

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*February 20, 2013
2:45 – 5:45 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome; Introductions (*P. Diodati*) 2:45 p.m.
2. Board Consent (*P. Diodati*) 2:45 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2012
3. Public comment 2:50 p.m.
4. ASMFC Commissioner Survey Results (*T. Kerns*) 3:00 p.m.
 - Summary of results
 - Discuss next steps
5. Executive Committee Report on Strategic Planning Process (*R. Beal*) 3:30 p.m.
6. Technical Orientation and Guidance Document (*T. Kerns*) **Action** 3:40 p.m.
 - Review revised guidance document
 - Consider approval of the Technical Orientation and Guidance Document
7. Update on Bureau of Ocean Energy Management Activities (*B. Hooker*) 4:10 p.m.
8. Discuss and Consider ASMFC Public Comment on Amendment 5 to the HMS 2006 Consolidated Fishery Management Plan (*L. Daniel*) **Action** 4:35 p.m.
9. Habitat Program direction and priorities (*T. Kerns*) **Action** 4:55 p.m.
 - Future direction of Habitat Committee
 - Consider approval of the Harbor Deeping Report
10. Atlantic Coastal Fish Habitat Partnership Report (*E. Greene*) 5:10 p.m.
11. Management and Science Committee Report (*M. Paine*) 5:20 p.m.
12. Other Business/Recess 5:35 p.m.

The meeting will be held at the Crowne Plaza Hotel, 901 North Fairfax Street, Alexandria, Virginia; 703-683-6000

Working towards healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*February 21, 2013
1:00-1:30 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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|---|-----------|
| 1. Welcome; Introductions (<i>P. Diodati</i>) | 1:00 p.m. |
| 2. Board Consent (<i>P. Diodati</i>) | 1:00 p.m. |
| • Approval of Agenda | |
| 3. Public comment | 1:05 p.m. |
| 4. Review of Non-compliance Findings (if necessary) | 1:10 p.m. |
| 5. Other Business/Adjourn | 1:30 p.m. |

The meeting will be held at the Crowne Plaza Hotel, 901 North Fairfax Street, Alexandria, Virginia; 703-683-6000

Working towards healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.

MEETING OVERVIEW

ISFMP Policy Board Meeting
Wednesday, February 20, 2013
2:45 – 5:45 p.m.
Alexandria, Virginia

Chair: Paul Diodati (MA) Assumed Chairmanship: 11/11	Vice Chair: Louis Daniel (NC)	Previous Board Meeting: October 24 and 25, 2012
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 24 and 25, 2012

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. ASMFC Commissioner Survey Results (3:00–3:30 p.m.)
Background <ul style="list-style-type: none">• The Commissioners completed a survey of Commission performance for the third year as included in the ASMFC Action Plan (Briefing CD)• The survey measures the Commissioners’ opinions regarding the progress and actions of the Commission in the previous year
Presentations <ul style="list-style-type: none">• Staff will present a summary of the survey results highlighting significant changes from previous years’ surveys
Board actions for consideration at this meeting <ul style="list-style-type: none">• Determine if any action is required given the survey results

5. Executive Committee Report on Strategic Planning Process (3:30-3:40 p.m.)
Background <ul style="list-style-type: none">• The current ASMFC 5-year strategic plan will end on December 31, 2013• The Executive Committee will discuss plans to develop the 2014-2018 ASMFC Strategic Plan at its meeting on February 20
Presentations <ul style="list-style-type: none">• Review process to develop the 2014-2018 ASMFC Strategic Plan by R. Beal
Board actions for consideration at this meeting <ul style="list-style-type: none">• None

6. Technical Orientation and Guidance Document (3:40-4:10 p.m.) Action

Background

- The Guidance Document for ASMFC Technical Support Groups and the Orientation Manual for ASMFC Technical Support Group Membership were last updated in 2002
- Commission Science and Policy staff updated the manuals into one draft guidance document that reflects current Commission committees and practices
- The MSC and ASC are reviewed and edited the draft document completed by staff
- Guidance for public participation during Technical Committee meetings to address various stakeholders concerns to the Policy Board are included

Presentations

- A review of the new Technical Support Group Guidance and Benchmark Stock Assessment Process document will be presented by T. Kerns (**Briefing CD**)

Board actions for consideration at this meeting

- Approve the Technical Support Group Guidance and Benchmark Stock Assessment Process document

7. Update on Bureau of Ocean Energy management Activities (4:10-4:35 p.m.)

Background

- BOEM manages the exploration and development of the nation's offshore resources on the outer continental shelf. It seeks to appropriately balance economic development, energy independence, and environmental protection through oil and gas leases, leases for renewable energy development, and environmental reviews and studies
- Several wind energy areas along the Atlantic coast are under lease consideration by the Agency for offshore renewable energy projects.

Presentations

- Report on BOEM Atlantic coast activities by B. Hooker

Board actions for consideration at this meeting

- None

8. Discuss and Consider ASMFC Public Comment on Amendment 5 to the HMS 2006 Consolidated FMP (4:35-4:55 p.m.)

Background

- Public comment for Amendment 5 to the HMS 2006 Consolidated FMP is due on February 5, 2013 (**Briefing CD**). The Commission asked NOAA for an extension in order for the Board to discuss the proposed measures as a Board.
- The Amendment proposes several actions that may impact state shark fisheries

Presentations

- Discussion of proposed actions by L. Daniel (**Supplemental Materials**)

Board actions for consideration at this meeting

- Consider submission of public comment for Amendment 5

9. Habitat Program Direction and Priorities (4:55-5:10 p.m.)

Background

- A white paper was developed by a contractor to consider the future direction of the

<p>Habitat Program. The white paper includes recommendations for changes to the program (Briefing CD). The Habitat Committee prepared a response to the white paper (Briefing CD). Both white papers were presented to the Policy Board at the 2012 Annual Meeting, where the Board tasked staff with development of a report on how the recommendations would be implemented and the associated costs (Briefing CD).</p> <ul style="list-style-type: none"> • The Habitat Committee completed the next report of the Habitat Document Series: Harbor Deeping Report for the Board’s review and approval
<p>Presentations</p> <ul style="list-style-type: none"> • Review the white paper on implementation of the recommended changes to the habitat program by T. Kerns • Overview of the Harbor Deeping Report by T. Kerns (Supplemental materials)
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Accept habitat program recommendations • Approve the Harbor Deeping Report

<p>10. Atlantic Coastal Fish Habitat Partnership Report (5:10-5:20 p.m.)</p>
<p>Background</p> <ul style="list-style-type: none"> • ACFHP has strengthen the partnership with 2012 North Atlantic Landscape Conservation Cooperative Priority Science Program • ACFHP has submitted a proposal to National Fish and Wildlife Foundation River Herring Conservation Initiative • National Oceanic and Atmospheric Administration’s Coastal and Marine Habitat Restoration Funding Opportunity closes February 19, 2013
<p>Presentations</p> <ul style="list-style-type: none"> • Update on Partnership activities relating to the programs noted above by E. Greene.
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • None

<p>11. Management and Science Committee Report (5:20-5:35 p.m.)</p>
<p>Background</p> <ul style="list-style-type: none"> • On behalf of the Massachusetts Marine Fisheries Advisory Commission (MFC), Paul Diodati has sent a letter to the Commission requesting the ISFMP Policy Board task the MSC to consider whether climate-induced distribution shifts of migration populations have occurred and if these distribution shifts can be used as a basis for re-evaluation of quota allocation decisions based on the discussion with the MFC. The Policy Board tasked the MSC to address this issue.
<p>Presentations</p> <ul style="list-style-type: none"> • Update from the MSC on proposal to address this task by M. Paine
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • None

13. Other Business/Recess

MEETING OVERVIEW

ISFMP Policy Board Meeting
Thursday, February 21, 2013
1:00-1:30 p.m.
Alexandria, Virginia

Chair: Paul Diodati (MA) Assumed Chairmanship: 11/11	Vice Chair: Louis Daniel (NC)	Previous Board Meeting: August 8 and 9, 2012
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review Non-Compliance Recommendations (If Necessary) (1:15-1:30 p.m.)

Background

- Species management boards and sections review compliance on an on-going basis.
- If a board/section recommends that a state be found out of compliance, the Policy Board must review this finding prior to the Commission taking action.

Presentations

- Staff will provide background on any non-compliance recommendations

Board actions for consideration at this meeting

- Determine if a recommendation should be made for the Commission to notify the Secretaries of Interior and Commerce of a state's non-compliance

5. Other Business/Adjourn

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

**Radisson Plaza-Warwick Hotel
Philadelphia, Pennsylvania
October 24, 2012**

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of August 8, 2012** by Consent (Page 1).
3. **Move to adjourn** by consent (Page 25).

ATTENDANCE**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Dennis Abbott, NH, proxy for Rep. Watters (LA)	Roy Miller, DE (GA)
G. Ritchie White, NH (GA)	David Saveikis, DE (AA)
Douglas Grout, NH (AA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Bill Goldsborough, MD (GA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Robert Ballou, RI (AA)	Jack Travelstead, VA (AA)
David Simpson, CT (AA)	Cathy Davenport, VA (GA)
Lance Stewart, CT (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Rep. Craig Miner, CT (LA)	Louis Daniel, NC (AA)
Jim Gilmore, NY (AA)	Bill Cole, NC (GA)
Pat Augustine, NY (GA)	Robert Boyles, SC (LA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Patrick Geer, GA, proxy for S. Woodward (AA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	A.C. Carpenter, PRFC
Leroy Young, PA, proxy for J. Arway (AA)	Wilson Laney, USFWS
Loren Lustig, PA (GA)	Kelly Denit, NMFS
Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)	

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

Ex-Officio Members**Staff**

Robert Beal

Toni Kerns

Guests

Gordon Colvin, NOAA
 Kim Damon Randall, NOAA
 Patrick Geer, GA DNR
 Jim Estes, FL FWC
 Russ Allen, NJ DFW
 Peter Himchak, NJ DFW
 Raymond Kane, CHOIR

Janice Plante, Commercial Fisheries News
 Ellen Cosby, PRFC
 Bob VanDolah, SC DNR
 Megan Caldwell, Charlotte, NC
 Lynn Fegley, MD DNR
 Dan McKiernan, MA DMF
 Nichola Meserve, MA DMF

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Radisson Plaza-Warwick Hotel, Philadelphia, Pennsylvania, October 24, 2012, and was called to order at 2:45 o'clock p.m. by Chairman Paul Diodati.

CALL TO ORDER

CHAIRMAN PAUL DIODATI: Welcome; I am Paul Diodati, Chair of the Policy Board. I'm joined by a number of people up here. I see Toni Kerns to my right and our Vice-Chair Louis Daniel to my left.

APPROVAL OF AGENDA

CHAIRMAN PAUL DIODATI: You should have before you the agenda; and without objection we will approve the agenda.

APPROVAL OF PROCEEDINGS

CHAIRMAN PAUL DIODATI: Proceedings from our August 2012 ISFMP Policy Board Meeting; are there any changes or questions? Without objection, I will consider those approved.

PUBLIC COMMENT

CHAIRMAN PAUL DIODATI: We will take a few minutes for any public comment. Is there anybody in the audience who would like to address the policy board at this time? Seeing none, we will move to Item 4, Update on the Marine Recreational Information Program.

UPDATE ON THE MARINE RECREATIONAL INFORMATION PROGRAM IMPLEMENTATION

MR. GORDON C. COLVIN: It is my pleasure to be back to update the commission on the status of the Marine Recreational Fisheries Program. We very much appreciate you giving us the opportunity to provide you with this update this afternoon. I'm going to just briefly review what MRIP is all about, what we have been up to here in the last year and begin to talk about the improvements that we have completed, that we're nearing completion of and begin to introduce to our thinking, I hope, and thoughts about the process for making decisions as we move towards implementation of more and more survey improvements in the next year and a half or so.

The Marine Recreational Information Program is NOAA's Program to collect recreational fisheries

catch-and-effort data. The program was instituted in response to a review of recreational fishery survey methods nationwide that was conducted at NOAA's request by the National Research Council in 2004 and 2005.

Their report in 2006 led to the establishment of this program and the recommendations of that report were essentially codified into the Magnuson-Stevens Reauthorization in 2007, which required NOAA Fisheries to implement as many of those recommendations from the NRC report as was feasible to do so.

MRIP has been constituted as a program that fully involves and engages our partners and our stakeholders in the process from the beginning. Our overall governance includes an executive steering committee that sets overall direction and guidance for the program. The three interstate marine fisheries commission executive directors, included Bob Beal, are members of that committee along with support we get from the councils, our science centers, our regions and our stakeholder community.

Three primary teams manage MRIP. Our operations team, which is chaired our friend and your friend and former colleague Preston Pate has the lion's share of the responsibility for doing the technical work to develop a new survey and estimation methodologies. Again, the interstate commissions and a number of the states provide members to the operations team, including Pat Campfield from the commission staff and many of the states.

As always, I want to take time at the beginning of this presentation to recognize the support that we have had from the commission members in development of the MRIP Program over the years and to thank you again for maintaining this partnership. We can't do it any other way. Very briefly, the MRIP timeline, as I indicated we began about 2007.

We have now executed three rounds of research project or essentially R&D project developments to design and pilot test improved methods to our various surveys, not just on this coast but nationwide. We have projects completed or underway from three years' worth of work by the operations team and our many partners and project teams to move forward on this.

A fourth year with prospective FY 13 funding; our project proposals was just closed and the operations team will be meeting at the end of November to review those proposals and to make

recommendations for round four of project funding. We have begun to implement changes as a result of the work that we have done to date, and we will talk a little bit more about that, but increasingly now, as we complete more of these projects, we will be at a point of essentially placing developed methodologies in the MRIP toolbox and making it available to our partners for implementation on a regional basis, and that is the focus of what I want to talk about today.

Just a brief review of some of the things that have been accomplished recently, as I spoke to you about last year, we have developed a new design unbiased way of estimating catch from the intercept data that we all collect that results in essentially a substantial improvement in the accuracy of the estimates and is essentially a foundational requirement for other survey improvements that need to be built off it, including the new intercept survey which I will talk about more in a minute.

We have had a lot of focus in the last year on trying to improve access and transparency to the information that we do have, and that has included some improvements to our website and the availability of information on it. I spoke about this three years' worth of projects; it is well over 30 projects that are in process and probably over 40 soon.

We now have on our website a complete listing and thorough description of all the MRIP-funded projects and the update reports that come in from the project teams, the status reports and completion reports for those that are done. It is a new feature that we added this year. We also, in conjunction with the new estimation method, have made some pretty significant improvements I think to our catch query section on the website.

A number of new queries are available and a new graphing tool, which I have spoken to some of you. I just spoke to Dave Simpson about it a couple of minutes ago. I think the new graphing tool is a particularly nice feature. For the partners who can work with us and access the SAS datasets, there are also new capabilities for things like enabling you to develop your own analyses of length frequency information from the data that we have as well as sub-state domain estimation for those states for whom that is important.

This is going to be a continuing process as well, but it is important to make information available about what we're doing is to complete the work successfully. Also, in conjunction with an effort that

is across the entire Office of Science and Technology to update ST's website, we have also just launched a new website under the ST web pages that combines – if you will recall, those of you who have been there probably noticed that recreational statistics were actually in two different areas of the NMFS Website.

One of them was under the old catch queries' pages and the other was the MRIP pages. We have now combined these into a single website that is essentially the recreational fishery statistics pages on the Office of Science and Technology Website, and it will be the MRIP Website. A lot of people have asked us when is it MRIP; it is MRIP now and it will be hereafter. We are not characterizing our surveys else-wise anymore.

Another thing that we did within the last year is that we had our outreach team, our communications team visit a number of states. We were in Florida, New Jersey and several of the New England states to talk to some of the state partners, your advisers and stakeholders, independently recruited focus groups and others to get better insight on how to communicate about MRIP.

That series of what we referred to as the Atlantic Coast Road Show was very successful in helping refine our communication products, our outreach products and so forth. The last phase of it was held in September in New England. Those of you that we met within New Jersey earlier in the year will not recognize the products that we showed you and previewed with you as they evolved over the course of the year based on the feedback we got.

I think at the end of the day we have substantially improved outreach products which we will also be going back to you to share. Now, some of that sharing is actually beginning today in that part of the product train there is handout materials that we hope will be available for distribution and use by our field staff for doing the intercept surveys; essentially cards to be handed to anglers when they're surveyed and information sheets and some other materials.

That is all being reviewed today and tomorrow at the wave meeting that is going on in Baltimore that all of the states have staff at, working with our staff on the intercept survey implementation. There is a lot of interest in the question of where we go from here on charterboat data collection. At the present time – and again we will talk about this more in a few minutes – we continue to work on an intercept-based survey of charterboats and headboats, sea sampling aboard

headboats and the for-hire telephone survey of operators to get effort data.

There is a lot of interest in looking to the prospect for moving in the direction of increased logbook or trip-based reporting as an alternative or substitute. In the North Atlantic areas we have requirements for charterboat and headboat operators to submit trip reports in federally permitted fisheries, but that data is not used as the primary data base to determine catch estimates. The survey data is.

We are in receipt of a project report from the project team that did the extensive for-hire pilot project survey in the Gulf of Mexico. It has been reviewed by our operations team and it is about to be – in fact, it is in the process of being prepared for submission for peer review. Once the peer review is conducted and the project team addresses the peer reviewers' comments, we will push it through the MRIP process for review, approval and distribution probably early next year. The results of that report are expected to be the information that we and many of our partners will need to begin to make decisions on whether we continue to work with the primary methodologies we're using now or whether we begin to move in the direction of logbooks; and if so, how to do it.

Again, I'll talk a little bit more about this when we get into the implementation discussion later. Also, within the last year Jason Didden from the Mid-Atlantic Council, who is a member of our operations team, had a project in place to conduct a workshop to talk to states and stakeholders about methods for using essentially information provided by anglers who volunteer to provide it.

Self-selected surveys and other names have been used. That workshop report has just gone on to the website and it has a lot of useful information about the pros and cons and the appropriate and more highly liable uses of that kind of data. The kind of the bottom line there is that self-selected angler data is not probably the way to go to generate general catch data because of the inherent bias associated with basing estimates on anglers who decide to submit it to you as opposed to a randomly selected data set.

On the other hand, there can be uses of that kind of data that are useful to supplement other data streams, and those sorts of findings are likely to inform and tee up other MRIP projects to develop that sort of thing going forward. I know that in this recent round of project proposals we have at least one new project proposal that is proposing to build on that.

Where we're headed next; the first big thing will be the implementation beginning in January of the new design for the access point angler intercept survey. We will begin in January in the Gulf states and North Carolina; and then when we normally begin data collection in the rest of the Atlantic Coast in March.

Again, today, literally as we speak, over in Baltimore our staff is working with the technical staff and the survey staff from our contractor and our state partners to review in depth and in detail the new intercept survey design and the management requirements that will go along with it. We are not yet sure who our contractor will be. We're still in procurement for the contractor for those services. That is on the street now, I believe.

The expectation is and we are still on track to roll that one out in January. Again, the purpose of that change is to remove sources of potential bias that are associated with the current intercept survey design and distribution of sampling effort. There is some overlap between the sources of potential bias that are resolved by the estimation method and the intercept survey.

When we had the estimation method peer reviewed, the peer reviewers suggested that it would be better when possible to address potential sources of bias in sample collection rather than to use a model-based approach to address it in estimation, and that is what we're doing. We're also able to address sources of bias that we can't address with the new estimation method, particularly the time of day bias that will now be addressed by sampling in different time slots over the entire 24-hour day period.

We are continuing to work towards the development of a new effort survey to replace to Coastal Household Telephone Survey. That has proved to be a far less tractable problem to resolve than we might have thought at the outset of MRIP. If you're interested in following up, I have referred to that lengthy list of project reports that is now on our website. Within the last year a fairly extensive review of the many pilot projects we have done to date on different effort survey methodologies has been completed and posted to the website as a synthesis report of the results of the different pilot projects.

That report and its recommendations have led us to design and conduct two major pilot projects of different effort survey designs; a dual-frame address mail and angler registry; mixed mode mail and telephone. The pilot project has been underway in

the four South Atlantic states since the beginning of the year, and that will probably wrap here in the next couple of months.

We are also starting a new long-term, more complex process of essentially a mail survey that will use a combination of postal address, household address and registry sample frames in the states of Massachusetts, New York, North Carolina and Florida. That is starting up I think next month and that will run well into next year.

Once those two pilot project results are available to us, our plan will be to address the final design of the survey that will replace the CHTS; so around a year from now we should be talking about procuring services for a new contract or contracts to do our new effort survey and to talk about the details of its design.

When these primary, fundamental changes of the survey designs are in place, the next thing we all need to talk about is having fixed what is broken, what level of investment do we want to make and where do we want to make it in terms of increasing sampling to improve precision, timeliness and coverage of the surveys. That is the decision-making that we need to begin to think about that I want to talk a little bit more about this afternoon.

From the beginning MRIP's vision has included the notion that our central effort would be to develop methodologies centrally but recognize that the needs for data vary from region to region, and there are differences in the nature of fisheries, geography and other things that go on in different regions that may require different survey approaches.

What works in Washington won't work in North Carolina, for example, because of geography as much as anything, but what works in some places we're finding doesn't work well in the islands, so we have a whole other group of issues to address in Hawaii and Puerto Rico and the Virgin Islands. We need to work with our regional partners to select the best tools and to make the best decisions we can about the quality of data moving forward.

From the beginning of MRIP, even before the Magnuson was reauthorized, a workshop was held in Denver in 2006 when I still worked for New York state and Press still worked for North Carolina, and we were both there to talk about this issue. The issue at that time from the beginning was we need to have regional flexibility.

National Standards, sure, but regional flexibility is essential and so we want to maintain that. As I mentioned before, our basic model has been that the MRIP projects that we have talked about will lead to the development of tools that are appropriately designed statistically, that pass muster scientifically, they're supported by peer review that we can then further develop and also come up with models and tools that will help us evaluate and look at the tradeoffs that are associated with different levels of sampling or different methods of sampling, ultimately enabling us to put tools in the toolbox and decide which one to take out in what regions and how best to apply them.

From the beginning our strategy has been as I said before, identify the fundamental design changes we need to make in our surveys to free them of bias and to achieve accurate results and implement those fundamental changes and then make investments in increasing sampling that makes sense and that requires us to look at tradeoffs among different investments and different improvements we can make to improve precision, timeliness and coverage.

So where do we need to go next? Our thinking is – and this will be announced shortly – as we issue within the next few weeks our update to our MRIP implementation for 2012/2013 – we need to begin to think about regional implementation and decision-making. This next couple of slides is actually taken from the implementation plan and they are a summary of what is there about our thinking about where we are and where we may go next on the Atlantic and Gulf Coasts.

But the thought basically is that we need to work with our partners and particularly our FIN partners, if you will, the GULFIN Program, ACCSP on the Atlantic Coast, Pacific RECFIN and so forth as the most appropriate partner that is most inclusive – the councils are part of those partnerships as well – and will enable us to have everybody around the table and to think about what sorts of decisions we want approach moving forward.

So just a quick summary of where I think we are and maybe headed on the Atlantic Coast in terms of the various different facets of this problem. The new estimation method, as I indicated, has been adopted. Let me also back up and with respect to ACCSP, we are farther ahead on the Atlantic Coast in many respects than we are elsewhere because of the action that ACCSP took earlier this year to substantially update and expand its standards for recreational data collection.

A lot of what is applicable here will not be elsewhere, and it is because of that action. In the new ACCSP Standards Document, for instance, it already anticipated the need to make changes in the intercept survey design, and the need for those changes and the fundamental basis of them are reflected in the standards we adopted last spring, so it is already there.

The details don't have to be there; they're being filled in now. In the case of for-hire trip reporting, essentially there is a maintenance of a long-term commitment to the Southeast Headboat Survey as a census-based trip reporting for headboats in the South Atlantic states. Other than that, all of the other for-hire surveys, the standard under ACCSP remains essentially what we have been doing; the for-hire telephone survey and the access point angler intercept survey as improved pursuant to the new design.

But, there is kind of a placeholder in there to come back and revisit that question once we have more information that will enable us to make more informed decisions about the pros and cons and costs of moving away from the sample-survey-based approach to a logbook approach after the Gulf Pilot Project is done.

At some point here over the next year or so a dialogue about the future of for-hire data collection for guideboats, charterboats and headboats outside the South Atlantic states will need to be pushed front and center for us all to think about. Coverage and timeliness; there are specific provisions in the new ACCSP Standards that set goals for the timeliness of preliminary estimates suggesting a one-month sampling interval rather than the present two and a specified shorter time post-sampling interval for production of preliminary estimates.

There are also recreational-specific recommendations for increases in coverage, primarily geographic increases to move upstream to some extent in the estuaries. Those are in the standards and in approving them we have adopted them as goals. We're not attaining them now. Attaining them in the future is among the things we will have to evaluate the tradeoffs for.

Similarly, precision of catch estimates; there were specific targets for precision of estimates in the old ACCSP Standards and they were to some degree based on kind of stepping back and looking at the old MRFSS estimates and saying, well, that is pretty good in the instance of stuff that we thought was pretty good, but what we've since learned is that

those estimates were all wrong and they were all, frankly, too good. The actual precision was not as good.

In the new ACCSP Standards, the question of a precision target was deferred. It is not in there. Instead ACCSP applied for and received a grant from the MRIP Program to do a project this year, and Mike reported on that project at the ACCSP meeting earlier today, to do some development and then conduct a technical workshop looking at the model results and some other information to help us come up with a more informed and hopefully attainable set of precision standards for our estimates.

What we do know is – and this is important – by addressing the sources of bias in our survey methods, we get ourselves to a point where having done that and having implemented those changes, at that point an investment in increasing sample size will improve precision when we can be pretty confident in that. Without making those changes, we can't be.

These things are to that extent sequential. Now, there will be a lot of tradeoffs to be evaluated here. We're not going to have money enough in all probability to do everything that we would want to do to generate estimates that are as precise at whatever level every partner wants them to be, as timely and with as much coverage as every partner might like.

We're going to have to have some way of evaluating the tradeoffs looking at what we have available to invest and figure out how we can get the best bang for our buck. To that end, MRIP is also conducting another project this year with our expert consultant team to help us develop some simulation models that will enable us to quantitatively evaluate at least the tradeoffs between improved precision by how we distribute expanded sample size between the intercept and effort surveys and timeliness.

By the end of 2013 we should have both the precision workshop results and the simulation model results available to us and as a regional management partnership enable us to begin to evaluate all that information and try to make some decisions based on, of course, the resources that we have available. By then I think at least the short-term picture will clearer than it is right now.

The bottom line here is that we need to look ahead to the fact that we need to make choices for precision, coverage and timeliness and partner resource commitments, because that has all got to be a part of what is on the table at that time to sort out our survey

design and our specifications moving forward. And probably again we think that some kind of workshop approach or committee approach involving ACCSP will be the best way to do that. It is the one vehicle that has all the partners in the same place for decision-making.

Now, just briefly give you another picture of where we are in the Gulf, the Gulf is relevant because fundamentally the same survey designs have been in place and the Atlantic Coast in recent years, as you know. The only difference is that in the Gulf Coast the states directly receive funding to conduct the intercept survey, and we do not contract with an independent contractor there.

The same methodology is used, the same estimation methodology, the Gulf Coast state staffer in Baltimore right along with your staff today talking about this implementation and reviewing the Wave 3 and 4 data at the wave meeting. We're pretty close to them but the Gulf is not as far along as the Atlantic Coast is in terms of identifying targets or goals for coverage, for timeliness and precision.

We do have the Gulf Coast commission staff and other people involved in the project team that is doing that precision workshop with ACCSP, and they are very appreciative of that opportunity and they believe that those results will be very helpful to them as well in developing precision targets. By and large they're with us on estimation and implementation.

They're in same place we are on the for-hire trip reporting issue in terms of needing the Gulf pilot to inform decision-making moving forward. But when it comes to the other issues, the coverage, precision and timeliness objectives, they still need to work on that, so we need to come up with a dialogue that appropriately involves the GULFIN Program to take that step and then move on to the receipt of our model products and our workshop or whatever approach we decide on in setting our goals and making our tradeoff choices. That is kind of a preview of where I think we're going to go next. Mr. Chairman, I thank you for the time and I will be happy to address questions.

CHAIRMAN DIODATI: As always, Gordon, it was appreciated. Are there any questions for Gordon; questions about MRIP? Adam.

MR. ADAM NOWALSKY: Thank you for the presentation. I appreciate the efforts that have been made to come out to individual states. I have seen yourself and your staff in New Jersey quite a bit, so I

appreciate that effort. With regards to the transparency component of it, one of the questions that is always asked on the ground is with regards to the intercepts; where are they actually being held, what do they look like? What is the possibility to develop a querying tool that would allow for querying of those intercepts, enter a state and enter a date range and allow people to actually see those, because I think that would be something that would be a big transparency component?

MR. COLVIN: Adam, I think that is probably a possibility. As I understand how this new intercept thing is going to work – so we get a little bit into the weeds here, but right now we've just about completed the process with tremendous amounts of support from the state agencies in reconstructing the Atlantic and Gulf Coast Site Register, which is essentially the master inventory of all fishing sites on the two coasts in an assessment of their descriptions and the activity levels at different times of the day, now all times of the day, in four six-hour time blocks for each site.

The new intercept design will essentially cluster these sites so that assignments for interviews will be made to clusters of one, two or three sites per assignment and the number will depend on the amount of activity. High activity sites might be clustered at one; low activity sites might be clustered at three. These clusters will be set and that hasn't been completed yet.

That process is ongoing through a model that has been developed now; and there again that's part of what they're talking about today. Once the site clusters are pretty well defined, then another program is used to draw a sample. Once that sample draw is done – and it is done on a wave basis – then I think it is quite possible that the sample draw could be posted to the website.

That is something I need to ask the staff about, but based on my understanding of the process I think it is possible. On the other hand, I'm not sure we want to tell people ahead of time where we're going to go because I think that could introduce some problems from the statistician's point of view. I just don't know.

After the fact, clearly, there is no problem in posting it; but if we told people ahead of time, that could influence somebody's decision on where they were going to go fishing. I have to throw that out there. I'm not an expert in that area, as you know, but we can look into it. The other thing is that – I will

mention this – on the issue of transparency, this site register that I spoke of is going to be generally publicly available.

The current site register, the one that has been in place in the past, has not been, but the new site register and the clusters will be. Actually, in some respects as we collectively work to continue to maintain it and improve the quality and the completeness and the accuracy of the information in the site registry, this is going to end up being the most comprehensive data base on marine angling locations in the country and potentially has lots of other uses to inform people.

They're putting information in there about facilities that are present at the sites and so on and so forth so that anglers can go on there and not only find out where the sites are but is there a bathroom, is there a boat ramp, how many parking spots are there and so on and so forth. That will be available.

MR. DENNIS ABBOTT: It is always a pleasure to see you, Gordon. You spent a lot time today talking about programs and meetings and changes and methods and methodologies, et cetera and et cetera, as you try to accomplish a difficult task. A simple question from my point of view might be when will we see MRIP helping us in managing fisheries. And, say, using summer flounder as an example, when will we see things that help us do our job? That is probably a question we would get from a lot of folks.

MR. COLVIN: And the answer to that question may depend to some degree on where you sit, but the fact of the matter is that for the years 2004 to 2012 you have more accurate summer flounder catch estimates now. You have them. They may not be different, but they're more accurate. We know that and therefore the impact is that it puts you in a position to be more confident in the decisions you make with them. Now, let's face it, some people won't feel that they're being helped until the estimates move in some direction that changes some management action, but that's not what this program is about. This program is about getting more accurate estimates and not estimates that somebody wants.

MR. THOMAS FOTE: Gordon, it is always a pleasure. Just listening to your last statement, but it is what we want in some ways. We're looking at a closure in black sea bass. We're looking at summer flounder and scup still being listed as a Tier 3 and black sea bass is a Tier 4 by the SSC of the Mid-Atlantic Council. That puts a precautionary approach on how we basically set up quotas.

After you do all that precautionary because of the lack of data there, we now put the extra precautionary approach because of the SSC's lack of trust in the recreational statistics. What I'm looking for is that place where the SSC is no longer basically questioning the validity of MRIP or the information coming out of the recreational sector and it doesn't penalize us by reducing the quota more than what we do for the other precautionary approaches because of the lack of data.

I mean, one of the reasons we went around this battle and basically asked congress to do something in 2006 in the Magnuson Act is because we knew this was coming down the train, and we have been suffering the consequences because of the scientists lacking trust at the council level.

MR. COLVIN: Well, Tom, I would have to look into that because I'm not sure that I recall the reason that the scientists came to the conclusion they did was based on uncertainty about the recreational catch estimates for those species, so I'd have to look at that. When you look at black sea bass or scup or summer flounder on a coast-wide annual basis at the level at which stock assessment scientists look at it, those estimates are pretty good.

Now, that said, when you drill down and you get down probably with sea bass and some of the others on a smaller scale, smaller geographic scale, a smaller time scale, looking at an individual mode, then you will see imprecision in the estimates, and the new methods alone can't address precision.

If I were you – and maybe this is an elaboration on my answer to Dennis – if I were you and I was sitting around this table still as a fishery manager, what I might be interested in is getting to a point where there was an investment in increasing sample size so I could improve precision of what is scientifically a more accurate estimate but within a substantially narrower margin of error for the data points of interest to me, whatever that might be.

That is going to require that assessment of tradeoffs and that evaluation of resource availability that I spoke of earlier. I know that is a little abstract but that is the best answer I can give you, but maybe it comes back to Dennis'. We need to get to that point where we can have that discussion and make those decisions about increasing sample size and then you will see I think more precise estimates when you look at New Jersey alone, for example, or New Jersey in Wave 3 alone or something like that.

MR. DOUGLAS GROUT: Gordon, with the new intercept method coming out, in the pilot study was there any analysis done as to whether this was going to cost more or less or neutral? Are we going to be more efficient as we need to be right now?

MR. COLVIN: Unfortunately, as I understand it, the pilot project report is in peer review and we don't have it to share with you, but I believe we probably can't find in it the answer to that question because the nature of the piloting work was a fairly small sample size as compared to the sample size that we had for the real intercept survey; so when you compare them statistically, it is hard to say how the precisions compare because of sample size alone.

The way we're doing the new rollout, however, is we're starting from a point where the model that we're using to make assignments, the assignment-draw model – let's get a little bit into the jargon, but I think you know – is being created in a way that it uses your existing capability as the basis, so we will make assignments within the sideboards of the current capability either of our contractor; or in the case of the Atlantic states, our subcontractors; or in the case of the Gulf states, our state partners.

For the most part that means you will get as many assignments as your current staff can handle. Now, in a couple of states that are very big – Florida is probably the key example – that alone isn't enough because the geographic distribution becomes a problem as well. You can't send a sampling team from one end of the state to the other in 24 hours, so in some states we have actually had to subdivide the state into smaller blocks for purposes of the sample draw modeling.

But that is how we're going to start; and then over the course of this year, as we gain experience with the use of the new program, we will get a better sense of what the precision results will be and that we can plug back into that model that we're developing of trying to optimize the results of our sampling design and then eventually look at the tradeoffs with precision and timeliness.

This is going to be an evolution and we're going to have to evaluate this together as we go forward, but we're not looking to hand you a whole bunch of extra work that you can't do for the money we have been giving you at the outset. That we're not going to do.

MR. ROY MILLER: Thank you for your presentation, Gordon. Did I understand you to say that you have fully implemented the angler registry

for generation of effort estimates? In other words, are you still using any component of the random digit dialing for generation of effort estimates?

MR. COLVIN: We're using the old CHTS today for the generation of effort estimates. We are using angler registries in those two big pilot projects that I spoke to you about. Within a year we will be moving away from the CHTS when we settle on the new design about a year from now.

CHAIRMAN DIODATI: Gordon, are you leaving today?

MR. COLVIN: No, I will be here the rest of the day.

CHAIRMAN DIODATI: Well, that is good; you may get more questions in the back of the room. Thank you, Gordon. Our next item is Matt Cieri is going to give an update from the Assessment and Science Committee. What we can do is jump over Matt's presentation and we're going to go to the next item. Our executive director is going to give us an update on the white paper about meeting transparency. This has to do with Walter Jones' letter? Yes, okay.

REVIEW WHITE PAPER ON ASMFC MEETING TRANSPARENCY

EXECUTIVE DIRECTOR ROBERT E. BEAL: There was a white paper that was distributed in the supplement materials that went out to the policy board members. It follows up on, as Paul mentioned, a letter from Representative Walter B. Jones from North Carolina that we received prior to our August meeting.

In the letter the congressman asked for two things specifically from ASMFC. One was to stream our meetings over the internet similar to what some of the other councils are doing and to take roll call votes on – the letter asked for roll call votes on all actions taken by the board. We responded to the representative saying we are going to explore that – we will implement live streaming but we're going to explore the roll votes.

This white paper is the response to this policy board to consider. As far as live streaming goes, obviously a lot of the councils are doing it. We have explored our capacity and we do recommend that we start live streaming ASMFC meetings. We have the technology to go through webinar and some other things, but it is just going to take a relatively small

investment a couple of wires to patch through to the computer.

We should be able to do that. There is a small expense probably associated with this in getting a hard line internet service in each of the meeting rooms rather than using wireless. The system breaks down a little bit if you're going over wireless versus being actually plugged into the internet. We will do that and have that additional expense at our meetings, but it shouldn't be too heavy.

We are going to actually try a pilot program at the menhaden meeting on December 14th. There is probably going to be a lot of interest in that meeting; and if we can successfully do it for menhaden, I think we can do it for any other meeting. We might as well try it at the hardest meeting first and see how that goes.

There are a couple of options as far as dialing in. Hearing the voice portion of the meeting, you can do that in two different ways. One is through the internet service through go-to webinar and the other is you can call in a dial-in number. We're recommending that we do the voice over the internet; and however we do for the dial-in phone portion of it, we are recommending – the go-to webinar comes with a number but that number has associated with it long distance fees.

That's how the councils are set up. If you can't use the free internet, then you have to essentially pay the long distance fees associated with that, but it is not a cost-prohibitive thing for the individuals that want to hear the meetings. We're recommending we start that at the December 14th menhaden meeting.

As far as the roll call votes go, that one is a little bit more difficult and we probably need a little more feedback from the policy board on how it should be implemented for commission and board meetings. The second part of this document includes a series of criteria that we're recommending would trigger a roll call vote.

These would be approval of FMPs, amendments or addenda; stock assessment approval or acceptance; non-compliance recommendations; annual specifications, quotas, seasons, allocations; conservation equivalency proposals; and then also the chair has discretion to call a roll call vote as any time. All these recommendations don't supersede the current practice which is any commissioner at any time can request a roll call vote, and we're recommending that we continue that. The example

of today would have been an hour or so ago when the Horseshoe Crab Board approved the 2013 allocations under the ARM Model. That would have been a roll call vote.

It is a difficult balance between sort making the meetings more cumbersome but creating the transparency that the public wants, and they want to see how the individual states voted. The letter from the congressman actually requested that we record how individual commissioners voted, but the way the commission process works it is one-state one-vote principle.

The delegation from each state puts their heads together and decides how that state is going to vote, so we don't recommend recording individual commissioner votes but rather the vote from the individual states and jurisdictions. That is the recommendation from staff is to use those criteria for roll call votes in the future. It would result in a lot of – not a lot but a substantial increase in the number of roll call votes.

We're not recommending roll call votes for individual actions prior to the approval of an FMP. A lot of times you have a series of decisions that lead up to the approval of an FMP. Some of those are pretty big decisions and I think those big decisions that lead up to the approval or when the chair or a member of the board may want to request a roll call vote. That is the recommendation, Paul. It is up to the group on how they would like to implement that. It would greater transparency but a little more burden on the board.

I guess the other thing; there are some ways the board chairs can facilitate this going a little bit more smoothly. If there really is no anticipated opposition and the board chair can say is there any opposition to this motion, then I don't think there is any reason to read 15 states and everybody says yes; we just say it was passed unanimously. I think it is a little bit of an evolution for the board chairs and for staff to work through this, but hopefully it won't be too cumbersome for the boards.

CHAIRMAN DIODATI: Okay, none of that sounds terribly difficult. I think this will become business as usual very quickly. Are there any questions for Bob? A.C.

MR. A.C. CARPENTER: I was interested in the last paragraph of the report where the option about having everybody hold their hand up and the staff read it off, New Jersey, NMFS, Fish and Wildlife,

kind of thing, and that sounds to me like that might actually be quicker. Is that still on the table or are we going to strictly go with the roll call?

CHAIRMAN DIODATI: I would think that it is. I think any process is on the table as long as we can get through a roll call that is understandable, particularly with the audio transmission. That will work and I trust that staff will work those things out for us. We could probably try a few things. Ritchie.

MR. G. RITCHIE WHITE: Mr. Chairman, I think this makes sense. I think to add on the agenda the items when we take a vote that are roll call, so that will help the chairs to know that this is a roll call vote.

CHAIRMAN DIODATI: Good suggestion. Doug.

