gartland and Chris Bonzek, and used the NEAMAP data.

In our case we also joined it with the CHESMAP data. Some states such as Delaware, Maryland and New Jersey at least up to several years ago had a pretty strong coastal component. Just talking about summer flounder, since it's a wave three and four fishery, you have to look, but the data are there and we'll see – you know, we won't be able to prove how much they help with the liberalization but at least for us it was a good source to add on to what we have,

which is a pretty lacking data source to have other than maybe volunteer angler surveys. Other states also have that data that Toni provided. I just wanted to elaborate on that use of the data.

MR. STOCKWELL: I share Bob's concern about the continued reliance of the RSA, particularly in the northeast. With the catch share programs coming out of the New England Council, there is going to be increased cost to the industry for the monitoring programs in the next couple of years and there is a growing reluctance of them to fund too many projects. I think we need to put our heads together pretty soon and figure out how to fund this long-term.

MR. FOTE: Research Set-Aside was supposed to be used to do research that was outside the realm of what was naturally taking place and what was naturally funded by NMFS. It was basically to do special projects, gear modifications, side by sides, or find out how we get more information. The recreational and the commercial fishermen said we'll tax us to do that so we can go the universities and get that science and research.

The system has gotten corrupted and we've used it now for things that should be funded through a line item on that. It is making the fishermen reluctant now to basically say we're losing - we're getting quotas cut and now we're paying 3 percent to do a survey that NMFS should be paying for itself because that's a stock assessment. It basically cuts off a lot of the projects that the recreational and commercial fishermen get turned down to do this part of NEAMAP, which was basically paid for before out of other funds and now has drifted into the research set-aside.

That's why New Jersey at the last couple of meetings, when it comes to voting on the research set-aside, because of complaints of our fishermen have now started voting against appropriating that 3 percent on there, and I think that's going to get stronger as we go along if the fishermen don't feel that it's funding the research that they want funded, because that's why they basically asked to get themselves taxed. I was part of that original program. We did it with a partnership of commercial and recreational fishermen and we are finding ourselves saying, wait a minute, that's not what we designed it for.

CHAIRMAN BOYLES: I think that gets to Frank's point. Frank, I don't want to put words in your mouth but I think that's why we are where we are. I think everybody understands and appreciates the

utility of the NEAMAP Survey and how critical it is to our operations. Frank, I don't want to put words in your mouth, but I think that's certainly leads us to where we are here.

MR. SIMPSON: Currently, as I understand it, the survey is largely funded through Scup RSA in particular. One of the needs of that assessment is better indices of abundance of the older age fish, and I wonder if anything has been done in that to sort of point to the value of this survey to address that really critical need.

DR. ALMEIDA: I don't know the specifics so I'm not really sure, but I know that we do use the age data primarily from the fall survey in the assessment. Jim knows the answer to this.

MR. JIM GARTLAND: My name is Jim Gartland and I work with Virginia Institute of Marine Science. I'm the project manager for the NEAMAP Survey for VIMS. To just answer the question about scup, we do take hard parts for aging from scup. Scup have traditionally been aged using scales.

We actually have launched a scale/otolith comparison for them to try to produce hopefully more accurate age data from that and then combine that with our abundance estimates to be able to produce age-based indices. Right now we can break it up using age/length keys. We have developed our indices; we're able to do that. Like I said, we're trying to refine it by using the actual hard parts we're collecting and combining it with the length data and the catch data to produce that information. In fact, we did address that in the proposal we submitted for RSA for the past couple of years.

The other thing, if you guys don't mind just for a second, I did want to point out that with respect to our funding, we are largely funded by the Research Set-Aside Program, but for 2011, this current year, our funding for sampling up in the Southern New England area is being provided by the Commercial Fishing Research Foundation, which is based out of Rhode Island, so that is about \$200,000 of our operating costs are being covered by them for 2011. We actually submitted a proposal for them again for 2012, so hopefully some of our funding will come from that, so we are, where we can, backing off of the RSA Program or at least looking for other sources of funding. We're not just relying solely on the RSA.

MR. DIODATI: Well, that's good to hear because as a point of information I was just going to say that except for RSA projects that are tied to specific

research programs, beginning in 2011 I am not going to allow the harvest of any RSA quota in Massachusetts waters.

CHAIRMAN BOYLES: Other questions for Frank; comments? Frank, thank you for being here and thanks for the great report. Next I'll turn it over to Bob and it looks like we are discussing ASMFC's role in the National Seafood Marketing Coalition.

DISCUSSION OF ASMFC'S ROLE IN THE NATIONAL SEAFOOD MARKETING COALITION

MR. BEAL: On the CD that went out before the meeting in the briefing material, there is a two-page summary of this issue. The bottom line is the question at the end of this in a couple of minutes when I get to the end of my presentation will be what role, if any, should the ASMFC have in the National Seafood Marketing Coalition.

The Coalition was developed and they're working on pulling together a National Seafood Marketing Fund. The purpose of this fund will be to market and promote domestic U.S. seafood products. I think it's a nation-wide coalition. It's Alaska through the entire east coast. The second part of this is you can – it was initiated in Alaska and a lot of the coalition organizers right now are from Alaska, but it would impact the entire Atlantic Seaboard should this come together.

The overall goal is to increase the demand and value of U.S. seafood. Right now this is at a pretty early stage so it may be an opportunity for the states or the commission to get involved. The Coalition is developing the legislation to establish the National Seafood Marketing Fund. The legislation, obviously, has not been developed or approved so it's at its infancy.

As it stands now, the idea is that will be funded by revenues and fees collected from harvesters, aquaculture folks, processors, retailers and distributors. As I said, this project is relatively early in its development, and I think it may be a good opportunity for the states to get involved or through the commission.

One role the commission can play, obviously, is to be a conduit of information out to our commissioners. If there are positions that all the states feel that the commission should convey relative to the marketing fund or the marketing coalition, we can obviously do

that and convey those messages; but if it's better to interact with the Coalition on a state-by-state basis, the commission and staff is obviously happy to be the conduit to get information out to the states so the states can then provide feedback to the Coalition. I think that's the quick summary of this issue. I can try to answer any questions if you have them.

MR. FOTE: The SK money was basically supposed to do – besides doing research, it was supposed to be used to do seafood promotion. There was a tax on the imports of – and that's kind of gotten corrupted over years, also, about how we use that money. I have to seriously look at what is going on here and I would like to get more information because, again, as we found out with the RSA, funds that were supposed to go in one direction wind up being used in another direction. I'm a little cynical but the years have taught me to be that way.

MR. STEVEN BOWMAN: Very briefly, do you know how they are interacting with any of the state organizations that basically have the same function? In Virginia we have Marine Products Board under the Department of Agriculture. Do we know how they're interfacing, dovetailing or doing anything with them as far as a cooperative working arrangement?

MR. BEAL: I don't know specifically with the Virginia organization. I know on the back of this document there is a list of the 21 organizations – actually, yes, the bottom one there is Virginia Marine Products Board, so it appears that they have some interaction or the Marine Products Board has signed on as a supporter of this effort.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, maybe I could help the board a little bit. One of the reasons this is on your agenda is because there has been a consistent theme for at least the last year about the economic impacts that our commercial fishermen and commercial fisheries are having up and down the coast, the struggles that we're having.

Almost every single board meeting we have people coming up telling us of the difficulties that we're having. There are also a number of states that have identified the need to increase the value of their catches and they have a Governor Task Force and those sorts of things going on.

This is a nation-wide initiative. Folks from this coalition have been at our commission in the back, sitting in, and I am becoming increasingly uncomfortable as this group is going forward and not understanding what position our commission is

taking relative to engagement with this group. I think the question is really quite simple.

Looking at the table on the back, you can see already how the states have engaged. Maybe our policy is simply that individually through the states we're going to work with this group; and if we get inquiries coming to us, we'll tell them to go to the cognizant state or the board would like to have some other role or some other mission for this commission, but I think you'd be better off making that a deliberate decision than you never even looked at it or considered it. That's why it's before you, Mr. Chairman.

MR. AUGUSTINE: To that point, Mr. Chairman, I agree with Vince that we need some clarity here, but if you look at the list, with the exception of a couple of state organizations they're all commercial fishermen. They represent a body. If we saw a list of recreational organizations on there, that might be something to consider, but in my humble opinion I think we should be a conduit for information coming from them and then making it available to our states and let the states individually – or if some want to get together collectively – address the issue. This is driven strictly by commercial organizations and I prefer that we don't sign on.

MR. GROUT: Well, before I said an opinion on this, I would like to get a little more information about what the inputs and the outputs are. If the commission was to be involved or maybe even join this, what is the expectation? Is there expectation of funds or participation and what are they going to do for potentially the states or the commercial fisheries within the states for the fisheries that we manage to try and market those resources or is it just that they'd be lobbying for trying to get some of the tariff funds to go in there and just having our name on there? That's the kind of information I'd be looking for.

MR. ADLER: Mr. Chairman, very briefly, this legislation that would go in – if passed would try to redirect some of the money that is taken from fishery imports which now goes into SK a little bit, NOAA, Department of Agriculture, most of it, and divert some of that existing money, not new money, into groups that would be established pretty much in accordance with the council systems of the U.S.