MR. GROUT: I think this is a good report and a good way to move forward. The only one that I had a question on was why stock assessments, approval of stock assessments? As I look at all of these other items, we're talking about specific management measures that will be put in place or non-compliance or management measures that will be changed under conservation equivalency. A stock assessment is the acceptance of a scientific report. I saw that as sort of a little bit different than all the other things, so if I could get an explanation of why that particular item was put in there. That is the only one that I might question.

CHAIRMAN DIODATI: You're not going to get it from me.

EXECUTIVE DIRECTOR BEAL: I'm not sure you're going to get it from me either. I think it was just the notion that at times some of the assessment results and pending board action following that have been somewhat controversial. If the board feels that those are not controversial motions and the acceptance of a stock assessment and peer review results are – you know, the board usually passes a motion that reads we accept – pick your species – stock assessment and peer review results for management use. If the board feels those aren't that controversial, then we can take it off the list.

CHAIRMAN DIODATI: Do you want more discussion on that, Doug?

MR. GROUT: Other than to suggest to the board that maybe that be one that we drop, and I would love to hear other people's opinions on that. I think it is a different issue.

MR. WHITE: I would support leaving it for this reason. When you get into controversial issues, if a state accepts the stock assessment and there is a record of that, but then in a management decision works against the stock assessment later I think that record is good for the public to see. I kind of like the idea of having a record of that.

MR. FOTE: It is interesting to see New Hampshire disagreeing with each other, but my thought on this would be that would be one of those positions that if everybody unanimously supports approving the stock assessment without objections, that there isn't a roll call vote. It is only when there is an objection that we would have a roll call vote because then it could be stated on the record. Otherwise, I can think of no stock assessment I've heard in the last year that there was actually an objection to the stock assessment. I think that would cover that category pretty fast.

MR. ABBOTT: I would like to cast the deciding vote here. (Laughter)

CHAIRMAN DIODATI: Maybe you guys can talk about this on the way home.

MR. ABBOTT: I don't want it recorded or live streamed either, but I'm not sure what Representative Jones' intent was. I would read that Representative Jones' intent was that he wanted to know the critical votes that go on in the commission.

I thought the idea that was posed earlier of when we have our agenda, those votes that are assumed to be critical would be so posted that they would be roll call votes; and if anything should come up during a meeting that someone under all the circumstances wants a roll call vote, that is how we should be doing it.

DR. LOUIS DANIEL: I can tell you precisely why Congressman Jones sent the letter. He had some constituents in Dare Country who were very upset about the last vote that we took on dogfish when the commission was more restrictive I think than the councils and we came back later and changed our vote to go to the 36 million – I think it was 30 million – and so they wanted to know who voted against them. That was the intent.

They called me up and asked me who had voted for the 30 versus the 36 and I said, "Well, I know how we voted and I can't exactly tell you how everybody else voted." That was the answer to his question and then the letter came out. I did explain to them that we do have a one-state one-vote situation and that we

wouldn't be doing individual commissioner roll call votes.

I do think, while I've got the mike, the main thing is just how we vote on those substantive management actions. I think that was his main thing. I think in many instances we often have only a couple of dissenting votes. I think I agree with Ritchie, I think it would be very easy – and others – I think it would be very easy for staff to just simply indicate who voted no. I don't think it would be terribly intrusive. If we have to do roll call votes on every single action, we would be here for an extra day. To answer your question, I think that was Congressman Jones' intent.

MR. DAVID SIMPSON: Yes, just as few cases as possible; I think final action on a final amendment or addendum. Especially the example of approving a stock assessment for management use; I do worry about a little bit of – you know how you watch C-Span and at two o'clock in the morning there is your congressman pitching passionately to an empty audience, playing to the audience.

I'm a little bit concerned about that happening here and delegations beginning to vote, no, that they don't approve an assessment so later on they can say, well, I never liked the assessment, anyway, and I am on that record. I think it is just going to cheapen our whole process. Let's just be careful about that part of it.

CHAIRMAN DIODATI: Well, I'm not too concerned about that because I represent the Commonwealth of Massachusetts; and when I'm here I'm going to be doing the job. I get what you mean. I think that Bob has this in hand, and, Doug, if you trust staff to itemize beforehand how the roll calls will go, if you have a question about it you can raise, but I think this is a go-ahead and see how it feels. It is new. You know, certainly, I think that the public process now does almost require that we transmit this audio, so that goes without saying. Is there anything else on this, Bob?

EXECUTIVE DIRECTOR BEAL: Obviously, Joe records the transcripts of the meeting, but one of the other things that some of the councils are starting to do is record individual board meetings and put those audio files on their websites. We are not proposing to do that right away, but I think we're going to evolve to that as well as the other councils have been doing. I think that is it.

CHAIRMAN DIODATI: Okay, we're going to go back to Matt Cieri and Matt has the Assessment and Science Committee Report for us.

ASSESSMENT AND SCIENCE COMMITTEE REPORT

DR. MATT CIERI: I am actually filling in for Kim McKown who couldn't be here today because of travel restrictions. The first thing we're going to go over is a task that you guys sent to us basically as an Assessment and Science Committee. You wanted us to develop alternative scheduling options that would allow Atlantic menhaden and sturgeon benchmark assessments to be conducted as soon as possible.

As you might remember, menhaden ran into some difficulties with the assessments, and it was recommended by the technical committee to actually push up assessments. Then you all have decided that sturgeon is an important species and you would like to have that benchmarked as soon as possible as well.

For Atlantic sturgeon, state directors need to make sturgeon a high priority in order to get that assessment completed. They need to commit staff to get it done in the timeliness in which you want it to be done. It is not just simply a matter of saying go ahead and do it. You guys have to actually commit your staff to it.

For Atlantic menhaden, we have kind of a couple of options. The first one is for NMFS support, which is what has currently been going on with menhaden. To do that, menhaden needs to be added to the SEDAR Schedule for 2014 directly as soon as possible. For ASMFC staff support, the lobster peer review would have to be pushed back until 2016. There are sort of two choices there between what is currently going on, which is NMFS heading up the assessment versus staff.

There are also other things that we can do to sort of rearrange the schedule to make things a little bit more efficient as well as a little bit less cost prohibitive is the best way of putting it. One would be to move weakfish to 2015 to allow for staff to be switched off on to sturgeon. The other one is the ecological reference points which are around menhaden in general, and that would have to be delayed back until 2016 or later, depending on what happens with menhaden in general.

Then black drum would be delayed to about 2015 to free up cash to conduct peer reviews for some of these other species. Just to give you an idea of some

of your alternative options, Option 1 is for staff to lead menhaden and you get lobster in 2016. Option 2 would be have NMFS staff out of Beaufort lead the menhaden assessment, in which case you will get lobster in 2014.

Option 3 would be to go with either the states head up the assessment, somebody from the individual states, or to have a consultant lead it, in which case you would also get lobster in 2014. I know this is difficult to read, but this gives you a list year by year – and this is also in the document – of which benchmarks and which updates are being done under each of these three options. You can kind of get a flavor of pretty much what is available and what is on tap.

What you will notice is that in 2014 we have got a bunch of species. There are a lot of commission-important species that are being peer reviewed, and we are running out of personnel and bodies to do this with. The other thing that the ASC actually made some comment on is the use of external consultants for stock assessments.

The Assessment and Science Committee strongly advises caution when hiring an external consultant to do this type of work. The pros are when you hire somebody else outside the system, you get a fresh look at what you're doing, which is always a good thing in the scientific realm. These people can bring new ideas, new methodologies, new ways of doing things in the assessment, which are invaluable in many cases.

However, there are also a lot of cons in bringing in somebody from the outside, particularly if you're paying them. One is the inability to reproduce some of the methods. A lot of times the data code and everything else becomes proprietary to the person who has formulated the model. The other is its open-endedness.

Remember, every time we go through a stock assessment, it is not just for that particular year. It is actually for a tool that we're then going to re-update either year or every few years until the next benchmark. Then when we do the next benchmark, what we have to do is actually reproduce the old assessment exactly.

In many cases if you hire a consultant, you're committing that consultant to doing that work not just as a one-shot deal but over the course of five or six years, and this drives up cost. You also still require a lot of staff time and a lot of state staff time in order to

get the data that you're going to use in the model, anyway. It is not just about modeling. It is also about data collection and bringing all of that stuff together in a usable format for the assessment.

In any case, the Assessment and Science Committee did make a recommendation and that would be that the consultants would be fully integrated into the process and that the use of consultants would probably be a rare event, on a species-by-species or case-by-case basis. Obviously, that type of long-term commitment and that type of work will certainly not be cheap. That's it.

EXECUTIVE DIRECTOR ROBERT E. BEAL: The SEDAR Steering Committee met via conference call two weeks ago and Atlantic menhaden is on the 2014 SEDAR Schedule as it stands right now. While I have the mike, Options 2 and 3 that Matt showed earlier, the long list for 2013, 2014 and 2015, the action plan for 2013 that the business session is going to review later today, the way it is drafted right now is based on Options and 3.

The assessments and the peer reviews that are going to be done under Options 2 and 3 are the same. There are different ways of getting there with the Beaufort lead or consultant lead on menhaden, but the workload and the results are the same. You can sort of keep that in mind as we move forward into the business session.

CHAIRMAN DIODATI: It seems to me although this was laid out in a decision tree with three options to begin with, we really don't have three options. It seems to me that only two of those options keep us on track with the timing that we anticipated and what we desire the best or the most.

One of those is not being recommended by the Assessment Committee or they're advising that we don't go in that direction because of the cost and using the outside consultants and so forth. It seems to me that we really only have one option or one preferred option, so can you elaborate on what the costs might be if we chose – that was that Option 2, I think it was – that is the states; or was it Option 3?

EXECUTIVE DIRECTOR BEAL: I think the only provision that needs to be considered with Option 2 is making sure that menhaden is on the SEDAR Schedule for 2014. As the SEDAR Schedule stands right now, that is on there and I think that lines up with what the Assessment and Science Committee would like to see, so Option 2 seems to be where things are kind of shaking out right now.

CHAIRMAN DIODATI: Okay, so I'll open it up to questions. Go ahead, Doug.

MR. GROUT: Yes, I'd certainly support Option 2, but I did notice one thing in the sturgeon information. The technical committee seemed quite concerned about being able to meet that 2014 deadline, and in fact was saying in all likelihood it would be 2015 before they could get an assessment done. Now, I'm just going by what is in the report there. How does that affect the schedule other than just moving it out? Is that going to cause a problem if it doesn't get done until 2015?

DR. CIERI: I'm not entirely sure because I would have to actually take a look at some of the scientists' workload. In a lot of cases there is not a lot else that is on the docket for 2015, but maybe Genny has a better idea if she knows off the top of her head about the commitments and time commitments of some of the staff.

EXECUTIVE DIRECTOR BEAL: I'll give it a try. I think it is a lot of work to get a sturgeon assessment done, and the group is still trying to figure out is it river by river, is it DPS; how would an assessment be broken out? The good news is a lot of the sturgeon scientists are unique to the sturgeon assessments. They're not overlapping on a lot of other species is my understanding. If sturgeon is delayed to 2015, it won't impact or I don't think there is a significant impact on the workload of red drum, croaker, weakfish and black drum. It should be different scientists in 2015.

DR. DANIEL: I sat in on the Assessment Committee conference call. One thing that would be helpful I think for us to see is that chart that they actually had with all the staff workloads for the states. It is pretty impressive the number of people that we have doing these jobs. There are some people that are sitting on four or five or six assessments.

One of the nice things about the way they structured this, if you will look at some of these, like bluefish is going to be handled mostly by the Mid-Atlantic; the black sea bass also by the Mid-Atlantic. Some of these assessments we're not fully responsible for, coastal sharks and some of the others that we won't have to carry all the load and won't be the lead agency in developing the stock assessments. It seemed like from the discussions that I was privy to they have got it kind of worked out to where nobody is really being overburdened too significantly. Option 2 seemed to be their preference.

CHAIRMAN DIODATI: Okay, as I said, Options 2 and 3 are the ones I think we want to focus on. Louis is driving us towards Option 2. Bob, you have already indicated there might be some issues with that depending on scheduling, but do we need to make a decision today on this?

EXECUTIVE DIRECTOR BEAL: I think the action plan for 2013 needs to reflect the priorities and the timing of these assessments. The way it is drafted now, as I mentioned, is consistent with Option 2. With menhaden on the SEDAR Schedule, Option 2 seems to be viable at this point. That seems to be the best option.

CHAIRMAN DIODATI: I'm we can just go with Option 2. Matt, are you going to say something that moves us away from that?

DR. CIERI: If we're going to do menhaden, we need to start fairly soon. Remember, menhaden has a lot of moving parts. We have to go back through and actually take a look at a retrospective pattern and lots of other things. We need to get moving on it if you want it by 2014.

CHAIRMAN DIODATI: Okay, I'm going to suggest that we focus on Option 2. I don't think we need a board action to do that. Matt, you can start on menhaden right now. Does that conclude this discussion; is that enough guidance? I believe it is. Okay, are there any other questions on this? Seeing none, we will move on. Okay, this is our Habitat Committee Report and it is going to be provided in a team approach today by Bob and Megan.

HABITAT COMMITTEE REPORT

DR. ROBERT VAN DOLAH: We, as you mentioned, are going to do a team approach for the first part of it. The first part is to give you a review or an overview of the review that Megan Caldwell conducted of the habitat program at the request of Vince O'Shea. That would be the first and major part of our presentation. The second would be just a few additional slides giving you an update of our activities in the past year and planned activities for 2013. We can do this separately or all at once at your pleasure.

CHAIRMAN DIODATI: Whatever you're comfortable with.

DR. VAN DOLAH: I'd say we will do the first part and then open it up for questions and see if we can't

get board approval. With that, I will turn it over to Megan who will start this.

MS. MEGAN CALDWELL: Bob and I are going to divide responsibilities on reporting out on this program review, and I will start by just giving you a little bit of background about how it was initiated. The Habitat Committee has been without a dedicated habitat coordinator for over three years, and they have made repeated requests for having a habitat coordinator hired to help out with their responsibilities.

The executive director at that time had asked the Habitat Committee Chair to do a review of the five-year strategic plan, the habitat components of that. That review just looked at what efforts have been made to address each of the strategies included for the habitat program. As a result of that report, the past executive director thought that a review of the habitat program mandates and activities should be conducted to ensure that it is meeting the commission's needs.

Last December a contract was initiated to conduct a program review. That program review responded to the following questions. The first one was did the objectives and Habitat Committee tasks in the Habitat Strategic Plan and Action Plan align with the broader objectives of the commission's plan.

The second question was is the completion of the habitat tasks realistic given the resources dedicated to the program and then does the current Habitat Committee approach add clear value to the ISFMP or states in general and to what is it adding value. Then the fourth question was the linkage between the Habitat Committee and the Policy Board is weak and what approaches could be used to strengthen that linkage between the two. The fifth question was is the Habitat Committee limited in capacity and is that limitation impeding results.

It was also asked to address with the arrival of ACFHP at that time; does that change the Habitat Program's vision, objectives and tasks; and then what is the appropriate relationship between the Habitat Program and ACFHP. And then finally it asked to identify potential regional and local partners and how the Habitat Program should engage those partners.

I was asked to take a look at a number of governing documents and use those to respond to those questions. ACFCMA was looked at, the ISFMP Charter, and the ASMFC 2009-2012 Strategic Plan. The Habitat Program has a set of operational procedures manual that outlines how they conduct

their business. They also have their own strategic plan for 2009-2013.

I also took a look at the Habitat Committee notes for recent meetings and various products over the last few years. Then finally that was supplemented with conversations with various commission staff who have been involved with the Habitat Program.

DR. VAN DOLAH: The full review document has been provided to you in your briefing documents along with the full response of the Habitat Committee. Just to refresh everybody's memory, the Habitat Program and the Committee on Economic and Social Science are the only two committees that are actually appointed to and report directly to the commission chair.

I believe that is because these are cross-cutting committees that deal with all of the commission-managed species. At least with respect to the Habitat Committee, our goal really is to address the foundation of habitat requirements and needs and limitations for these particular species. There were a number of recommendations in the document, but six applied specifically to the Habitat Committee activities, and what I'd like to do is very briefly provide an overview of our response to those recommendations.

Recommendation 1 was basically to not have a separate habitat program, a strategic plan, but rather merge that plan with the overall commission's strategic plan with respect to goals, objectives and tasks and move the vision and larger objective-and-goal statements that are currently in the Habitat Program Strategic Plan to the operational manual.

We have kind of combined these two recommendations together. Basically, the Habitat Committee, when we met in the spring, reviewed all of these recommendations and endorsed all of them. These first two recommendations just make sense because it does minimize duplication of effort.

We have already started some revisions and we will work with Megan to prepare a revised operational procedures manual that addresses the recommendations in her full report, assuming the board approves of this change. Once we do that, the modifications will have to come back before the board for final approval.

Recommendation 3 was one I can assure the committee felt very strongly about. We have been struggling with not having a dedicated coordinator

for our committee, and so we very strongly endorse this. We appreciated the past executive director contracting with Megan to apply at least some limited contractor support for supporting our committee.

We feel that having a coordinator is obviously integral for completing the tasks that we are assigned and have identified to be completed and for the committee's effectiveness. Currently Megan has only supported by agreement with the past executive director for one day a week. We think that is too low. I can assure you having worked with her since she started in this capacity that she is working more than that and just not being paid for it all. We would recommend an increase in the support for Megan, recognizing that there are budget limitations, but to at least two days a week as level that is more reflective of her actual activities.

Recommendation 4 was that the Habitat Committee should develop a more detailed annual work plan. We have always created action plans each year, but I think the idea was for the habitat coordinator to work with the committee to get more specificity associated with these activities, identify specific individuals or subcommittees that complete the task with an appropriate timeline; whereas, before it was a little bit more generic, so we agreed with that recommendation as well.

Recommendation 5 was, as part of the revision of the operational procedures manual, that we should do a better job of defining what a Habitat Committee member should have with respect to characteristics. We already have some of that as it relates to the characteristics associated with NGOs but not with the general Habitat Committee members.

We recognize and fully agree within the committee that the committee members are really there to represent their agency's expertise and particular categories and we have a broad diversity of expertise, and that they're not there really to represent their agency's policy or regulatory views. This is supposed to be more an independent assessment of the problem.

That said, even though we have broad expertise amongst the committee members, it is limited still. Many of the committee members are not fishery research scientists or fishery managers specifically knowledgeable on the life history patterns and habitat needs of all of the managed species for the commission, and many of those staff on the committee don't have the authority to assign those kinds of review responsibilities or product

development responsibilities to others within their agency.

Recognizing the high workloads that they already have with their own job and with their expertise limitations, we strongly recommend that the way to move this process forward particularly with the habitat sections of the FMPs is, with the assistance of the coordinator, for most of the species contract out for the initial development of that habitat section, which would then be reviewed by the Habitat Committee as well as the technical committee, so the Habitat Committee would serve more of a broker, if you will, to identify a process to move those habitat sections forward.

Finally, Recommendation 6 was to kind of clarify the relationship between the Habitat Committee's responsibilities and those of ACFHP. Many of you may recall that the Habitat Committee members along with the coordinator at that time were instrumental in developing the proposal to get ACFHP funded, and many of the Habitat Committee members are actually serving on the ACFHP Committee as well.

Quite frankly, there was a blurring of activities between what the Habitat Committee was doing and thinking about and what ACFHP was doing and thinking about. As ACFHP has become more established, I think we have got a clear delineation of what the Habitat Committee is needing to focus on and it is very separate from what ACFHP is focusing on.

We do have a fluid dissemination of information between the two groups. Emily Greene provides an update to the committee at each of our meetings. In terms of trying to improve communications, we recognize that the Policy Board has a full agenda and there is not often a lot of time to get a lot of back and forth or feedback from the board, but we do want to try to solicit your feedback whenever possible to get what you feel needs are of the Habitat Committee to focus on in future habitat questions.

We also see a need to increase our communication with our respective commissioners prior to meeting week to see if we can't get a better dialogue going. As part of that, we plan to develop and provide an abbreviated meeting summary of our Habitat Committee meeting to the commissioners to solicit their input.

Finally, as far as communication, we recognize also that it is a challenge for us to keep up with what habitat issues may be of concern to a lot of the other

technical committees or committees in general. We just can't be at all of those meetings so we see that as a key role of the coordinator to facilitate communications between the coordinators of those committees.

Last, with respect to this review, one of the things that Vince O'Shea felt very strongly about and we agreed was that we make a more concerted effort to consider potential habitat bottlenecks for commission-managed species. We always have done that to some degree, but we are dedicating ourselves to make a more concerted effort to specify whether there are habitat bottlenecks or not based on the best available information.

We have already developed text for the Red Drum Habitat Section that we have recently completed, and we intend to do that in similar sections for the other species as we move forward. We are also considering a broader effort in terms of critical habitats that are used by many species and how we might be able to consolidate some of those recommendations.

I will point out, though, that not all of the commission-managed species are believed to have habitat bottlenecks; and in fact our review of the Red Drum Plan, the end conclusion was that there are not habitat bottlenecks for that particular species, as just as example. Again, you have greater detail on both the recommendations and the response from the committee to those specific recommendations. I guess I would stop here and see if we can't solicit from the board whether there is agreement with these recommendations that we concur with.

CHAIRMAN DIODATI: Are there questions or comments? Tom, go ahead.

MR. FOTE: I think it is important to know the history of how the Habitat Committee actually started, and I really think that is important. Al Goetz, who served on the Mid-Atlantic Council, basically looked at the Habitat Committee of the Mid-Atlantic Council, and was chairing that, and decided that we needed to start one at the Atlantic States Marine Fisheries Commission.

He came to me and basically said let's push for it. Bill Goldsborough was helpful in that regard. We basically got the Habitat Committee in place. We had a full-time staff. There was grant money available. Diane Stefan was the person. At that time it was the commissioners who were sitting on the Habitat Committee, the governor's appointees.

Actually I think Gordon was either the vice-chairman or the chairman at the time, and he sat on the Habitat Committee. Phil Coates wanted to be there. We were all members of that.

Over the years it kind of changed direction sometimes and basically I think Lance is the only governor's appointee or actually commissioner that sits on the Habitat Committee anymore. It was decided to go in slightly different directions, and it was also decided not to have a full-time staff. Diane was able to secure funds that basically paid her salary.

We accomplished a lot. At that point we were trying to put all the plans in together so we were doing the habitat sections for all the management plans, because we really didn't have that, and it was an important part of the Habitat Committee. I served as the original chairman for four years and then I basically stepped down and Bill Goldsborough took it over.

I don't know how many years you were there, Bill, but Bill can be – ten years – and actually even though I'm off and on the commission, I actually stayed on the Habitat Committee because of the direction of our director for a long time. Even though at one point I was off the commission, they left me on the Habitat Committee. I think it is an important role.

I think the highlight I thought of always the Habitat Committee was because of our concerns with what was going on with dredging permits and what was going on with other agencies, that we were able to put together a workshop. We brought in the Army Corps of Engineers, the other federal agencies that deal with habitat issues and actually had a joint meeting of the Mid-Atlantic Council's Habitat Committee and the Atlantic States and sat here and tried to get all those partners together to look at how we would restore fisheries habitats.

That was a great meeting. The followup on that really never came out. The Corps of Engineers didn't want to come back or they basically moved on to other things. But that is the history; that is part of the small history. I tried to keep it short, but that is why I have a lot of respect and I have always had a soft place, and Al Goetz always did, and I think Bill does. I'll stop there.

CHAIRMAN DIODATI: Are there any other comments or questions for Bob or Megan? Bob.

MR. ROBERT BALLOU: Bob, you spoke about the clear distinction as you see it between the committee and the partnership. Could you expand on that a bit and explain just what that clear distinction or differentiation is?

MS. CALDWELL: The commission serves as just one of many partners on the Atlantic Coastal Fish Habitat Partnership. The commission provides some administrative oversight or assistance to the program, but at the table the commission is just one more partner. Does that answer?

MR. BALLOU: If I could follow up; thank you for that, but maybe more in terms of mission and function, if you could speak to that more in terms of how they – I'll ask that question.

EXECUTIVE DIRECTOR BEAL: I can't give a clear distinction between the two, but Emily Greene might be able to describe sort of what tasks fall under the Atlantic Coastal Fish Habitat Partnership and what are deferred to our Habitat Committee. They do have very different roles.

MS. EMILY GREENE: I will take a crack at it; and I saw Wilson's hand up back there; so if it's possible to let him provide some feedback. I see ACFHP as being more of the on-the-ground arm, the group that solicits funding to give money to its partners in order implement restoration projects or protection projects. I think that is a big defining difference between the two.

CHAIRMAN DIODATI: Wilson, did you want to add to that?

DR. WILSON LANEY: Yes, Emily basically said what I was going to say. If you look at it in terms of – and I tend to think of it in terms of how do these components fit into the Fish and Wildlife Service's approach to landscape-level management, which our brand I guess is commonly referred to as strategic habitat conservation, as five parts.

It has a biological planning part; it has a conservation design part; it has a conservation delivery part, and then it has monitoring and adaptive research and it basically goes in that kind of a cycle. If you think of it that way, Bob, the fish habitat partnerships, including the Atlantic Coastal Fish Habitat Partnership, are part of the conservation delivery part.

As Emily said, they're more of an on-the-ground institution that is seeking funding and doing things in a very hands-on way, usually at a local level in the watershed to try and make a difference from a fish

habitat perspective. From my perspective, the Habitat Committee is more of a biological planning and conservation design tool for the commission to take a look at the whole east coast and look at habitat from a 30,000 foot level, see what the big problems are and try and keep our stakeholders informed as to how they can make meaningful decisions and make a meaningful difference in habitat quality on the ground.

But also in the case of the diadromous species, which are the most complex ones that this institution manages, to try and restore access to those habitats and try and restore the quality of those habitats and increase the population of those which in many cases include key prey species for other species that are managed by either the commission itself or by councils.

To me that's a big difference. I think that based on some of the discussions that were held this week with the Habitat Committee, conversations going on between the Assessment and Science Committee and also the Management and Science Committee, I think those three committees need to work together to begin to do things like integrate habitat considerations in the stock assessments.

Dr. Nesslage talked to us about that today. We're very excited about that I think on the Habitat Committee. I think it is something that is very doable; but as part of that the Habitat Committee needs to continue to survey the literature and understand and learn more about the science and how these organisms relate to their habitats and begin to develop the habitat models that will inform the conservation delivery that the Atlantic Coastal Fish Habitat Partnership and the other fish habitat partnerships deliver.

CHAIRMAN DIODATI: Does that answer your question, Bob? Thank you, Wilson. Is there more to your presentation, Bob?

DR. VAN DOLAH: A few more slides in terms of our current activities and planned activities.

CHAIRMAN DIODATI: Okay, why don't you go with those and then we will come back to our action item on this issue.

DR. VAN DOLAH: Okay, that sounds good; and to answer your question, Bob, a little bit more, these next few slides will help highlight what the Habitat Committee is focusing on and has focused on in the past year and planning to in the next year. Emily Greene I believe is next on tap and you will get a

sense for what ACFHP is trying to do and I think that will clarify it. Each and every year we try to deal with an update to at least one of the FMPs.

We struggled with the lack of having a coordinator on the Atlantic sturgeon. That was actually done by NMFS staff and then reviewed by both the Habitat Committee and the technical committee and revised again. That is now completed. It is with the technical committee and I believe that section will be finalized tomorrow in their discussions.

This past year we have worked on the Red Drum Habitat Section. That was done also by contracting out with an outside individual to do it and reviewed by the committee, and that will go to the Red Drum Technical Committee in December, I believe. One of the new initiatives that we started, recognizing that creating significant and fairly lengthy documents is difficult to do in this day and age with everybody's commitments, is to start a new habitat management series where this is really intended to address cross-cutting issues that are pertinent on the east coast and provide some technical input and technical references, if you will, for coastal managers to be able to deal with responding to these problems.

We completed the offshore wind document that you had a chance to review this summer, and that is online. These are relatively short, four- or five-page documents with lots of good references that can be readily updated. I believe we're getting some very positive responses on that document as being fairly useful to those that have a need for that kind of information.

We have subsequently initiated a second effort in that series and that is on the harbor-deepening issues. There are deepening projects either ongoing, completed or proposed all up and down the east coast. It is a big issue and so we're rapidly trying to develop a document that will provide some advisory information on what coastal managers should consider in those projects and some reference documents as well. We hope to have that ready by next spring.

Each year we have tried to do at least an annual habitat hotline issue that highlights the issues that each of the states is dealing with as well as some examples of restoration projects or other projects like that. We hope to have the second of our annual hotline issues out by this December so that we will stay on schedule.

We have to take a two- or three-year hiatus in publishing habitat hotlines just because of the lack of a coordinator. As I mentioned, we are actively considering habitat bottlenecks as a primary discussion point in our meetings. This past spring we did review the habitat program proposal that we just reviewed. We have also finished our review of the 2012 habitat action plan in terms of our accomplishments and finalized our 2013 habitat action plan, which you will review.

This is my last meeting as chair of the Habitat Committee. I cycle off and the vice-chair, Kent Smith from Florida will serve as the new chair and we elected Jake Kritzer as the vice-chair for the committee, so I think the committee is in very good hands as we move forward. For our 2013 activities, we are proposing to update the lobster; and if funding permits, black drum habitat section.

Actually there is no black drum habitat section; we would have to create it, but we would update the lobster habitat section, including some specific emphasis on potential bottlenecks for those two species. Assuming you approve the recommendations that you heard earlier, we will then go into a concerted effort modify the operational procedures manual, including the FMP outline and what is covered in those FMPs with respect to habitat concerns.

We're planning on preparing a third installment, if you will, of the habitat management series. We have discussed a number of topics that we think are quite relevant, and we are going to share those topics as part of the Habitat Committee Summary that Megan will put together fairly quickly. If any of you on the board have a desire to see one of those topics be a high priority for this coming year, please provide us that input. We would greatly appreciate it. With that, that should give you a sense for where we have been and where we are going.

CHAIRMAN DIODATI: Thanks to both of you for the excellent report and work you have done on this. There is an action item here, though, and I am trying to wrap my arms around it because I think it is a little bit more in depth than just approving the report that has been provided us. There are a number of recommendations; and if we approve the report with all those recommendations, then they become encumbered somewhere in our work.

I think we might have to have some discussion of the separate recommendations to make sure that we're comfortable with all of them. For instance, I think it

was Recommendation Number 5 that talked about member characteristics. I can appreciate that, but I'd probably have trouble institutionalizing that type of a recommendation.

I think most of us are glad to get a warm body to send to a meeting to contribute. When we have to start choosing their characteristics, I think that would be pretty difficult although I sense the sentiment of the group. Likewise, with the issue of increasing staff support, I'm very much in favor of that. I think that requires some discussion about budgeting with our executive director on how we could approach that. I think we all would support having appropriate staff involvement. Dennis, you have something?

MR. ABBOTT: Well, I would think that we would want to refer this to the director or staff to come back to us probably at the February meeting with his recommendations of what we should do with each of the recommendations contained in the habitat report; because there are financial issues and a lot of other things involved that would require consideration.

CHAIRMAN DIODATI: That is an excellent suggestion. Is there any objection to that suggestion? Generally I think the report's recommendations are excellent. They're streamlining; they're providing more focus to the committee work. I think it is going to have a very positive outcome. Bob, are you comfortable with that?

EXECUTIVE DIRECTOR BEAL: Absolutely; I can work with Megan and Bob or Kent if he is now the chair and pull a package together come back with recommendations for this as well as the financial impacts and recommendations with respect that as well.

CHAIRMAN DIODATI: Okay, then without objection from the board. Tom, did you want to comment on this issue?

MR. FOTE: When we paid for Diane Stefan, we did it through grants that were available back then. Hopefully, we would look at that those grants so it wouldn't come out of the commission's budget but look at the avenues we used in the past to get that grant funding, and maybe we could find some of that grant funding available.

CHAIRMAN DIODATI: I think that is the kind of thing that Bob and staff will take a look at.

EXECUTIVE DIRECTOR BEAL: I was just going to comment by February we may have a better sense

of what next year's budget is going to look like. Right now all the action plan items that the business session will consider in a little bit are essentially level funded for this year and the next.

CHAIRMAN DIODATI: Wilson, do you want to cap this off?

DR. LANEY: Mr. Chairman, I would just cap it off by asking the commissioners who have habitat issues that they would like to see addressed to just send us an e-mail and route those to the chairman or the vice-chairman. By that I mean Kent Smith or Jake Kritzer now. One of the things we have been feeling is a sense of a lack of communication with the board, a lack of a lot of communication with the board.

I know there are a lot of commissioners sitting around the table that have habitat issues that they would like to see addressed, and it would be beneficial to the Habitat Committee, I think. As Bob indicated, take a look at that list of future habitat management documents and see if there are any that really strike your fancy that you would like to see us put in a priority mode. Also, if there are other issues and places where you think the Habitat Committee could make a difference, places where you would like to see the ASMFC Habitat Program step in, please let us know about that.

CHAIRMAN DIODATI: Okay, I think I'm going to end this particular topic by saying that at least in the Commonwealth of Massachusetts over the past ten years we went to having one person working parttime on habitat-related issues in our state and now we have about a nine-person team just working on habitat issues.

It is a very important area I think for all the states around the table. That just demonstrates how things have shifted over the past decade in terms of habitat issues. Thanks to you, Bob and Megan, and we will wait until our winter meeting for a report back from staff. Emily Greene I think is next with her five-minute presentation because that is what it says here. This is going to follow nicely with the ACFHP.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP REPORT

MS. GREENE: At the summer meeting I provided an update on on-the-ground projects which were approved for funding through the Fish and Wildlife Service. Each year we are eligible for \$90,000 to go towards on-the-ground projects. I mentioned a project in the James River to restore Atlantic

sturgeon habitat. Specifically spawning and nursery habitat was approved for funding as well as a project in the Indian River Lagoon to restore ten acres of coastal habitat wetlands, including mangroves.

We were also able to reallocate funds that weren't used in the previous year towards a third project located in Buzzards Bay, Massachusetts, that will focus on restoring eelgrass by replacing traditional moorings with elastic conservation rings that minimize impacts to the seafloor by preventing chain drag, so that was an exciting thing.

I also wanted to note that this past July the Atlantic Coastal Fish Habitat Partnership sent out a request for the next cycle of project funding with a deadline of mid-September. We received eleven proposals which were reviewed and scored by the ACFHP subcommittee, and on Monday the full steering committee discussed and approved that ranked list, which will be submitted to the Fish and Wildlife Service for consideration.

We also received funding from NMFS for a project focused on basically transferring that conservation marine technology that I just mentioned out of New England and into another region along the coast. At the meeting yesterday we discussed some potential locations for doing that demonstration project.

We continue to operate via funds from the Multi-State Conservation Grant Program and recently secured another year of funding through a grant submitted by the National Fish Habitat Board, so we're good for calendar year 2013. At the steering committee meeting on Monday the group also discussed other potential opportunities for operational and project funding, including foundational support, NOAA Community-Based Restoration Grant Program Funding, and a couple of opportunities for the National Fish and Wildlife Foundation.

We will further develop these ideas over the next few weeks and months. On the Science and Data Working Group Fund, I just wanted to inform you of two major projects that we have in process. The first is the development of a draft manuscript of our Fisheries Habitat Matrix Project. We will seek publishing in a Peer-Reviewed Journal in the near future; and after that, hopefully can make those individual matrices available to the public.

The second effort is one which is actually a requirement as a fish habitat partnership that we complete a habitat assessment, so we are currently pursuing funds through the North Atlantic Landscape Conservation Cooperative to do that. That will be

GIS-based assessments that will guide where we focus our protection and restoration efforts.

Lastly, at our meeting on Monday the steering committee discussed streamlining its project endorsement process; approved for a process for bringing in new partners; and approved our 2012/2013 implementation plan; and discussed progress on those tasks to date. I would be remiss if I didn't mention the National Board recently published its second edition of the National Fish Habitat Action Plan. I have a limited number of copies that I put on the back table. I am happy to see they are all gone; but if you didn't get one, you can download the PDF at fishhabitat.org. Thank you.

CHAIRMAN DIODATI: Are there any questions for Emily? Go ahead, Mitch.

MR. MITCHELL FEIGENBAUM: I heard you say that you had discussed yesterday potential locations to apply the information that you gained in the experimental project in Buzzards Bay; can you identify some of those locations that are under consideration?

MS. GREENE: We have considered areas in the Mid-Atlantic, and we are open to other ideas if you have them. The location needs to have two components. The first is that there is seagrass and the second is that there a marina where moorings are in place. Finding a place where both of those two things are happening and where there are clear halos will be a location that we would consider.

CHAIRMAN DIODATI: I will just briefly cap off that discussion by saying in Massachusetts, because of folks like Bill Adler who says we manage fishermen all the time and don't do anything about all those other things, we have looked at this very seriously. If you do overflights of your marinas or anywhere where you have some large moorings you will see the chain roads, because of the tide action scour, looks like crop circles from the sky, and it is pretty significant.

The new type of conservation moorings, as you mentioned, some of them are elastic and some are like telephone cords, the curly thing, and you no longer get that scouring. They are a little bit more expensive, but I think well worth the regulatory effort to require that in the future. Thanks, Emily. Next, Rick Robins is here and we appreciate Rick taking the time to come here today.

We spoke a little bit earlier this week because we're discussing our strategic plan in our executive

committee meeting and where we're going with our five-year strategic plan. We were impressed by the effort that is ongoing in the Mid, and Rick has volunteered to come here and provide us an update about that.

UPDATE ON MID-ATLANTIC COUNCIL'S VISIONING AND STRATEGIC PLANNING PROJECT

MR. RICK ROBINS: Mr. Chairman and members, I appreciate the opportunity to be here with you and to provide a brief summary and update on the Mid-Atlantic Council's Visioning and Strategic Planning Project. We're now almost two years into the initiative, and I look forward to the opportunity to update you.

We obviously share together with this commission a very strong and common interest in the management of fisheries throughout the Mid-Atlantic and also more broadly up and down the east coast. I think these are important opportunities to have these discussions and updates. The primary purpose of the Visioning Project was to develop a stakeholder-driven vision, and I think that is one of the things that sets it apart.

It wasn't simply a matter of the council sitting around the table saying what do we want to see for the management of our fisheries in the future, but rather we built it foundationally on stakeholder input, and to that extent it was organic in nature. We made a very comprehensive effort to collect data directly from stakeholders, and I will discuss those methods briefly.

Earlier this year we completed all the data collection and we published that in July. The report was distributed, posted on the council website and made available. This fall we began to form a Visioning Working Group and Strategic Planning Group, and so that group has since been meeting and actually getting into the details of synthesizing the data and developing a vision mission, strategic objectives and all the elements that are typical of strategic plans. We are now underway and developing strategic objectives. In terms of the rationale for having a strategic plan, there are a number of reasons that we wanted to do this, but in general the timing was right for us.

The council was in a position where we had rebuilt our stocks; and so that end the council had an opportunity I think to enter into the strategic planning

process to better identify and more strategically identify opportunities and threats that we should be aware of risk and then also consider our process and organizational structure and develop a plan that would allow us to maintain continuity of management despite things like turnover in council membership, also just recognizing some of the inherent limitations in the process in terms of how the council interacts with the public. Most of our interactions are in the settings of regulatory meetings. I think that frankly limits sometimes the opportunity that we have to have candid discussions about what the future ought to look like for the fisheries because oftentimes we're developing regulations and stakeholders are reacting to specific proposed regulations. This put in a position I think to have a more proactive look at how we would manage fisheries; also recognizing that we needed to improve our communications.

We have long-term objectives that we want to make progress on such as ecosystem-type management. The data collection, again we used a number of different methods. One was a survey. We received over a thousand survey responses on fisheries-specific plans. We also received over a thousand general responses to the survey.

I think one of the significant developments with this project was the use of round-table-type meetings. We actually went to the stakeholders and met in fishing ports up and down the coast. We recognized the importance of Southern New England to the Mid-Atlantic Council, and so we started out actually in New Bedford and had a number of meetings up in Massachusetts and throughout Southern New England. We met all the way down to Cape Hatteras.

In total we had 20 meetings. We met with people in fish houses; we met in restaurants; we met wherever they wanted to meet. We met in places where they were comfortable and that greatly I think facilitated some very good conversations about what the contemporary problems were in the fisheries, how the stakeholders perceived the rule-making process and the council meetings and the meeting processes. We got a lot of excellent input.

We also got a lot of feedback about council communications and how those could be improved. I think in terms of what methods worked the best, we got a lot of great input through these meetings. I am hopeful as we go forward we will be able to make that part of our regular communication's plan.

We also received position letters from about twelve organizations that wanted to submit position letters. The stakeholders told us a lot. We had to organize the data, of course, in order to make sense out of it. The data were binned in half a dozen categories. Most significantly I think we heard a lot of concerns about information and data. That won't come as a surprise to the commission, but that seems to be foundational.

I think in order to understand the other issues we have to understand the concerns related to the information and data that are used to manage our fisheries. We also had a lot of input about management strategies, economic challenges, communication and participation in the process. There were concerns about governance and representation. Those were significant and also were categorized as a specific category.