In other words, there would be a northeast section, there would be a southeast section or whatever, whatever, and this group would then be able to receive from that area proposals for money from this bank to promote their product. In other words, in the

northeast a seafood group from Massachusetts could put into that area for a grant to go do some promoting of their seafood, whatever it is; the same thing in the south, the west, Alaska, whatever.

That, as I understand it, is the simple explanation of how this work as everything moves by molasses, as we know, through that system. That's all it is, and I don't think the ASMFC has to go jump into this thing. I think the idea of it being a conduit to the states would be fine because this is basically a marketing thing, but it would help because since of the seafood consumed in the U.S. is foreign, that it would give the fishermen around the country a shot at getting a little bit more for the less they can catch, obviously. That's pretty much the way I understand it.

CHAIRMAN BOYLES: Thank you, Mr. Adler. My sense of things is that there is not a real desire for us to get engaged formally, but what we'll do is we'll ask the staff to keep us informed; and if there are opportunities or issues that we need to engage on more formally, that they would do that when those situations arise. I see heads shaking around the table in the affirmative so that is what we'll do. Okay, the next item on the agenda, we are up to discussion of blue catfish management in the Chesapeake region. Bob, are you going to lead this?

DISCUSSION OF BLUE CATFISH MANAGEMENT IN THE CHESAPEAKE REGION

MR. BEAL: Yes, and I'll give it a shot. Obviously, the commission does not have a Catfish Fishery Management Plan right now and we're not proposing one. The idea with this agenda item is a question – I think as we were talking about the Seafood Marketing Coalition, a document was handed out with a number of bullets on it.

At the bottom of that page, there is essentially a question that should the commission develop a resolution to provide input on the development and implementation of a strategy to deal with catfish in the Chesapeake Bay Region. That's the question at the end of this. The Chesapeake Bay jurisdictions right now are working on a policy to control the population, geographic spread and ecological impacts of the blue and flathead catfish.

These species were introduced in the 1960's and '70's, and the range has expanded, their population has expanded, and the size of the individual animal

has expanded since then. They're opportunistic feeders. They appear to eat everything and anything. The blue catfish grow pretty quickly. They can increase in weight about ten pounds per year. They have reached and animals have been caught over a hundred pounds. I think the bio-energetic reality is that for an animal to get to be a hundred pounds, it's going to eat many hundreds of pounds for growth in metabolism of other species.

The density, as you can see there, is the CPUE for some of the electrofishing on some rivers in Virginia are up to 6,000 fish in one hour, which is quite a few animals popping up when he at the water for electrofishing. The concern obviously is the predatory demand that these animals put on the system in the Chesapeake Bay.

They're eating a number of species that are managed by the ASMFC, shad, river herring, striped bass, eels, et cetera. They're also impacting white perch, yellow perch, gizzard shad and freshwater mussels and other species that are of interest and desirable species for the Chesapeake Bay region and jurisdictions.

There is a goal implementation team for the Chesapeake Bay by executive order. That group has unanimously stated that this is an invasive species. It's obviously not a native species and it is having negative impacts. The idea is that the strategy is being developed, as I said, to mitigate the spread of these invasive species and reduce the populations to the lowest level possible.

The complicating factor to some degree is that there is a significant recreational trophy fishery in Virginia and parts of the Potomac River. There is also a small commercial fishery for blue and flathead catfish, but there is a limited market demand for these animals.

The bottom line is there is not that many of these animals being taken out of the system; and apparently based on all the evidence that's out there, the population and size and the range of these animals is expanding pretty quickly and likely having a negative impact on the species that this commission is trying to rebuild. One potential option is a resolution by the commission to the bay jurisdictions to express the commission's concern over the impact of these invasive species.

DR. LANEY: Mr. Chairman, I would answer a resounding yes to the question, but I would say that it goes far beyond the bay jurisdictions. I think Spud would concur with me, North Carolina and South Carolina, John, I think would agree and Georgia have

been dealing with especially flatheads for a good while now.

In that fourth bullet there it says flathead catfish only differ in that they are a feeding and habitat specialist. Well, I don't know if that's exactly true. Dr. Bill Pine, who is now at the University of Gainesville in Florida, did his PhD on flathead ecology at North Carolina State University and determined that they are far more tolerant of mesosaline regimes than we thought they were and they move around a whole lot more than we thought they did.

I think that's one of the reasons they are so successfully colonizing new areas into which they have been transported in a lot of cases by what we refer to in North Carolina as overall fishery managers who decide that they would like to have trophy catfish in systems that don't presently have them, so they go out and they catch a couple of these things, especially gravid females, throw them in a galvanized washtub in the back of the pickup truck and move them to the next watershed. I think they are a serious threat.

Dr. Hightower and his grad students, again at N.C. State, have done some work looking at the impacts of blue catfish and flathead catfish on the commission's restoration efforts with regard to river herring, so you're adding additional predators to the system that feed on the target species that we're attempting to restore.

The whole issue of establishing trophy fisheries in inland reservoirs is another issue that I think the commission might want to take a look at because they don't just stay in the reservoirs. The juveniles can go right through the turbines and be sent through to downstream areas, further facilitating the spread of these things.

I think we definitely should look at and maybe not just from the perspective of the Chesapeake Bay but certainly to the south of the bay, through the four South Atlantic states – and then I'll throw in a plug for A.C.; it's not just flatheads and blue catfish, it's also northern snakeheads and then offshore lionfish as well.

MR. O'CONNELL: I appreciate Bob bringing this to the policy board's attention. We've been working closely with A.C. and Brian King and Bob and the NOAA Chesapeake Bay Office, and Jack Travelstead as well, but he took a walk along the Potomac River a little while ago and got consumed by a blue catfish, so he wasn't able to be here tonight.

I was shocked when I saw a presentation about a year ago on how the abundance could have grown so significantly without any public awareness or concern about what is happening. We are investing a lot of money to restore some anadromous species. We're going to be closing river herring and yet we are not addressing this apex predator in the Potomac River.

For the first time in history there is an apex predator 365 days a year in the Potomac River and other tributaries in Virginia and Maryland. I get frustrated when I hear that, well, it's too late, the genie is already out of the box, there is nothing we can do. That is not acceptable to me. I hear that, well, the market won't support a fishery; there are human health issues with PCB levels. I think this is a serious problem that we need to collectively try to resolve, and I'm hoping that the commission will offer some support because we're going to need that in the bay region to take significant action to address this problem.

MR. HIMCHAK: Mr. Chairman, maybe I could ask our Pennsylvania delegates; I mean, they've recognized this snakehead problem and have put out a very aggressive eradication program. Where did they originate, the snakeheads?

MR. LEROY YOUNG: The fact of the matter is we haven't embarked on an eradication program. We considered it in Franklin Park in Philadelphia and we determined that there was just no way we could eliminate those fish from that complex of ponds even if we wrote and owned everything because there were so many places these fish could elude that.

It's similar to the Asian carp issue that we're trying to stay ahead of. I know you hate to say the genie is out of the bottle, but the genie is out of the bottle. One of the things that's interesting that I've heard from the state of Illinois is that they're actually promoting the marketing of Asian carp right now to try to address that. The question I have as I think about that is if it catches on, what is to keep the commercial fishermen from planting them other places to expand that market. It's a very, very difficult problem.

You could just think of all of these invasives and how difficult it is to deal with them. I remember when I was in school years ago dealing with the lamprey issue in Lake Erie and learning about that. We're still fighting that battle and I think we're losing right now. It's a difficult issue. If we can figure out how to deal with any of these, I think it would be very

helpful to all of us. I have not seen yet any efforts that have really been successful in controlling these invasive species, unfortunately.

CHAIRMAN BOYLES: With the policy board's indulgence – and I recognize you open that genie on aquatic invasives and pretty soon we get – it's going to be very, very overwhelming. I think what we have here is a request from Virginia and Maryland and A.C. and potentially from the District to seek some support from the commission – some moral support at this point from the commission in the form of a resolution.

My suggestion would be to refer this to the Resolutions Committee, have the Resolutions Committee draft a resolution that will be sent back to the policy board perhaps via fax poll and approve that; and once that's approved, to send that to the appropriate recipients. Is that a reasonable course of action? All right, I see heads shaking so we'll do that, then.

Okay, it's 6:15; let's recapitulate where we are right now. We are almost done with the published agenda. We have about six items on other business with respect to some letters and some discussions. That's all we've got left. My preference would be to work a little bit longer this evening and maybe wrap up our policy board discussions today. That would be my plan unless I hear a howl. Hearing none, let's proceed. Let's go on to Melissa Paine with the Law Enforcement Committee Report.

LAW ENFORCEMENT COMMITTEE REPORT

MS. MELISSA PAINE: I'll keep this very brief as clearly I wouldn't do this report the justice Mike Howard would have. The LEC met yesterday and the major point of discussion was on enforcement issues regarding illegal harvest of striped bass in the EEZ. Kurt Blanchard brought this issue forward during the Striped Bass Management Board Meeting and so I think most of you have been appraised of that.