We did hear a lot about ecosystem-based management and ecological considerations relative to the management of our fisheries, whether it was how we're dealing with spiny dogfish and their predation and effects on other valuable species or the ecosystem and also how we're dealing with forage species and low trophic level fisheries.

We heard a lot of concern about making sure that the ecological importance of those species is adequately reflected in their management. Again, we had a total of probably 55 themes. Stakeholders made over a hundred specific recommendations for management. We began to organize the data. Some of the common themes included a lack of confidence in data, insufficient stakeholder involvement, and again you heard a lot of concern about ecosystem-type issues. I will just touch on these because I don't want to go into all the specific details.

The stakeholders told us through the process a lot about what they wanted to see for the future, and that was one of our key questions. As we met individually with them and in groups, we always asked them at the end what do you want to see the future of the managed fisheries look like, what would be the desired outcomes?

There may be some tension between and among some of the visions but I think they're easily recognizable. Sustainability is right at the top of the list, but also having accurate scientific data, being fair and transparent in the process in terms of how stakeholders are treated, utilizing fisheries resources efficiently, not wanting to see a lot of regulatory-induced waste, seeing the council and the

management process generally do a better job of considering social and economic considerations, and also having consistent regulations.

There was a lot of concern that we heard – and I think this will be of interest to the commission – about just the fact that the process itself can be confusing to the public. There is confusion about jurisdictional issues. There is confusion about who is responsible for what as you look across the different management organizations; so whether you're looking at the state level or the interstate level or the council level, there was some confusion among the public about that.

There was interest in seeing consistency between and among fishery management organizations and also seeing regulatory stability in the design and implementation of management regulations. Right now we have Strategic Planning Working Group and that working group is built around a diverse group of council members. Those are council members and state directors or their representatives.

We also have key stakeholders involved that have been participating throughout the process. The ASMFC has been involved through the representation by the executive director on that group. We have also benefited from Bob Ballou's participation throughout the planning process and now on the Strategic Working Group.

At the end of this process we will have a strategic plan that goes out for public comment. We will then bring it back to the council for approval, and that will be an important part of the process as well. The process itself is relatively straightforward. I know many of you have participated in the past. It begins with an assessment of the environment, and that in this case is largely built on the stakeholder data that we already collected.

Then we define the vision and mission. We then develop goals and objectives and then strategies to implement those. At the end of that process, we will develop a tactical plan. The timeframe for the strategic plan will probably be a ten-year horizon. The tactical plan will be one to three years, and at that point there will be a lot more staff involvement in the development of that because at that level we're prioritizing and beginning to identify what resources need to be assigned to achieve those objectives.

In terms of the questions that we have received about the project, we did hear a lot of questions about how this will relate to what the council does or how this

relates back to Magnuson because you might think that everything is already defined in Magnuson; but in fact within that we still have the flexibility to consider a more strategic approach to how we manage our fisheries. Again, as we get through a tactical plan, we will have the pathway really forward for how we would develop and implement the actual objectives that are identified in the strategic plan.

In terms of what we can do in the scope of things, we do hear questions about whether the strategic plan will address things like data collection programs that the council doesn't manage. I think some of these issues are so important and so central to the successful management of the region's fisheries that they have to be addressed, but we can't do it unilaterally.

To the extent that we identify problems or strategic objectives that are related to programs that we don't specifically manage – for example, building confidence in data collection systems – we're going to have to work very closely with the science center, with the regional office and with the commission in order to achieve those objectives.

We're not going to develop strategic objectives related to the management of striped bass, but we are going to develop strategic objectives related to building confidence in data collection. I think in that sense we will have to work very collaboratively to address some of those underlying problems that we face. Mr. Chairman, with that, that is all I have and I wanted to leave an opportunity, if possible, if there are any questions from the commission, to address those.

CHAIRMAN DIODATI: Congratulations; that is a very high-quality process that you implemented and I suspect that the report that you're going to get, the strategic plan, is equally going to be high quality. It is a fantastic effort. Are there questions for Rick? No questions? Okay, we're going to copy it; how is that? When I say copy, we're not going to go out and do that; we're just going to take that. Excellent effort, Rick, congratulations.

MR. ROBINS: Thank you, Mr. Chairman, and obviously as you all go forward with your process I am sure our staff would be available to provide any information regarding the process, the methods, the way we interacted with contractors, et cetera.

CHAIRMAN DIODATI: Is your presentation available to the board?

MR. ROBINS: We will make it that way and e-mail it to your staff.

CHAIRMAN DIODATI: We would like that. There is a question from Wilson.

DR. LANEY: Rick, I could ask Chris but since you're here I'll ask you. Does the Mid-Atlantic Council have a staff lead for habitat? Would that be Jason Didden or do you not have a particular staff lead for habitat issues and ecosystem-based issues as well?

MR. ROBINS: We have Jim Armstrong right now is working on some of that. I believe we're initiating a Deep Sea Coral Protection Amendment and that will be Kiley Dancy taking the lead on that project.

MR. LOREN W. LUSTIG: Thank you for that excellent report. One of your first slides I believe you spoke of or you put on the slide that there was a lack of confidence in the data for some of the public that was responding. I found that to be disquieting. I have been wondering as the minutes passed perhaps why would that be. I, of course, could only postulate about that. I wondered, for example if it was an inadequate amount of data that was upsetting to the public or perhaps untimely data or the interpretation of data. I would just like to request some elaboration on that particular part of your report.

MR. ROBINS: I think that is an important question. We have tried to understand through the lenses of our stakeholders. As you look across the different constituencies that we interact with, that lack of confidence manifests itself in several different ways. Frankly, with the recreational public the overwhelming concern has been a lack of confidence in the accuracy of recreational catch estimates or in the variability of those estimates.

With the commercial sector there has been primarily a lack of confidence in the way survey data are collected, so the survey work that is done that feeds into the assessment process. With the environmental community there has been a concern about a lack of adequate monitoring data especially within our commercial fisheries.

It varies by constituency group, but collectively it is a very important area for us to understand I think and address. These themes reflect perceptions, but we have to get into those in detail to really understand them. Again, it varies by sector but I think it is important that we understand each one of those concerns separately.

CHAIRMAN DIODATI: Okay, we're going to move on to our next item on the agenda, which is the Law Enforcement Committee Report.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MARK ROBSON: Thank you, Mr. Chairman and members of the commission. Your Law Enforcement Committee had a really productive couple of days of meeting this week. You have got a written report in front of you so I won't spend a lot of your time going over all the details, but just a couple highlights.

As you can see, we're going to be working in the next couple of months with staff to develop some additional law enforcement recommendations and advice in writing to you to be used for development of the Atlantic Menhaden Amendment; also some of the management options in the American Eel Addendum.

We did have an opportunity yesterday to briefly discuss the v-notch issue for American lobster that the board discussed the other day. We're going to continue to work on that and go back and look at some previous positions the LEC put forward and review the definitions and develop for you a good written summary of the LEC recommendations or advice on that issue.

We were also fortunate this week to have with us at the LEC meeting the Chief of Law Enforcement for the U.S. Fish and Wildlife Service, William Woody, and he had expressed a very personal interest in what the LEC and the Atlantic States Marine Fisheries Commission is doing and made a point of coming to the meeting, and he was at the LEC meeting for the entirety. I consider that a really valuable thing for us as an organization.

We already have the active support and interest of Bruce Buxton as many of you know from NOAA Law Enforcement. I think it means a lot to have both of those gentlemen actively interested in what is going on with the Law Enforcement Committee. Then one last thing, Mr. Chairman; it was very interesting. Joe Fessenden from Maine brought to the LEC a very well-done video that they're using for recruitment of new officers in the Maine Marine Patrol.

I wish everybody could see it but it was very well done. What I saw out of that video was important to

me and the message that these men and women in the video were conveying; number one, how important it was for them to be working for conserving the resources. But, number two, the point was made that those officers see their value in aiding and supporting their local communities and the local fishermen in their communities.

I thought that was a very good point to make for recruiting. I think it is an important issue because in LEC meetings that I have been involved in now, we have been hearing a lot at every meeting about a couple of issues with regard to recruitment. Of course, everybody has faced budget reductions and loss of positions and it has been no different in law enforcement, and we hear this from state to state and agency to agency.

But even when they're able to develop recruit classes and go out and hopefully fill positions that have been vacant, one of the things that I have been hearing is that it is actually difficult for them to find good, qualified recruits for these positions. I think these kinds of recruitment videos are going to be helpful in looking for those kinds of people to come forward and work in resource protection. That concludes my report, Mr. Chairman.

CHAIRMAN DIODATI: Good report, Mark. How long is the video?

MR. ROBSON: They have a long version of eight minutes and then I think they have a 30-second PSA.

CHAIRMAN DIODATI: Well, I think perhaps at the winter meeting we can find time to watch the long version. I think that would be interesting. If there is no objection, I think we can put that on our agenda for the next meeting. I would like to see it at least. Are there any questions for Mark before he leaves? Seeing none, thank you, Mark, excellent. Next is Toni to give us an update on the Technical Orientation and Guidance Document.

UPDATE ON THE TECHNICAL ORIENTATION AND GUIDANCE DOCUMENT

MS. TONI KERNS: The Technical Orientation and Guidance Document was put forward to be updated. It is taking two guidance documents that the commission last updated in 2002 and combining it into one document, as well as giving guidance to stock assessment reports. We have drafted a document and it is being reviewed by the MSC and

the ASC currently, and we will take their edits together and then bring them forward to the Policy Board for final approval and publication at the February 2013 meeting. As a reminder, part of the reason for updating these documents was a request from stakeholders to have better guidance to how interactions could occur during technical committees that the ASMFC has.

DISCUSSION OF CLIMATE CHANGE- INDUCED SHIFTS IN SPECIES DISTRIBUTION

CHAIRMAN DIODATI: Are there questions for Toni? Okay, seeing none, thank you, Toni. This next item I think I'm going to handle. I don't have to step down in order to handle this. This has to do with a letter that I sent to Bob on behalf of Massachusetts Marine Fisheries Advisory Commission, who met with an ad hoc group of commission members at the annual meeting last year. What the letter does is it requests the Policy Board to task our Management and Science Committee to investigate the impacts of climate change on redistribution of some of the fish that we manage and particularly how that might impact allocations, among other things, and report back to this board their findings and perhaps a recommendation with how to address that in future management plans.

I think I laid out the issue well enough in the letter, and so what we would be looking for is an endorsement of the board to send that task to our Management and Science Committee. Is that correct, Bob; that sounds about right?

EXECUTIVE DIRECTOR BEAL: Yes, it sounds right. You probably don't need a motion if there is no objection to doing that.

CHAIRMAN DIODATI: Well, if there are any questions or discussion about it, I'm glad to entertain that. I'm not trying to push this through, but I would like to move it to the Management and Science Committee. If there is no objection or no questions, we will consider that done.

MR. BALLOU: Mr. Chairman, does this presuppose that a reallocation strategy is in the works and that this would form the basis for that, or is this just an open-ended exploration of an issue and let's see where it goes? Those are two very different perspectives and without any sideboards, I just wonder about the committee's ability to report back on the issue of allocation, which as we all know is a

very challenging issue. I'm just sort of wondering where we go with this.

CHAIRMAN DIODATI: Yes, it would be my impression that the committee would evaluate whether or not there have been significant enough changes in the distribution of these stocks that make some of the allocation or basis for allocation that we have depended on in the past are relevant. I think that is the first question. I'm not sure; I guess intuitively I'd say there probably has been a change for some of these species that we manage and we're going to see that.

I would like to get their response and along with that if they do identify significant shifts and our current methodology is outdated, then I would like their suggestion for how we deal with this moving forward in the future. That might mean a running three-year or five-year not reallocation but certainly a recalculation, a re-estimate of whether or not changes need to be made.

The Commonwealth could have done this exercise and presented a report to the Policy Board today, but we think it is best that our own Management and Science Committee does the work. That is where I'm at with it. I'm going to let Bob follow up and then I'll go to Pat.

MR. BALLOU: Mr. Chairman, I appreciate the interest in the issue. I would just state the obvious and that is I see it not as apples to apples but apples to oranges. I don't think the original allocation formulas were based on distribution of the resource. It was more on historical landings, so now we're looking at distribution of the resource potentially as a new basis for allocation. It really conceivably would send us in a new direction, and it may be a very appropriate direction. I just think we need to do this eyes wide open with the understanding that it would be a new approach. I will just leave it there; thank you.

CHAIRMAN DIODATI: And, again, that is why I thought the way to step into this is to have the Management and Science Committee examine it and see what they say. Although you're correct earlier allocation methodologies weren't based on geographic distribution, but for all intents and purposes that is what drove them. That is probably the underlying factor that drove the catches that we use to interpret the allocations. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman; very complex issue. I'm just wondering if

you have specific species in mind or are we talking about across the board. It seems to me if we have a joint plan with a particular species of fish, even though the various species are moving further north and east, if you will, it just seems to me where we have interaction with the New England Council, for instance, and our interaction with the Mid-Atlantic particularly on our primary summer flounder, scup, and black sea bass, those species are moving along; and whether it is climate – well, we will call it climate – whether it is the availability of food and temperature, whatever it happens to be, it seems like an extremely big issue.

My concern is that we're not going to spend a whole lot of time and effort on this. It may be important but I'm not sure if it is going to take away from the time that could be spent doing other things that are more pressing at this moment. It's up to you, Mr. Chairman, and I think it is a good idea to look at this and get a white paper on it, if you will.

The question is how much time are we going to spend and what is the possible outcome of any changes we could get as a result of it other than saying, gee whiz, that is interesting or, gee whiz, we do have a change. That is my concern. I think it is something we should look at; again, the priority and how much time. I would leave it up to you, Mr. Chairman, to decide which way you want to go with it.

CHAIRMAN DIODATI: First of all, I didn't identify a specific species because I thought that would be best left to those on the Management and Science Committee to present case studies, if that is how they feel is best to examine this. As far as priority, the Management and Science Committee, if you take a look at their workload, they haven't had any significant assignments from the Policy Board in some time. In fact, they're looking for things to do.

I think this is an excellent task for them and I think it is a priority that deserves to be up there. The example I gave you in my letter has to do with the Southern New England Lobster Stock. That distribution has shifted so dramatically that we have a fishery failure. I think it is important.

I think it is important that if we're going to continue to utilize the nation's marine fisheries resources to the best extent practicable – and that is what I see as our role – then I think we have to know as much as possible about where these fish are. Otherwise, we're going to be assigning them to fisheries, gear types, geographic regions, political regions that can

never catch them. I don't think that is a good utilization of the resource. I think it is a high priority and I would like to see it move forward.

MR. FOTE: I know the National Marine Fisheries Service has been doing a lot of work about climate change and how it is affecting fish populations. I think the Management and Science Committee should basically work on that. I don't know what the U.S. Fish and Wildlife Service is doing with that, but I imagine they're still looking at it because of the high priority, so I would like to hear from both of them.

DR. LANEY: Yes, Tom, it is a big component of the Landscape Conservation Cooperatives or at least the charge to those Landscape Conservation Cooperatives that the Department of the Interior has created – you know, individual Fish and Wildlife Service units on the ground are working very closely with those units and also with the Climate Science Centers that have been created. Those Climate Science Centers and the LCCs are talking to each other.

If the commission is interested in maybe having a presentation on that at a future meeting, we could certainly arrange to give a presentation on what the Service is doing with regard to climate change. I believe our Climate Change Strategic Plan is also on the website, too, for anybody that wants to take a look at it.

CHAIRMAN DIODATI: Okay, is there anything more on this? I'm sure this will result in Maine getting a scup allocation in the near future, but we will see. If that is the right thing to do, then so be it.

OTHER BUSINESS

CHAIRMAN DIODATI: All right, we are going to move on to the next issue, which is Other Business. Is there any other business to come before the Policy Board before we adjourn this meeting? Seeing no other business before the board, we will adjourn.

(Whereupon, the meeting was adjourned at 5:12 o'clock p.m., October 24, 2012.)



Atlantic States Marine Fisheries Commission

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MEMORANDUM

February 1, 2013

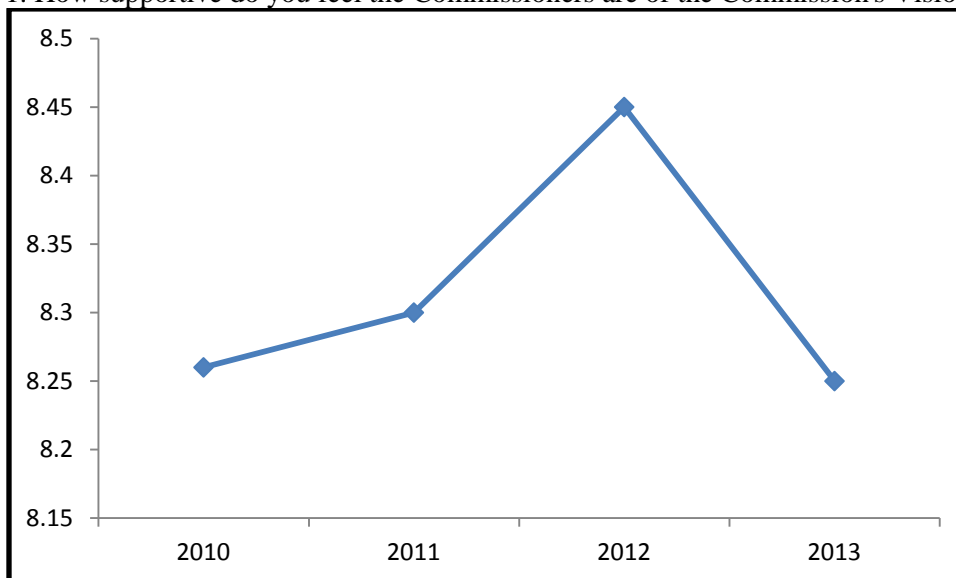
To: ISFMP Policy Board
From: Toni Kerns, Acting ISFMP Director
RE: 2013 Commissioner Survey Results

The following is a summary of the ASMFC Commissioner Survey results which represent the responses of 24 Commissioners (53% response rate compared to 75% in 2012). For each question, the average score by year is presented. The responses ranged from 1(negative) through 10 (positive). The higher the average, the more positive the response from the Commissioners.

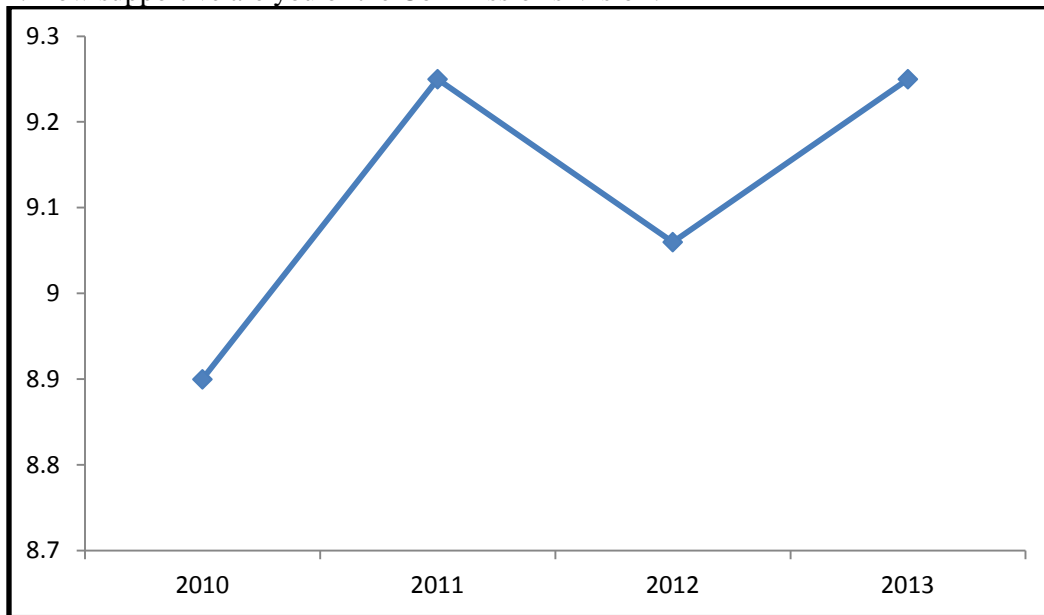
The data is presented in graph form to allow for comparison between years. The 2010 results were based on a response ranging from 1 through 5, so the value was doubled for comparison to the 2011, 2012 and 2013 responses.

Overall Vision and Goals of the Commission

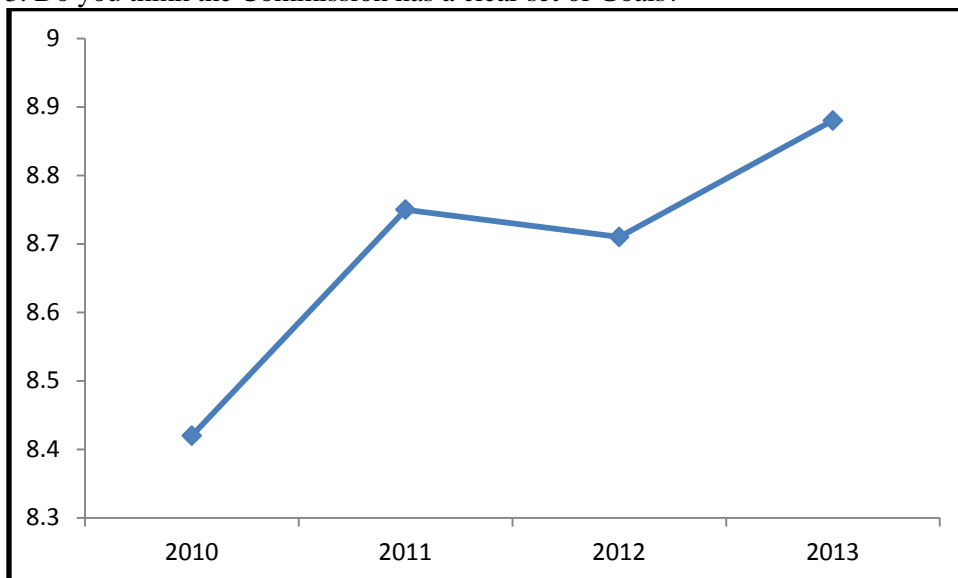
1. How supportive do you feel the Commissioners are of the Commission's Vision?



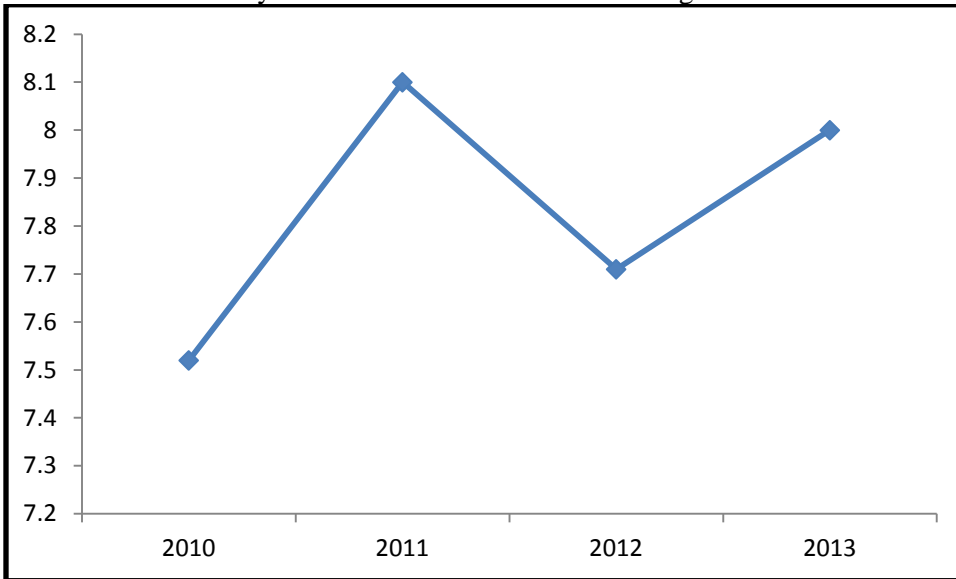
2. How supportive are you of the Commission's Vision?



3. Do you think the Commission has a clear set of Goals?

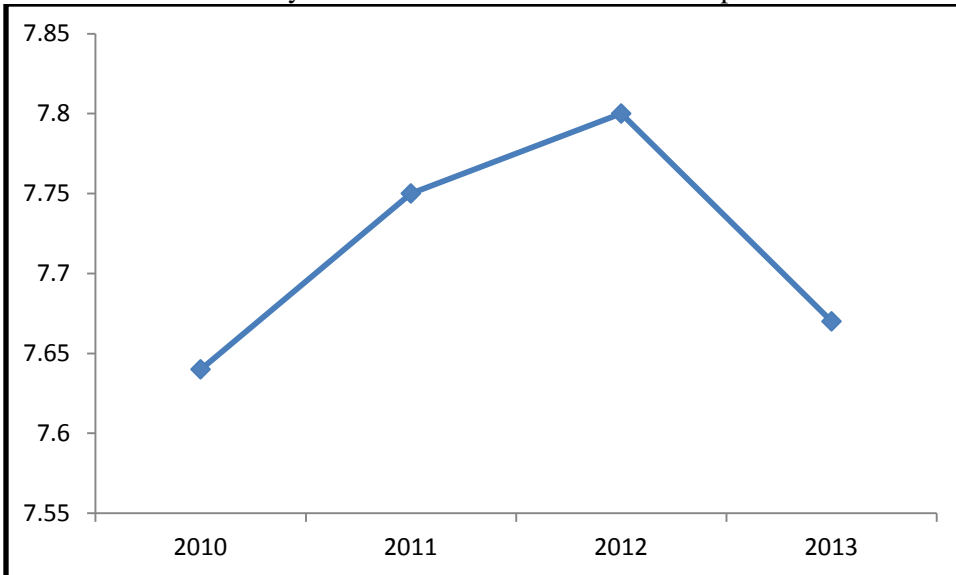


4. How confident are you that the Commissioners are in agreement with the Commission's Goals?

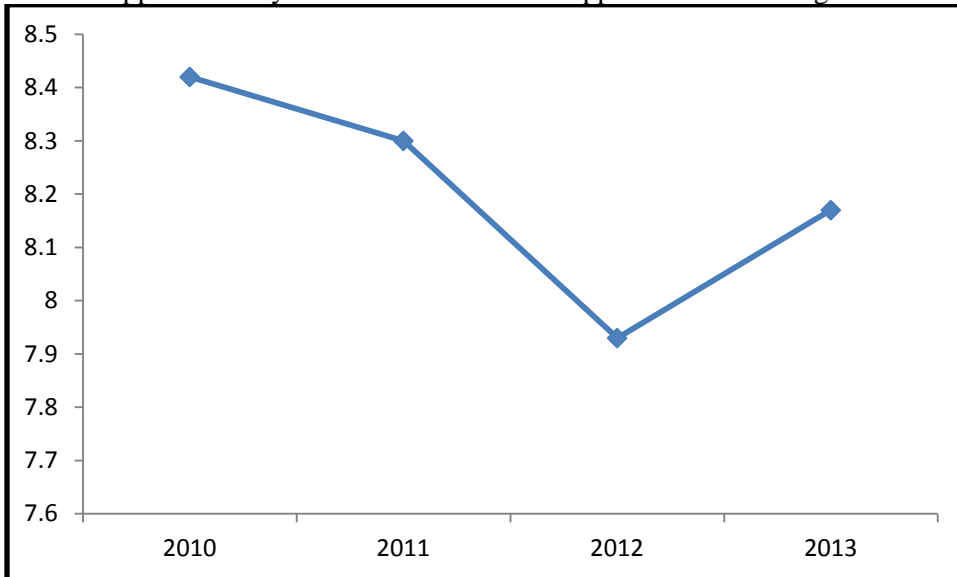


Commission's Plans to Carry Out the Vision

1. How comfortable are you that the Commission has a clear plan to achieve its Vision?

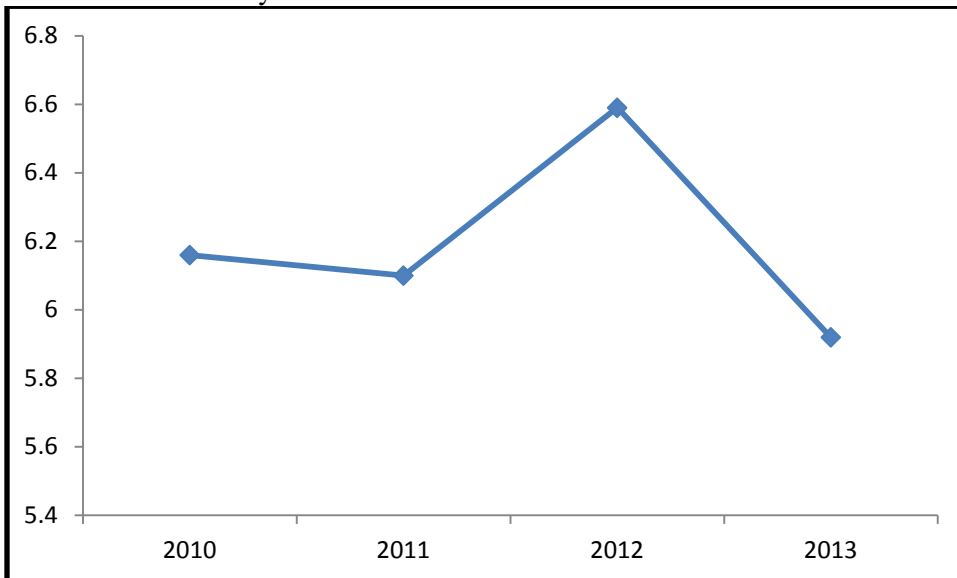


2. How supportive are you of the Commission's approach to achieving its Vision?

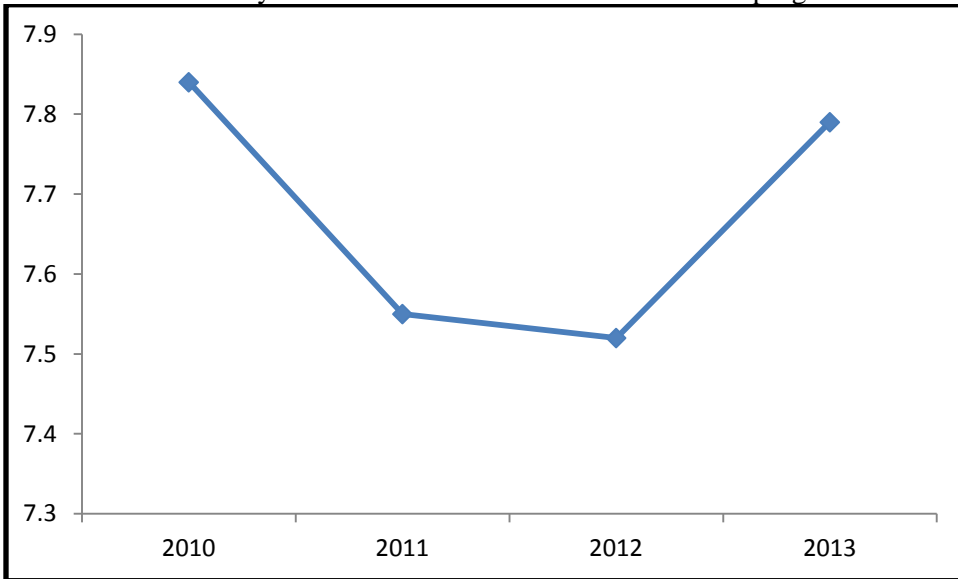


Commission's Execution and Results

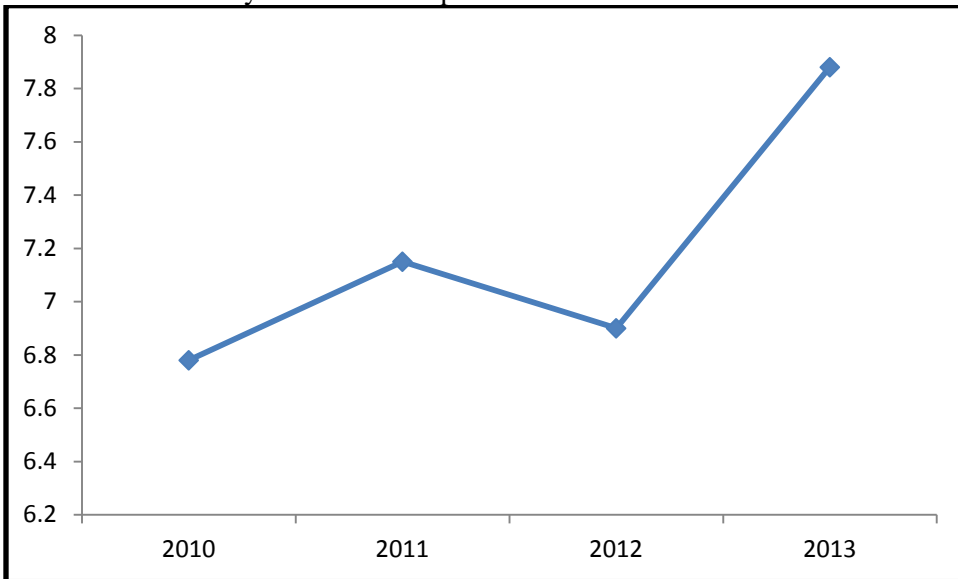
1. How confident are you that the Commission will achieve its Vision?



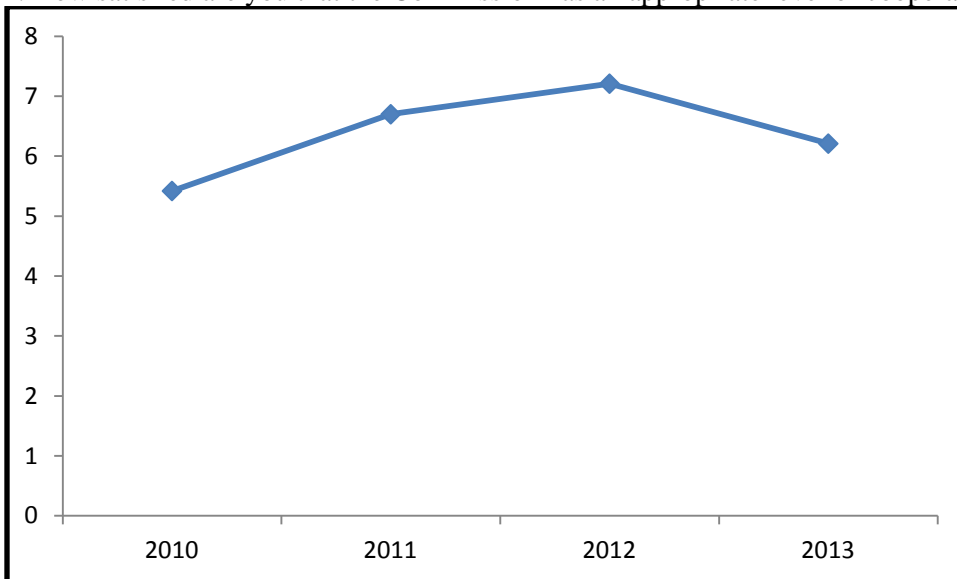
2. How confident are you that the Commission's actions reflect progress toward its Vision?



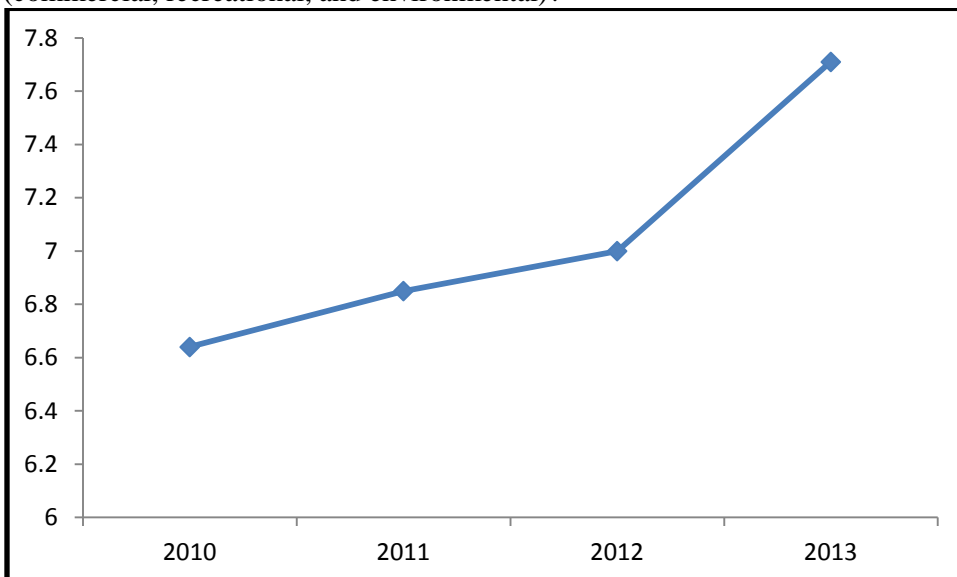
3. How satisfied are you with the cooperation between Commissioners to achieve the Commission's Vision?



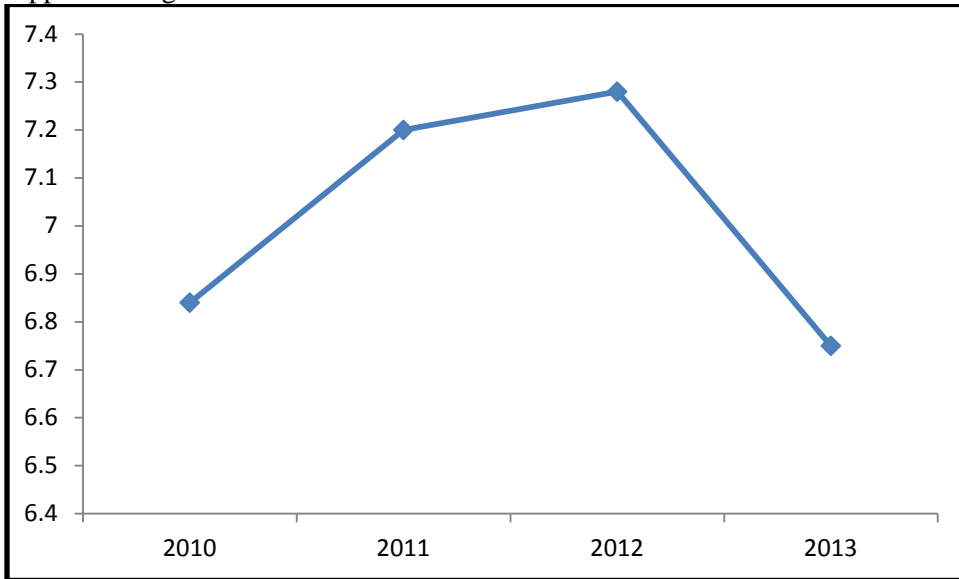
4. How satisfied are you that the Commission has an appropriate level of cooperation with federal partners?



5. How satisfied are you with the Commission's working relationship with our constituent partners (commercial, recreational, and environmental)?

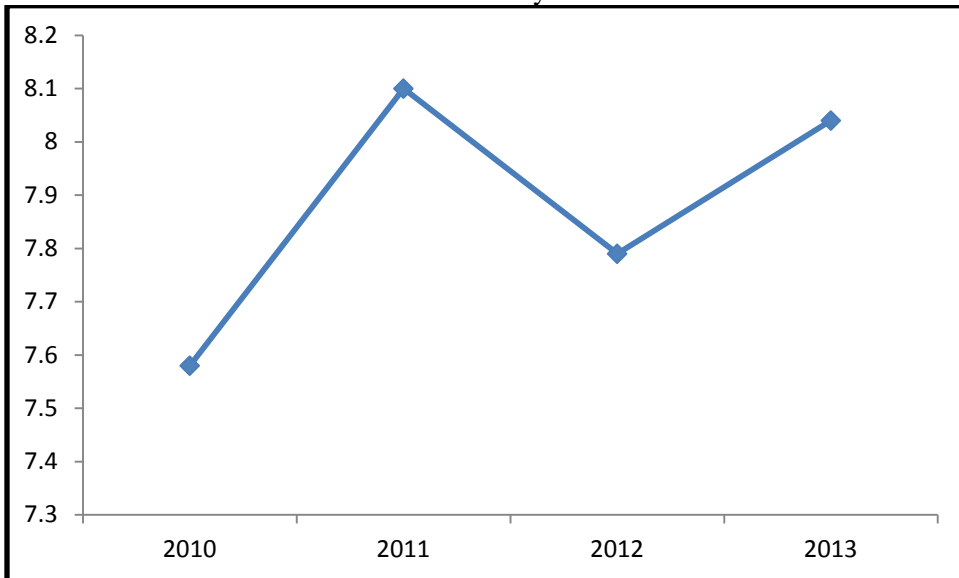


6. How satisfied are you with the Commission's effort and success in securing adequate fiscal resources to support management and science needs?