More specifically, the LEC requested that they be able to draft a letter to NOAA General Counsel. The specific language that they wished to bring forward to the board I'll just read briefly, if that's okay. Actually staff is passing out the handout from that committee and it has got the language there:

“In order to achieve compliance in the striped bass fishery, we request NOAA General Counsel to revisit the penalty schedule to explore increased penalty

amounts and permit sanctions across any fisheries the violator may participate in. We also recommend NOAA General Counsel refer appropriate striped bass cases to the U.S. Coast Guard for consideration of coast guard license suspension or revocation.” I guess I would like to ask for permission now.

CHAIRMAN BOYLES: Okay, we’ve had a request from the Law Enforcement Committee that the policy board submit this letter to the Fisheries Service on striped bass penalties. Pat.

MR. AUGUSTINE: Mr. Chairman, unless you want me to read it, I would so move that we do just that. I think Joe would need someone to read that into the record or does he already have it?

CHAIRMAN BOYLES: No, I think just a sense from the commission if everybody is okay, we will move that. I see heads nodding around the table. Ritchie.

MR. R. WHITE: Yes, I think just to emphasize what the Law Enforcement Committee was saying because I think it was a pretty strong statement that they made at the Striped Bass Board that the sense of the Law Enforcement Committee was that at present penalty levels, that they felt our policy was not enforceable in regards to the EEZ. I think this letter needs to be as strong as we can. I mean, I think that’s a strong message from law enforcement to us saying that they need something additional to make sure that this EEZ problem gets corrected.

CHAIRMAN BOYLES: Okay, hearing no dissent and seeing heads nod, that is what we will do.

EXECUTIVE DIRECTOR O’SHEA: Two quick things; one is just to remind the board that I wrote a letter to Eric Schwaab about a year ago on the same topic, and I would be very happy to send the second letter. I just would also recommend that I include in the letter to copy the appropriate Coast Guard official. If we’re going to recommend to NOAA that they engage with the Coast Guard, it might helpful to give the Coast Guard a heads-up that we we’re recommending that. Thanks.

CHAIRMAN BOYLES: Vince, I think you’ve got that clearance to do that. Okay, Melissa.

MS. PAINE: The other point I’d like to bring up was the discussion that the LEC had on hiring the new LEC coordinator. I believe the position announcement has already gone out for that, but the LEC did have some comments regarding that

position. Mainly they’re concerned that they just want the position to reflect the responsibilities that they would hope that this coordinator would be able to fulfill; and, secondarily, the salary range would reflect those duties to replace Mike Howard. On the back of that handout is the letter from the LEC to the policy board going into a little more detail on their position and recommendations regarding that coordinator position posting.

CHAIRMAN BOYLES: Okay, thanks, Melissa. I think on the coordinator position we’ll take under advisement with the ASMFC leadership. Any questions for Melissa on the Law Enforcement Committee? Seeing none, Melissa, thank your for stepping in at this time. I appreciate that report, very good. Genny Nesslage; how about a report on the Black Drum Assessment Workshop.

BLACK DRUM ASSESSMENT WORKSHOP

DR. GENEVIEVE M. NESSLAGE: Mr. Chairman, I just wanted to briefly update the board on the progress made to date collecting and reviewing all the available potential data that might be used in a coast-wide stock assessment for black drum. A group of 12 black drum experts were gathered together via webinar in late February.

That included biologists, black drum experts from the states from New Jersey to Florida and also included Mr. Jim Gartland from VIMS speaking on the availability of NEAMAP and CHESMAP data; and Dr. Cynthia Jones, who is probably if not the world expert on black drum but one of them, and we were very happy to have their participation at that webinar as well.

At that meeting we reviewed all available data that we are aware of that include information about black drum trends and age and life history information. We began discussing potential assessment techniques that might be used in the development of a coast-wide stock assessment. At this point we are in the process of compiling a report that will describe all of the available data and the trends in those data and then also provide the board with an idea of what tools we might be able to use to either develop a monitoring program that might be used in the development of a fishery management plan or even a full-blown stock assessment for a coast-wide stock assessment for black drum.

We’re in the process of compiling that report. It should be ready probably by early summer. That

should, I hope, give you enough time to take a look at that and decide what you might want to do in preparation for the August meeting. I'll be back at the policy board hopefully in August to provide a very thorough update on that entire report. You can ask any questions then, but you might want to keep in mind where you want to go with black drum in the future after taking a look at that report. Are there any questions at this point?

OTHER BUSINESS

CHAIRMAN BOYLES: Questions for Genny? Genny, thank you; we look forward to seeing that report. Okay, we are on to other business, and probably what I would like to do is take up one that may take a few minutes to walk through. Bob is going to tell us about the Draft NOAA Aquaculture Policy.