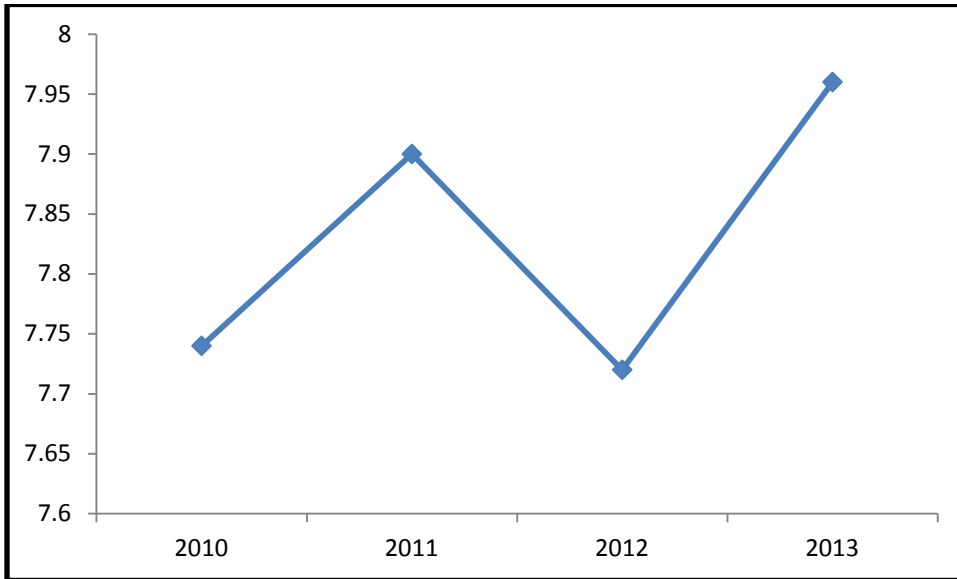


Measuring the Commission's Progress and Results

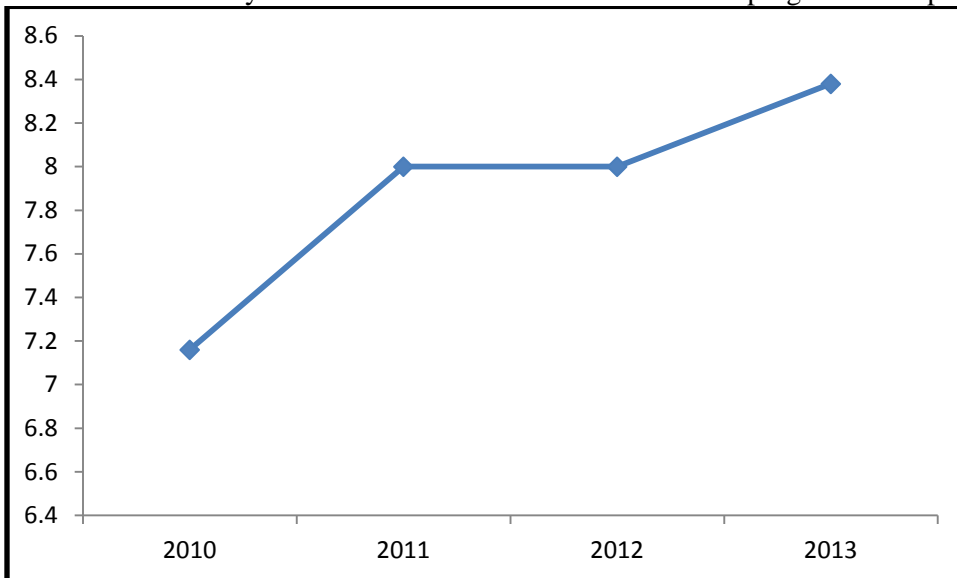
1. One of the metrics the Commission uses to measure progress is tracking the number of stocks that have been rebuilt over time. How comfortable are you that the Commission uses clear metrics to measure progress?



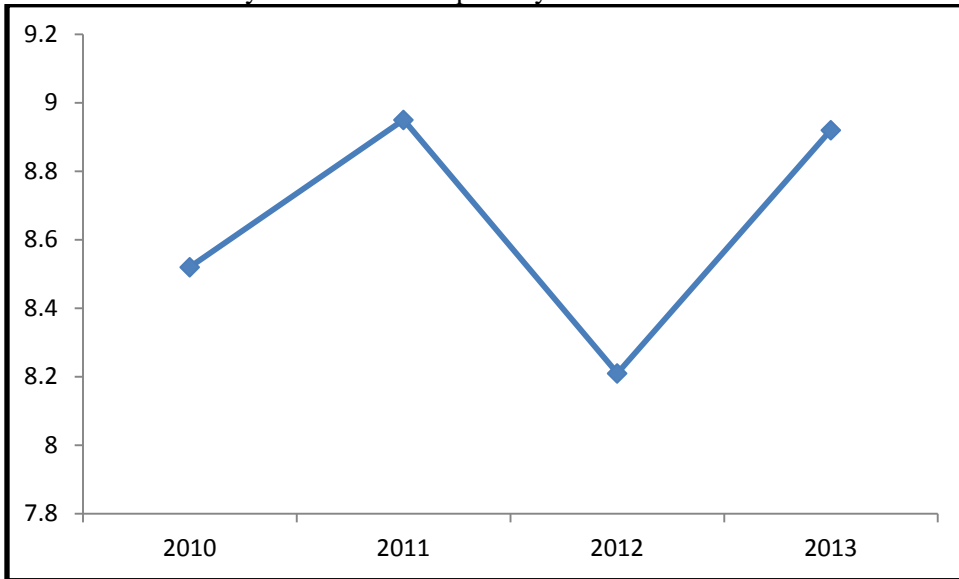
2. How supportive are you of the metrics used by the Commission?



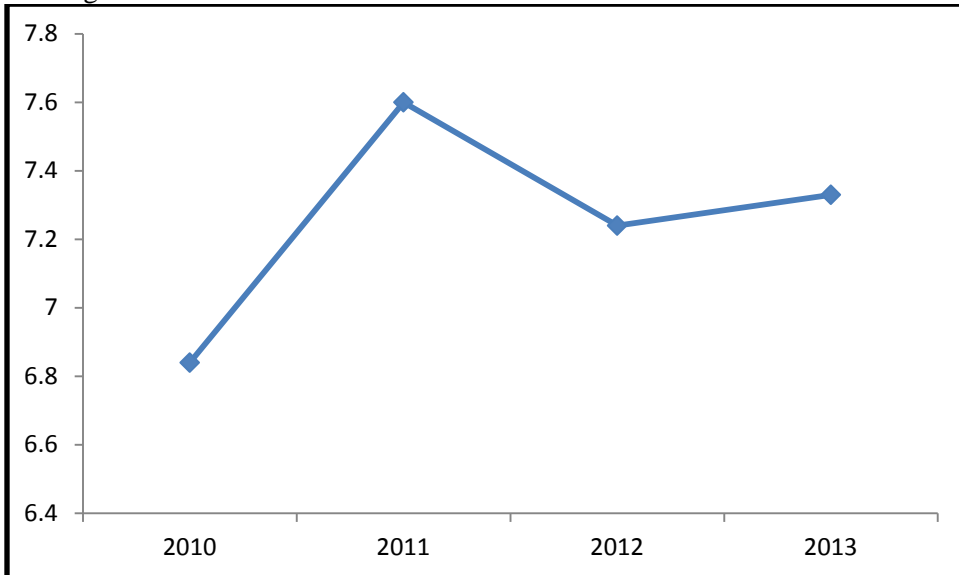
3. How satisfied are you with Commission's efforts to describe progress to the public and stakeholders?



4. How satisfied are you with the transparency in the Commission decision-making process?

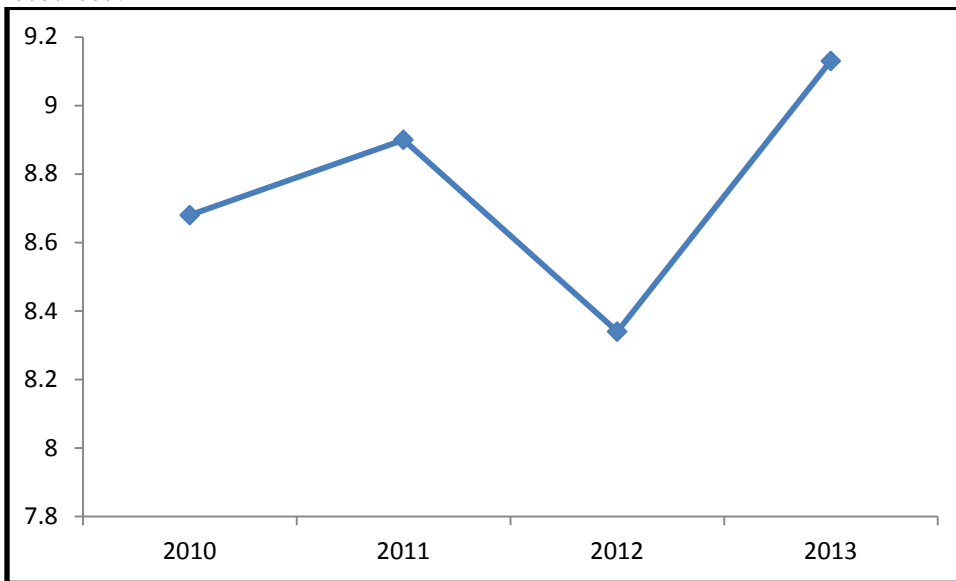


5. How satisfied are you with the Commission's efforts to describe progress to state legislators and members of Congress?

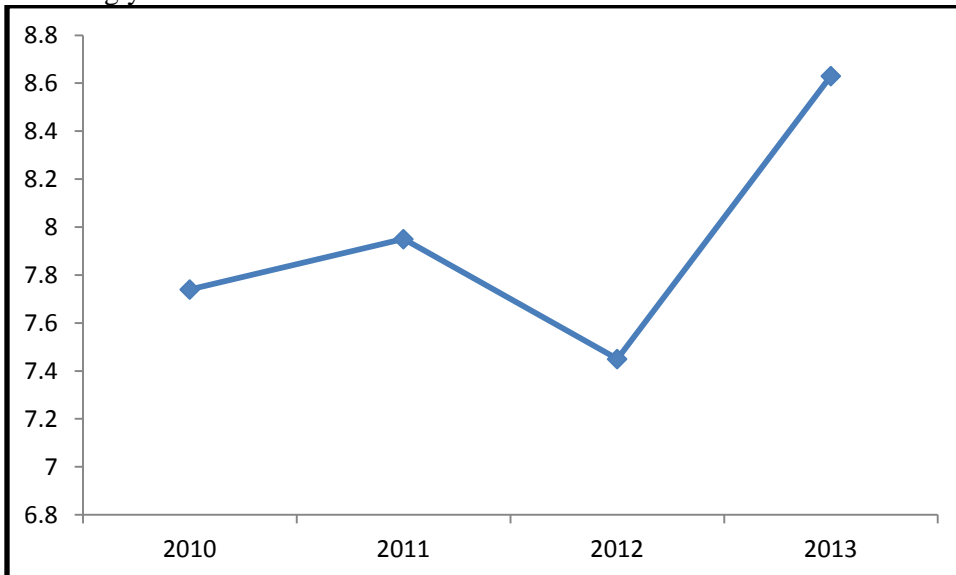


Measuring the Availability and Utilization of Commission Resources

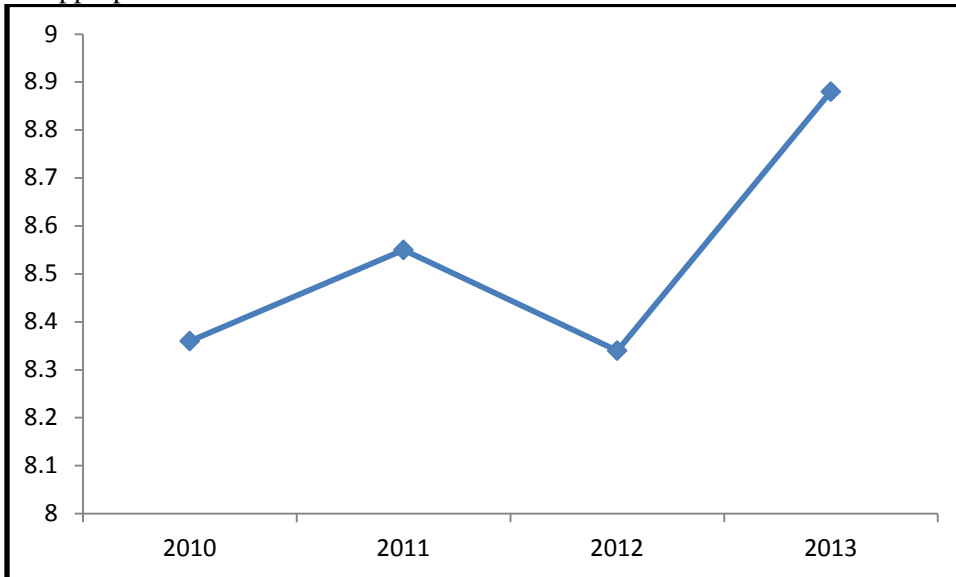
1. How satisfied are you that the Commission efficiently and effectively utilizes available fiscal and human resources?



2. How comfortable are you with the Commission's performance in reacting to new information and adapting accordingly to achieve Commission Goals?



3. The Commission has a limited scope of authority. How comfortable are you that the Commission spends the appropriate amount of resources on issues within its control?



Discussion Questions

1. What is the single most significant problem the Commission could and should solve?

- Having more influence in working with the Federal fishery agency and the federal Councils
- Political influence making it difficult for State / Federal fisheries directors / managers to make the best science based decisions.
- Ensuring continued support of Congress for Atlantic Coast interjurisdictional fishery management
- Fiscal resources
- Establishing realistic goals and objectives for managing marine fisheries
- There is a disconnect sometimes between federal fisheries actions and ASMFC actions.
- Political influence
- Our Commission has the critical year of 2015 almost upon us, yet we seldom discuss, let alone grapple with the implications (political, economic, emotional, fiscal, etc.) inherent to failure relating to stock recovery. The professional reputation of our Commission and the legitimacy of our efforts hinges on how we deal with this critical matter. We should start some high level discussions now that will hammer out an appropriate pro-active strategy.
- Multispecies management is more realistic to how fish communities actually operate than single species management. Increased understanding and if possible implementation of this approach as a tool would be helpful in managing fisheries.
- Address issues related to climate change.
- Developing and applying ecosystem-based fishery management.
- Of the problems that ASMFC can solve on its own, I think the most significant one is the inability of ASMFC to get states to monitor their fisheries and provide useful data for assessments.
- Habitat loss continues to plague fishery resources. Sometimes the loss is because of seemingly benign factors, like boat moorings that scour the bottom.

- Building better science and stock assessments for decision making. Never seems to be enough money for this purpose. Better science takes the debate out of the issues.
- End overfishing; rebuild overfished stocks
- Look at the gap between what is likely to happen given the current trajectory and what is the 2015 Vision. Then determine how to close the gap.
- Address quota allocation. Insist on regional management for species in contiguous waters, i.e. bag size, season.
- Ending overfishing on all species they manage
- Reasonable vision

2. What is the single most important change the Commission could make to improve results?

- Be able to have some sort of a veto ability on some of the species that are jointly managed by the ASMFC and NMFS
- Spend more time on 'selling problem' and focusing on long term benefits than just short term impacts.
- Advocate to Congress for the necessary funding to support Atlantic Coast interjurisdictional fishery management.
- Expand " Hill " relationships
- Do not do joint plans with MAFMC
- Improved understanding of the factors governing stock status, and the degree to which such factors can be controlled by Commission actions
- Seek the concurrence of Congress and the Administration on the need for collaboration and cooperation between NMFS and the Commission.
- Provide time for recess when needed so commissioners can discuss compromises.
- Formalize the use of precautionary management as a commission principle.
- ISFMP should all contain mandatory biological monitoring requirements for states that are not de minimis. We manage too many species without the data to make informed decisions.
- Procure more state or federal funding to address the problem noted in the last question.
- Build consensus around the vision and commit to address challenges
- More focus on the Vision.
- It's been addressed by replacing the ED.
- reconsider quota allocations by having a periodic (every 5 years?) sunset clause
- decision standards based on stock assessments

3. What is the single biggest obstacle to the Commission's success?

- Being swayed too easily by political pressure from the environmental community and even sometimes by the uninformed recreational fishing sector
- Political will to make difficult decisions.
- Regime change due to climate change happens faster than data collection system...IE black sea bass moving north.
- Loss of capacity to support interjurisdictional fishery management within member states due to downsizing and budget reductions.
- Fiscal resources and quality data

- Lack of resources of the states
- Natural variability. Scientific uncertainty.
- Federal reluctance to cooperate fully with the states and the Commission.
- Politics
- We must have strong political support at the highest levels in order to make the critical, far sighted decisions called for at this conservation crossroads. I am not at all optimistic that this level of political support can be expected, rather the demands of our complex society, when combined with seemingly impossible fiscal hurdles mean that eroded political support is much more likely to be expected.
- Unknowns about such things as the impact of bycatch on various managed species as well as the relative importance of various environmental factors, such as dams that block diadromous fish migrations and the lack of authority to greatly influence these factors.
- Moving forward decisively on controversial issues.
- Lack of definitive scientific answers standing in the way of needed action.
- The biggest obstacle is one that cannot be resolved; states will pursue their self interest regardless of their words about putting conservation first.
- Environmental change causing large-scale distribution shifts of fish stocks and threatening reproductive success.
- Lack of sustained significant funding.
- lack of buy-in to the vision
- Protection of commercial interests' access to a public resource.
- Adequate funding and recognition by Congress of the impact ASMFC decisions have on member states economies.
- Adequate funding
- Data

4. Is the Commission using appropriate metrics to measure progress? If no, what metrics should be used?

- Commission is doing the best that it can with what it has but should always be trying to improve its metrics
- Yes, but not sure rebuilding to past levels is germane in changing environment.
- No because it does not reflect the actual gain to anglers and commercial fishermen
- Probably using best available, but the potential for better, more appropriate metrics should be pursued.
- It is time to update the vision. 2015 is almost upon us.
- It may be that the metrics are not able to measure sufficiently factors that affect fish populations, such as climate and other environmental changes.
- The metrics are appropriate given the data limitations.
- Tough issue. Recent temperature warming trends and subsequent impacts on fishery resources make fishing mortality a less effective tool for recovering stocks. When combined with human-induced habitat loss, non-fishing mortality impacts can be quite large. Nevertheless, controlling F is our only tool, but whether or not a fishery is recovered by controlling F may no longer be a reasonable metric of success. Perhaps it's time for use of an "eco-index" of some sort.
- Partly, need to provide more information on outside forces/factors impacting our success/failure

5. Additional comments?

- The plan coordinators are so busy it is sometimes difficult to bring "non mainstream" ideas into plan discussions.
- We have great leadership and a wonderful staff and the best data program in the world--- hopefully we collectively won't let it starve to death!
- Need to consider the economic benefit to the recreational anglers and Recreational and commercial fishing industries
- The professionalism and expertise of staff and the TCs are critical to the Commission's effectiveness.
- Decreased funding supply is always an issue. It has always been so, and apparently will be for years to come.
- It is very important that our discussions be completely understandable, not only to our Commissioner scientists, but also to everyone in attendance at the meetings. I believe that we have taken inadequate steps to insure that this is the case. The continuous use of acronyms along with complex scientific jargon is a significant and serious impediment, and need not characterize our discussions. A bit of encouragement from our leadership in this regard might go a long ways to help everyone stay fully engaged & spawn wider participation in the dialogue.
- More emphasis on dam removal and other habitat issues.
- The fragmented fisheries management regime currently in place with ASMFC managing in state waters and the Councils and NMFS managing in Federal waters is cumbersome at best and downright asinine at worst. It is hard to convince the fishing public that fisheries managers know what they are doing when we often have conflicting regulations.

Atlantic States Marine Fisheries Commission

Draft Technical Support Group Guidance and Benchmark Stock Assessment Process



Pending approval of the ISFMP Policy Board - February 2013

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

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DRAFT

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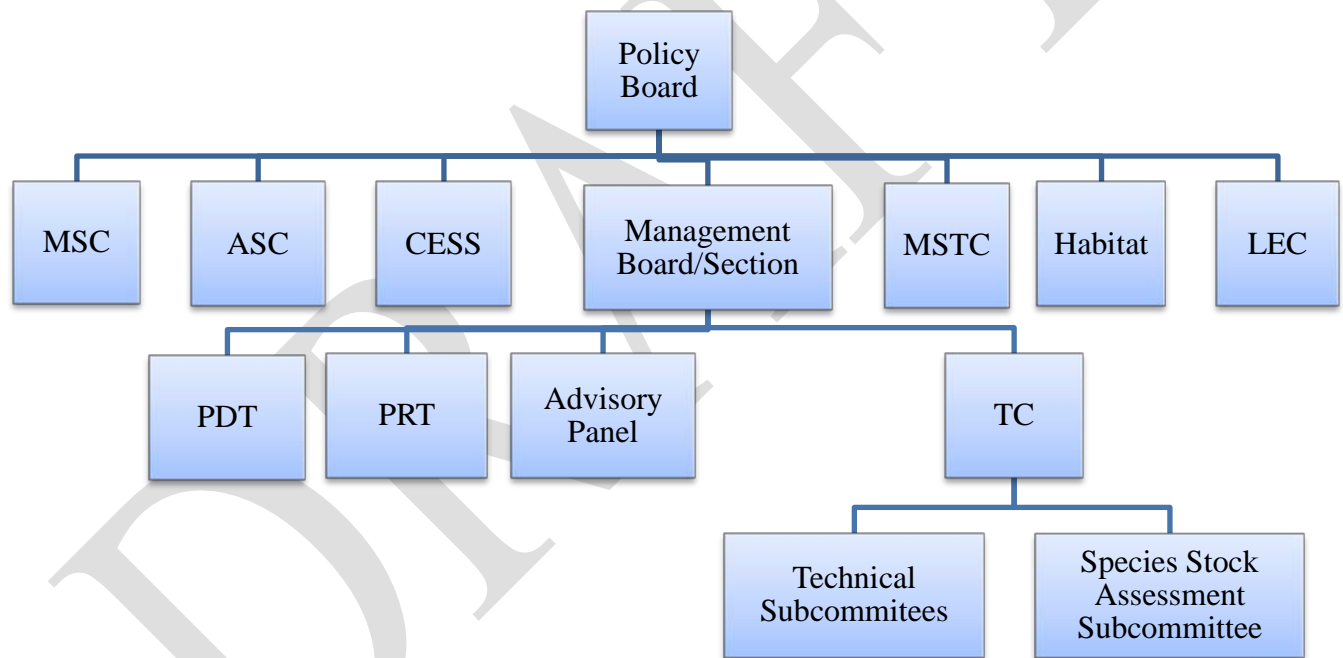
1.0 INTRODUCTION

The purpose of this document is to improve the functioning of the Atlantic States Marine Fisheries Commission (Commission) by providing guidance to all Commission technical support groups on the structure, function, roles, and responsibilities of ASMFC committees and their members. This document also provides guidance on the Commission stock assessment process.

2.0 ASMFC BOARDS AND COMMITTEES

This section contains a brief outline of the structure, composition, and function of ASMFC Committees. For additional details, please consult the [Interstate Fisheries Management Program Charter](#).

Committee Organization



2.1 ISFMP Policy Board

The ISFMP Policy Board is comprised of: all member states of the Commission, each state a voting members (The position of a state shall be determined by caucus of its Commissioners in attendance); one representative from the National Marine Fisheries Service and one representative from the United States Fish and Wildlife Service each a voting member; one representative from the Potomac River Fisheries Commission and one representative from the government of the District of Columbia shall each be a member, eligible to vote, on any matter which may impose a regulatory requirement upon their respective jurisdictions; and one representative of the Commission's Law Enforcement Committee is a non-voting member.

The ISFMP Policy Board is responsible for the overall administration and management of the Commission's fishery management programs. The goal of the program is to promote the cooperative management of marine, estuarine, and anadromous fisheries in state waters of the East Coast through interstate fishery management plans (FMPs). The major objectives of the ISFMP are to:

- Determine the priorities for interjurisdictional fisheries management in coastal state waters;
- Develop, monitor, and review FMPs;
- Recommend to states, regional fishery management councils, and the federal government management measures to benefit these fisheries;
- Provide an efficient structure for the timely, cooperative administration of the ISFMP; and
- Monitor compliance with approved FMPs.

2.2 Management Boards and Sections

Management boards are established by and advise the ISFMP Policy Board. Each board/section is comprised of the states/jurisdictions with a declared interest in the fishery covered by that board/section. The boards/sections consider and approve the development and implementation of FMPs, including the integration of scientific information and proposed management measures. In this process, the boards/sections primarily rely on input from two main sources – species technical committees and advisory panels. Boards/sections are responsible for tasking plan development teams (PDTs), plan review teams (PRTs), technical committees (TCs), advisory panels (APs) and stock assessment subcommittees (SAS). Each management board/section shall select its own chair and vice-chair. Chairmanship will rotate among the voting members every two years.

2.3 Plan Development Teams

PDTs are appointed by boards/sections to draft FMPs. They are comprised of personnel from state and federal agencies who have scientific and management ability, knowledge of a species and its habitat, and an interest in the management of species under the jurisdiction of the relevant board. Personnel from regional fishery management councils, academicians, and others as appropriate may be included on a PDT. The size of the PDT shall be based on specific need for expertise but should generally be kept to a maximum of six persons.

2.4 Plan Review Teams

PRTs are appointed by the boards/sections to review regulations and compliance. Members are knowledgeable concerning the scientific data, stock and fishery condition, and fishery management issues. PRTs are responsible for providing advice concerning the implementation, review, monitoring and enforcement of fishery management plans that have been adopted by the Commission, and as needed be charged by the board/sections. The PRT should generally be kept to a maximum of six persons.

2.5 Advisory Panels

AP members include stakeholders from a wide range of interests including the commercial, charter boat, and recreational fishing industries, conservation interests, as well as non-traditional stakeholders. Members are appointed by the three Commissioners from each state with a declared interest in a species because of their particular expertise within a given fishery. APs provide guidance about the fisheries that catch or land a particular species. The AP's role is to provide input throughout the entire fishery management process from plan initiation through development and into implementation.

2.6 Technical Committees

Management boards/sections appoint TCs to address specific technical or scientific needs requested periodically by the respective board/section, PDT, PRT, or the Management and Science Committee (MSC). A TC may be comprised of representatives from the states, federal fisheries agencies, Regional fishery management councils, Commission, academia, or other specialized personnel with scientific and technical expertise and knowledge of the fishery or issues pertaining to the fishery being managed. The TC should consist of only one representative from each state or agency with a declared interest in the fishery, unless otherwise directed by the board/section.

TCs are responsible for addressing specific technical or scientific needs of the board/section, PDT, PRT, or the MSC. TCs can be asked to provide a technical analysis of AP recommendations. Although the TC may respond to requests from multiple committees, the board/section provides oversight of TC tasks and priorities. When tasked by multiple committees, it is the responsibility of the ISFMP staff, in consultation with the TC and board/section chairs, to prioritize these tasks. Although members have been appointed to the TC by their specific agency, each member's responsibility is to use the best science available in an objective manner, not to represent the policies and/or politics of that agency.

2.7 Stock Assessment Subcommittees

Upon the request of a board/section, the TC shall nominate individuals with appropriate expertise in stock assessment and fish population dynamics to a species stock assessment subcommittee (SAS), which will report to the TC. SAS nominations are approved by the board/section and shall continue in existence as long as the board/section requires. Membership of a species SAS will be comprised of TC members with appropriate knowledge and experience in stock assessment and biology of the species being assessed. Individuals from outside the TC with expertise in stock assessment or biology of the species may also be nominated and appointed, if necessary. The TC chair will serve as an ex-officio member of the species SAS. Overall membership should be kept to a maximum of six persons unless additional analytical expertise is requested by the board, TC or SAS.

2.8 Management and Science Committee

The MSC provides advice concerning fisheries management and the science of coastal marine fisheries to the ISFMP Policy Board. MSC's major duties are to provide oversight to the

Commission's Stock Assessment Peer Review Process, review and provide advice on species-specific issues upon request of the ISFMP Policy Board, evaluate and provide guidance to fisheries managers on multispecies and ecosystem issues, and evaluate and provide advice on cross-species issues (e.g., tagging, invasive species and exotics, fish health and protected species issues). The MSC also assists in advising the Policy Board regarding stock assessment priorities and timelines in relation to current workloads. The MSC is comprised of one representative from each member state/jurisdiction, the NOAA Fisheries Northeast and Southeast Regions, and the U.S. Fish and Wildlife Service (USFWS) Regions 4 and 5 who possess scientific as well as management and administrative expertise.

2.9 Assessment Science Committee

The Assessment Science Committee (ASC) is a stock assessment advisory committee that reports to the ISFMP Policy Board. ASC is comprised of one representative from each state/jurisdiction, the NOAA Fisheries Northeast and Southeast Regions, the 3 East Coast regional fishery management councils, and the USFWS. All agencies may nominate individuals for appointment to the ASC based on stock assessment and population dynamics expertise. The ISFMP Policy Board should review all nominations and appoint members to the ASC based on expertise, as opposed to agency representation. The ASC membership should be kept to a maximum of 25 members and periodic rotation of membership should be considered. The ASC is responsible for reviewing and recommending changes to the update and benchmark stock assessment schedule, advising the Policy Board regarding priorities and timelines in relation to current workloads, providing stock assessment advice and guidance documents for TCs and boards on technical issues as requested, and providing oversight to the Commission's Stock Assessment Training Program.

2.10 Multispecies Technical Committee

The Multispecies Technical Committee (MSTC) is appointed by and advises the ISFMP Policy Board on multispecies modeling efforts with the goal of moving towards the use of multispecies model results in management decisions. The MSTC is comprised of state, federal, and academic scientists from the TCs with the expertise necessary to complete multispecies tasks on the species of interest and modeling approaches being employed. Individuals from outside the TC with expertise in stock assessment or biology of the species may also be appointed, if necessary.

2.11 Habitat Committee

The Habitat Committee is a standing ASMFC committee appointed at the discretion of the Commission Chair on an annual basis. The Committee advises the ISFMP Policy Board with the goal of enhancing and cooperatively managing vital fish habitat for conservation, restoration, and protection, and supporting the cooperative management of Commission managed species. The Habitat Committee is primarily responsible for developing habitat sections of FMPs and creating habitat management series publications as needed. Membership includes state representatives, the -USFWS, NOAA Fisheries, National Ocean Service, Environmental Protection Agency, U.S. Geological Survey, and the Army Corps of Engineers. Two seats are available on the Habitat Committee for members from non-governmental organizations (NGO).

2.12 Law Enforcement Committee

The Law Enforcement Committee (LEC) is a unique body of professionals in marine fisheries enforcement. It is comprised of representatives from each of the Commission's participating states and the District of Columbia. Members also represent NOAA Fisheries, the U. S. Coast Guard and the USFWS. The LEC carries out assignments at the specific request of the Commission, the ISFMP Policy Board, the boards/sections, the PDTs, and the PRTs. In general, the Committee provides information on law enforcement issues, brings resolutions addressing enforcement concerns before the Commission, coordinates enforcement efforts among states, exchanges data, identifies potential enforcement problems, and monitors enforcement of measures incorporated into the various FMPs.

2.13 Committee on Economics and Social Sciences

The purpose of the Committee on Economics and Social Sciences (CESS) is to provide socioeconomic technical oversight for both the ISFMP and the Atlantic Coastal Cooperative Statistics Program (ACCSP). CESS's major duties are to develop and implement mechanisms to make economic and social science analysis a functioning part of the Commission's decision making process; function as the technical review panel for social and economic analyses conducted by the Commission and the ACCSP; and nominate economists and social scientists to serve on each species TC, Socioeconomic Subcommittee, or PDT, in order to provide technical support and development of socioeconomic sections of FMPs (including amendments and addenda). The CESS is comprised of one representative from each member state, two representatives from NOAA Fisheries Headquarters (one economist and one social scientist), the NOAA Fisheries Northeast and Southeast Regions, and one representative from the USFWS who possess social science expertise and familiarity with fisheries management.

2.14 Other Technical Support Subcommittees

Upon the approval of a board/section, the TC shall appoint individuals with special expertise, as appropriate, to other technical support subcommittees (not including SASs) in order to support TC deliberations on specific issues. These kinds of subcommittees include species tagging and stocking subcommittees, but do not include ISFMP socioeconomic subcommittees. All technical support subcommittees shall report to the TC and shall continue in existence so long as the Management board/section requires. All technical support subcommittees should elect their own chair and vice-chair, who will be responsible for reporting to the TC and the management board/section as necessary. Overall membership should be kept to a maximum of six persons unless additional expertise is requested by the TC or board.

2.15 Special Issue Technical Committees

The ISFMP Policy Board may form new TCs to address special issues (e.g., Interstate Tagging Committee, Fish Ageing Committee, Fishing Gear Technology Work Group, Fish Passage Working Group). Nominations are approved by the Policy Board. Special TCs meet as often as necessary (resources permitting) to address specific Policy Board tasks.

3.0 Committee Responsibilities

Chairmanship: Unless otherwise specified, all Commission committees and subcommittees will elect their own chair and vice-chair. Chairs serve two-year terms and chairmanship should rotate among members of the committee. The role of the chair is demanding and only those willing and able to commit the time and energy required by the job should agree to serve. The chair must be willing to perform the job and state/federal agencies must be willing to provide the chair time to attend to Commission business. It is the responsibility of all officers to facilitate meetings in an objective manner and represent the viewpoints of all committee members, including opposing opinions and opinions in opposition to their own.

3.1 Plan Development Teams

PDT will be responsible for preparing all documentation necessary for the development of a FMP, amendment, or addendum, using the best scientific information available and the most current stock assessment information. Each FMP, amendment, or addendum will be developed by the PDT in conformance with Section Six of the ISFMP Charter. PDTs will be tasked directly by the board/section. In carrying out its activities, the PDT shall seek advisement from the appropriate TC, SAS, AP, LEC and the Habitat Committee. Following completion of its charge, the board/section will disband the PDT.

3.2 Plan Review Teams

PRT will be responsible for providing advice concerning the implementation, review, monitoring, and enforcement of FMPs that have been adopted by the Commission, and as needed be charged by the boards/sections to draft plan addenda. PRTs will be tasked directly by the board/section. Each PRT shall at least annually or as provided in a given FMP, conduct a review of the stock status and Commission member states' compliance for which implementation requirements are defined in the FMP. The PRT shall develop an annual plan review in order to evaluate the adequacy of the FMP. This report will address, at a minimum, the following topics: adequacy and achievement of the FMP goals and objectives (including targets and schedules), status of the stocks, status of the fisheries, status of state implementation and enforcement, status of the habitat, research activities, and other information relevant to the FMP. The PRT shall report all findings in writing to the board/section for appropriate action. Compliance review shall be consistent with the requirements of Sections Six and Seven of the ISFMP Charter and the respective FMP requirements. In addition to the scheduled compliance reviews, the PRT may conduct a review of the implementation and compliance of the FMP at any time at the request of the board/section, Policy Board, or the Commission. When a plan amendment process is initiated by the Management board/section, the PRT will continue its annual review function applicable to the existing plan. In carrying out its activities, the PRT shall seek advisement from the appropriate TC, SAS, AP, LEC, MSC and Habitat Committee.

3.3 Technical Committees

TCs are responsible for addressing specific technical or scientific needs requested by the respective board/section, PDT, PRT, or the MSC. At times, the TC may be requested to provide

a technical analysis of AP recommendations. Among its duties, the TC shall provide a range of management options, risk assessments, and justifications, and probable outcomes of various management options. The TC will coordinate the process of developing stock assessments for Commission-managed species. It is not the responsibility of the TC to conduct a review of the Commission member states' compliance for which implementation requirements are defined in the FMP. This is a responsibility of the PRTs.

3.4 Species Stock Assessment Subcommittees

Species SASs are responsible for conducting stock assessments for use by PDTs in formulation of a FMP, amendment, or addendum and for conducting periodic stock assessments as requested for use by the TC in reporting status of the stock to the board/section. The species SAS is responsible for data analysis and preparation of a stock assessment report. Initial input on available data and stock assessment methods should be provided by the TC and ASC. The species SAS shall use the best scientific information available and established stock assessment techniques. Stock assessment techniques should be consistent with the current state of scientific knowledge.

4.0 Committee Tasking

Boards/sections can task the appropriate Commission committee through board/section action or direction from the board/section chair. Species-specific technical tasks should be directed to the appropriate ISFMP technical support group in writing by ISFMP staff or the board/section chair. Boards/sections may also consider referring broader scientific, law enforcement, habitat and social/economic issues to the MSC, the ASC, the LEC, the Habitat Committee, or the CESS. These committees may provide recommendations to boards/sections based on a more focused area of expertise.

Boards/sections will develop specific and clear guidance whenever tasking committees for advice. ISFMP staff, in consultation with the board/section chair and technical support group chair, will develop the written charge. The charge will contain terms of reference to clearly detail all specific tasks, the deliverables expected, and a timeline for presentation of recommendations to the board/section. It is the responsibility of the ISFMP staff and any technical support group chair present at board/section meetings to ensure the timeline can be met. Any problems or discrepancies encountered by the technical support group in meeting the charge will be discussed with the appropriate ISFMP staff and board/section chair.

Any charge developed by a board/section to a technical subcommittee will be initially forwarded by ISFMP staff to the TC for review and input. It is not the responsibility of the TC to modify or approve a board/section charge, however, input on appropriate mechanisms to meet that charge should be provided. The TC will review products by a technical subcommittee before products are provided to a board/section to ensure the charge has been addressed.

The boards/sections are responsible for making decisions on allocation issues. However, they may task the TC with the development of technical options for addressing allocation. The

board/section should develop specific guidelines and initial options for further development by the TC.

5.0 Committee Expectations

Committee members should expect to attend several (1-4) meetings each year, depending on the specific management or assessment activities being pursued. As many of these meetings as possible will be held during one of the three scheduled Technical Meeting Weeks. Committee members should save those dates in their calendars until the agendas for each meeting week are set (typically immediately following each quarterly Commission Meeting so TCs can respond to board tasks).

It is important that all members of a Commission committee fully participate in all meetings and activities of the committee. The appropriate Administrative Commissioner should be informed if a committee member is unable to commit to the level of participation required. Commission staff should be contacted by the committee member prior to the start of the meeting if he or she is unable to attend. The committee member should provide staff with the name of his/her proxy for that committee meeting in writing (email or letter). Proxies must be from the same state or jurisdiction or agency as the individual making the designation. Proxies shall abide by the rules of the committee.

Commission technical support groups are expected to provide scientific and technical advice to the board/section, PDT, and PRT in the development and monitoring of a FMP, amendment, or addendum. It is also important that each committee member provide periodic briefings to his/ her agency's Administrative Commissioner on the discussions and actions taken at all technical support group meetings. Specific activities conducted by TC and SAS members may include:

- Requesting, preparing, and objectively evaluating fishery-dependent and fishery-independent data,
- Conducting periodic stock assessments,
- Providing recommendations on the status of the stock and the fishery,
- Evaluating management options and harvest policies, conducting risk assessments, and assessing probable outcomes of various management options.

New TC members may wish to consult the Commission's Stock Assessment Training Program materials, manuals, and ASC working papers prior to participating in an assessment. Science staff may be contacted for a complete list of available training and guidance documents.

Even though all TC and SAS members have been appointed by a specific agency, it is not appropriate for TC members to represent the policies and/or politics of that agency. It is the responsibility of each committee member to use the best scientific information available and established stock assessment techniques consistent with the current state of scientific knowledge. All participants in the Commission process should act professionally and expect to be treated with respect. See Section 6.6 on meeting etiquette.

5.1 ASMFC Staff Roles and Responsibilities

5.1.1 ISFMP Staff: ISFMP is responsible for organizing all PDT, PRT, AP, and TC and SAS activities. ISFMP staff shall serve as ex-officio members of all TCs and will chair the PDTs and PRTs. ISFMP staff will provide liaison among the PDTs, PRTs, SAS, TCs, APs, and the boards/sections. ISFMP staff will also provide liaison on species-specific issues to the LEC, MSC, TC subcommittees, and Habitat Committee. ISFMP staff, in consultation with the TC chair and vice-chair, is responsible for scheduling committee meetings, drafting agendas, and distributing meeting materials. Either the Habitat Coordinator or the ISFMP Director will provide primary organizational support for the Habitat Committee. ISFMP staff, in consultation with the TC chair and vice-chair, will determine the relevant oversight committee for presentations of all findings and advice from the technical support group. ISFMP staff, in consultation with the board chair, will refer any relevant AP recommendations to the appropriate technical support group for evaluation.

ISFMP staff, in consultation with the TC and board chairs, will assist in prioritizing tasks assigned to technical support groups. Staff should track committee meeting attendance and provide records upon request. ISFMP staff and the chair of the TC should assist in clarifying the details of any tasks assigned to the TC by the board/section. Assistance should also be provided in the development of the written charge, including all specific tasks, the deliverable expected, and a timeline for presentation of recommendations to the board/section.

5.1.2 Science Staff

Science staff are responsible for organizing all MSC, ASC, MSTC, CESS, and special issue committee activities. The Science Director, with the assistance of Science staff, is responsible for coordinating Commission peer reviews. The Scientific Committee Coordinator is responsible for providing support to the MSC, ASC, MSTC, and CESS with assistance on technical matters from other Science staff. Stock Assessment Scientists are responsible for providing support to special issue committees (Fish Passage, Interstate Tagging, Gear Technology, Fish Ageing). The primary responsibility of Stock Assessment Scientists is to provide quantitative technical support to SASs, TCs, and special issue committee activities. Stock Assessment Scientists may serve as members of SASs and other technical support groups (e.g., tagging and stocking subcommittees). Science staff may serve as chair or vice-chair of SASs or other technical support groups. Science staff are not members of TCs but may provide technical support to TCs and also assist FMP Coordinators with organizing TC and SAS activities, as needed. FMP Coordinators are responsible for providing primary support to TCs and SASs. The FMP Coordinator and assigned Science staff will discuss technical needs for each committee as they arise and coordinate roles and responsibilities based on schedules. The ISFMP and Science Directors will resolve workload and responsibility conflicts that may arise.

6.0 MEETING POLICIES AND PROCEDURES

For the purpose of this section 6 and 7 a meeting can be an in-person, conference call or webinar unless specified.

6.1 Meetings announcements

A public notice, via the Commission website (www.asmf.org), will be provided at least two weeks prior to all in-person meetings of the Commission and its various committees, and at least 48 hours notice will be provided for any meetings held by conference call ; provided exceptions to these notice requirements may be granted by the Commission Chair. A non-committee member can request, through Commission staff, to be notified of committee meetings via email (Note: the public notice of the Commission website is the official notification of a scheduled meeting). Non-committee members may attend any in-person or conference call committee meeting, unless confidential data is being discussed.

If a non-committee member would like to attend a webinar he/she should contact Commission staff 24 hours prior to the webinar in order for staff to determine if space is available. If Commission staff is not contacted, priority for available webinar space will be given to committee members.

6.2 Materials Distribution

Meeting materials will be distributed to committee members prior to committee meetings via email or FTP site, if necessary. Agendas and documents for public review will be available via the Commission website. Draft materials with preliminary content and/or with confidential data will not be distributed outside of the committee. The chair will explain at the outset of meetings that all data and analyses are preliminary and not to be shared until they have been finalized and distributed to the appropriate board/section.

6.3 Roles of Chair and Vice-chair at Meetings

It is the responsibility of the chair of the technical support group to conduct and facilitate meetings. Chairs will lead committees through agenda items in consultation with staff, including items requiring specific action. The TC chair should assist in clarifying the details of any tasks assigned to the TC by the board/section. Assistance should also be provided in the development of the written charge, including all specific tasks, the deliverable expected, and a timeline for presentation of results and/or recommendations to the board/section. The chair should attend all board/section meetings and should be in frequent contact with the appropriate ISFMP staff. It is also the responsibility of the chair of the technical support group to provide presentations to the relevant oversight committee on all findings and advice. All formal presentations should be conducted in a manner consistent with the guidance provided in 7.4.5.

The committee chair is also responsible for clarifying the majority and/or minority opinions, where possible. **The overall goal of all technical support groups is to develop recommendations through consensus. The 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 full consensus cannot be reached.** The Commission will periodically conduct meetings management and consensus-building seminars for all chairs and vice-chairs of technical support groups, and others as appropriate. Chairs and vice-chairs should attend these seminars in order to improve your ability

to conduct efficient meetings, objectively facilitate discussions and development of consensus recommendations, and objectively represent opposing viewpoints.

The vice-chair will act as chair when the chair is unable to attend a meeting or conference call. It is the role of the vice chair of committees to take meeting minutes that will be used to develop meeting summaries and committee reports. A member of the committee will be appointed by the vice chair to take minutes when the vice-chair is acting as chair.

6.4 Meeting Records

Meeting summaries are provided for all Commission committee meetings (a committee report or meeting minutes can serve as the meeting summary). If the vice-chair is unable to take minutes or there is no vice-chair, another committee member will be appointed to take minutes. Meeting summaries will be distributed by ISFMP staff to all committee members for review and modification. Meeting summaries should be finalized and approved by the committee no later than 60 days following the meeting. Draft meeting summaries will only be distributed to committee members for review. The chair should ensure that all committee member comments are addressed prior to approval and public distribution of meeting summaries and committee reports.

Commission staff should ensure that meeting summaries of all Commission technical support groups are distributed to other appropriate support groups, including APs, TCs, LEC, and MSC. All board/section meeting summaries, and appropriate documentation, should also be provided to technical support groups. Upon approval, these documents will also be posted to the Commission website.

6.5 Public Participation at Meetings

Public comment or questions at committee meetings may be taken at designated periods at the discretion of the committee chair. In order for the committee to complete its agenda, the chair, taking into account the number of speakers and available time, may limit the number of comments or the time allowed for public comment. The chair may choose to allow public comment only at the end of the meeting after the committee has addressed all its agenda items and tasks. Where constrained by the available time, the chair may limit public comment in a reasonable manner by: (1) requesting individuals avoid duplication of prior comments/questions; (2) requiring persons with similar comments to select a spokesperson; and/or (3) setting a time limit on individual comments. The Commission's public participation policy is intended to fairly balance input from various stakeholders and interest groups. Members of the public are expected to respectful of guidelines outlined in section 6.6, meeting etiquette.

Members of the public may be invited to give presentations at committee meetings if the board/section has tasked the committee with reviewing their materials, or if members of the public have been invited in advance by the committee chair to respond to a request from the committee for more information on a topic. Invitations will be offered in advance of the meeting. Public presentations will not be allowed without these invitations. See Section 8 for additional

details regarding public participation in stock assessment data, assessment, and peer review workshops.

6.5.1 General Submission of Materials

Public submissions of materials for committee review outside of the benchmark assessment process must be done through the board/section chair (see Section 4.0). The chair will prioritize the review of submitted materials in relation to the existing task list. Materials provided by the public should be submitted to the chair at least one month in advance of the meeting. A committee is not required to review or provide advice to the board/section on materials provided by the public unless it is specifically tasked to do so by the chair in writing or from board/section. Materials will be distributed to committees by Commission staff.

6.5.2 Benchmark Assessment Submissions

The Commission welcomes the submission of data sets, models, and analyses that will improve its stock assessments. For materials to be considered at data or assessment workshops, the materials must be sent in the required format with accompanying methods description to the designated Commission Stock Assessment Scientist at least one month prior to the specific workshop at which the data will be reviewed; see Section 8.6.1. The Commission will issue a press release requesting submissions at the start of the assessment process. The press release will contain specific deadlines and submission requirements for materials to be considered in the benchmark stock assessment process.

6.6 Meeting etiquette

It is the role of the chair to ensure participants (committee members and members of the public) are respectful of the following meeting guidelines. The chair should stop a meeting if a participant is not following the guidelines. Commission staff should note when these guidelines are not being followed if the chair does not do so. If a participant is being disruptive the chair may ask the individual to leave the meeting.

- **Come prepared.** Read the past meeting summary prior to the meeting. Bring something to write on and with. All presenters should ensure their handouts, presentations, etc., are organized and complete.
- **Be respectful of others.** Hold your comments until the chair asks for comments, unless open discourse throughout the meeting is encouraged. Do not interrupt other attendees. Wait to speak until the chair recognizes you. Hold your side comments to others until a meeting break or after the meeting is adjourned. Side conversations are disruptive to other participants and inconsiderate of the group.
- **Mute electronics.** Turn all cell phones on vibrate or turn off completely. Do not answer your phone while in the meeting.
- **Attend the entire meeting.** Make travel arrangements to allow participation in the entire meeting. Early departure by committee members disrupts the meeting and impacts the development of consensus recommendations and decisions.

If complaints arise they can be brought to the chair of the committee, Commission staff, or the Commission's Executive Director.

7.0 COMMUNICATIONS POLICIES AND GUIDELINES

7.1 Email Policies

For the purposes of distributing draft committee documents, distribution will be limited to committee members. Non-committee members may request to receive notices of committee meetings, agendas, approved meeting summaries and final committee reports.

7.2 Recordings

Committee meetings are open for the public to attend and as such may be recorded (audio or video) by any participant (public or committee member) with notification to the chair and staff prior to the start meeting, and so long as those recordings are not disruptive to the meeting. The chair and/or staff will notify committee members prior to the start of the meeting that they will be recorded. Staff may record meetings for note taking purposes, but the official meeting record is the meeting summary or committee report. Staff recordings will not be distributed.

7.3 Webinars

While committee members are encouraged to attend all technical meetings in person, the Commission acknowledges occasional travel constraints or other impediments to attendance in person. If a committee member cannot attend a technical meeting in person, that member may request that a webinar be arranged to accommodate them. However, the Commission cannot guarantee that the audio or visual quality of the webinar will be sufficient to allow complete participation in the meeting by remote committee members. Committee members should contact Commission staff at least twenty-four hours in advance if they require a webinar, and those requests may be accommodated as feasible.

If a committee meeting is held via webinar (i.e., there is no in-person meeting), it shall be open to the public. As with in-person meetings, public comment or questions at committee webinars may be taken at designated periods at the discretion of the committee chair (see Section 6.5 for more detailed guidance on public participation in committee meetings). Certain agenda items may not be open to the public; these include discussion of confidential data and preliminary model results. Non-committee members will be asked to leave before confidential issues are discussed. To ensure that enough bandwidth is reserved for the meeting, members of the public who wish to attend the webinar must contact staff 24 hours prior to the webinar to ensure there is available space.

Commission policy on meeting etiquette (Section 6.6) applies to webinars as well as in-person meetings. In addition, participants are asked to mute their phone lines when not speaking to reduce background noise that may disrupt the call.

Quarterly Commission Board Meetings are broadcast via webinar and information on listening to those meetings will be available via the Commission's website.

7.4 Reports

All reports developed by an Commission committee should include, at a minimum, the following components (1) the specific charge to the committee, (2) the process used by the committee to develop recommendations and/or advice, (3) a summary of all committee discussions, and (4) committee recommendations and all minority opinions. All committee reports are a consensus product of the committee, not an individual member.

7.4.1 Non-Committee Member Reports: Outside of the benchmark stock assessment process, a non-committee member may submit reports for committee review through the board/section chair (see Section 6.5.1). The board/section chair will determine if the report should be reviewed by the appropriate committee and specify tasks to be completed in the review. Non-committee reports will follow the same formatting guidelines and distribution procedures as Commission committee reports.

7.4.2 Distribution of Committee Reports: Draft committee reports will only be distributed to committee members. All committee member comments should be addressed prior to approval and distribution of committee reports. Stock assessment and peer review reports will not be distributed publicly until the board/section receives and approves the reports for management use. Results of a stock assessment may not be cited or distributed beyond the committee before the assessment has gone through peer review and been provided to the board/section. Commission staff will distribute reports to the appropriate boards/sections and post committee reports on the website following board approval.

7.4.3 Corrections to Reports: Corrections to published stock assessment reports can be made on rare occasions when mistakes are found after board/section approval. All corrections will be highlighted in yellow within the report. A new publication date will be added below the original publication date on the cover of the report, e.g., *Corrected on March 29, 2012*. An explanation of the correction will be included in the introduction or executive summary and highlighted.

7.4.4 Templates: Appendices 4, 6, 7, and 8 contain outlines for FMPs, addenda, amendments, FMP Reviews, and stock assessment and peer review advisory reports.

7.4.5 Presentations: Chairs and committee members will be responsible for presenting technical reports to boards/sections, APs, and other committees who may have a limited technical background. It is important to effectively present technical information to fishery managers and stakeholders in a straightforward and understandable manner.

All presentations should be developed using a Power Point template provided by Commission staff. Staff can assist in the development of presentations. A copy of the presentation should be provided to staff prior to the meeting. Presentations should be developed consistent with

guidelines for other professional presentations, such as the American Fisheries Society. Some general guidelines include:

- Keep visuals simple, limit one idea per slide.
- Prepare figures and tables specifically for your presentation. Copies from manuscripts or papers usually contain too much detail for a presentation.
- When working with words, think brevity. Use a maximum of 6 words per line with 5 or 6 lines per slide. Use key phrases to emphasize important points.
- Tables should be simple with a maximum of 3 columns and 5 rows or vice versa.
- Graph/table values should be in a large enough font to be clearly viewed.
- Visuals appear confusing when too many colors are used; limit to 2 to 4 contrasting colors.

8.0 STOCK ASSESSMENTS

8.1 Definitions

8.1.1 Stock Assessment Update

A **stock assessment update** consists of adding the most recent years of data to an existing, peer-reviewed, and board-accepted stock assessment model without changing the model type or structure. Correction of mistakes in existing, peer-reviewed, and board-accepted stock assessment models are permitted during an assessment update.

8.1.2 Benchmark Stock Assessment

The term **benchmark stock assessment** refers to either a new stock assessment or a stock assessment for which existing data inputs and model structure are modified and must therefore be subject to an external peer review. Benchmark changes to data, parameterization, and model type or structure are often made in response to previous peer review recommendations.

8.1.3 Peer Review

Peer review is the critical evaluation by independent (i.e., unbiased) experts of scientific and technical work products. In fisheries science, the periodic review of a stock assessment evaluates the validity of the assessment data, model, and assumptions used, and determines if the science conducted is adequate for informing management. A peer review by independent assessment peers that have had no involvement, stake or input into the assessment provides a judgment on the quality and completeness of the science used in a stock assessment. Peer reviewers are selected who have no conflict of interest with regard to the technical committee members or the fishery being assessed (see Appendix 5).

8.2 The Assessment Process

The ASC provides oversight for the benchmark data and assessment workshop process (see below), and the MSC provides oversight for the peer review workshop process. All changes to the assessment process are reviewed and approved by the ISFMP Policy Board.

The Commission plans and monitors stock assessments of all managed species via the long-term benchmark stock assessment and peer review schedule. The ASC reviews the schedule biannually to assist the ISFMP Policy Board in setting overall priorities and timelines for conducting all Commission stock assessments in relation to scientist workloads. The Policy Board is responsible for reviewing the schedule, prioritizing stock assessments, and approving the finalized schedule. The schedule is based on a recommendation by the ASC to conduct a benchmark stock assessment and peer review for all species every five years. The ASC and the ISFMP Policy Board should prioritize benchmark stock assessments and associated peer reviews based on the following criteria:

- Assessments for fisheries with unknown stock status
- Assessments for fisheries with new fishery management plans (FMPs)
- Assessments with a major change in the stock assessment data or model
- Assessments for existing FMPs undergoing amendments
- Assessment reviews for species that have not undergone an external review in at least five years

Using the approved schedule, boards/sections task TCs to conduct assessments. Once a stock assessment has been peer reviewed, the chairs of the SAS and peer review panel will draft reports on the results of the stock assessment and peer review panel those reports will be sent to the board/section. The board/section considers acceptance of the reports for management use. If accepted, the board may task the TC and AP to review the reports, perform follow-up tasks, and report back within a specified timeframe.

An alternative stock assessment for a Commission-managed species developed by external groups must be brought to the attention of the board/section chair during a benchmark stock assessment process if the group would like their assessment to be considered for management use. Alternative assessments are subject to the same standards, documentation, and process as assessments developed by the Commission, including SAS, TC, and independent peer review. External groups must notify the Commission one month in advance of an assessment workshop regarding their interest in presenting an alternative assessment at the workshop. Any analyses submitted outside the benchmark process may not be considered for management until the next Commission benchmark assessment. For more details, see Section 8.6.2 below.

8.3 Assessment Frequency and Benchmark Triggers

Assessment frequency for a given species is recommended by the TC, keeping in mind FMP requirements and the biology of the species (especially the number of years necessary to begin to detect the anticipated effects of new management actions). Update assessments are conducted for a select group of Commission species and are performed on a regular schedule, typically every 1-3 years between benchmark assessments. Annual updates are generally not needed for species that are not overfished and overfishing is not occurring. Requests for additional update assessments may be made by the board/section to the Policy Board and are granted based on prioritization of the existing stock assessment schedule, relative workloads of assessment

scientists, and available funding. Changes in stock indicators may trigger an update or benchmark assessment to be completed as outlined in the FMP, with TC consultation. Before requesting an additional assessment, the board/section should task the SAS with determining if an update or benchmark assessment is warranted. If the SAS is unsure, the ASC may be consulted. In the case of multispecies models (MSVPA), the Multispecies Technical Committee (MSTC), recommends the timing of a benchmark assessment for approval by the Policy Board, and updates of the model are performed before each menhaden assessment.

An assessment update will need to be converted to a benchmark assessment if a benchmark trigger occurs (see trigger examples below). The policy board must approve the scheduling of new benchmark assessments, including when new methods or data streams are presented. If scheduling a benchmark is not approved, the update will continue and will only use the previous methods and data streams. The Commission has employed a default five-year benchmark frequency to prevent excessive time from elapsing between peer reviews of each species assessment used by management. More or less time may be scheduled between benchmarks depending on the biology and management needs of the species. The following are examples actions that would trigger a benchmark (not inclusive):

- Change in stock unit definitions or boundaries.
- Change in model type
- Change in input data sources used (additions, deletions, major modifications)
- Change in input parameters (e.g., natural mortality, selectivity, steepness, etc.)
- Change in model configuration (e.g., estimation vs. specification of parameters, changes in stock-recruitment or selectivity parameterization, etc.)
- Appearance in update assessment of severe retrospective pattern or other diagnostics indicating a significant problem with the model that was not identified during the last peer review.
- Changes to reference point model or type

Requests for additional benchmark assessments and associated peer reviews may be made by the board/section to the Policy Board and are granted based on prioritization of the existing stock assessment and peer review schedule, relative workloads of assessment scientists, and available funding.

Assessments rejected at a peer-review should not undergo projections, updates, or benchmark assessment and peer review until the deficiencies identified by the review are addressed or a different model is used that is appropriate for the existing data. This is intended to: 1) match the assessment technique to the available data, rather than management requirements that exceed the available data, and 2) ensure that the necessary research/work is done to improve data for a species before conducting an assessment using a method that is appropriate with the available data. Species TCS should review and evaluate whether or not the assessment deficiencies identified in previously rejected assessments have been addressed. When

making recommendations for the benchmark assessment and peer review schedule, the ASC will consider whether or not those deficiencies have been addressed.

On rare occasions an analytical error in a stock assessment is discovered after either peer review or management board acceptance. Corrections to the assessment will be added to the previous versions of the accepted assessment report and highlighted in order to document the development of assessment results, including stock status (see Section 7.3.3 above). Simple errors in calculations that do not change the peer-reviewed structure of the data or model will not require additional review. Errors in model structure and primary inputs (e.g., survey indices, catch-at-age tables) will require review in the form of written correspondence from the original reviewers. The SAS and TC chairs, Management board chair, and Commission Science Director will determine the need for and means of subsequent peer review.

Commission-managed species display numerous life history strategies and have data sets that vary greatly in quantity and quality. To reflect this variability, specific time lines should be set by each TC and board/section to account for the specific requirements of each species assessment. Planning should begin at least 24 months in advance of the expected peer review date. For species with no accepted benchmark stock assessment, the assessment process might need to begin as early as 36 months in advance of a scheduled peer review.

Should a SAS determine that an assessment is unable to meet its stock assessment timeline; the SAS chair will present a revised time line and an explanation for the revised time line to the TC for review and possible approval. If the new time line is accepted by the TC then the TC chair will go before the board and explain the need for a new time line. The TC chair, in consultation with the SAS chair, will explain to the board the TC's reasons for requesting a new time line. The board will then vote to approve the new time line or continue with the established time line.

8.4 Data Confidentiality

State and federal laws requires all those who view or receive copies of confidential data have up-to-date clearance with the agency that provided the data. Data confidentiality access for each state can be applied to through the ACCSP, for more information please visit <http://warsaw-grouper.accsp.org:7777/pls/accsp/f?p=111:1:2835351801161881::NO::>. All TC and SAS members and other workshop participants who wish to view confidential data should be prepared to prove their confidential data clearance status and explain the nature of the agreement before viewing or receiving confidential data. Data providers are responsible for identifying confidential data submitted to the Commission and fellow committee members or workshop participants. Confidential data should only be handled and viewed by those with the required clearance. Data presented to those who do not have appropriate clearance must be compiled so that confidentiality is maintained; if sharing or display of non-confidential data is not adequate for the TC or SAS to complete their tasks, portions of data and assessment workshops will be closed to the public.

8.5 Assessment Updates

Assessments updates typically consist of one or two SAS workshops to review updated data and modeling results, troubleshoot any problems that arise, and organize the report and presentation to the board/section. Once the update is complete, the TC holds a meeting or conference call to review the update report results, conclusions, and recommendations. All update SAS workshops are facilitated by the SAS chair and all TC meetings are facilitated by TC chair. The SAS will prepare the update assessment which is to be approved by the species TC prior to distribution to the board/section. For species managed cooperatively by the Commission and the regional councils, a stock assessment report may be developed by NOAA Fisheries Northeast or Southeast Fisheries Science Centers (NEFSC and SEFSC).

8.6 Benchmark Assessments

The SAS will prepare the benchmark assessment, which is to be approved by the species TC prior to peer review. For species managed cooperatively by the Commission and the regional councils, a stock assessment report will be developed by the NEFSC or SEFSC.

Prior to the start of the benchmark assessment process, a meeting or conference call with the TC chair, SAS chair, and Commission staff will initiate assessment planning, review the stock assessment checklist (Appendix 1), and develop a draft time line for subsequent assessment-related meetings and milestones. The TC, in consultation with the SAS, will draft the terms of reference for the assessment. Both the draft time line and draft terms of reference will be presented to board/section for additional modifications and approval. Generic terms of reference for Commission peer reviews are provided in Appendix 2.

At the start of a benchmark assessment, before the data workshop, the MSC, in consultation with the species TC, will determine the need for an integrated peer review. Integrated reviews will be considered for species assessments that did not pass previous review, or passed with major recommendations for improvement. If it is deemed necessary, the integrated reviewer will provide analytical guidance during the construction of the assessment, enhancing the quality of assessment results. An integrated review report will be written to convey guidance from the reviewer to the SAS, and also later be provided to the peer review panel. Guidance will not override the expertise and results generated by the SAS. The integrated reviewer's recommendations will serve as supplementary expert guidance for the SAS to consider, and decide on whether alternative approaches should be pursued, or not. Further guidelines for the use of integrated reviewers can be found in the Commission's *Protocol for Integrated Peer Review*.

The benchmark assessment process involves a minimum of three workshops, namely the data workshop, assessment workshop, and peer review workshop. Additional intermediate workshops may be conducted if necessary to complete the assessment.

8.6.1 Data Workshop

The objectives of data workshops are to coordinate the collection, preparation, and review of available data and to conduct preliminary analyses to help determine the best approach(es) for

assessing each stock. Data workshop participants will include the TC, SAS, Commission and ACCSP staff, and other interested or invited parties. For species with significant recreational harvest, staff from the Marine Recreational Information Program (MRIP) will be invited to attend the data workshop to present and review recreational fishing estimates and their PSEs. MRIP staff will also be asked to compare historical and current data collection and estimation procedures and to describe data caveats that may affect the assessment.

Stakeholders will be encouraged to attend Commission data workshops and share any information or data sets that might improve the stock assessment. A public announcement will be made prior to the data workshop to call for data of which the TC may not already be aware. Commission staff will send notifications to known interested parties soliciting data and inviting participation from a wide range of stakeholders, agencies, and academics to attend at their own expense. For data sets to be considered at the data workshop, the data must be sent in the required format, with accompanying methods description, to the designated Commission Stock Assessment Scientist at least one month prior to the data workshop.

Prior to the data workshop, data availability spreadsheets (Appendix 3) will be distributed by Commission staff to all new data holders to obtain detailed descriptions of available data. For each data set identified, staff will distribute data submission instructions to data holders. All data holders should follow the requested formatting and metadata requirements and meet the data submission deadline for their data to be considered.

Data workshop products include a comprehensive database of acquired data sets, a table of data sets and reasons for inclusion or exclusion, and a draft report that contains the first five sections of the stock assessment report (see Appendix 4). All decisions and recommendations will be documented by the dedicated note-taker and/or Commission staff. At the conclusion of the workshop, participants will discuss the possible approaches for conducting the assessment based on available data, assign tasks and due dates to prepare for the assessment workshop. Commission staff will maintain all stock assessment data files, final reports, working papers and additional materials on a secure server at the Commission.

8.6.2 Assessment Workshop

The objectives of the assessment workshop are to rigorously evaluate the methods and stock assessment models developed, to ensure appropriate use of the data in models, and to determine the status of the fishery examined. Assessment workshop participants shall include the SAS, TC chair, and Commission ASMFC staff. All Commission meetings are open to the public. However, all participants will be responsible for abiding by confidentiality agreements for data used at the assessment workshop and those without confidential access to data being presented may be asked to temporarily leave the room.

All benchmark data and assessment workshops are facilitated by the SAS chair. Preliminary model runs should be performed before the workshop to ensure proper model function to

minimize the time spent at workshops correcting computer issues. Conducting and reviewing model runs are the focal points of the meeting.

If relevant data are identified during or within two weeks after the data workshop, then the new data should be reviewed and approved at the start of the assessment workshop by the SAS. As a rule, data identified more than two weeks after the data workshop may not be considered, unless the SAS ascertains the addition of such data may have a significant impact on the assessment outcome. These data must meet the same quality standards as those provided on a timely basis through the data workshop. Late, missing or unavailable data that are identified should be discussed to determine the impact on the ability of the SAS to conduct a comprehensive stock assessment.

SAS members will present on the stock assessment methods and models that have been developed. Data use, model formulation, results, diagnostics, and conclusions should be presented. Each analysis will be critically evaluated, a table of strengths and weaknesses of each approach will be constructed, and the SAS will select the best approach or approaches for assessing the stock. It is recommended that other peer-reviewed models be explored in addition to the model(s) currently used in an assessment. The Commission encourages development of new models (ones that have not been peer-reviewed). These exploratory models should be compared with existing peer-reviewed models and submitted as part of the peer reviewed benchmark assessment. If the new model passes peer review, it can be used as the primary model.

Stakeholders will be encouraged to attend Commission assessment workshops and share any analyses that might improve the stock assessment. A public announcement will be made prior to the assessment workshop to call for analyses of which the SAS may not already be aware. Commission staff will send notification to known interested parties inviting participation from a wide range of stakeholders, agencies, and academics to attend at their own expense. For analyses to be considered at the assessment workshop, the analyses must be sent in the required format, with accompanying methods description, to the Commission at least one month prior to the assessment workshop. Anyone participating in the assessment workshop and presenting results from an analysis or assessment model is expected to supply all source code, executables, and input files used in the generation of those analyses or models along with a detailed methods description to Commission staff at least one month in advance of the assessment workshop. These measures allow transparency and a fair evaluation of differences between models being considered. Anyone who provides alternative analyses or models and follows the above requirements will be required to present and undergo SAS review of their methods and findings at the assessment workshop; however, only members of the SAS will be allowed to participate in final deliberations on the use of each analysis or model in the Commission assessment. If the alternative assessment meets the standards of documentation but cannot be reconciled by the SAS with the Commission assessment, the Board chair may, at his or her discretion, add a review workshop terms of reference directing the peer review panel to address the alternative assessment as it would a minority report from a TC member. If the alternative assessment

receives a favorable review, the review panel chair will present the panel's recommendations regarding the use of both the Commission and alternative assessments to the board/section.

The SAS will then conduct final model runs, sensitivity analyses, uncertainty estimation, and any other tasks as needed to finalize modeling efforts. The SAS will develop its consensus recommendation on stock status in terms of the appropriate reference points and compose the final sections of the draft stock assessment report. The SAS will also review and prioritize research recommendations according to the terms of reference. The SAS will assign tasks with due dates needed to finalize the stock assessment report.

For the final assessment report, journal articles and grey literature (e.g., annual and technical reports published by agencies) may be cited if they contain detailed descriptions of the data and methods and are accessible to public (e.g., available in public libraries, from agencies on request, or on an agency's website). Grey literature cited in the assessment but not already accessible to the public will be stored in the Commission Science Department stock assessment archive and made available to interested parties upon request.

Commission FMP Coordinators will track the delivery of SAS final tasks. Upon completion of all tasks, the SAS chair and FMP Coordinator will make final edits to the full stock assessment report. The FMP Coordinator will schedule a final meeting or conference call of the subcommittee to review and approve the stock assessment report before it is submitted to the TC. The FMP Coordinator will schedule a TC meeting to review and approve the stock assessment report to send for peer review. When assistance is needed, Commission Stock Assessment Scientists will help FMP Coordinators with tracking progress and finalizing the stock assessment report.

The TC review of the stock assessment report final draft serves as the last opportunity to evaluate the assessment work before peer review. The TC review will take place in person or via webinar at the discretion of staff. Staff will send the final draft of the stock assessment report to the TC two to four weeks before the TC meeting. If the stock assessment report is approved by the TC, it will be distributed to the appropriate peer review venue. If the stock assessment report is not approved by the TC, then the TC will return the report with comments to the SAS. The SAS will address the comments and re-submit the report to the TC for its approval. The Commission's Science Director will forward the stock assessment report and supporting materials to the peer review panel one month before the review workshop. The SAS chair will prepare a final presentation of the stock assessment for the review panel.

8.6.3 Peer Review Workshop

The purpose of an external peer review is to obtain judgment of the value and appropriateness of the stock assessment for use in management and to provide recommendations for future research and assessment improvements. The peer review will not provide specific management recommendations.

The Commission may choose among 6 venues for conducting a peer review:

1. Commission Review Process
2. NEFSC's SAW/SARC or "research and operational assessment" process
3. SAFMC's SEDAR process
4. TRAC process
5. CIE desk review
6. Other formal review process using the structure of existing organizations (i.e., American Fisheries Society, International Council for Exploration of the Seas, National Academy of Sciences).

The SAW/SARC (Northeast) and the SEDAR (Southeast) processes will be utilized as fully as possible. The Commission staff will serve on the Northeast Coordinating Council (formerly the SAW Steering Committee) and the SEDAR Steering Committee.

The procedures and logistics for planning a stock assessment peer review are dependent on the type of review to be conducted. For information on options 2-6 above, consult the coordinating agency. For the Commission Review Process, the Science Director will initiate selection of the peer review panel. The ASC and SAS should provide suggestions on peer reviewers as soon as the final assessment workshop is complete. A small group of rotating MSC members (2-3 people) is to assist the Science Director in making the final decision on review panel membership. When possible, the MSC group should consist of representation by states outside the management range of the species. Criteria for selection of peer review panel members include:

- Knowledge of the life history and population biology of the species under review;
- Proficiency in utilizing quantitative population dynamics and stock assessment models;
- Knowledge of broader scientific issues as outlined in the terms of reference, and;
- Professional objectivity and credibility.

All peer reviewers participating on a Commission review panel must sign a conflict of interest statement in addition to the peer review panelist contract (Appendix 5). Panel members involved with the Commission's peer review must not have been involved with the Commission stock assessment and management process for the species under review. In addition, at least one panel member should be from outside the range of the species. Once reviewers are under contract to serve on the peer review panel, their names can be released upon request, but will not be posted on the website. Commission Science staff will advise that no contact be made between the panelists and SAS before the peer review workshop.

Terms of reference for the peer review will be developed by the TC and SAS at the initiation of the assessment. The terms of reference will be approved by the board/section. The approved stock assessment report for peer review and supporting documentation will be distributed by the Commission's Science Director to the peer review panel approximately four weeks prior to the review workshop. The Commission's Science staff will coordinate all review workshop logistics

in consultation with panel members. Workshop information will be distributed by the Commission's Science Director.

The Commission peer review involves a multi-day meeting of the panel to review the stock assessment for a single species. Commission peer reviews will be coordinated by the Commission's Science Director. For Commission review workshops, the full SAS, board/section chair, and AP chair will be invited to attend the review. At review workshops, stakeholders may attend as observers and provide comment at the discretion of the Review Panel chair. Only members of the TC, SAS, the review panel, and Commission staff will be invited to engage in discussions regarding the assessment.

The panel should select one member to serve as chair of the review. Duties of the panel chair include focusing discussion on the issues of the review, developing consensus within the review panel, taking the lead role in writing the advisory report, and presenting the finalized advisory report to Commission boards/sections.

Panel members may request specific presentations of other issues, including minority opinions. Requests for presentations should be made to the Science Director prior to the review Workshop to allow the presenter ample preparation time.

The review workshop will include a period for the presentation of the stock assessment report and any additional presentations, a period of open discussion among the review panel and SAS, a period for the review panel to ask specific questions of the assessment and supplemental reports, and a closed session for the development of the advisory report. During a review workshop, minor edits to the stock assessment report can be made with the concurrence of the SAS chair, review panel chair, and Science Director, if edits do not change the intent of the report. If major edits are made, notification of the modified report will be sent to the TC for their approval. The final assessment report, made publicly available on the Commission website, will include highlighted changes and a description of how and why the document was changed from the version presented at the review workshop.

The review panel will develop an advisory report during the review workshop, or shortly thereafter. The report will address each term of reference individually as well as the advisory report requirements outlined in Appendix 6. The advice included in the report should be a consensus opinion of all review panel members. It is the review panel chair's responsibility to ensure the contents of the advisory report provide an accurate and complete summary of all views on issues covered by the review. In the event consensus cannot be reached on an issue, the chair will incorporate all reviewers' opinions in the report. Development of the advisory report will be coordinated by the Science Director or a designated Commission Stock Assessment Scientist.

If the review panel has questions or needs clarification on the stock assessment report, the questions should be directed to the Science Director, who will work with the SAS chair to provide the panel with an answer. In certain situations, the panel may wish to communicate with

the SAS before completing the advisory report, or before the board/section meeting. Post-review communication will be limited to chair-to-chair interaction, and the Science Director will be involved in those conversations.

The advisory report will be distributed to all relevant species committees (board/section, TC, SAS, AP) upon completion and approximately two weeks prior to presentation of the results. Advisory reports will not be distributed publicly, except for the meeting week briefing materials, until accepted by the board/section. Following distribution of the advisory report, the TC will review the advisory report findings and to evaluate the feasibility for each research recommendation made in the stock assessment and advisory reports. The TC shall provide the board/section with a timeline outlining the expected delivery of each item, ranging from 'asap' to 'pending funding', where applicable. The TC shall also indicate whether each item, once addressed, can be used in a future assessment update, or whether incorporating that item would trigger a benchmark assessment (see section 8.3).

If the TC/SAS and the review panel cannot reach agreement, the following process for reconciling the differences between the review panel and the TC will be followed:

The results of the peer review will be presented by the review panel chair to the board/section.

↓

The board/section will refer the peer review results to the TC and SAS for review and action.

↓

The TC and SAS will revise the stock assessment report based upon the peer review advice. If the SAS and TC do not agree with the peer review advice, they will provide justification for not incorporating the advice, and provide alternate analyses.

↓

The final assessment, including the peer review and post-review actions, will be presented to the board/section by the TC.

↓

The board/section will make the final determination on status of stock and reference points.

For all reviews, after the board/section has received the presentation of the peer review results, the board should indicate that it 'accepts' or 'does not accept' the stock assessment report and peer review advisory report for management use.

APPENDIX 1. GENERAL CHECKLIST FOR TRACKING PROGRESS OF COMMISSION BENCHMARK STOCK ASSESSMENTS

Pre-Assessment Webinar

Who: TC chair and SAS chair, and Commission FMP Coordinator and Stock Assessment Scientist

When: A minimum of one to two years before scheduled peer review

- Review and discuss stock assessment process and policies. All should have read this document before meeting.
- Review and discuss the roles and responsibilities for participants of the data and assessment workshops.
- Develop draft timeline with milestones (data and assessment workshops, related TC meetings, the peer review and report to boards/sections). The timeline will be presented to the TC and to the board/section for approval.
- Stock Assessment Scientist develops draft terms of reference. After the webinar, the FMP Coordinator will distribute draft terms of reference, draft timeline, and other relevant stock assessment materials to the TC and SAS.

Pre-Assessment Technical Committee Meeting

Who: TC and SAS, and Commission FMP Coordinator and Stock Assessment Scientist

When: Timing is determined during pre-assessment webinar and will be several months in advance of data workshop

Checklist:

- Commission staff review goals and objectives of the benchmark stock assessment and peer review process.
- Review draft terms of reference, edit, and forward to board/section for approval.
- Review draft timeline, edit, and forward to board/section.
- Review data availability spreadsheets and distribute to the TC and SAS members. Set deadline for TC and SAS members to return data availability spreadsheets.
- Determine additional data sources to contact, as needed, including other state and federal agencies, universities, consulting agencies, utility companies, etc.
- Develop assignments and due dates for TC and SAS members and Commission staff for the data workshop. Each task should be assigned to a specific person with the date initially assigned and due date noted. Some specific tasks include:
 - For each data set, prepare data set for submission in proper format, provide a written description of the methods, preliminary analyses, and metadata, and prepare a short presentation
 - SAS chair should prepare a short presentation reviewing of previous stock assessments as a working paper, conduct or update the literature review (life history/habitat and other relevant work), and prepare a short presentation
- Stock Assessment Scientist identifies members of TC and SAS who may need to obtain confidential data clearance, remind all members of confidentiality rules, and provide instructions on how to obtain confidential access, if needed.

- Finalize date and location for data workshop.

Data Workshop Preparation

When: Between pre-assessment TC meeting and data workshop

- Stock Assessment Scientist sends data availability spreadsheets and data workshop announcement to newly identified data holders. Staff also requests that these data holders submit data, working paper and presentations prior to data workshop. Commission staff will provide data submission instructions to additional data holders that respond to initial inquiry.
- Stock Assessment Scientist compiles data availability spreadsheets submitted by TC and SAS members, as well as other identified data holders.
- Stock Assessment Scientist makes data submissions available to all data holders (with proper confidential access, as appropriate).
- FMP Coordinator forwards draft assessment time line and terms of reference to board/section.
- Stock Assessment Scientist and SAS chair track data submission and assignment progress.
- Stock Assessment Scientist and SAS chair compile data sets from TC, SAS, and additional data holders that will be stored on the Commission's secure server and distributed via the data workshop CD.
- Commission staff develop and distribute data workshop agenda
- Stock Assessment Scientist send preliminary data workshop ftp instructions to TC and SAS
- Stock Assessment Scientist monitor progress of data confidential access requests

Data Workshop

Who: TC and SAS, Commission FMP Coordinator and Stock Assessment Scientist, invited data holders and interested stakeholders.

When: Timing determined at pre-assessment meeting, at least 3-6 months after TC meeting.

Check-list:

- Presentation on the goals and objectives of data workshop and terms or reference.
- Review summary of previous stock assessments.
- Review summary of literature review (life history/habitat and other relevant work).
- Review all data sets
- Develop list of data analysis and report-writing assignments and due dates
- Determine additional data analyses to conduct and possible approaches for assessing stock(s)
- Determine SAS assignments and due dates for assessment workshop (additional data analyses, modeling approaches).
- Finalize date and location of assessment workshop.

Assessment Workshop Preparation

- TC chair, SAS chair, and Commission FMP Coordinator and Stock Assessment Scientist edit data report.

- FMP Coordinator sends data workshop report (including all data and additional materials) to SAS.
- FMP Coordinator sends assignments and due date reminders to SAS.

Assessment Workshop

Who: SAS, Commission FMP Coordinator and Stock Assessment Scientist

When: Timing determined during pre-assessment workshop meeting

Check-list:

- Presentation on the goals and objectives of assessment workshop and terms of reference.
- Review report sections, any additional data analyses, and conduct final evaluation of each data set for use in assessment and list reasons data sets were included or not (if modifications are necessary)
- Determine best approach or approaches for assessing stock.
- Conduct model runs, sensitivity analyses, model diagnostics, uncertainty estimates, as appropriate.
- Develop consensus recommendation of stock status.
- Develop prioritized research recommendations.
- Assign tasks for writing up final sections of draft stock assessment report.

Post-Assessment Workshop Follow-up

- SAS members complete final assignments for stock assessment report.
- SAS chair and FMP Coordinator make final edits to full report; SAS submit outstanding tasks.
- FMP Coordinator plans full TC meeting to review and approve stock assessment report.
- FMP Coordinator sends stock assessment report to TC two to four weeks prior to meeting.
- Stock Assessment Scientist files final draft of stock assessment report, all working papers, all data sets and other stock assessment materials on secure server
- FMP Coordinator files material on Commission Meeting CD
- Fisheries Science Director and Stock Assessment Scientist begin identifying review panel members if Commission peer review is the selected venue.

Technical Committee Review of Stock Assessment Report

- SAS chair presents terms of reference and final stock assessment report.
- TC reviews assessment and either approves the stock assessment report for peer review or returns it to the SAS to address TC concerns.
- If the stock assessment report is approved by the TC, it will be distributed to the appropriate peer review venue.
- If the stock assessment report is not approved by the TC, then the TC will return the report with comments to the SAS. The SAS will address the comments and re-submit the report to the TC for its approval.