MR. BEAL: The Department of Commerce and NOAA have published a Draft Aquaculture Policy. This was announced a while ago. The announcement to draft this policy was made in September 2009. The commission submitted comments on the first draft in the initial stages of this document. The draft policy was released a little over a month ago and has been on the street. Comments are due in about two weeks, April 11, 2011.

The question for the policy board is what comments should the commission make on the draft policy. The last time we commented on this, there were four main issues that were included in the commission's letter.

They were minimizing the impacts on wild stocks and ecosystems, using the existing Sea Grant Network to promote research and extension, clear and stable regulatory process and aquaculture policy must consult with the states and interstate fisheries commission when siting aquaculture facilities.

Those are the points that we made prior to this draft being pulled together. What we propose is to review that policy that has been published and see if those four points that the commission made were incorporated into that document. If they were, we would submit a letter supporting that and essentially thanking them for taking our comments into consideration as they developed the final policy.

If they weren't fully incorporated into the draft policy, we would work with the executive committee and come up with a position of the commission and submit that letter by April 11th of this year. That's the course of action we're proposing. It would be run

through the executive committee since that has one representative from each state, and those executive committee representatives can reach out to the other commissioners from their state if they choose to do that.

CHAIRMAN BOYLES: I think that's a good suggestion. Any objection to that approach?

EXECUTIVE DIRECTOR O'SHEA: Not an objection but probably there is a third option that is in here, and we said either endorse the four points we saw or point the omission of our points, and I suppose the third possibility is we trip across something that gets our attention. I think you would want license to allow the executive board to react to something that raises your concern that wasn't in the original draft.

CHAIRMAN BOYLES: I think that certainly is a good point, Vince, and thank you for making that explicit. I think that's implied but I'm seeing heads nodding that that is a good approach and will certainly allow us to respond before the deadline. Okay, the next item, shark management.

MR. BEAL: During the Dogfish and Shark Management Board yesterday, a couple of issues came up with the respect to actions that the National Marine Fisheries Service is proposing. The Shark Board requested that the policy board review the proposals by the National Marine Fisheries Service and submit comment.

The Shark Board agreed that working through the chair of that board, David Simpson, is probably the best way to go as they develop the positions. The first issue is a proposed rule on smooth dogfish that are caught in trawl fisheries. The National Marine Fisheries Service is proposing to only allow 25 percent of the total catch to be made up of smooth dogfish.

This would essentially mean that smooth dogfish may not be necessarily the target species, but if you catch an amount of smooth dogfish you need to have three times that amount of some other species on board to make up the balance of that. I believe those comments are due April 17th.

The second issue are measures to be consistent with some ICCAT requirements. That proposed rule has not published yet. It should be published in late April or early May and the commission will then – you know, we can circulate that proposed rule, get some comments back from the board members and

interested states and synthesize that into a comment that we will submit to the National Marine Fisheries Service.

With the agreement of the policy board, we will go through that course of working through the members of the member, but Dave Simpson as the board chair will be the funnel of all the information and we can draft letters through David and he can sign off on the position for the Shark Management Board.

MR. AUGUSTINE: The Highly Migratory Species Advisory Group meets the first week in April; and as soon as I get the result of that meeting, I'll forward it to our chair and to the board and if you decide you want to send it out for distribution, we can do that. Thank you.

CHAIRMAN BOYLES: Is everybody comfortable with that, and, Dave, I'll look to you particularly. That's consistent with what we discussed at coastal sharks yesterday. With consensus, then we'll proceed that way. Mr. Adler.

MR. ADLER: Did NMFS slip this one by us or something because we were back on smooth dogfish a while ago and I think we pretty much had planned – the states had planned to put some rules in here which would keep it under control. Then this thing is a new thing where you've got to have four fish, taking that one fish, and is this debatable at any point?

MR. BEAL: Well, I think that's the purpose of this proposed rule is to get feedback on what they're considering, the 25 percent provision.

MR. ADLER: So they might say they don't have to do it, maybe?

MR. BEAL: I can't speak for the decision process at the National Marine Fisheries Service or HMS.

MR. ADLER: Okay, but I think the states, when we went through this debate before about smooth dogfish – and we went all through it – I think the states, particularly those that do have some fishery, small as it may be, ought to get on the ball here and say to NMFS something.

MR. BEAL: And we'll solicit those comments and synthesis that into a letter and submit that by the – I think it's the April 17th deadline.

CHAIRMAN BOYLES: Okay, by consensus we'll proceed that way. The next item is the letter on

horseshoe crab dollars. Recall the Horseshoe Crab Board met earlier today and the discussion in recognition of the support for the Virginia Tech Trawl Survey, funds have been donated by a commercial fishing sector as well as the biomedical groups and I think the request was to have the policy board direct that a letter be sent to some of the conservation groups, the bird groups. This will I think be a resend I think. Any objection to asking staff to do that? Mr. Adler.