Preparation for Peer Review

- Stock assessment report and supporting materials submitted to review panel one month before review meeting.
- SAS chair and other SAS members prepare presentations for the review workshop

Review Workshop

- SAS chair and other SAS members present assessment to peer review panel and conduct additional analyses from panel's prioritized list as time allows

Post Review Workshop

- SAS and panel chairs prepare presentations for board
- FMP Coordinator finalizes stock assessment report and Science staff finalizes advisory report for Commission Meeting CD
- Follow up TC meeting/webinar held if issues arise that need to be addressed before board/section meeting
- Stock Assessment Scientist drafts layman's stock assessment overview to accompany board/section meeting press releases

Board/Section Meeting

- SAS and panel chairs present to board/section
- Board accepts or does not accept assessment and review for management; additional tasking of SAS or TC may occur in response to assessment and review

Post-Board/Section Meeting

- Final edits to assessment and advisory reports and stock assessment overviews conducted and all relevant documents placed on website
- TC evaluates the feasibility and timeline for each research recommendation made in the stock assessment report and peer review advisory report; determines whether each item, once addressed, can be used in a future assessment update, or whether it will require a benchmark assessment

APPENDIX 2. GENERIC TERMS OF REFERENCE

Generic ASMFC Terms of Reference for Stock Assessment Process

1. Characterize precision and accuracy of fishery-dependent and fishery-independent data used in the assessment, including the following but not limited to:
 - a. Provide descriptions of each data source (e.g., geographic location, sampling methodology, potential explanation for outlying or anomalous data)
 - b. Describe calculation and potential standardization of abundance indices.
 - c. Discuss trends and associated estimates of uncertainty (e.g., standard errors)
 - d. Justify inclusion or elimination of available data sources.
 - e. Discuss the effects of data strengths and weaknesses (e.g., temporal and spatial scale, gear selectivities, aging accuracy, sample size) on model inputs and outputs.
2. Review estimates and PSEs of MRIP recreational fishing estimates. Request participation of MRIP staff in the data workshop process to compare historical and current data collection and estimation procedures and to describe data caveats that may affect the assessment.
3. Develop models used to estimate population parameters (e.g., F, biomass, abundance) and biological reference points, and analyze model performance.
 - a. Describe stability of model (e.g., ability to find a stable solution, invert Hessian)
 - b. Justify choice of CVs, effective sample sizes, or likelihood weighting schemes.
 - c. Perform sensitivity analyses for starting parameter values, priors, etc. and conduct other model diagnostics as necessary.
 - d. Clearly and thoroughly explain model strengths and limitations.
 - e. Briefly describe history of model usage, its theory and framework, and document associated peer-reviewed literature. If using a new model, test using simulated data.
 - f. If multiple models were considered, justify the choice of preferred model and the explanation of any differences in results among models.
4. State assumptions made for all models and explain the likely effects of assumption violations on synthesis of input data and model outputs. Examples of assumptions may include (but are not limited to):
 - a. Choice of stock-recruitment function.
 - b. No error in the catch-at-age or catch-at-length matrix.
 - c. Calculation of M. Choice to use (or estimate) constant or time-varying M and catchability.
 - d. Choice of equilibrium reference points or proxies for MSY-based reference points.
 - e. Choice of a plus group for age-structured species.
 - f. Constant ecosystem (abiotic and trophic) conditions.
5. Characterize uncertainty of model estimates and biological or empirical reference points.
6. Perform retrospective analyses, assess magnitude and direction of retrospective patterns detected, and discuss implications of any observed retrospective pattern for uncertainty in population parameters (e.g., F, SSB), reference points, and/or management measures.

7. Recommend stock status as related to reference points (if available). For example:
 - a. Is the stock below the biomass threshold?
 - b. Is F above the threshold?
8. Other potential scientific issues:
 - a. Compare trends in population parameters and reference points with current and proposed modeling approaches. If outcomes differ, discuss potential causes of observed discrepancies.
 - b. Compare reference points derived in this assessment with what is known about the general life history of the exploited stock. Explain any inconsistencies.
9. If a minority report has been filed, explain majority reasoning against adopting approach suggested in that report. The minority report should explain reasoning against adopting approach suggested by the majority.
10. Develop detailed short and long-term prioritized lists of recommendations for future research, data collection, and assessment methodology. Highlight improvements to be made by next benchmark review.
11. Recommend timing of next benchmark assessment and intermediate updates, if necessary relative to biology and current management of the species.

Generic ASMFC Terms of Reference for External Peer Review

1. Evaluate the thoroughness of data collection and the presentation and treatment of fishery-dependent and fishery-independent data in the assessment, including the following but not limited to:
 - a. Presentation of data source variance (e.g., standard errors).
 - b. Justification for inclusion or elimination of available data sources,
 - c. Consideration of data strengths and weaknesses (e.g., temporal and spatial scale, gear selectivities, aging accuracy, sample size),
 - d. Calculation and/or standardization of abundance indices.
2. Evaluate the methods and models used to estimate population parameters (e.g., F , biomass, abundance) and biological reference points, including but not limited to:
 - a. Evaluate the choice and justification of the preferred model(s). Was the most appropriate model (or model averaging approach) chosen given available data and life history of the species?
 - b. If multiple models were considered, evaluate the analysts' explanation of any differences in results.
 - c. Evaluate model parameterization and specification (e.g., choice of CVs, effective sample sizes, likelihood weighting schemes, calculation/specification of M , stock-recruitment relationship, choice of time-varying parameters, plus group treatment).
3. Evaluate the diagnostic analyses performed, including but not limited to:

- a. Sensitivity analyses to determine model stability and potential consequences of major model assumptions
 - b. Retrospective analysis
4. Evaluate the methods used to characterize uncertainty in estimated parameters. Ensure that the implications of uncertainty in technical conclusions are clearly stated.
5. If a minority report has been filed, review minority opinion and any associated analyses. If possible, make recommendation on current or future use of alternative assessment approach presented in minority report.
6. Recommend best estimates of stock biomass, abundance, and exploitation from the assessment for use in management, if possible, or specify alternative estimation methods.
7. Evaluate the choice of reference points and the methods used to estimate them. Recommend stock status determination from the assessment, or, if appropriate, specify alternative methods/measures.
8. Review the research, data collection, and assessment methodology recommendations provided by the TC and make any additional recommendations warranted. Clearly prioritize the activities needed to inform and maintain the current assessment, and provide recommendations to improve the reliability of future assessments.
9. Recommend timing of the next benchmark assessment and updates, if necessary, relative to the life history and current management of the species.
10. Prepare a peer review panel terms of reference and advisory report summarizing the panel's evaluation of the stock assessment and addressing each peer review term of reference. Develop a list of tasks to be completed following the workshop. Complete and submit the report within 4 weeks of workshop conclusion.

APPENDIX 3. EXAMPLE DATA AVAILABILITY SPREADSHEETS

Introduction

Overview

- * The purpose of this request is to develop a catalog of the types of fisheries-dependent and fisheries-independent data available on SPECIES X. An evaluation of the available data will serve as a starting point for the selection of stock assessment methods. Prior to the Data Workshop, the Stock Assessment Subcommittee will put forth a request for the necessary data, including the preferred format for data submission.

Directions

- For *each* source of data available from your state/jurisdiction (including historical data sets), please fill-in the appropriate sheet as described below.
- * The forms on the following sheets are intended to assist with the stock assessment process. The data sources described in the 'Key' sheet represent the types of information typically collected by the states/jurisdictions.

Additional Information

- * Please review the 'Additional Info' sheet and provide responses where appropriate. For each item, provide contact information for individuals who manage each data set.

Please submit a completed data availability file for your state to Pat Campfield at pcampfield@asmfc.org

Key

Species X Data Availability by State

Years Available - include the range of years in which data are available; if there are breaks in a time series, please describe missing years in **Notes** if Gear Type, Units Effort, or other data became available after the time series started, identify the first year this information is available (e.g., counts, lengths taken throughout the time series; started collecting ages later)

Temporal Resolution - check a box describing level of detail (select one only)

date - check if full date known

season - check if only season (Spring, Summer, Fall, Winter) and year are known

year - check if only the year landed, caught in survey, etc. is known

Spatial Resolution - check a box describing level of detail (select one only)

latitude and longitude - check if detailed coordinates known

NMFS statistical area - check if area known, but greater detail (lat/long) unknown

state waters - check if only the state in which fish were landed, caught, etc. is known

Gear Type - check if fishery or survey gear (trawl, pound net, etc.) is known

Units Effort - check if some measure of effort (tow duration, hours net set, catch per day, etc.) is known and can be used to calculate CPUE

Counts - check if number of individuals in each sample known

Weight - check if individual or aggregate sample weights known

CPUE - check if pre-calculated CPUE is available

Sex - check if sex was determined for some or all of sampled fish (i.e., mature individuals)

Subsample - check if sub-sample size used to estimate landings, discards, survey tow total catch, etc. is known

Variance - check if pre-calculated measure of variance is available

File Type - are the data in SAS, xls, Access, ascii, field sheets, etc?

Notes - provide more details to clarify available data
(e.g., length measurements in FL; scale or otolith age samples)

Commercial Data

Source: Commercial Fishery		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE		UNITS EFFORT		DATA							File Type		
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS	stat area	state	waters	Counts	Lengths	Weights	Ages	Sex	CPUE	Subsample	Variance				
Landings	ME																						
	NH																						
	MA																						
	RI																						
	CT																						
	NY																						
	NJ																						
	DE																						
	PA																						
	MD																						
	VA																						
	NC																						
	SC																						
	GA																						
	FL																						
NMFS																							
Discards	ME																						
	NH																						
	MA																						
	RI																						
	CT																						
	NY																						
	NJ																						
	DE																						
	PA																						
	MD																						
	VA																						
	NC																						
	SC																						
	GA																						
	FL																						
NMFS																							

NOTES

Recreational Data

Source: Recreational Fishery		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE		UNITS EFFORT		DATA							File Type	
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS	stat area	state	waters	Counts	Lengths	Weights	Ages	Sex	CPUE	Subsampl e	Variance			
Landings	ME																					
	NH																					
	MA																					
	RI																					
	CT																					
	NY																					
	NJ																					
	DE																					
	PA																					
	MD																					
	VA																					
	NC																					
	SC																					
	GA																					
FL																						
NMFS																						
Discards	ME																					
	NH																					
	MA																					
	RI																					
	CT																					
	NY																					
	NJ																					
	DE																					
	PA																					
	MD																					
	VA																					
	NC																					
	SC																					
	GA																					
FL																						
NMFS																						
Released Alive	ME																					
	NH																					
	MA																					
	RI																					
	CT																					
	NY																					
	NJ																					
	DE																					
	PA																					
	MD																					
	VA																					
	NC																					
	SC																					
	GA																					
FL																						
NMFS																						
Total Catch	ME																					
	NH																					
	MA																					
	RI																					
	CT																					
	NY																					
	NJ																					
	DE																					
	PA																					
	MD																					
	VA																					
	NC																					
	SC																					
	GA																					
FL																						
NMFS																						

NOTES

Fisheries-Independent Survey Data

Source: Fishery-Independent Surveys		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE	UNITS EFFORT	DATA							File Type	NOTES
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS stat area	state waters			Counts	Lengths	Weights	Ages	Sex	CPUE	Subsample		
Catch	ME																			
	NH																			
	MA																			
	RI																			
	CT																			
	NY																			
	NJ																			
	DE																			
	PA																			
	MD																			
	VA																			
	NC																			
	SC																			
	GA																			
	FL																			
	NMFS																			

Example

Source: EXAMPLE Fishery-Independent Surveys		YEARS AVAILABLE		TEMPORAL RESOLUTION			SPATIAL RESOLUTION			GEAR TYPE	UNITS EFFORT	DATA							File Type	NOTES
TYPE	INFO	From	To	date	season, yr	year only	lat / long	NMFS stat area	state waters			Counts	Lengths	Weights	Ages	Sex	CPUE	Subsample		
Catch	ME	1985	present	X					X	X	X	X	X	X	99	X			Excel	lengths in TL
	NH	1990	present	X					X	X	X	X							Excel	
	MA	1985	present	X				X		X	X	X	X	X	X	X	X	X	SAS	relative inde
	RI	2000	present	X			X			X		X							Excel	
	CT	1990	2002		X			X		X	X	X	01						SAS	
	NY	1990	2002		X			X		X	X	X							Excel	
	NJ	1995	present			X		X		X		X	X	X					Excel	Age-0 index
	DE	2002	2005			X			X	X		X							ascii	
	PA	1990	present	X			X			X	X	X	X	X	X				Access	
	MD	1980	present	X			X			X	X	X							Access, SAS	
	VA	1980	present	X			X			X	X	X	X	X	X	X	X	X	Access	late summer
	NC	1980	present	X			X			X	X	X	X	95	X	X	X	X	SAS	lengths in FL
	SC	1995	present			X		X		X	X	X							Excel	
	GA	1995	present			X		X		X	X	X							Excel	
	FL	1980	present	X			X			X	X	X	X	X	X	X	X	X	Access, SAS	movement,
	NMFS	1980	present	X				X		X	X	X	X	X	X	X	X	X	Excel	

Additional Information

ADDITIONAL INFORMATION

- 1 Is your state's **SPECIES X** regulatory history available? Please provide contact information for the best source of this information.

Contact Info

AGENCY

CONTACT

ADDRESS

PHONE

FAX

E-MAIL

NOTES

- 2 Are there additional sources of information or data sets from your state that would be useful for stock assessment? This could include discard mortality studies, natural mortality studies, stock identification studies, tagging studies, citation program data.

Data

SOURCE:

TYPE:

INFO:

Contact Info

- 3 Does your state engage in **SPECIES X** stock enhancement? If yes, please provide the types of data collected in enhancement efforts and/or information for the appropriate contact.

Data

SOURCE: _____
TYPE: _____
INFO: _____

4 Are individual fish lengths-weights available for any data sources from your state?
.

Data

SOURCE: _____
TYPE: _____
INFO: _____

Contact Info

AGENCY _____
CONTACT _____
ADDRESS _____

PHONE _____

FAX _____

E-MAIL _____

NOTES _____

5 If age data are available for one or more of your state's data sources, are the age-length keys used to generate those data available?
.

Data

SOURCE: _____
TYPE: _____
INFO: _____

6 Are you aware of any SPECIES X socio-economic publications or data that would be useful for stock
assessment or projections?

Data

SOURCE:

TYPE:

INFO:

Contact Info

AGENCY

CONTACT

ADDRESS

PHONE

FAX

E-MAIL

NOTES

DRAFT

APPENDIX 4. COMPONENTS OF THE ASSESSMENT REPORT

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 - 6.2 Configuration (include all appropriate subsections - subsections may be removed or added as necessary)

- 6.2.1 Assessment Model(s)
 - 6.2.1.1 Spatial and Temporal Coverage
 - 6.2.1.2 Selection and Treatment of Indices
 - 6.2.1.3 Parameterization
 - 6.2.1.4 Weighting of Likelihoods
 - 6.2.1.5 Estimating Precision (e.g., ASEs, Likelihood profiling, MCMC)
 - 6.2.1.6 Sensitivity Analyses
 - 6.2.1.6.1 Sensitivity to Input Data
 - 6.2.1.6.1 Sensitivity to Model Configuration
 - 6.2.1.7 Retrospective Analyses
 - 6.2.1.8 Projections
- 6.2.2 Reference Point Model(s)
 - 6.2.2.1 Parameterization
 - 6.2.2.2 Estimating Uncertainty
 - 6.2.2.3 Sensitivity Analyses
- 7.0 Results (include all appropriate subsections - subsections may be removed or added as necessary)
 - 7.1 Assessment Model(s)
 - 7.1.1 Goodness of Fit
 - 7.1.2 Parameter Estimates (include precision of estimates)
 - 7.1.2.1 Selectivities and Catchability
 - 7.1.2.2 Exploitation Rates
 - 7.1.2.2 Abundance or Biomass Estimates
 - 7.1.3 Sensitivity Analyses
 - 7.1.3.1 Sensitivity to Input Data
 - 7.1.3.2 Sensitivity to Model Configuration
 - 7.1.4 Retrospective Analyses
 - 7.1.5 Projection Estimates
 - 7.2 Reference Point Model(s)
 - 7.2.1 Parameter Estimates
 - 7.2.2 Sensitivity Analyses (e.g., to M, selectivities)
 - 7.3 Results Uncertainty (e.g., interpretation of alternate model results)
- 8.0 Stock Status (discuss current BRPs & any new proposed BRPs separately, if applicable)
 - 8.1 Current Overfishing, Overfished/Depleted Definitions (define targets, thresholds, and control rules)
 - 8.3 Stock Status Determination
 - 8.3.1 Overfishing Status
 - 8.3.2 Overfished Status
 - 8.3.3 Control Rules
 - 8.3.4 Uncertainty
- 9.0 Research Recommendations

- 10.0 Minority Opinion (if applicable)
 - 10.1 Description of Minority Opinion
 - 10.2 Justification from Majority (on why not adopted)
- 11.0 Literature Cited
- 12.0 Tables - suggested tables include the following:
 - Landings (numbers and weights)
 - Catch-at-Age
 - Lengths/Weights-at-Age
 - Fecundity/Maturation Schedule
 - Natural Mortality Schedule
 - Age-Length Keys
 - Survey or Index Values
 - Model Configuration and Inputs
 - Model Outputs, Parameter Estimates and Precision
 - Results (e.g., Abundance, Biomass, SSB, and Fishing Mortality)
- 13.0 Figures - suggested figures include the following:
 - Landings by Year, all states
 - Landings by Year, by state
 - Length/Weight-at-Age
 - Observed Survey Values by year
 - Observed and Predicted Survey Values by year
 - Residuals
 - Results (Abundance, Biomass, SSB) by year
 - Stock Abundance and Catch by year
 - Sensitivity Plots
 - Retrospective Plots
- Appendices 1-X (if applicable)

APPENDIX 5. INSTRUCTIONS FOR PEER REVIEWERS AND CONFLICT OF INTEREST STATEMENT

Overview

The Atlantic States Marine Fisheries Commission (Commission) Benchmark Peer Review Process provides a framework for the critical evaluation by independent experts of fish population models upon which fishery management decisions are based. For full details, see the Commission document “Technical Support Groups Guidance and Benchmark Stock Assessment Process”. The term benchmark stock assessment refers to an assessment that goes through an independent peer review. Benchmark assessments are prompted by new fishery management actions, a major change in stock assessment model or data, or a Commission or regional fishery management council time-trigger. Stock assessment reviews evaluate the validity of the models used, the input data, parameters, and model results, alternative assessment methods, and additional research needs. A review by independent assessment scientists that have no involvement, stake, or input into the assessment provides a judgment on the quality and completeness of the science used in a stock assessment. Peer review panel decisions are based on science; discussions and deliberations shall not consider possible future management actions, agency financial concerns, or social and economic consequences.

Preparation for the Review Workshop

In general, peer reviews are conducted within 6 to 8 weeks of the completion of the stock assessment report. A Commission stock assessment review panel is composed of 3-5 scientists (state, federal, university, or private). Review panel members should possess:

- Knowledge of the life history and population biology of the species under review
- Proficiency in utilizing quantitative population dynamics and stock assessment models
- Knowledge of broader scientific issues as outlined in the terms of reference, and
- Professional objectivity and credibility.

Panel members involved with a Commission peer review *must not* have involvement with the Commission stock assessment and management process for the species under review. In addition, at least one panel member should be from outside the range of the species.

The stock assessment report, all supporting materials, and instructions for peer reviewers will be distributed to the review panel by the Commission’s Science Director one month before the review meeting. Reviewers shall read the documents to gain an in-depth understanding of the stock assessment, the resources and information considered in the assessment, and their responsibilities as reviewers. The Science Director will organize the review workshop in coordination with panel members and the SAS.

The Review Workshop

A Commission peer review involves a multi-day meeting of the review panel to evaluate the stock assessment for a single species. The full SAS, TC chair and vice-chair, board/section chair and vice-chair, and chair and vice-chair of the advisory committee should be invited to attend the review. Stakeholders shall be invited to attend Commission peer reviews, but not as panel members, and the review panel chair will encourage public comment.

The workshop will begin with introductions and a short overview of the review workshop objectives presented by the Science Director. Panelists should then select one member to serve as panel chair. Duties of the panel chair include focusing discussion on the issues of the peer review, developing consensus within the review panel, taking the leading role in development of the advisory report, and presenting the finalized advisory report to appropriate Commission boards/sections.

The review workshop will include a period for the presentation of the stock assessment report and any additional presentations, a period of open discussion for all attendees, a period for the review panel to ask specific questions of the SAS, a closed door session for the review panel to reach consensus on the review, a period for the panel to review the major points of their consensus opinion on each term of reference with the SAS, and a closed door session for development of the advisory report. Presentation of the stock assessment report and any minority reports will occur on the first day(s) of the meeting. Panel members may request specific presentations on other issues. Requests for presentations should be made to the Science Director prior to the workshop to allow the presenter ample preparation time. During a review workshop, minor changes to the stock assessment report can be made with the concurrence of the Science Director, SAS chair, and review panel chair. Minor changes/results will appear as an appendix to the stock assessment report, and an explanation for the change will be referenced in the advisory report. Only clarifications will be allowed during the review workshop.

The review panel will develop and author an advisory report during the review workshop, or shortly thereafter. The findings and advice included in the advisory report will be a consensus opinion of all peer review panel members. Panels are expected to reach conclusions that all participants can accept, which may include agreeing to acknowledge multiple possibilities. It is the review panel chair's responsibility to ensure the contents of the advisory report provide an accurate and complete summary of all views on issues covered by the review. In the event consensus cannot be reached on an issue, the chair will incorporate all reviewers' opinions in the report.

Development of the advisory report will be coordinated by the Science Director or designated Fisheries Science staff. The report will include all content outlined in Appendix 1. Each term of reference will be addressed individually by number in Section II, including discussion of majority versus minority reports when present. A clear statement will be made indicating whether or not the task(s) outlined in each term of reference was satisfactorily completed by the SAS using the best available data and stock assessment methodology; specifically, is the

assessment suitable for use by managers in exploring management options? The advisory report also includes advice on the issues listed in Appendix 1, Section III. Comments on topics not listed in Appendix 1 are encouraged and will be included in the Other Comments section.

If the review panel finds a term of reference deficient to the extent that SAS members present cannot correct the deficiencies during the course of the review workshop, or the SAS chair deems that desired modifications would result in an alternative assessment, then the review panel shall reject that term of reference. If a term of reference is rejected, the panel should include in the advisory report 1) a justification for rejection (i.e., a complete description of the deficiency) and 2) specific, constructive suggestions for remedial measures or alternate approaches to correct the assessment.

Presentation of Peer Review Results

Results of the peer review will be presented within 4 weeks of the completion of the peer review. The advisory report will be distributed to all relevant committees (board/section, TC, SAS, AP) upon completion and approximately two weeks prior to presentation of the results. The results of the peer review will be presented by the chair of the review panel to a meeting of the board/section.

The advisory report and presentation will not include specific management advice. The stock assessment report and the advisory report will be posted on the Commission website (www.asmfc.org) after acceptance by the board/section.

Commission Peer Review Code of Conduct

- Review panel decisions shall be based on science. Discussions and deliberations shall not consider possible future management actions, agency financial concerns, or social and economic consequences.
- Personal attacks will not be tolerated. Advancement in science is based on disagreement and healthy, spirited discourse is encouraged. However, professionalism must be upheld and those who descend into personal attacks will be asked to leave by Commission staff.
- Review panelists are expected to support their discussions with appropriate text and analytical contributions. Each panelist is individually responsible for ensuring their points and recommendations are addressed in workshop reports; they should not rely on others to address their concerns.
- Panelists are expected to provide constructive suggestions and alternative solutions; criticisms should be followed with recommendations and solutions.

Expectations of the Peer Review Process

The peer review WILL:

- Provide a judgment of the value and appropriateness of the science and scientific methods which produced the assessment

- Provide recommendations for future research and improvements of future assessments
- Evaluate all input parameters and biological characteristics incorporated into the model
- Evaluate the stock assessment methods
- Evaluate status of stocks relative to current FMP goals

The peer review WILL NOT:

- Resolve all issues
- Answer all questions
- Provide specific management recommendations
- Provide options to reach management targets

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**ATLANTIC STATES MARINE FISHERIES COMMISSION
PEER REVIEWER CONFLICT OF INTEREST STATEMENT**

The Commission stock assessment peer review process involves establishing a peer review panel composed of 3-5 scientists (state, federal, university, or private) who will provide judgment on the quality and completeness of the science used in the stock assessment. It is of the utmost importance that input provided by peer reviewers be unbiased.

Potential reviewers should declare themselves not eligible to serve on the review panel for the species under review if they have a relationship with persons involved in the assessment under review that might be construed as creating a conflict of interest.

Conflict of interest may include (but is not limited to):

- Involvement, stake, or input to the Commission stock assessment or with the management process for the species under review.
- Involvement with state, federal, or international management, the fishing industry, or any other interest group regarding the species under review.
- A well-formed position or history of advocacy for a specific viewpoint on a subject relevant to the stock assessment under review.
- Current association as a thesis or postdoctoral advisor or student of scientists involved in the stock assessment.
- Collaboration (within the last 3 years, currently, or planned) on a project, book, or paper with scientists involved in the stock assessment under review.
- Financial partnerships (consulting, business, or other financial connection) with the persons involved in the stock assessment under review.
- Spouse, child, or general partner relationship with scientists involved in the stock assessment under review.

I _____ hereby certify, to the best of my knowledge, I do not have a conflict of interest and am not likely to give appearance of a conflict of interest, impropriety, or impairment of objectivity with respect to the stock assessment I am asked to review.

Signature

Date

APPENDIX 6. ADVISORY REPORT OUTLINE

The advisory report will be developed by the review panel, with assistance from the Commission's Science staff. The report will provide an evaluation of each term of reference and be followed by an advisory section providing general scientific advice on the topics outlined. The advice included in the report should be a consensus opinion of all review panel members.

Standard Contents

I. Introduction

II. Terms of Reference (addressed individually by number)

III. Advisory Section

- Status of Stocks: Current and projected
- Stock Identification and Distribution
- Management Unit
- Landings
- Data and Assessment
- Biological Reference Points
- Fishing Mortality
- Recruitment
- Spawning Stock Biomass
- Bycatch
- Other Comments

IV. Sources of Information

V. Tables

VI. Figures

* for all sections, "information not available" should be indicated where appropriate

APPENDIX 7. FISHERY MANAGEMENT PLAN OUTLINE

DRAFT FMP OUTLINE (approved by ISFMP Policy Board - May 1999)

This document outlines the contents of Commission FMPs developed by the ISFMP. It contains FMP elements required by the ISFMP Charter as well as suggestions on other sections, should information on these elements be available.

It is intended that this outline be a working document for use by PDTs, PRTs, and others in drafting, compiling, and reviewing FMPs as guidance in FMP development and implementation. The ISFMP Charter, Section Six, lists the required elements of a FMP.

This outline was adopted by the ISFMP Policy Board during the Spring Meeting in Atlantic Beach, North Carolina on May 20, 1999. Suggestions for additional changes to the FMP outline are welcomed and should be forwarded to ISFMP Staff.

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ACKNOWLEDGEMENTS/ FOREWORD
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 - 1.1.2.1 Social and Economic Benefits
 - 1.1.2.2 Ecological Benefits
- 1.2 Description of the Resource
 - 1.2.1 Species Life History
 - 1.2.2 Stock Assessment Summary
 - 1.2.3 Abundance and Present Condition
- 1.3 Description of the Fishery
 - 1.3.1 Commercial Fishery
 - 1.3.2 Recreational Fishery
 - 1.3.3 Subsistence Fishing
 - 1.3.4 Non-Consumptive Factors
 - 1.3.5 Interactions with Other Fisheries, Species, or Users
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 - 1.4.1 Habitat Important to the Stocks
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 - 1.6.4 Economic Assessment Document (*if available*)
 - 1.6.5 Law Enforcement Assessment Document (*if available*)
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 - 2.1.1 History of Prior Management Actions
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 - 4.4.3 Avoidance of Incompatible Activities (*see sturgeon FMP*)
 - 4.4.4 Fisheries Practices (*see sturgeon FMP*)
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APPENDIX 8. FMP ADDENDUM OUTLINE

1.0 Introduction

- Management authority (state/federal waters)
- Management unit
- Amendment the document is working under
- Purpose/goal of the document (list out issues if there is more than one being considered in the document)

2.0 Overview

2.1 Statement of the problem

- Why the board is considering a change in management
- This paragraph should be short, simple, and to the point

2.2 Background

- Events leading to the consideration for a change in management

3.0 Management Options

- If the management options are replacing a previous management action be sure to state upfront that this section will replace section x of Amendment/Addendum Y
- Almost always include status quo as first option
- Committee Recommendations/Comments (if necessary)

If there is more than one issue being considered you would repeat the three sections above (3.1-3.2)

4.0 Compliance

- Due dates for proposals, plan reviews, implementation dates

5.0 Recommendation for Federal Waters

- Not all plans will have this section



Atlantic States Marine Fisheries Commission

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MEMORANDUM

December 4, 2012

To: Spiny Dogfish and Coastal Sharks Management Board and Technical Committee

From: Marin Hawk, FMP Coordinator *MH*

Subject: NOAA Fisheries' Draft Amendment 5 to the Highly Migratory Species Coastal Shark FMP

The National Marine Fisheries Service announced the release of a proposed rule for Amendment 5 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. The Commission is seeking guidance from the Board on whether or not to send comments to NOAA Fisheries as a Commission. Amendment 5 addresses results of recent stock assessments for scalloped hammerhead, sandbar, dusky, blacknose, and Gulf of Mexico blacktip sharks. The preferred suite of measures (Alternative A2) to end overfishing and rebuild overfished stocks includes creating new complexes, establishing total allowable catches, commercial quotas and quota linkages (when one complex closes, the other complex also closes, regardless of the amount of quota caught), modifying recreational minimum size limits and reporting requirements, and creating and modifying time/area closures.

Alternative 1 would involve no action and keep the HMS FMP as it currently is. On the opposite side of the spectrum, Alternative 5 would close all commercial and recreational shark fisheries, except spiny dogfish.

Alternative 2 would remove scalloped, smooth and great hammerhead sharks from the non-sandbar LCS complex, and establish an Atlantic hammerhead complex with a quota of 28.3 metric tons. This quota was determined from recent landings of hammerheads, which averaged 28.7 metric tons annually between 2008 and 2011. A new complex, called the Atlantic aggregated LCS complex would be established, which consists of blacktip, bull, lemon, nurse, silky, spinner and tiger sharks. This complex would take the place of the non-sandbar LCS complex and have a quota of 168.2 metric tons. This quota is based on the average annual landings of the remaining species in the complex, once hammerheads are removed. These two complexes would be linked, so when either quota is reached, the other would also be closed, regardless of how much of the quota had been filled. This alternative also creates linked, regional quotas for non-blacknose SCS sharks and blacknose sharks. Under this alternative, the recreational size limit would increase by 42" (3.5 feet) to 96" (8 feet) for all species except Atlantic sharpnose and bonnethead.

Alternative 3 would remove scalloped, smooth and great hammerhead sharks from the non-sandbar LCS complex, and establish a non-regional hammerhead complex with a quota of 52.2 metric tons. A new complex, called the Atlantic aggregated LCS complex would be established, which consists of blacktip, bull, lemon, nurse, silky, spinner and tiger sharks. This complex would take the place of the non-sandbar LCS complex and have a quota of 168.2 metric tons. Under this alternative, only the recreational size limit for the hammerhead complex would increase by 24" to 78". All other size limits would remain the same. There would be no new quota linkages with this alternative. Alternative 3 also establishes a new regional quota for the blacknose SCS complex.

Alternative 4 would remove scalloped hammerhead sharks from the non-sandbar LCS complex, and establish a regional quota of 27.8 metric tons for just that species. A new complex, called the Atlantic aggregated LCS complex would be established, which consists of smooth and great hammerhead, blacktip, bull, lemon, nurse, silky, spinner and tiger sharks. This complex would take the place of the non-sandbar LCS complex and have

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a quota of 180 metric tons. The hammerhead and LCS complexes would be linked. This alternative also establishes new regional quotas for the non-blacknose SCS complex and the blacknose complex.

The Interstate Fishery Management Plan for Coastal Sharks complements the Highly Migratory Species Coastal Shark FMP. The Interstate FMP states that non-sandbar LCS or SCS species groups will close in state waters when NOAA Fisheries closes the species groups in Federal waters. For example, when NOAA Fisheries closes the non-sandbar LCS complex in federal waters, the same closures apply in state waters. Therefore, any amendment that changes the quota or quota linkages for a species group will impact the regulations in state waters. The Proposed Rule species groupings are also different than those identified in the Interstate FMP. The Interstate FMP size limit for all sharks (except Atlantic sharpnose, blacknose, finetooth, bonnethead and smooth dogfish) is 54". Options in the Proposed Rule are larger for some shark species. In order to change any of the above Interstate FMP measures, an addendum would be needed.

Please see the table below outlining all of the proposed measures concerning quotas, recreational size limits and species complexes. Other measures concerning pelagic long-lining effort, community outreach and quota transfers can be found in the attached proposed rule as well.

The public comment period for the proposed rule ends on February 12, 2013. If the Board would like to comment as a Commission, we will need your feedback on what issues to include in the comments. We are seeking guidance from the Board by January 10, 2013. If you have any questions or would like clarification, please do not hesitate to contact me at 703.842.0740 or mhawk@asmfc.org.

Table of proposed alternatives and measures for Amendment 5 to the Highly Migratory Species Coastal Shark FMP. For a list of all proposed changes, see Proposed Rule (attached).

Alternative	Spp Group	Quota (mt)	Recreational Size Limit	Linkages
A1	Status quo, No action			
A2	LCS/Atlantic aggregated	168.2	96" (+42")	LCS/HH
	LCS			
	Hammerhead	28.3	96" (+42")	LCS/HH
	Non-blacknose SCS	197.9 (-134.5)	96" (+42") , except sharpnose and bonnethead	SCS/Blacknose
	Blacknose	18 (-1.9)	96" (+42")	SCS/Blacknose
A3	LCS/Atlantic aggregated	168.2	no change	
	LCS			
	Hammerhead	52.2	78" (+24")	None
	Non-blacknose SCS	no change	no change	
	Blacknose	18 (-1.9)	no change	
A4	LCS/Atlantic aggregated	180	96" (+42")	LCS/HH
	LCS			
	Scalloped hammerhead	27.8	96" (+42")	LCS/HH
	Non-blacknose SCS	110.8 (-221.6)	96" (+42") , except sharpnose and bonnethead	SCS/Blacknose
	Blacknose	18 (-1.9)	96" (+42")	SCS/Blacknose
A5	All shark fisheries, except spiny dogfish, closed			

Note: Changes from current management are indicated in red. In the case of LCS and hammerheads, changes from current quotas were not included because the new quotas were based on the recent landings.



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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 635

Highly Migratory Species; Atlantic Shark Management Measures; Proposed Rule

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 110831548–2430–01]

RIN 0648–BB29

Highly Migratory Species; Atlantic Shark Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is amending the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan based on several shark stock assessments that were completed from 2009 to 2012. The assessments for Atlantic blacknose, dusky, and scalloped hammerhead sharks indicated that these species are overfished and experiencing overfishing. The assessment for sandbar sharks indicated that this species is overfished, but not experiencing overfishing. The assessment for Gulf of Mexico blacktip sharks, adopted in this rulemaking, indicated that the stock is not overfished and not experiencing overfishing. The assessment for Gulf of Mexico blacknose sharks was not accepted; therefore, the overfished and overfishing statuses have been determined to be unknown. The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) requires the Agency to implement management measures that prevent overfishing and rebuild overfished stocks, as necessary. Based on the new stock assessments, and after considering public comments received during scoping and on a predraft document, we are proposing measures that would reduce fishing mortality and effort in order to rebuild overfished Atlantic shark species while ensuring that a limited sustainable shark fishery can be maintained consistent with our legal obligations. The proposed measures include changes to commercial quotas and species groups, the creation of several time/area closures, a change to an existing time/area closure, an increase in the recreational minimum size restrictions, and the establishment of recreational reporting for certain species of sharks. The proposed measures could affect U.S. commercial or recreational fishermen who harvest sharks within the Atlantic Ocean,

including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments will be accepted until February 12, 2013. NMFS will announce the dates and locations of public hearings in a future **Federal Register** notice.

ADDRESSES: NMFS will announce the dates and locations of public hearings in a future **Federal Register** notice.

You may submit comments on this document, identified by NOAA–NMFS–2012–0161, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA–NMFS–2012–0161 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.
- *Mail:* Submit written comments to Peter Cooper, 1315 East-West Highway, Silver Spring, MD 20910.
- *Fax:* 301–713–1917; *Attn:* Peter Cooper

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Highly Migratory Species Management Division of the Office of Sustainable Fisheries and by email to OIRA_Submission@omb.eop.gov or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Peter Cooper, Guý DuBeck, Michael

Clark, or Karyl Brewster-Geisz at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic tunas and swordfish are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tuna Conventions Act (ATCA), which authorizes the Secretary of Commerce (Secretary) to promulgate regulations as may be necessary and appropriate to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Federal Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Act. The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA). On May 28, 1999, NMFS published in the **Federal Register** (64 FR 29090) final regulations, effective July 1, 1999, implementing the Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks (1999 FMP). On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) final regulations, effective November 1, 2006, implementing the 2006 Consolidated Highly Migratory Species (HMS) FMP, which details the management measures for Atlantic HMS fisheries, including the Atlantic shark fisheries.

Background

A brief summary of the background of this proposed action is provided below. Additional information regarding Atlantic HMS management can be found in the Draft Environmental Impact Statement for Amendment 5, the 2006 Consolidated HMS FMP and its amendments, the annual HMS Stock Assessment and Fishery Evaluation Reports, and online at <http://www.nmfs.noaa.gov/sfa/hms/>.

On April 28, 2011, we made the determination that scalloped hammerhead sharks were overfished and experiencing overfishing (76 FR 23794). On October 7, 2011, we published a notice announcing our intent to prepare a proposal for Amendment 5 to the 2006 Consolidated HMS FMP with an Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act (76 FR 62331) based on several assessments and determinations. In that notice, we made stock status determinations based on the results of the Southeast Data, Assessment, and Review 21 process. Determinations in the October 2011

notice included that sandbar sharks are still overfished, but no longer experiencing overfishing, and that dusky sharks are still overfished and still experiencing overfishing (i.e., their stock status has not changed). The October 2011 notice also acknowledged recent available scientific information indicating that there are two stocks of blacknose sharks, the Atlantic blacknose shark and the Gulf of Mexico blacknose shark, and that the Atlantic blacknose shark stock is overfished and experiencing overfishing, and the Gulf of Mexico blacknose shark stock status is unknown.

In that notice, as part of a scoping process for Amendment 5, we asked for comments on existing commercial and recreational shark management measures that would assist us in determining options for conservation and management of scalloped hammerhead, sandbar, dusky, and blacknose sharks consistent with relevant Federal statutes. We held six scoping meetings from October through December 2011 and released a scoping presentation in conjunction with the **Federal Register** notice. In the presentation and at the scoping meetings, we described results of stock assessments and potential options for management of scalloped hammerhead, sandbar, dusky, and blacknose sharks to reach rebuilding goals.

We released a predraft of Amendment 5 to the 2006 Consolidated HMS FMP, which summarized and incorporated comments received during scoping, to the HMS Advisory Panel on March 14, 2012, and made it available to the public on the Internet for broader public comment. The predraft included, among other things, the outcome of stock assessments for sandbar, dusky, scalloped hammerhead, Atlantic blacknose, and Gulf of Mexico blacknose sharks as well as potential management measures for these species/stocks. We requested that the HMS Advisory Panel and Consulting Parties (Atlantic, Gulf, and Caribbean Fishery Management Councils, Marine Fisheries Commissions, U.S. Coast Guard, and other State and Federal Agency representatives) submit comments on the predraft by April 13, 2012. The predraft was published online and public comments were collected.

We published a **Federal Register** notice on May 29, 2012 (77 FR 31562) notifying the public that we were considering the addition of Gulf of Mexico blacktip sharks to Amendment 5. This addition was proposed because Gulf of Mexico blacktip sharks were undergoing a stock assessment as part of the Southeast Data, Assessment, and

Review 29 process, and that process would be completed before this amendment was finalized. Therefore, we believed that the addition of Gulf of Mexico blacktip sharks to this amendment would facilitate administrative efficiency by optimizing our resources, and would allow us to address new scientific information in the timeliest manner. We also expected that this addition would provide better clarity to and understanding by the public regarding any possible impacts of the rulemaking on shark fisheries by combining potential management measures resulting from recent shark stock assessments into one rulemaking. Public comments on this addition to Amendment 5 were accepted until June 21, 2012. We received two comments on the notice, one supporting the addition of blacktip sharks, the other opposing the addition. The commenter who opposed the addition felt that more time was needed in the pre-draft scoping period to provide comment on any particular proposals regarding blacktip shark management. While it is preferable to have a pre-draft, it is not a legal requirement and we believe that ample opportunity will be presented through the rulemaking process for public input and comment. The commenter who supported the addition felt that this was the most responsive and timely way to address the stock assessment.

The Final Stock Assessment Report for Gulf of Mexico Blacktip Sharks was completed in June 2012, and the peer review was completed in July 2012. The assessment was conducted through the Southeast Data, Assessment, and Review process and the peer review was conducted by two scientists under the Center for Independent Experts. Both peer reviewers raised questions about the assessment. One reviewer accepted the model and its results. The other peer reviewer supported the assessment's conclusion that the Gulf of Mexico blacktip shark stock is not overfished, but concluded that the status regarding overfishing is uncertain. The Southeast Fisheries Science Center addressed the questions from the peer reviewers in a post peer-review "updates and projections" document written by stock assessment scientists, who were the lead scientists during the Southeast Data, Assessment, and Review 29 process. The scientists concluded that the reviewer's conclusion on the overfishing status was based on the reviewer's interpretation that the model configuration was not appropriate for the stock. Specifically, the peer reviewer did not think that reasonable variation

in recruitment was incorporated into the model and was not confident about the conclusion of "no overfishing" reached in the assessment because three of the indices had declined in the last five years and because maximum sustainable yield fishing mortality (F_{MSY}) was low. The peer reviewer stated that a model with reasonable variation in recruitment could indicate a current fishing mortality more similar to F_{MSY} and thus show the stock approaching an overfishing condition. The stock assessment scientists showed in the post-review updates and projections document that process error in recruitment was fully considered and that recruitment in the model was reasonable. They also showed that the low value of F_{MSY} is consistent with what is expected from the biology of sharks, and that of the three indices mentioned by the reviewer that showed a decline, two show an increase in the terminal year of 2010. Therefore, the stock assessment scientists concluded that the stock assessment result of no overfishing is warranted. As such, in this proposed rule, we accept the results of the stock assessment as final and declare the Gulf of Mexico blacktip shark stock to be not overfished with no overfishing occurring.

Results of the stock assessment show that Gulf of Mexico blacktip sharks are not overfished ($SSF_{2009}/SSF_{MSY} = 2.50-2.78$) and are not experiencing overfishing ($F_{2009}/F_{MSY} = 0.03-0.106$). Because the stock is healthy, projections and the calculations needed to determine the acceptable biological catch were not considered part of the statement of work for the stock assessment and therefore were not conducted during the stock assessment itself (for an overfished stock, these calculations would have been done before completion of the stock assessment). Rather, the Southeast Fisheries Science Center calculated the projections after the stock assessment as a whole was peer reviewed. The stock assessment noted that current removal rates are sustainable, and the subsequent projections, which were completed outside the Southeast Data, Assessment, and Review process, indicate that current removals are unlikely to lead to an overfished fish stock by 2040. The projections also indicate that higher levels of removal (those associated with an F_{TARGET} scenario) are unlikely to result in an overfished stock; however, the methodology for estimating F_{TARGET} is currently in development for sharks and has yet to be introduced and reviewed within the Southeast Data, Assessment,

and Review process for this species. Therefore, we analyze a range of alternatives to calculate the total allowable catch and define a draft preferred alternative. Once this rule and Amendment is finalized in 2013, we will establish the total allowable catch described in the final preferred alternative to be the annual catch limit for the stock. As described above and in the Alternative Suites, we split the total allowable catch into recreational harvest, dead discards, and commercial landings to calculate the different sector annual catch limits. These sector annual catch limits are currently in draft and their calculation depends on the amount calculated for the total allowable catch. Thus, we analyze a range of sector annual catch limits dependent on the total allowable catch.

Based on comments received during scoping, on the predraft, and on our notice considering the addition of Gulf of Mexico blacktip shark, we determined the scope of significant issues of concern that would be addressed in this draft amendment. The objectives in the draft amendment and this proposed rule are driven by statutory mandates under the Magnuson-Stevens Act, such as rebuilding overfished sandbar, dusky, scalloped hammerhead, and Atlantic blacknose shark stocks, and ending overfishing of dusky, scalloped hammerhead, and Atlantic blacknose sharks. The specific goals and objectives of the draft amendment and proposed rule are: (1) To end overfishing and achieve optimum yield for dusky, scalloped hammerhead, and Atlantic blacknose sharks; (2) to implement a rebuilding plan for scalloped hammerhead and Atlantic blacknose sharks to ensure that fishing mortality levels for both species are maintained at or below levels that would result in a 70-percent probability of rebuilding in the timeframe recommended by the assessments; (3) to modify the current rebuilding plan for dusky sharks to ensure that fishing mortality levels for dusky sharks are maintained at or below levels that would result in a 70-percent probability of rebuilding in the timeframe recommended by the assessment; (4) to maintain the rebuilding plan for sandbar sharks to ensure a 70-percent probability of rebuilding in the timeframe recommended by the assessment; and (5) to achieve optimum yield and provide an opportunity for the sustainable harvest of Gulf of Mexico blacknose, Gulf of Mexico blacktip sharks, and other sharks, as appropriate.

To meet these objectives, we consider a range of alternatives for several

different issues including establishing total allowable catches, quota limits, time/area closures and bycatch caps, as well as establishing rebuilding plans for overfished stocks, and recreational measures. Because many of the species-specific total allowable catch, commercial quota, and recreational measures are interlinked, these alternatives are arranged and analyzed in groups of Alternative Suites. In addition to the Alternative Suites, which focus on quotas and recreational measures, we developed potential stand-alone alternatives for pelagic and bottom longline effort modifications or controls. These alternatives contain independent measures to modify and/or establish time/area closures, bycatch caps, and restrictions within the shark research fishery. Many of these effort modification alternatives are designed to reduce fishing mortality of dusky sharks, a species that has been prohibited from commercial and recreational retention since 2000, but was still determined to be overfished and experiencing overfishing. For details regarding all the alternatives considered and their potential impacts, please see draft Amendment 5. A summary of the alternatives and their expected impact is found below. The proposed measures in this rule are the preferred alternatives in draft Amendment 5.

It is important to note that while the alternatives could affect all shark fishing, this proposed rule and the draft Amendment 5 do not propose changes to the current total allowable catch or commercial quota for sandbar sharks. According to the 2010/2011 stock assessment, current management measures implemented in Amendment 2 to the 2006 Consolidated HMS FMP in 2008 appear to have stopped overfishing on sandbar sharks. Additionally, according to the most recent stock assessment, the sandbar shark stock status is improving, and the current rebuilding timeframe, with the 2008 total allowable catch of 220 metric tons (mt) whole weight (ww) (158.3 mt dressed weight (dw)), provides a greater than 70-percent probability of rebuilding by 2070. Having a 70-percent probability of rebuilding is the level of success for rebuilding of sharks that was established in the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks and carried over in the 2006 Consolidated HMS FMP. The recent stock assessment also indicates that reducing the total allowable catch from the current 220 to 178 mt ww (128 mt dw) would provide a 70-percent chance of rebuilding the stock by the year 2066, a reduction of

4 years from the current rebuilding timeframe. Because the current total allowable catch already provides a greater than 70-percent probability of rebuilding, and because overfishing is not occurring and the stock status is improving, we believe that maintaining the current total allowable catch and rebuilding plan is fully consistent with the Magnuson-Stevens Act requirements and the National Standard Guidelines. Additionally, a change in the rebuilding plan that would result in a reduction in total allowable catch of sandbar sharks from 220 to 178 mt ww could have significant economic impacts to fishermen participating in the shark research fishery. If fishermen feel the economic impacts are sufficiently negative, they are less likely to participate in the shark research fishery which, in turn, would likely reduce the ability of the Agency to both collect biological and other data for stock assessments from the research fishery and monitor the status of sandbar and other sharks. Furthermore, we anticipate that the other measures proposed, such as modifications to the recreational minimum size and new or expanded time/area closures, would likely further reduce fishing mortality of sandbar sharks beyond the reductions considered in the assessment, and that these reductions will likely provide assurances of meeting or reducing the current rebuilding timeframe. After considering this information, we are maintaining the current sandbar shark total allowable catch of 220 mt ww and the current sandbar shark rebuilding plan including regulations prohibiting possession of sandbar sharks in commercial and recreational shark fisheries and allowing retention only in a shark research fishery.

In addition to the management measures considered in this proposed action and below, we are also proposing several minor changes in the regulations for corrective or clarification purposes. The proposed changes are not expected to have any ecological or economic impacts and do not impose any new requirements on the regulated community or require fishermen to change their actions to comply with the regulations. These administrative changes are: (1) The addition of a definition for "fork length"; (2) an update to the permit Web page and name of the reporting system at § 635.5(c)(1); (3) the deletion of incorrect text referring to swordfish permits in a sentence regarding tunas at § 635.20(a); (4) a correction changing the term "NED closed area" to "NED restricted area" at § 635.21(c)(5)(iii)(C);

(5) the removal of smoothhound shark language at § 635.24(a)(7) that incorrectly remained after the final rule (November 10, 2011, 76 FR 70064) delaying the effectiveness of the smoothhound measures indefinitely; (6) the removal of language at § 635.27(b)(1)(iv)(C) that required landings reported by dealers located in certain areas to be counted against the regional quota where the dealer is located. Measures recently put in place in the electronic dealer reporting rule (August 8, 2012, 77 FR 47303) allow dealers to report and to count landed fish against the appropriate quota of the region where the fish was caught; and (7) in Table 1 of Appendix A, a correction to the scientific name of Atlantic angel sharks along with a removal of the headings “ridgeback” and “non-ridgeback sharks” since, with the proposed changes in this rule, those terms are no longer used. Additionally, to accommodate the changes being proposed and to more clearly organize the regulations § 635.27(b) has been reorganized. Changes to the operative text are minimal and include: removing language and sentences that refer to text that will be expired before this rule is finalized and removing terms such as “non-sandbar LCS” that would no longer be operable based on the proposed changes in this rule.

Summary of the Alternatives Considered Regarding Total Allowable Catches, Commercial Quotas, and Recreational Measures

As described above, because many of the species-specific total allowable catch, commercial quota, and recreational measures are interlinked, these alternatives are arranged in groups of Alternative Suites. We considered five Alternative Suites that were chosen to meet the objectives of the rulemaking consistent with the Magnuson-Stevens Act, the 2006 Consolidated HMS FMP and its amendments, and other requirements. Each Alternative Suite analyzes certain management actions under seven different topics including: Scalloped hammerhead measures, large coastal shark (LCS) measures, blacktip measures, blacknose measures, non-blacknose small coastal shark (SCS) measures, quota linkage measures, and recreational measures.

A. Analyses of the Proposed Alternative Suite

We are proposing the management measures in Preferred Alternative Suite A2, the Preferred Alternative Suite in the draft Amendment 5. Preferred Alternative Suite A2 would establish species-specific total allowable catches

for scalloped hammerhead, Atlantic blacknose, Gulf of Mexico blacknose, and Gulf of Mexico blacktip sharks. It also would also create regional commercial quotas for all hammerheads combined, blacknose, non-blacknose SCS, and “aggregated LCS,” and species-specific commercial quotas for blacknose and Gulf of Mexico blacktip sharks. Furthermore, certain quota would be linked to prevent overfishing, and there are multiple recreational measures that would be implemented, including increasing the minimum size and requiring non-tournament reporting of hammerhead sharks. The details and impacts of each of these measures are described below, starting with impacts of the alternative as a whole followed by the impacts of the alternative on each of the seven topics in the Alternative Suite.

Overall, Preferred Alternative Suite A2 is expected to have direct, moderate, beneficial ecological impacts in the short- and long-term as these measures in the Atlantic shark fisheries would end overfishing and rebuild the stocks. These impacts would mostly affect scalloped hammerhead and blacknose sharks, because the quotas for those species would be reduced slightly. The quota linkages between species and species groups would ensure that overfishing ends because shark species that are undergoing rebuilding would not be caught as bycatch in other shark fisheries once the directed quota category has been closed. These management measures would cause neutral indirect impacts in the short- and long-term since fishermen would not be expected to redirect fishing pressure on other species. The cumulative direct and indirect impacts on essential fish habitat, predator/prey relationships, and protected resources would be neutral for the short- and long-term because commercial quotas would be similar to or reduced slightly compared to current levels and fishing pressure is not expected to change.

Overall, Preferred Alternative Suite A2 would likely have direct short- and long-term minor adverse socioeconomic impacts. These impacts would mostly affect fishermen targeting scalloped hammerhead and blacknose sharks, because those quotas for those species would be reduced. Fishermen are likely to adapt to the new regulations by fishing in other fisheries, or changing their fishing habitats. Recreational management measures would increase the size limit and would require fishermen to catch and release sharks (rather than land them), although tournament participants should not be impacted because tournament

participants typically target larger sharks and the sharks many tournaments target, such as shortfin mako, blue, and thresher, grow to larger than 96 inches FL. Neutral socioeconomic impacts are expected for fishermen targeting the newly configured “aggregated LCS” and non-blacknose SCS groups since the new proposed quotas are based on the average landings for each species. Quota linkages would affect the socioeconomic impacts based on the fishing rate of each linked shark quota. For example, the Preferred Alternative Suite A2 proposes to link regional hammerhead shark and aggregated LCS quotas so that the two quotas will open and close together. If fishermen fill both quotas at about the same rate, there will be little or no unutilized quota. If, however, one or the other is filled at a much faster rate than the other and both quotas close, there could be quota available that otherwise could have been harvested and sold by fishermen. When we compare the socioeconomic impacts of Preferred Alternative Suite A2 to the other Alternative Suites, this Alternative Suite would cause fewer impacts overall to fishermen. For this reason and the ecological reasons stated above, we prefer this Alternative Suite at this time.

1. Scalloped Hammerhead Sharks

Under Preferred Alternative Suite A2, scalloped, smooth, and great hammerhead sharks (hammerhead sharks) would be removed from what is now the “non-sandbar LCS” complex, and separate Atlantic and Gulf of Mexico hammerhead shark quotas would be established. To calculate the Atlantic and Gulf of Mexico hammerhead shark quotas, we would estimate the maximum sustainable level of scalloped hammerhead shark commercial landings by using the total allowable catch calculated in the 2009 stock assessment and all sources of scalloped hammerhead mortality (including recreational landings, commercial discards, and research mortality). We would then split this maximum sustainable level of scalloped hammerhead shark commercial landings between each region, and make it applicable to scalloped, smooth, and great hammerhead sharks. As a result, we are proposing that the total Atlantic and Gulf of Mexico commercial hammerhead shark quota would be 52.2 mt dw (115,076 lb dw). This quota would be split between the two regions using the average percentage of hammerhead sharks landed in each region from 2008 to 2011, or 54.2 percent for the Atlantic region and 45.8 percent for the Gulf of Mexico region.

This action would have short- and long-term direct, moderate, beneficial ecological impacts for the following reasons. A separate hammerhead shark quota in each region would allow us to more precisely monitor commercial landings of the species to keep mortality within the recommended total allowable catch in the stock assessment and to rebuild within the parameters set by the rebuilding plan. Additionally, including all three large hammerhead species (scalloped, great, and smooth hammerhead sharks) under the same quota would prevent fishing in excess of the quota that could occur as a result of species identification problems. The three large hammerhead species can be difficult to differentiate, particularly when dressed with the head removed. Including all three species under one quota is proposed, because, otherwise, scalloped hammerhead sharks that are mistakenly identified as one of the other large hammerhead species could improperly be reported under the LCS quota. Including all three species in one quota will therefore enable us to more effectively monitor commercial landings of hammerhead sharks and will provide additional ecological benefits for the species by better tracking the populations and more carefully enforcing the quota limits. Preferred Alternative Suite A2 would cause neutral direct and indirect impacts on essential fish habitat, predator/prey relationships, and protected resources in the short- and long-term because the changed hammerhead shark complex and quota should not increase fishing pressure.

This action would have short- and long-term direct minor adverse socioeconomic impacts due to the reduction in hammerhead shark quotas. From 2008 through 2011, the data indicate that fishermen caught and sold an annual average 63,404 lb dw of hammerhead sharks in the Atlantic and 53,613 lb dw in the Gulf of Mexico. Under Preferred Alternative Suite A2, harvest of hammerhead sharks would be limited to 62,371 lb dw in the Atlantic and 52,705 lb dw in the Gulf of Mexico. Using the ex-vessel prices described in the DEIS under Alternative Suite A1 and assuming a fin-to-carcass ratio of 5 percent, this would result in the hammerhead fishery having an average annual ex-vessel value of \$50,721 in the Atlantic (63,404 lb of meat, 3,170 lb of fins) and \$53,618 in the Gulf of Mexico (53,613 lb of meat, 2,681 lb of fins). Under the quotas proposed under Preferred Alternative Suite A2, ex-vessel hammerhead shark revenue would be reduced by \$809 to \$49,912 in the

Atlantic (62,390 lb of meat, 3,120 lb of fins) and reduced by \$928 to \$52,690 in the Gulf of Mexico (52,690 lb of meat, 2,634 lb of fins), assuming the same ex-vessel values and fin-to-carcass ratio. These reductions in revenue would negatively impact fishermen in the directed and incidental hammerhead shark fishery but not to a great extent. Additionally, hammerhead sharks species rarely make up a significant portion of the catch. Therefore, short- and long-term direct minor adverse socioeconomic impacts are expected.

2. Large Coastal Shark Complex

Under Preferred Alternative Suite A2, species formerly grouped in Atlantic and Gulf of Mexico non-sandbar LCS complexes would be re-grouped. Some species now would be addressed individually while others would continue to be managed within a newly-configured and re-named complex. In the Atlantic, all three hammerhead sharks (scalloped, smooth, and great hammerhead sharks) would be removed from the Atlantic non-sandbar LCS quota and a separate Atlantic hammerhead shark quota would be established. The methodology for establishing the Atlantic hammerhead shark quota is outlined above. After removing hammerhead sharks, the sharks remaining from the Atlantic non-sandbar LCS quota would be renamed the "Atlantic Aggregated LCS quota" and would include blacktip, bull, lemon, nurse, silky, spinner, and tiger sharks. Using the methodology outlined in draft Amendment 5, under Preferred Alternative Suite A2, the Atlantic Aggregated LCS commercial quota would be 168.2 mt dw. For the Gulf of Mexico region, blacktip sharks as well as all three hammerhead sharks (scalloped, smooth, and great hammerhead sharks) would be removed from the current Gulf of Mexico non-sandbar LCS complex, and the complex, composed of the remaining species, would be renamed the "Gulf of Mexico aggregated LCS." In addition, a separate quota would be established for both blacktip sharks and hammerhead sharks. The Gulf of Mexico Aggregated LCS would include bull, lemon, nurse, silky, spinner, and tiger sharks. Using the methodology described in the draft Amendment 5, under Preferred Alternative Suite A2, the Gulf of Mexico aggregated LCS commercial quota would be 157.9 mt dw.

The aggregated LCS quota would be based on average annual landings of the remaining species. Therefore, those species comprising the aggregated LCS management groups would not experience a change in fishing pressure,

and landings would be capped at recent levels. For these reasons, short- and long-term direct ecological impacts resulting from this portion of Preferred Alternative Suite A2 are expected to be neutral. Similarly, the short- and long-term direct socioeconomic impacts resulting from this portion of Preferred Alternative Suite A2 are expected to be neutral. We do not expect any additional ecological or socioeconomic impacts to occur as the result of the measures in this Alternative Suite.

3. Blacktip Sharks

Under Preferred Alternative Suite A2, blacktip sharks would be removed from the non-sandbar LCS quota complex in the Gulf of Mexico and a separate blacktip quota would be established along with a new "aggregated LCS" commercial quota. The assessment of Gulf of Mexico blacktip sharks was recently completed and we adopt its results as final in this proposed rule. The assessment and the projections completed by the Southeast Fisheries Science Center indicate that the Gulf of Mexico blacktip shark stock is not overfished and overfishing is not occurring, that current removal rates are sustainable and are unlikely to lead to an overfished stock by 2040, and that higher levels of removal are unlikely to result in an overfished stock. Based on this information, we would establish a total allowable catch based on current sustainable levels of catch. This total allowable catch would be 413.4 mt dw and would be calculated by summing all of the sources of mortality (recreational landings, commercial discards, and research set-aside mortality) and the commercial quota. The commercial quota would be calculated by taking the proportion of current Gulf of Mexico blacktip shark landings that make up the Gulf of Mexico non-sandbar LCS quota multiplied by the Gulf of Mexico non-sandbar LCS quota that will be in effect in 2013. This would result in a commercial quota of 256.7 mt dw (565,921 lb dw).

Neutral short- and long-term direct impacts would be expected under Alternative Suite A2, the preferred alternative, as overfishing is not occurring and commercial landings would be capped at current fishing levels. Based on the stock assessment, this alternative would cause neutral direct and indirect impacts on EFH, predator/prey relationships, and protected resources in the short- and long-term because fishing pressure would be similar to current levels and is not anticipated to change.

This alternative suite's proposed blacktip shark measure is likely to result

in short- and long-term direct socioeconomic neutral impacts. The quota of 256.7 mt dw (565,921 lb dw) of blacktip sharks is representative of the current blacktip shark landings percentage applied to the 2013 Gulf of Mexico non-sandbar LCS quota (see draft Amendment 5 for further details). Based on current average annual landings, the Gulf of Mexico blacktip shark fishery has average annual revenues of \$650,809 across the whole fishery (2008–2011 median ex-vessel values of \$0.40 for meat and \$15 for fins, based on a 5 percent fin-to-carcass ratio). Given the current stock status, fishermen would likely continue to realize this revenue, fishery-wide. Therefore, short- and long-term direct socioeconomic impacts are expected to be neutral.

4. Blacknose Sharks

In 2010, Amendment 3 to the 2006 Consolidated HMS FMP (Amendment 3) removed blacknose sharks from the SCS complex and established a separate quota for blacknose sharks that covered both the Atlantic and Gulf of Mexico regions. Preferred Alternative Suite A2 would create separate commercial quotas for Atlantic and Gulf of Mexico blacknose sharks based on the recent blacknose assessments conducted under the Southeast, Data, Assessment and Review 21 process, which determined that two separate stocks exist (Atlantic and Gulf of Mexico). The Atlantic commercial quota would be derived from the total allowable catch of 7,300 blacknose sharks, or 21.2 mt dw, that was specified in the stock assessment. Within the total allowable catch of 21.2 mt dw, all of the sources of mortality (recreational landings, commercial discards, and research set-aside mortality) would be summed and subtracted from the total allowable catch to calculate the commercial quota of 18 mt dw (39,749 lb dw).

The Southeast Data, Assessment, and Review 21 Review Panel did not accept the Gulf of Mexico stock assessment for blacknose sharks, and therefore, we did not receive a total allowable catch recommendation. Therefore, we determined that the stock status for the Gulf of Mexico blacknose shark stock is unknown (76 FR 62331; October 7, 2011). As such, we explored how to calculate a Gulf of Mexico blacknose shark total allowable catch that would include all commercial and recreational landings and any dead discards in all fisheries that interact with Gulf of Mexico blacknose sharks. A total allowable catch of 34.9 mt dw for blacknose sharks was calculated by summing mortality from the 2011

commercial fishery and average recreational and discard mortality since the implementation of blacknose shark measures from Amendment 3 to the 2006 Consolidated HMS Fishery FMP in 2010. Amendment 3 removed blacknose sharks from the SCS quota and created a blacknose shark-specific quota of 19.9 mt dw (43,872 lb dw) for both regions. Also, the blacknose shark and non-blacknose SCS quotas were linked, so if either the blacknose shark quota or non-blacknose SCS quota (488,540 lb dw; 221.6 mt dw) reaches 80 percent, both fisheries close for the rest of the season. The reduced quotas and quota linkage changed the fishery as fishermen began avoiding blacknose sharks to ensure that the larger non-blacknose SCS quota remained open. The 2011 commercial mortality was used to calculate the total allowable catch instead of average commercial mortality since Amendment 3 was implemented because of a shortened 2010 fishing season due to the implementation of Amendment 3 (season opened on June 1, 2010) and fishing restrictions due to the Deepwater Horizon/BP oil spill. On May 11, 2010, we issued an emergency rule to close portions of the Gulf of Mexico Exclusive Economic Zone to all fishing, in order to respond to the evolving nature of the Deepwater Horizon/BP oil spill in the Gulf of Mexico (75 FR 27217). Thus, a large portion of the fishing grounds for blacknose and non-blacknose SCS in the Gulf of Mexico, whose commercial fishing season opened on June 1, 2010, were closed for most of the 2010 commercial fishing season. Using 2011 commercial landings of blacknose sharks in the Gulf of Mexico, the new Gulf of Mexico blacknose shark commercial quota would be 2.0 mt dw (4,513 lb dw). Establishing this total allowable catch would account for the blacknose shark mortality that occurs as bycatch in the shrimp trawl and reef fish fisheries in the Gulf of Mexico region. Since the Gulf of Mexico Fishery Management Council manages the shrimp trawl and reef fish fisheries, we would continue to work with the Gulf of Mexico Fishery Management Council to establish bycatch reduction methods, as appropriate, to reduce mortality in the shrimp trawl and reef fish fisheries.

Preferred Alternative Suite A2 is anticipated to have minor, beneficial ecological impacts for blacknose sharks as it would separate blacknose sharks into two separate regions (Atlantic Ocean and Gulf of Mexico) as recommended in the Southeast Data, Assessment and Review 21 stock assessment and reduce fishing mortality based on the total allowable catch. The

Atlantic blacknose shark stock is overfished with overfishing occurring, while the Gulf of Mexico stock status is unknown. Projections of the base model indicated that the Atlantic stock could rebuild by 2043 with a total allowable catch of 7,300 blacknose sharks. For the Gulf of Mexico blacknose shark stock, we would use a total allowable catch of 17,802 blacknose sharks, which was determined by using the average mortality of blacknose sharks since Amendment 3 as well as commercial landings from 2011. Preferred Alternative Suite A2 would cause neutral direct and indirect impacts on essential fish habitat, predator/prey relationships, and protected resources in the short- and long-term because the fishery would not change.

This alternative would decrease the blacknose shark quotas overall in each region. In the Atlantic region, blacknose shark landings would be reduced by 61 percent to allow for a total allowable catch of 7,300 blacknose sharks consistent with the assessment. The new commercial quota for the Atlantic blacknose sharks would be 18.0 mt dw (39,749 lb dw) under Preferred Alternative Suite A2. Average annual gross revenues for the blacknose shark landings for the Atlantic region would decrease by \$3,268 from \$58,122 under the No Action alternative to \$54,854 under Preferred Alternative Suite A2. We anticipate these directed and incidental shark permit holders would experience minor direct adverse socioeconomic impacts in the short- and long-term as blacknose sharks are not the targeted shark species for SCS fishermen.

For the Gulf of Mexico, we would implement a blacknose shark quota that is equal to the 2011 commercial landings. The new quota would be 2.0 mt dw (4,513 lb dw) under this alternative. This would cause a minor increase to the average annual gross revenues for the blacknose shark landings for the Gulf of Mexico region from \$3,273 under the No Action alternative to \$5,650 under Preferred Alternative Suite A2. We anticipate these directed and incidental shark permit holders would experience neutral direct socioeconomic impacts in the short- and long-term since the new Gulf of Mexico blacknose shark quota would be consistent with current landings.

Under Preferred Alternative Suite A2, we anticipate that there would be direct moderate adverse socioeconomic impacts in the short-term from the proposed quotas under this Alternative Suite. In the short-term, lost revenues would be moderate for the 22 directed

shark permit and 3 incidental shark permit holders that land blacknose sharks in the Atlantic region, and the 8 directed shark and the 2 incidental shark permits that land blacknose sharks in the Gulf of Mexico. Over the long-term, the socioeconomic impact would be minor, as the fishermen are likely to adapt to the new regulations by fishing in other fisheries, or change their fishing habitats. The indirect socioeconomic impacts from Preferred Alternative Suite A2 would be adverse, but minor in the short-term, as the anticipated reduction in blacknose landings would result in a corresponding loss of revenue for a small number of businesses as blacknose shark product does not make up a large part of the market. In the long-term, these indirect impacts would be neutral as businesses would be expected to find other sources of revenue to augment the losses from the reduced quotas.

5. Non-Blacknose Small Coastal Sharks

Preferred Alternative Suite A2 would separate the non-blacknose SCS quota into two separate regions (Atlantic Ocean and Gulf of Mexico) based on the percentage of regional landings since implementation of the Amendment 3 blacknose shark quotas. As described above, blacknose sharks were removed from the SCS complex and a non-blacknose shark-specific quota of 221.6 mt dw (488,540 lb dw) was created for both regions. Blacknose shark and non-blacknose SCS quotas were also linked so that if either the non-blacknose SCS quota or blacknose shark quota reaches 80 percent, both fisheries close for the rest of the fishing year. The reduced quotas and quota linkage changed how the SCS fishery operated as fishermen began to specifically avoid blacknose sharks to ensure that the larger non-blacknose SCS quota would remain open. According to 2010 and 2011 dealer data, an average of 89.3 percent of non-blacknose landings occurred in the Atlantic region (94.2 and 85.2 percent for 2010 and 2011, respectively). The 2010 and 2011 Gulf of Mexico non-blacknose SCS landings were 5.8 and 14.8 percent, respectively, for an average of 10.7 percent for total Gulf of Mexico non-blacknose SCS landings. Based on these averages, the new non-blacknose SCS quota in the Atlantic would be 197.9 mt dw (436,290 lb dw), while the Gulf of Mexico quota would be 23.7 mt dw (52,249 lb dw).

This alternative is anticipated to have direct, minor beneficial ecological impacts for Atlantic sharpnose, bonnethead, and finetooth sharks in the short- and long-term as it would create

regional quotas and restrict fishing mortality below the total allowable catch established for SCS in the last stock assessment for those species. Currently, there is one quota for non-blacknose SCS in both the Atlantic and Gulf of Mexico, and, according to landings reports from 2008 through 2011, fishing pressure for non-blacknose SCS is higher in the Atlantic region. Over time, this could cause unsustainable fishing pressure on non-blacknose SCS in the Atlantic region. However, regional quotas would cap fishing pressure at levels since Amendment 3 was implemented and prevent overfishing. Since fishing pressure would be similar to current levels, the impacts on essential fish habitat, predator/prey relationships, and protected resources would be neutral.

Based on the landings data, the non-blacknose SCS quota in the Atlantic would be 197.9 mt dw (436,243 lb dw) and the Gulf of Mexico quota would be 23.7 mt dw (52,296 lb dw). In the Atlantic, an average of approximately 33 vessels with directed shark permits landed blacknose sharks, while approximately 10 vessels with incidental shark permits landed non-blacknose SCS. The average annual gross revenues from Atlantic non-blacknose SCS meat were \$314,095 and average annual gross revenues for Atlantic non-blacknose SCS fins were \$261,746, making total average annual gross revenues for blacknose shark landings for the entire fishery \$575,841.

In the Gulf of Mexico, an average of approximately nine vessels with directed shark permits landed blacknose sharks, while approximately three vessels with incidental shark permits landed non-blacknose SCS since Amendment 3. The average annual gross revenues from Gulf of Mexico non-blacknose SCS meat were \$31,378 and average annual gross revenues for Atlantic non-blacknose SCS fins were \$39,222, making total average annual gross revenues for blacknose shark landings for the entire fishery \$70,600.

Under the Preferred Alternative Suite A2, there would be neutral direct and indirect socioeconomic impacts to directed and incidental shark permit holders as the average annual gross revenues from non-blacknose SCS landings would be the same as the status quo in the short- and long-term. Fishermen and shark dealers would be expected to operate in the same manner as the status quo in the short- term. However, this Alternative Suite could have minor negative direct and indirect socioeconomic impacts on fishermen and shark dealers and associated shark businesses that deal with non-blacknose

SCS product if fishing effort increases for non-blacknose SCS. Currently, the fishery never reaches the allowable quota, but that could change with a smaller regional quota and if fishermen are displaced from other fisheries.

6. Quota Linkages

Under Preferred Alternative Suite A2, several quota linkages would be implemented to prevent exceeding the newly established quotas. Generally, two or more shark species with separate quotas are caught together on the same set or trip. If the quota for one of these species has been filled and closed, that species could still be caught in other directed shark fisheries as bycatch, possibly resulting in mortality and negating some of the conservation benefit of quota closures. Preferred Alternative Suite A2 would link several quotas to ensure that the quota for shark species that are caught together open and close at the same time. In the Atlantic, the hammerhead shark and aggregated LCS quotas would be linked. These two quotas would open at the same time and both quotas would close when landings of either hammerhead sharks or aggregated LCS reach, or are expected to reach, 80 percent of the quota. Opening and closing these two quotas concurrently would strengthen the conservation benefits of either group's quota closure. Similarly, in the Gulf of Mexico, hammerhead sharks, blacktip sharks, and the aggregated LCS quota would open at the same time and all three quotas would close when landings of any one of the three quotas reach, or are expected to reach, 80 percent. Also, linkage of the blacknose and non-blacknose SCS regional quotas would be implemented under this alternative. The Atlantic blacknose shark quota would be linked to the Atlantic non-blacknose SCS quota, and the Gulf of Mexico blacknose shark quota would be linked to the Gulf of Mexico non-blacknose SCS quota.

We would also establish a mechanism to allow inseason and annual regional quota transfers between species or species groups where the quota was split regionally for management purposes and not as a result of a stock assessment. At this time, only the Atlantic and Gulf of Mexico non-blacknose SCS and the Atlantic and Gulf of Mexico hammerhead regional quotas meet this criterion. Monitoring total mortality for these quotas, not regional-specific mortality, is necessary for conservation purposes. Providing this regional quota transfer flexibility would facilitate overall quota management while having no negative conservation impacts on stocks where

regional mortality is not a concern for stock conservation. Before making any inseason quota transfer, we would consider certain criteria and other relevant factors described in § 635.27(b)(2)(iii)(A) through (b)(2)(iii)(H).

The quota linkages proposed under this Alternative Suite would be expected to have short- and long-term direct moderate beneficial ecological impacts. Linking quotas of species that are often caught together on the same set or trip can prevent incidental catch of sharks caught in other directed shark fisheries as bycatch, possibly resulting in mortality and negating some of the conservation benefit of quota closures. For quotas that are linked, the fisheries would open and close together. In the Atlantic, the hammerhead shark and aggregated LCS quotas would be linked as would the non-blacknose SCS and blacknose shark quotas. If, for example, the Atlantic the hammerhead quota closes based on landings information, the Atlantic aggregated LCS quota would close as well, preventing additional incidental hammerhead mortality from occurring in the directed aggregated LCS fishery. Similarly, if the aggregated LCS quota closes, a hammerhead quota closure would prevent incidental aggregated LCS landings in the directed hammerhead fishery, to the extent that a directed hammerhead fishery occurs. In the Gulf of Mexico, the blacktip, hammerhead, and aggregated LCS quota would be linked as would the non-blacknose SCS and blacknose shark quotas. In addition, we would allow inseason regional quota transfers between regions for species or management groups where the species are the same between regions and the quota is split between regions for management purposes and not as a result of a stock assessment. At this time, only the hammerhead sharks and the regional non-blacknose SCS meet this description; and therefore, we are proposing that only the hammerhead shark and non-blacknose SCS regional quotas can be transferred on an inseason basis between regions. Before making any inseason quota transfer, we would consider certain criteria and other relevant factors described in § 635.27(b)(2)(iii)(A–H). This would help ensure that the hammerhead shark and non-blacknose SCS fisheries are not limited by the smaller regional quotas. All quota transfers would be announced in a **Federal Register** notice. These measures would have direct, minor beneficial ecological impacts because they provide additional protection against exceeding the scientifically-

determined total allowable catch for each species and complex.

The quota linkages proposed under this Alternative Suite could have short- and long-term direct moderate adverse socioeconomic impacts. Quota linkages are explicitly designed to concurrently close multiple shark quotas, regardless of whether all the linked quotas are filled. This provides protection against incidental capture for species for which the quota has been reached, but it can also preclude fishermen from harvesting the entirety of each of the linked quotas. A quantitative analysis of the economic impact is not possible without comparing the rates of hammerhead shark, blacktip shark, and aggregated LCS catch, and without knowing the extent to which fishermen can avoid hammerhead sharks. However, a qualitative analysis can provide insight on possible adverse socioeconomic impacts. Under Preferred Alternative Suite A2, both the hammerhead shark and aggregated LCS quotas would close when landings of either reaches or is expected to reach 80 percent of the quota. If hammerhead shark landings reach 80 percent of the hammerhead shark quota, the aggregated LCS fishery would close, regardless of what portion of the aggregated LCS quota has been filled. If the entire Aggregate LCS quota has not been harvested, the fishery would not realize the full level of revenues possible under the established quota. A similar situation could occur in the Gulf of Mexico under Preferred Alternative Suite A2 where both the hammerhead shark and blacktip shark quotas would be linked to the aggregated LCS quota.

The blacknose shark and non-blacknose SCS socioeconomic impacts would be the same as the aggregated LCS since there would be similar scenarios with the quota linkage by species and region. In addition, we would allow inseason quota transfer between non-blacknose SCS regions. This would have minor beneficial socioeconomic impacts for this fishery as the non-blacknose SCS quota would not be the limiting factor. Consequently, the quota linkages proposed under this Alternative Suite could have short- and long-term direct moderate adverse socioeconomic impacts.

7. Recreational Measures

Under Preferred Alternative Suite A2, the minimum recreational size limit for sharks would increase from 54 to 96 inches fork length (FL) (8 ft or 244 cm). Currently, the recreational size limit for authorized shark species (except for Atlantic sharpnose and bonnethead sharks) is 54-inches FL. This minimum

size was established based on the size at maturity of sandbar sharks. This new size limit is based on the best available scientific information, which reported female dusky shark size-at-maturity to be 235 cm fork length (approximately 93 inches). Since 93 inches does not equate to a round number of feet (93 inches = 7.75 feet), we are proposing to round up the minimum size to the whole foot, resulting in a proposed minimum size of 96 inches FL (8 feet). Dusky sharks have been prohibited in the recreational fishery since 1999, but are still landed due to misidentification issues. To address the misidentification issues, we would increase outreach to the recreational community to increase awareness of current regulations and shark identification, specifically for dusky and sandbar sharks which are prohibited, and for the three species of hammerhead sharks (great, scalloped, and smooth).

This increased recreational size limit will also help reduce blacknose, sandbar, and scalloped hammerhead shark catches because fishermen usually do not catch sharks that large frequently. Blacknose shark retention in the recreational fishery effectively would be eliminated with a 96-inch FL recreational size limit. Blacknose sharks rarely reach a size greater than the current Federal minimum size of 54-inch FL; therefore, the 96-inch FL size limit creates a *de facto* retention prohibition of blacknose sharks in Federal waters. In the draft Amendment 3, we proposed prohibiting retention of blacknose sharks in the recreational fishery. During the public comment period for Amendment 3, we received comments that if we prohibited the retention of blacknose sharks in Federal waters, then states would also have to implement the prohibition in state waters. The comments also stated that because some states have a well-managed blacknose recreational fishery and conservation measures in place to adequately protect this species in state waters, prohibiting their retention is unnecessary. However, since we did not prohibit blacknose sharks in Amendment 3, some states continued to allow recreational landings of blacknose sharks below the 54-inch FL in state waters. Overfishing continued to occur on the Atlantic blacknose shark stock based on the recent assessment, and we need to reduce the recreational mortality of blacknose sharks to meet rebuilding target for the established total allowable catch.

Like dusky sharks, recreational fishermen are not allowed to retain sandbar sharks, but fishermen still land them due to misidentification. The

larger size limit would reduce recreational catches since sandbar sharks do not grow to 96 inches FL. We plan to conduct outreach to the recreational community to better inform anglers of prohibited species as well as identifying dusky and sandbar sharks. This increase in minimum size would also reduce scalloped hammerhead sharks catches in the recreational fishery and help rebuild this overfished stock. Female scalloped hammerhead sharks reach maturity at approximately 78-inches FL. The larger recreational size limit would limit the retention of scalloped hammerhead sharks to mature individuals and help rebuild the stock faster consistent with rebuilding goals. We are currently working on an identification guide for all of the prohibited shark species to help with this outreach. This identification guide would complement the existing guide of shark species that can be landed by focusing on the species that cannot be landed.

In addition to the change in minimum size, we would require mandatory reporting of all hammerhead sharks landed recreationally through the non-tournament reporting system. The non-tournament reporting system was established to track the trips that released (alive or dead) or retained bluefin tuna, blue marlin, white marlin, roundscale spearfish, longbill spearfish, sailfish, and swordfish. Fishermen can report online or over the phone. Recreational fishermen who land hammerhead sharks would need to submit similar information, thus providing us more timely and accurate estimates of recreational hammerhead landings.