MR. ADLER: How about sending it every week until we get an answer?

CHAIRMAN BOYLES: We'll check the budget and see if we've got the money for the stamps. Okay, by consensus then we'll proceed that way. Okay, the shad and river herring minority reports.

MR. BEAL: During the Shad and River Herring Management Board Meeting earlier this week, the notion of minority reports was brought up, and there was some discussion and concern about the development of minority reports associated with the river herring assessment that is being developed right now.

The commission does have some guidance on minority reports. It's included in the technical committee guidance document, which is a document that kind of serves as the ground rules for the operations of technical support groups for management boards. The current language is a committee should not vote on issues but should develop a majority and minority opinions for presentation to the board.

It should be noted that minority opinions should be used only as a last resort when the full consensus cannot be reached. There is clear guidance to the technical committees right now to work through the consensus process if you can; but if you get to a stalemate and there is no way to get out of the stalemate other than a minority report, that's what comes forward out of the process. That is our guidance on minority reports right now. It's somewhat limited but it does note it's a last resort.

MR. R. WHITE: I guess my concern is if there are ten members and there is one minority in that report, the minority report gets more weight I think than what it should with those kinds of numbers where if it was five/four. That's my concern. I don't know how we get around it.

CHAIRMAN BOYLES: My sense of things, Ritchie, is just being aware of the conditions around which those minority reports are prepared. My sense of things is staff will be clear in delineating that. I think what I heard during the discussion yesterday was a question of whether or not we can include minority reports. I think what Bob has given us here is a clear indication that our process does allow for it. We don't prefer it but we certainly allow for it. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, just recall that the context was that there was a proposal to change the term of reference to provide a method to treat a minority report, and that would be to send it out for peer review. There was actually a motion to do that and it was a motion that – well, actually that term of reference was removed from the terms of reference that the board approved by a relatively strong vote. The issue of sending a minority report to be peer reviewed was rejected by the board. That didn't necessarily override the possibility that one might emerge. Thank you.

MR. AUGUSTINE: The question was consensus; what is the definition. If consensus in this case means typically all, we have a problem. I thought we stayed away from a majority vote because it would again divide.

The idea of having one person out of ten make a position, they make a position. Now you all disagree with me all the time and I get voted down all the time, but I come back like a bad penny. But the point is what is consensus? The way Bob read that statement as to how we're to deal with those decisions are pretty clear.

CHAIRMAN BOYLES: I agree, Pat. Dave.

MR. SIMPSON: Do we have the ability now to on a case-by-case basis – you know, there is a report, an assessment, the plan is for it to go out to peer review. The board receives the minority report, which they should do; and if the board determines at that time that there is enough interest in those thoughts to get a peer review; do we have the latitude to simply do that and not have it in the terms of reference?

CHAIRMAN BOYLES: My sense, Dave, is we do whether it's in the term of reference. I think just adaptive management and just wanting to make the best decision we can; my sense of things is that we do, in fact.

MR. BEAL: The history that I was just filled in on, the last time around with the shad peer review of the

assessment there was a minority report. The peer reviewers were not interested in reviewing that minority report because it was not included in the terms of reference. They felt it was outside their purview. To put it bluntly, the peer reviewers work for the commission.

It was an external peer review and we can put it in the terms of their contract. There are probably other ways to request and make this one of the tasks for the peer reviewers if the board really wanted them to do that. I don't think it necessarily has to be a terms of reference or it's out of bounds.

MR. AUGUSTINE: To that point, Mr. Chairman, here is a case where the board should make a decision. We're waffling. Why are we waffling? Mr. White made that comment earlier in one of our other meetings. We have a black-and-white description of what a consensus is and now we're thinking about, well, we'll sit on the fence because we don't want to offend somebody or we have a minority report that we should be looking at? I just think we have to get to the point where we're going to make that decision.

CHAIRMAN BOYLES: My sense, Pat, I'm not sure that we're waffling. I think what I hear is it's a case-by-case basis. I think that gets to Dave's question. I don't want to put words in your mouth, Dave, but Bob said the peer reviewers work for the commission. When we contract that, we can certainly ask for that; and certainly if there is interest among the members of the management board, my sense of things is we have that flexibility. Dave, to that point.

MR. SIMPSON: That's the clarity. You've reached the point already when you're going to send something out to peer review, you're drafting the terms of reference right then and there, and that's your opportunity for that particular case to see we'd also like this other thing reviewed and get these kinds of comments. I think we're in good shape now.

EXECUTIVE DIRECTOR O'SHEA: This really isn't a discussion about consensus. We know what consensus is and our scientists know what consensus is. The issue is what do you do when there isn't consensus and how do you treat that report. The fact is we have in the past sent minority reports out for peer review, so the only issue here is what kind of signal do you send to the scientists when ahead of time you set up a whole mechanism to deal with a minority report and is that in fact encouraging them to reach consensus, and maybe it's not. You have a

policy, you've stuck to the policy; let's see how the scientists do with the policy.

CHAIRMAN BOYLES: Okay, any further discussion on this? Bob, menhaden tasking of the Multispecies Technical Committee; have you got that.

MR. BEAL: I think it should be pretty quick. At the Menhaden Board earlier this week there was a motion passed to have the Menhaden Technical Committee as well as the Multispecies Technical Committee continue to work on some of the ecosystem and ecological reference points for Atlantic menhaden.

The policy board is the group that tasks the Multispecies Technical Committee with doing work, so I think the idea is that unless there is an objection from this group, the Multispecies Technical Committee will continue to push forward on the work with respect to menhaden reference points. It involves some work for striped bass, bluefish, weakfish assessment updates, but this is the group that tasks.

CHAIRMAN BOYLES: Any objection to that tasking? Wilson.

DR. LANEY: Not an objection, Mr. Chairman, but just a reminder, to reiterate what Bob just said, that Dr. Latour made the point that the striped bass assessment and the bluefish assessment and the weakfish assessment all would have to be updated in order for that information to feed into the Multispecies VPA if I understood him correctly, and so I think one other thing that needs to be done is just to look at those assessment schedules and make sure that they are going to occur at the proper time for the MS-VPA Committee to have the information they need.

MR. BEAL: Wilson, the striped bass assessment is going to have a turn of the crank later this year; bluefish is updated every summer for the specifications process with the Mid-Atlantic Council, so both of those should be updated essentially in this calendar year. Weakfish is the one that doesn't have an assessment scheduled until I think it's 2013 or '14.

There are a couple of ways to look at that. One is that can be accelerated. The other is the scientists really don't expect a big change in weakfish stock status from I think it was an '09 assessment that we have right now; so, you know, a little bit dated and plugged into the assessment – I haven't seen any

strong signals that the weakfish population has had any significant changes in the last couple of years, which probably isn't good news but I think it's a reality.

MR. O'CONNELL: I spoke to Bob a little bit, but given this charge to the Multispecies Technical Committee and the Menhaden Technical Committee, can we just direct staff to take a look at the representation on those bodies to make sure that we have the right people to ensure coordination with the stock assessment committees for striped bass, weakfish and bluefish just so we make sure that we have that strong coordination occurring. Thank you.

CHAIRMAN BOYLES: I think we can do that, Tom, good suggestion. Okay, without objection we will have that tasking. The last item, Pete Himchak.

MR. HIMCHAK: Mr. Chairman, I'll be very quick. With the state agencies taking on more and more responsibilities for conducting public hearings for the Atlantic States Marine Fisheries Commission, I just had one comment. If you could give us some guidance on the formatting, it could save the ASMFC staff some work in rewriting these things.

I followed the formatting for the Atlantic herring, three public hearing summaries that were done by state agencies. I don't know who put it together but it was all the same. The second and more important issue is – and I'm assuming that the state agencies are recording these public hearings and the archiving of the administrative record on public hearings; where does that take place? Does the ASMFC want a copy of the comments in case the administrative record is challenged?

We have to do this with state public hearings. If somebody challenges a regulation that was adopted and they say show me the entire record, we have to produce it. Who wants to archive the administrative record; or if you want us to do it, how long do we keep it?

MR. BEAL: Pete, to take the archiving question first; the commission does that. We keep all the recordings of the hearings, all the written comments that are – you know, sign-in sheets all the documentation and everything that comes out of the public hearing process.

Ideally, what we would get from the states, if the states conduct the hearing without staff there, would be an audio recording of the hearing as well as a written summary of the hearing. If the states desire

it, we can put together a standard summary format that we can circulate to the states and if the states could use that, that would help us and help you move forward, and we can definitely do that.

CHAIRMAN BOYLES: Pete, good suggestion. Any other questions or comments? Okay, any other business to come before the policy board at this time?

MR. BEAL: Since Robert got us through the business session and the policy board, I don't think they'll need to meet tomorrow unless there is a non-compliance issue, which I don't think there will be or I don't anticipate anything coming out of those.

ADJOURNMENT

CHAIRMAN BOYLES: Thank you for a good discussion. Thank you for hanging in here a little bit longer. The policy board meeting is adjourned.

(Whereupon, the meeting was adjourned at 6:45 o'clock p.m., March 23, 2011.)