This alternative would have short- and long-term moderate, beneficial ecological impacts on dusky, sandbar, scalloped hammerhead, and blacknose sharks. Increasing the size limit, providing outreach material, and establishing mandatory reporting for hammerhead sharks should reduce recreational catches and provide us better and timelier estimates of recreational landings of hammerhead sharks. There would be beneficial indirect ecological impacts since increasing the size limit would reduce the recreational catch of other shark species that do not grow larger than 96 inches FL. Overall, the reductions in recreational mortality along with the commercial management measures are expected to help rebuild the overfished stocks. The increased recreational size limit would cause neutral direct and indirect impacts on essential fish habitat, predator/prey relationships, and

protected resources in the short- and long-term.

This alternative would result in direct minor adverse socioeconomic impacts for recreational fishermen in the short-term due to the reduced incentive to recreationally fish for sharks. However, management measures to address overfishing of dusky, sandbar, scalloped hammerhead, and blacknose sharks are needed based on the stock assessments. Tournaments awarding points for sharks are unlikely to be impacted by implementing the 96 inch FL minimum size. Tournament participants typically target larger sharks and the sharks many tournaments target, such as shortfin mako, blue, and thresher, grow to larger than 96 inches FL. These measures could change the way that the recreational shark fishery operates, which could cause short-term moderate adverse direct socioeconomic impacts. Implementation of management measures that would significantly alter the way charter vessels operate, or reduce opportunity and demand for recreational shark fishing, could create adverse socioeconomic impacts. In the long-term, increased recreational fisheries opportunities may result as these measures end overfishing and overfished stocks rebuild.

B. Summary of the Other Alternative Suites Considered

In addition to Preferred Alternative Suite A2, we considered four other Alternative Suites ranging from status quo or no action (Alternative Suite A1) to closing all shark fisheries (Alternative Suite A5). Alternative Suite A1 is the No Action Alternative. Under this alternative, we would maintain current total allowable catches, commercial quotas, and recreational measures in all shark fisheries. Choosing this alternative would not end overfishing or rebuild overfished stocks. Taken as a whole, this alternative would have direct moderate, adverse ecological impacts in the short-term since there would be no change to harvest levels in the Atlantic shark fisheries and overfishing of scalloped hammerhead and blacknose sharks would continue. This alternative could result in direct significant, adverse long-term ecological impacts for certain LCS and SCS, since this alternative would result in continued overfishing of scalloped hammerhead, dusky, and Atlantic blacknose sharks, which would lead to further stock decline of these species, and could increase fishing pressure on the other LCS and SCS species as fishermen shift their efforts to other species to make up for the reduced catches. This alternative would have indirect neutral ecological

impacts in the short-term since no action would be taken, but may result in moderate, adverse indirect impacts over time due to the increasing decline of the scalloped hammerhead, dusky, and Atlantic blacknose shark populations. Alternative Suite A1 would cause neutral direct and indirect impacts on essential fish habitat, predator/prey relationships, and protected resources in the short- and long-term no action would be taken relative to the status quo.

Alternative Suite A1 would likely have direct neutral social and economic impacts in the short-term because the fisheries would continue to operate as they currently do. In the long-term, it could cause direct moderate adverse social and economic impacts because overfished stocks would not rebuild and catches would decline. The decline in catches would lead to a moderate reduction in sales and revenue. Additionally, Alternative Suite A1 would likely have neutral indirect short-term socioeconomic impacts. Dealers and supporting businesses, such as bait and tackle suppliers, would be unlikely to experience any impacts in the short-term. In the long-term, catches of the overfished stocks would decline, and minor negative socioeconomic impacts would occur as dealers and supporting businesses would have to offset reduced revenues from shark landings. For these reasons, we do not prefer this Alternative Suite at this time.

Alternative Suite A3 is similar to the proposed Preferred Alternative Suite A2 except we would not create regional hammerhead shark and non-blacknose SCS quotas, there would be no quota linkage for the shark fisheries, and there would be an increase in the recreational minimum size limit for only hammerhead sharks. Specifically, Alternative Suite A3 would establish new species complexes by regions, adjust LCS and SCS quotas, prohibit retention of commercial blacknose sharks in the Gulf of Mexico, and increase the hammerhead shark minimum recreational size to 78" FL. This alternative would remove hammerhead sharks from the non-sandbar LCS complex to form a separate non-regional quota of 52.2 mt dw, while non-blacknose SCS regulations and quota would remain the same (221.6 mt dw). This alternative would also create regional quotas for blacknose sharks as well as remove blacktip sharks from the Gulf of Mexico non-sandbar LCS complex. Additionally, this alternative would reconfigure and rename the species remaining in the non-sandbar LCS complex as the "aggregated LCS" in both the Atlantic and Gulf of Mexico

regions. The new Gulf of Mexico base quotas would be as follows: blacktip sharks—380.7 mt dw; and non-sandbar LCS—157.3 mt dw. The new aggregated LCS complex in the Gulf of Mexico region would consist of bull, lemon, nurse, spinner, silky, and tiger sharks. In the Atlantic region, base quotas would be as follows: Non-sandbar LCS—168.2 mt dw; and blacknose sharks—18 mt dw. The new aggregated LCS complex in the Atlantic would consist of blacktip, bull, lemon, nurse, spinner, silky, and tiger sharks. We would need to prohibit the retention of blacknose sharks in the Gulf of Mexico region so we can meet the rebuilding plan for this species.

When taken as a whole, Alternative Suite A3 would have direct moderate, beneficial ecological impacts in the short-term since changes to the Atlantic shark fisheries would help rebuild scalloped hammerhead and blacknose shark stocks, but long-term impacts would be minor and adverse because the absence of quota linkages could allow overfishing to continue through dead discards in other fisheries. The indirect ecological impacts would be neutral to essential fish habitat, predator/prey relationships, or protected resources because fishing pressure is expected to remain near current levels. Establishing a Gulf of Mexico blacktip shark total allowable catch at a level 30 percent greater than the total allowable catch calculated in Alternative Suite 2 could increase shark fishing effort and, as described above, might have adverse ecological impacts on other shark stocks and other species. It is also uncertain what impact the increase would have on the Gulf of Mexico shark stock because there is high degree of uncertainty associated with the projections, particularly since these projections were not peer reviewed as part of the Southeast Data, Assessment and Review process.

Additionally, Alternative Suite A3 would likely have direct short- and long-term moderate beneficial socioeconomic impacts, mainly resulting from the increase in Gulf of Mexico blacktip quota. Adverse impacts would mostly affect fishermen catching hammerhead and blacknose sharks. The hammerhead shark quota would be based on the scalloped hammerhead shark total allowable catch and would reduce all hammerhead shark landings. The blacknose shark quota in the Atlantic would be reduced, while the Gulf of Mexico blacknose shark retention would be prohibited to meet the total allowable catch. Recreational management measures would affect fishermen who catch hammerhead

sharks since the increased size limit would result in more hammerhead sharks having to be released, and blacknose sharks would be prohibited under this Alternative Suite. Neutral socioeconomic impacts are expected for fishermen targeting the aggregated LCS and non-blacknose SCS complexes since these management measures would maintain status quo in these fisheries. Furthermore, the lack of quota linkages in Alternative Suite A3 would allow fishermen to fully harvest all of the quotas. This alternative would likely have indirect short-term minor adverse socioeconomic impacts. The measures in this Alternative Suite adjust quotas based on new scientific information and would impact shark landings. Consequently, dealers and supporting businesses such as bait and tackle suppliers may experience minor adverse impacts in the short-term, but since they do not rely solely on the shark fishery and buy from and sell to a variety of fisheries, the impacts are expected to be neutral in the long-term. The changes to quotas would impact fishermen retaining sharks, but the changes are small enough that dealers and supporting businesses are unlikely to experience impacts from this Alternative Suite. While Alternative Suite A3 might have more beneficial direct socioeconomic impacts than the proposed Preferred Alternative Suite A2, the ecological impacts would be adverse and would not achieve the rebuilding plan targets for these stocks.

Indirect short- and long-term moderate beneficial socioeconomic impacts would likely result from this Alternative Suite's actions. The measures in this Alternative Suite adjust quotas based on new scientific information and would impact shark landings. Consequently, the increase in the commercial Gulf of Mexico blacktip shark quota could result in short- and long-term beneficial economic impacts for dealers and supporting businesses such as bait and tackle suppliers. The other changes to quotas (e.g., scalloped hammerhead, blacknose) would impact fishermen retaining sharks, but the changes are small enough that dealers and supporting businesses are unlikely to experience impacts from this alternative suite. This increase in the Gulf of Mexico blacktip quota could lead to increased revenues of \$314,376 when compared to the quota calculated in Alternative Suite A2. Because of the uncertainty in the projections and because this Alternative Suite does not have quota linkages that would prevent quota exceedances from occurring (and thus would affect the ability to end

overfishing and rebuild the species), we do not prefer this Alternative Suite at this time.

We also considered Alternative Suite A4. This Alternative Suite is different than the Proposed Alternative Suite A2 because it would establish regional scalloped hammerhead shark quotas, establish regional aggregated LCS quotas based on the largest landings, divide the non-blacknose SCS quota in half for each region, and establish species-specific recreational shark quotas. Specifically, Alternative Suite A4 would establish new species complexes by regions, adjust LCS and SCS quotas, prohibit retention of commercial blacknose sharks in the Gulf of Mexico region, link appropriate quotas, and establish species-specific recreational shark quotas. The alternative would remove scalloped hammerhead sharks from the non-sandbar LCS complex to form separate regional quotas, and create regional quotas for blacknose and non-blacknose SCS. Also, blacktip sharks would be removed from the Gulf of Mexico non-sandbar LCS complex and the non-sandbar LCS complex would be renamed "aggregated LCS" in both the Atlantic and Gulf of Mexico. The new Gulf of Mexico base quotas would be as follows: scalloped hammerhead sharks 24.4 mt dw; blacktip sharks 1,992.6 mt dw; non-sandbar LCS 185.2 mt dw; and non-blacknose SCS 110.8 mt dw. The new aggregated LCS complex in the Gulf of Mexico region would consist of bull, lemon, nurse, spinner, silky, and tiger sharks. In the Atlantic region, base quotas would be as follows: scalloped hammerhead sharks 27.8 mt dw; non-sandbar LCS 180.1 mt dw; blacknose sharks 18 mt dw; and non-blacknose SCS 110.8 mt dw. The new aggregated LCS in the Atlantic region would consist of blacktip, bull, lemon, nurse, spinner, silky, and tiger sharks. This Alternative Suite would also link the species within regional LCS and SCS quotas to prevent overfishing of one species while fishing for another species/group continues. Under this Alternative Suite, we would prohibit the retention of blacknose sharks in the Gulf of Mexico to end overfishing and meet the rebuilding plan target for this species.

Considering all the ecological impacts for each species, complex, or issue as discussed above, when taken as a whole, Alternative Suite A4 would likely have direct short- and long-term minor beneficial ecological impacts. Overfishing on scalloped hammerhead and Atlantic blacknose sharks would be addressed, and the rebuilding plans for these stocks would be implemented.

However, only scalloped hammerhead sharks would be included under the scalloped hammerhead total allowable catch, rather than all three large hammerhead species as in Alternative Suites A2 and A3, possibly leading to exceedances of scalloped hammerhead total allowable catch due to capture and retention of scalloped hammerheads misidentified as other hammerhead species. Additionally, the Atlantic non-blacknose SCS commercial quota would be reduced. Indirect short- and long-term ecological impacts resulting from any of the Alternative Suite A4 actions would likely be neutral. Similarly, all impacts on protected resources would be neutral as well because the measures in Alternative Suite A4 would be unlikely to significantly alter effort in the Atlantic or Gulf of Mexico shark fisheries. Therefore, additional impacts to essential fish habitat, predator/prey relationships, or protected resources are unlikely. Although this alternative suite would allow for the highest Gulf of Mexico blacktip shark commercial quota, it is based on base model projections, which the NMFS scientists who participated in the stock assessment felt had a high degree of uncertainty, and, because these projections were developed outside of the standard Southeast Data, Assessment and Review process and were not been peer reviewed, they could not conclude with certainty that such a high level of catch would not result in overfishing. Therefore, given the uncertainty in the results of the projections at this level of catch, this alternative suite could lead to long-term adverse ecological impacts due to overfishing if the projections were overly optimistic.

Alternative Suite A4 would likely have direct short- and long-term minor adverse socioeconomic impacts. These impacts would mostly affect fishermen catching blacknose sharks. The blacknose shark quota in the Atlantic would be reduced, while the Gulf of Mexico blacknose shark retention would be prohibited to prevent exceedance of the total allowable catch. Recreational management measures would affect fishermen who retain sharks since we would implement species- and complex-specific quotas for the recreational fishery. Neutral socioeconomic impacts are expected for recreational and commercial fishermen targeting scalloped hammerhead sharks, aggregated LCS, and non-blacknose SCS as detailed in those sections of this Alternative Suite. While this alternative suite might have minor adverse socioeconomic impacts, there is the

potential for more adverse socioeconomic impacts if quotas are exceeded in the future. Although this alternative suite would allow for the highest Gulf of Mexico blacktip shark commercial quota, as described above, the stock assessment scientists could not conclude with certainty that such a high level of catch would not result in overfishing. In addition to the uncertainty in the model, the blacktip shark quota proposed under this alternative suite could lead to increased bycatch of other species due to increased fishing effort.

Indirect short-term minor adverse socioeconomic impacts would likely result from this Alternative Suite's actions. The measures in this Alternative Suite adjust quotas based on new scientific information and would impact shark landings. Consequently, dealers and supporting businesses such as bait and tackle suppliers may experience minor adverse impacts in the short-term, but since they do not rely solely on the shark fishery and buy from and sell to a variety of fisheries, the impacts are expected to be neutral in the long-term. The changes to quotas would impact fishermen retaining sharks, but the changes are small enough that dealers and supporting businesses are unlikely to experience impacts from this Alternative Suite. In summary, this Alternative Suite is less likely to end overfishing on scalloped hammerhead due to catch and misidentification as other hammerheads and because of the administrative difficulties in establishing and monitoring numerous hammerhead species-specific recreational quotas. Additionally, this Alternative Suite may not prevent overfishing on Gulf of Mexico blacktip sharks and could increase fishing mortality of other sharks as bycatch. Furthermore, while this Alternative Suite might have minor adverse socioeconomic impacts, there is the potential for more adverse socioeconomic impacts if quotas are exceeded and stocks are prevented from rebuilding it may become necessary to implement smaller quotas and more strict retention limits. For all these reasons, and because of the potential for additional adverse socioeconomic impacts if quotas are exceeded, we do not prefer this Alternative Suite at this time.

The last Alternative Suite we considered in this section is Alternative Suite A5. Under this Alternative Suite, all commercial and recreational shark fisheries, except spiny dogfish, in all regions (the Atlantic Ocean including the Gulf of Mexico and Caribbean Sea) would close. As a whole, Alternative

Suite A5 would have significant beneficial ecological impacts in the short- and long-term. Overfishing on scalloped hammerhead and Atlantic blacknose sharks would end, and rebuilding plan targets would be achieved. By preventing the landing of any sharks, except spiny dogfish, in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, we would affect not only the species that are overfished, but all other shark species. This Alternative Suite would cause an increase in the number of dead discards of sharks that are caught as bycatch in other fisheries because none of those sharks could be legally landed. Also, closing the recreational shark fishery effectively would create a catch and release requirement for all Atlantic sharks, except spiny dogfish, in the recreational fishery and all tournaments that have Atlantic shark prize categories. Indirect short- and long-term ecological impacts resulting from any of the Alternative Suite A5 actions would likely be significantly beneficial. These measures could eliminate effort in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, shark fisheries; therefore additional impacts to essential fish habitat, predator/prey relationships, or protected resources are unlikely. This Alternative Suite would likely have direct short- and long-term significant adverse socioeconomic impacts because all recreational and commercial shark fishing would be prohibited. Indirect short- and long-term socioeconomic impacts resulting from this Alternative Suite's actions would likely be moderately adverse. The measures in this Alternative Suite would shut down the commercial and recreational shark fisheries, and dealers and supporting businesses such as bait and tackle suppliers would likely be adversely impacted due to decreased shark catches and sales. Because other alternatives should meet the objectives of this Amendment with less significant adverse socioeconomic impacts, and because this Alternative Suite would curtail data collection for future stock assessments, we do not prefer this Alternative Suite at this time.

Summary of the Alternatives Considered Regarding Pelagic and Bottom Longline Effort Modifications/Controls

Dusky sharks are overfished and continue to experience overfishing, even though they have been a prohibited shark species since 2000. Therefore, we are considering a number of individually-assessed alternatives that would address pelagic and bottom longline fishing effort to further reduce

interactions and fishing mortality of dusky sharks, especially since dusky sharks tend to have high at-vessel mortality rates on commercial fishing gear. Although these alternatives are mainly targeted at dusky sharks, they should also help end overfishing on other shark species including scalloped hammerhead sharks and help rebuild other species of sharks such as scalloped hammerhead and sandbar sharks. We chose to consider the alternatives described in this section because they meet the objectives of this rulemaking consistent with the Magnuson-Stevens Act, the 2006 Consolidated HMS FMP and its amendments, and other requirements.

Some of the alternatives are based on current time/area closures while others would develop additional time/area closures. The first time/area closure in the HMS regulations was implemented in the 1999 FMP with the Northeastern U.S. closure off New Jersey in June to reduce bluefin tuna discards. Since then, additional closures have been implemented by us and the Regional Fishery Management Councils that affect HMS fishermen. The goals of all of the HMS time/area closures are to: (1) Maximize the reduction in bycatch; (2) minimize the effects of any reduction in the target catch; and (3) consider impacts on non-target HMS (e.g., bluefin tuna, undersized swordfish) to minimize or reduce non-target catch levels, to the extent practicable.

In looking at time/area closures, we analyzed various fishing data using two different methodologies. One methodology is to assume redistribution of effort. Under this methodology, fishing effort that occurred in an area considered for closure is assumed to move into areas that remain open. In other words, we assumed all fishermen would continue fishing in an open area for the duration of the closure or would sell their permits to other fishermen who would continue fishing in the open areas. A second methodology is to assume no redistribution of effort. Under this methodology, fishing effort that occurred in an area considered for closure is assumed to stop. In other words, we assumed all fishermen would stop fishing entirely for the duration of the closure rather than fish in an open area. In reality, the impact of any particular closure or group of closures is likely to be somewhere between the results of these two methodologies as some fishermen will continue fishing while other fishermen will move onto different species or to other occupations.

C. Summary of the Proposed Individual Alternatives

We are proposing three Alternatives (Alternatives B3, B5, and B6) that would modify pelagic and bottom longline fishing effort. The first alternative is Alternative B3. Alternative B3 would identify discrete areas in space and time where high dusky shark interactions occurred (according to HMS logbook data from 2008–2010), and would prohibit pelagic longline fishing in these dusky shark “hotspot” areas by all U.S. flagged-vessels permitted to fish for HMS. “Hotspot” areas were identified by using Geographic Information System software to plot the location and timing of dusky shark interactions based on latitude and longitude coordinates of individual sets made with pelagic longline gear between 2008 and 2010. In order to maximize the efficacy of hotspot closed areas, areas were selected based on the number and concentration of interactions and the ability to delineate a simple polygon that would encapsulate these interactions. Discrete, identifiable areas with fishing effort that contributed to greater than 10 dusky shark interactions over the 3-year period were included for analysis. Areas with fewer than 10 dusky shark interactions over the 3-year period were not included because they would not make a significant contribution to reducing dusky shark interactions. Furthermore, odd-shaped or excessively large polygons were avoided in favor of more discrete areas for shorter periods of time to avoid significant disruptions to fishing activity while ensuring dusky shark interactions are reduced. Using this methodology, a total of eight hotspot areas are proposed to be closed to pelagic longline fishing.

In draft Amendment 5, the eight hotspot closed areas are subdivided into alternatives B3a through B3h. While draft Amendment 5 looks at the impact of each individual hotspot closed area, all of these hotspot closed areas are included and proposed under Alternative B3 because their cumulative reduction in dusky shark interactions would be necessary to assist in reaching reductions in fishing mortality recommended by the stock assessment. A summary of the cumulative impact of all eight hotspot closed areas is included below. For more details regarding the impact of each individual hotspot closed area, please see draft Amendment 5.

The primary goal of the proposed hotspot closed areas for pelagic longline gear is to maximize reductions in interactions with dusky sharks while minimizing impacts to target species or

other bycatch, including protected resources. By limiting the size and duration of these hotspot closed areas, the Agency is attempting to minimize any negative ecological impacts that could occur if fishing effort redistributes to adjacent areas. The cumulative impact of combining the eight preferred hotspot closed areas for pelagic longline gear under Alternative B3 and assuming redistribution of fishing effort would reduce the number of dusky shark interactions by 854 dusky sharks. This represents a 49-percent reduction in the number of dusky shark interactions compared to current levels. If fishing effort were not redistributed, dusky shark interactions would be reduced by 55-percent. Reducing dusky shark interactions to this extent would result in direct, moderate, beneficial long-term ecological benefits for dusky shark populations consistent with stock assessment recommendations to reduce fishing mortality by 62 percent in all fisheries. Short-term, moderate beneficial impacts for dusky sharks are expected as well; however, it would take time to see any impacts on the dusky shark population.

The ecological impacts on 34 HMS and non-HMS target species, prohibited species, and bycatch depends on the species and whether or not interactions increase or decrease after redistribution of fishing effort as a result of the eight closures. See draft Amendment 5 for tables summarizing the impacts of the proposed closure for these individual species, both with and without redistribution of fishing effort. Generally, we expect direct, moderate, beneficial, short- and long-term ecological impacts for protected sea turtles because after redistributing fishing effort to adjacent open areas, interactions with sea turtles would decrease by three leatherback and 23 loggerhead sea turtles. Given the moderate direct impacts of most species, with the exception of dusky sharks, the indirect impacts of Alternative B3 on ecosystem function and predator/prey relationships are anticipated to be neutral in the short- and long-term.

These pelagic longline hotspot closed areas are being considered along with other measures that would affect the number of dusky shark interactions in bottom longline and recreational fisheries, although the alternatives are being assessed individually. While Alternative B3 may not reduce the number of dusky shark interactions in the pelagic longline fishery by the 62-percent target outlined in the 2009 stock assessment, measures proposed for the bottom longline and recreational fisheries may reduce interactions by

more than 62-percent. Considered together, the target reductions for dusky shark interactions outlined in the stock assessment would be achieved. Furthermore, in May of 2011, the Agency implemented a requirement that pelagic longline vessels in the Gulf of Mexico use weak hooks in order to minimize bycatch of large, spawning bluefin tuna on the spawning grounds. Based on research conducted by the Southeast Fisheries Science Center, Mississippi Laboratory, two dusky sharks were caught on experimental weak hooks and four dusky sharks were caught on the standard (non-weak) hooks. This requirement has direct ecological benefits for dusky shark populations in the Gulf of Mexico, and is also included in the reduction targets for dusky sharks to end overfishing and rebuild the stock. Between 2008 and 2010, logbook reports indicate that 133 dusky sharks were discarded in the Gulf of Mexico. The number of dusky shark discards is expected to decrease with the implementation of weak hooks because larger dusky sharks may be able to straighten the hook.

Implementing the eight time/area hotspot closed areas included in Alternative B3 would result in direct, moderate, adverse socioeconomic impacts in the short-term on participants in the pelagic longline fishery. While these impacts may become less adverse in the long-term as the pelagic longline fleet adjusts their fishing activities after implementation of the closures, the time/area closures would result in reduced fishing opportunities in the near-term. In addition to direct impacts to vessels owners, operators, and crew members, these time/area closures would have minor, adverse indirect impacts in the short- and long-term on fish dealers, processors, bait/gear suppliers, and other shore-based businesses impacted by reduced fishing opportunities for pelagic longline vessel owners in the vicinity of the proposed closures. The closures may result in indirect social impacts ranging from disruption of local fishing communities to relocation of vessels and homeports, loss of crew, increased time at sea, and other social hardships stemming from further reducing fishing opportunities in the vicinity of the respective closures. Overall, the proposed time/area closures in Alternative B3 would reduce annual revenues by \$385,423 per year and would impact 72 unique vessels that have fished in these hotspot closed areas between 2008 and 2010.

In addition to Alternative B3, we are also proposing Alternative B5, which would modify the timing of the existing

mid-Atlantic shark time/area closure from January 1 through July 31 to December 15 through July 15. In other words, this alternative would modify the timing of the existing mid-Atlantic shark time/area closure by two weeks. The Atlantic States Marine Fisheries Commission Shark Plan closes state waters in Virginia, Maryland, Delaware, and New Jersey from May 15 through July 15 every year to protect nursery areas during pupping season. The purpose of Alternative B5 is to ensure that the end date of the closure coincides with the season opening dates in the Atlantic States Marine Fisheries Commission Shark Plan (i.e., July 15) while maintaining the total length of the closure, and to address requests from the State of North Carolina to revisit this time/area closure in regards to impacts to that one state. The State of North Carolina has made several requests, both formally and informally, since 2008 for the Agency to reconsider the timing of the end date of the mid Atlantic Shark Closed Area because North Carolina feels the current opening of July 31 disadvantages its fishermen, contrary to National Standard 4, compared to other states in the region. Thus, North Carolina would like to have Federal waters available to its fishermen on July 15, consistent with the ASMFC Shark Plan and other states near it. These comments have been received during the public comment period for actions that affect the shark fishery. The dimensions of the closure would remain the same and only the start and end dates of the closure would change.

The mid-Atlantic closed area was implemented to reduce bycatch of dusky sharks, along with neonate and juvenile sandbar sharks. Alternative B5 would result in direct and indirect, neutral, short- and long-term ecological benefits for both dusky and sandbar shark stocks as the closure area timing would be shifted by 15 days and should not have a significant impact on fishing effort with bottom longline gear in this area. Fishing effort for sharks in this area would continue to be impacted by the timing of the Federal shark season for LCS, which in recent years, has not opened until July. This alternative would not affect the rebuilding plans for dusky and sandbar sharks and would have neutral impacts on protected resources because the duration of the closure is not affected, while the timing of the closure is affected (15 days). Direct, neutral, short- and long-term ecological impacts for protected resources are expected. Given the neutral impacts on most species, the indirect impacts of Alternative B5 on

ecosystem function and predator/prey relationships are also anticipated to be neutral in the short- and long-term.

Alternative B5 is anticipated to have direct, minor, beneficial short- and long-term socioeconomic impacts because fishermen in North Carolina would have access to adjacent Federal waters, consistent with other shark fisheries in other states and the Atlantic States Marine Fisheries Commission Shark Plan. In the short-term, revenue gain would be minor for the 17 directed shark permit and 12 incidental shark permit holders along with state-water fishermen that might normally fish in the mid-Atlantic closed area. These North Carolina fishermen would be able to fish sooner than in previous years, but the adjustment to the starting date of the closure would have minor impacts. In the past 4 years, the non-sandbar LCS fishery, which primarily uses bottom longline gear, has only been open beyond December 15 once. This occurred in 2008 when the fishery opened in late July under the current fishing regulations. Since then, the non-sandbar LCS fishery has closed before December 15. Over the long-term, the economic impact would be minor, as the fishermen are likely to adapt to the new regulations.

Alternative B5 is preferred because it would result in beneficial economic impacts and would not have adverse ecological impacts. This alternative was included in response to several requests from the State of North Carolina for the Agency to reconsider the timing of the end date of the mid-Atlantic Shark Closed Area because North Carolina feels the current opening of July 31 disadvantages its fishermen, contrary to National Standard 4, compared to other states in the region. Thus, North Carolina would like to have Federal waters available to its fishermen on July 15, consistent with the ASMFC Shark Plan and other states near it. These comments have been received in writing during the public comment period for actions that affect the shark fishery. The dimensions of the closure would remain the same and only the start and end dates of the closure would change. It is not expected to have any impacts to the rebuilding plans for dusky or sandbar sharks because overall fishing effort (and fishing mortality) would still be regulated by quotas and retention limits for target species.

The last effort-control proposed alternative is alternative B6. This alternative would modify the existing bottom longline shark research fishery to reduce dusky shark interactions by 62 percent, at a minimum, while still allowing for shark biological and catch

rate data to be collected. In 2008, we implemented a shark research fishery that allowed fishermen to target and retain sandbar sharks to maintain the commercial fishery time series and to obtain biological information for stock assessments. Fishermen participating in the shark research fishery are generally targeting sandbar sharks, and can catch dusky sharks as bycatch. A total of 450 dusky sharks were caught during shark research fishery trips from 2008 through 2011 with 263 being discarded dead. We need to reduce the bycatch of dusky sharks in the shark research fishery to ensure that the dusky rebuilding plan target is achieved. Measures considered to reduce dusky shark interactions, include, but are not limited to: Limitations on soak time, limits on the number of hooks deployed per set, prohibiting participants from deploying bottom longline gear at times and in areas where elevated levels of dusky shark interactions have been observed, and/or stopping the shark research fishery, or a specific vessel in the fishery, for the year if a certain number of dusky shark interactions is reached. Reduction in dusky shark interactions may need to be greater than 62 percent in the shark research fishery if reductions in other fisheries (i.e., pelagic longline and recreational) do not reach their targets.

There are a several options we could use to reduce dusky shark mortality in this fishery. Based on preliminary data, we would have to limit soak times to approximately 4 hours to reduce dusky shark mortality by 50 percent. Another way to reduce dusky shark mortality would be to limit the number of hooks deployed per set. Decreasing the number of hooks and limiting the soak time would decrease the mortality and possible interaction with dusky sharks. In addition, we have noticed certain areas where a large number of dusky sharks have been caught (i.e., the mid-Atlantic shark bottom longline closed area). Fishing in these locations resulted in 71 percent of the dusky shark dead discards from 2008 through 2011. We could prohibit participants from deploying bottom longline gear at times and/or in areas where elevated levels of dusky shark interactions have been observed. Another potential way to decrease dead discards of dusky sharks would be to implement a bycatch cap for dusky shark interactions in the shark research fishery. The potential ramifications of a dusky shark bycatch cap could limit the fishing opportunities to collect data for the shark research fishery if the bycatch cap is reached.

Alternative B6 would have direct, moderate, beneficial ecological impacts

for dusky sharks in the short- and long-term. Indirect, minor beneficial impacts would be expected as a result of limiting soak time because of increased post-release survival rates of sharks, and teleosts in the short- and long-term. The potential changes in the shark research fishery are targeted to reduce dusky shark dead discards, but the possible modifications would benefit all sharks. Limiting soak time, decreasing the number of hooks per set, restricting fishing areas, or reducing overall fishing effort by restricting participation in the research fishery would have minor, indirect beneficial ecological impacts. However, extensive modifications to the shark research fishery could become so restricting in the view of fishery participants that participation decreases and valuable data from the shark research fishery could be lost. Direct, neutral, short- and long-term ecological impacts for protected resources are expected. Given the neutral to minor beneficial ecological impacts on most species, with the exception of dusky sharks, the indirect impacts of Alternative B6 on ecosystem function and predator/prey relationships are also anticipated to be neutral in the short- and long-term.

Alternative B6 could result in direct, minor adverse socioeconomic impacts in the short-term for fishermen participating in the shark research fishery because of additional restrictions placed on participating vessels. Long-term impacts are not anticipated because the pool of applicants and those selected for participation in the shark research fishery changes on an annual basis. Fishermen participating in the research fishery are targeting sandbar sharks; however, dusky sharks are often caught as bycatch when targeting sandbar sharks. These measures could change the way that the shark research fishery operates, which could result in direct, short-term, minor adverse socioeconomic impacts. However, it is anticipated that vessels will continue to want to participate in the shark research fishery because these vessels have the exclusive privilege of being able to target and harvest sandbar sharks, a high-fin-value species. There is a possibility that these measures would help sandbar sharks rebuild more quickly and increase commercial fisheries opportunities in the future. Indirect impacts in the short-term would be minor and adverse due to reduced revenues for fish dealers and other support industries that may occur if fishing effort is curtailed in the shark research fishery.

An objective of this rulemaking is to reduce fishing mortality of dusky

sharks. Alternative B6 is preferred because it would result in beneficial ecological impacts by reducing the number of dusky shark interactions that occur on bottom longline gear. Since the majority of the interactions with dusky sharks and bottom longline gear occur in the shark research fishery, it is important that modifications in this fishery that reduce interactions with dusky sharks by vessels targeting sandbar sharks. Economic impacts are expected to be minor and adverse as a result of reduced soak time, limiting the number of hooks deployed per set, or preventing fishermen from fishing in areas with elevated densities of sandbar sharks in order to reduce the potential for dusky shark interactions.

D. Summary of the Other Individual Alternatives Considered

In addition to proposed alternatives B3, B5, and B6, we considered four other alternatives, including Alternative B1, the status quo or No Action Alternative; Alternative B2, which would extend the existing Charleston Bump time/area closure through May (Feb. 1 through May 31) and prohibit the use of pelagic longline gear by all U.S. flagged-vessels permitted to fish for HMS in this area; Alternative B4, which would implement bycatch caps on dusky shark interactions in hotspot areas identified for closure in Alternative B3; and Alternative B7, which would prohibit the use of pelagic and bottom longline gear in HMS fisheries in all areas to enhance rebuilding of overfished dusky sharks, as well as other overfished shark species (sharks would still be able to be retained recreationally and commercially with gillnets).

Alternative B1, the No Action Alternative, would maintain all existing time/area closures for pelagic and bottom longline fishermen. The pelagic longline fishery for Atlantic HMS primarily targets swordfish, yellowfin tuna, and bigeye tuna in various areas and seasons. Secondary target species include dolphin, albacore tuna, and, to a lesser degree, sharks, among other species. Although this gear can be modified (e.g., depth of set, hook type, hook size, bait, etc.) to target swordfish, tunas, or sharks, it is generally a multi-species fishery. These vessel operators are opportunistic, switching gear style and making subtle changes to target the best available economic opportunity of each individual trip. Pelagic longline gear sometimes attracts and hooks non-target finfish with little or no commercial value, as well as species that cannot be retained by commercial fishermen due to regulations, such as

billfish. Pelagic longline gear may also interact with protected species such as marine mammals, sea turtles, and seabirds. As of October 2011, there were 242 vessels that could use pelagic longline to catch HMS. The effectiveness of existing pelagic longline time/area closures in reducing bycatch has been evaluated on an annual basis since 2006 for the HMS Stock Assessment and Fishery Evaluation Report. In the 2011 Stock Assessment and Fishery Evaluation report, we examined the combined effects of the individual time/area closures and gear restrictions, comparing the reported catch and discards from 2005 through 2010 to the averages for 1997 through 1999, throughout the entire U.S. Atlantic fishery. Overall effort, expressed as the number of hooks reported per set, declined by 27.6 percent during 2005 through 2010 compared to 1997 through 1999. We also noted declines in both the numbers of kept animals and discards of almost all species examined, including swordfish, tunas, sharks, billfish, and sea turtles. The only increases from the base period were the numbers of bluefin tuna and dolphin kept. The closures also had an impact with respect to the number of interactions with bycatch and protected species (turtles).

The bottom longline fishery targets sharks. Comparing landings reported from the South Atlantic region between 2002 through 2004 (without closed area) with 2005 (with closed area) indicates that landings of LCS decreased by 22.3 percent after implementation of the mid-Atlantic shark closed area. Landings of sandbar sharks in the South Atlantic region decreased by 26.7 percent in 2005 compared to 2002–2004, which could have been a result of the mid-Atlantic shark closed area. In addition, observer data from 1994 to 2004 (i.e., before the implementation of the closed area) indicate that there have been five loggerhead sea turtles observed caught on bottom longline gear in the vicinity of the mid-Atlantic shark closed area, two of which were released alive. Therefore, maintaining the mid-Atlantic closed area under Alternative B1 may maintain reductions in sea turtle interactions with sea turtles and bottom longline gear when compared to pre-closure levels, and, therefore have positive ecological impacts for protected resources.

Despite the ecological benefits of the existing pelagic and bottom longline time/area closures, dusky sharks continue to experience overfishing, and additional measures to reduce interactions and mortality of dusky sharks in HMS fisheries are necessary

based on the most recent assessment. Maintaining the existing time/area closures, and not implementing additional closures, would result in direct, minor, adverse, short-term ecological impacts for dusky sharks. These impacts would likely become moderate and/or significant as existing interaction rates for dusky sharks would continue to exacerbate overfishing, thus inhibiting the probability that dusky shark populations would rebuild by 2099. The direct and indirect impacts on other species, both HMS and non-HMS target species, bycatch, and protected resources, are expected to be neutral in the short- and long-term because the existing time/area closures would be maintained. Given the minor direct impacts of most species, including dusky sharks, we expect the indirect impacts to ecosystem function and predator/prey relationships as a result of Alternative B1 to be neutral in the short- and long-term.

Maintaining the existing pelagic and bottom longline closures and not implementing additional time/area closures, as proposed in this rulemaking, would have direct, neutral, short-term economic impacts. Vessels would continue to operate subject to existing regulations, including time/area closures, therefore no new economic impacts would be associated with maintaining the status quo. However, in the long-term, if additional measures to prevent overfishing of dusky sharks and allow populations to rebuild were implemented, including time/area closures, minor to moderate adverse economic impacts could be experienced by participants in the pelagic and bottom longline fisheries.

In addition to direct impacts to vessels owners, operators, and crew members, this alternative would have also have neutral indirect impacts in the short- and long-term on fish dealers, processors, bait/gear suppliers, and other shore-based businesses impacted by fishing opportunities for pelagic and bottom longline vessels. Maintaining the status quo would also result in neutral impacts on local fishing communities because it would not modify the existing time/area closures or require that vessels relocate from homeports, have longer trips at sea, and other social hardships that stem from further reducing fishing opportunities for Atlantic HMS vessels.

Alternative B1, the No Action Alternative, is not preferred because maintaining the status quo would not reduce dusky shark fishing mortality by 62 percent, consistent with the stock assessment recommendations. Although the economic impacts of maintaining

the status quo would be largely neutral, the adverse ecological impacts are unacceptable and inconsistent with the objectives of this rulemaking, specifically, to implement “stand-alone measures to reduce shark fishing mortality to rebuild overfished stocks and end overfishing.”

Alternative B2 would extend the Charleston Bump time/area closure through the month of May. This alternative would result in direct, moderate, beneficial ecological impacts for dusky sharks. In the short-term, these impacts may be minor compared to the long-term where impacts may increase to “moderate” because the benefits of reducing interactions with individual dusky sharks may take several years to affect the dusky shark population. However, the ecological impacts on numerous HMS and non-HMS target species, prohibited species, and other bycatch depends on the species and whether or not interactions increase or decrease after redistribution of fishing effort from the closed area to adjacent open areas in the Charleston Bump. The direct ecological impacts of closing the Charleston Bump during the month of May would have minor beneficial impacts in the short- and long-term for protected resources because interactions with leatherback and loggerhead sea turtles would decrease by one turtle per species.

Additionally, Alternative B2 would result in direct, moderate, adverse short- and long-term economic impacts. On average from 2008 to 2010, 27 vessels fished in the area that would be closed. However, all pelagic longline vessels could potentially be affected by reduced fishing opportunities. Overall, the annual average reduction in revenues as a result of this closure would be \$385,887 (fishery-wide), after adjusting for redistribution of effort into remaining open areas of the South Atlantic Bight Statistical reporting area. Vessels fishing in this area during the month of May are primarily targeting swordfish and dolphin, and, to a lesser extent, wahoo and yellowfin tuna. Reductions of 46 percent (–\$356,001) and 12 percent (–\$148,447) for swordfish and dolphin, respectively, would be expected on a regional basis after fishing effort is redistributed to remaining open areas of the South Atlantic Bight Statistical reporting area. Wahoo revenues would decrease by 78 percent regionally (–\$7,434) with redistribution of fishing effort. Redistributing fishing effort to remaining open areas of the South Atlantic Bight would increase interactions and revenues from bluefin tuna (+\$32,758), yellowfin tuna

(+\$60,831), and bigeye tuna (+\$23,111). While most pelagic longline vessels do not target sharks, revenues from sharks (predominately from shortfin mako sharks) would increase by \$9,442.

Alternative B2 would extend an existing three month time/area closure for pelagic longline vessels in the Charleston Bump region for an additional month, which would impose limits on regional fishing opportunities. In addition to direct impacts to vessels owners, operators, and crew members, this alternative would have minor, adverse indirect impacts in the short- and long-term on fish dealers, processors, bait/gear suppliers, and other shore-based businesses in the vicinity of the closure. Impacts would be more pronounced in the vicinity of the proposed closure because of the size and duration of the closure because regional vessel owners would have to travel further to fish in open areas; however, pelagic longline vessels from other areas that have traditionally fished in the proposed closure would also experience adverse economic impacts. The closure may result in numerous indirect social impacts ranging from disruption of local fishing communities to relocation of vessels and homeports, loss of crew, increased time at sea, and other social hardships stemming from further reducing fishing opportunities in the Charleston Bump region.

Alternative B2 is not preferred because Alternative B3 meets the Amendment's objectives and Alternative B2 would result in adverse economic impacts compared to Alternative B3. Alternative B3 includes a sub alternative (Alternative B3a) that would close a portion of the area encapsulated in Alternative B2 where the majority of the dusky shark interactions occur but would not close the entire Charleston Bump. The objective of this rulemaking is to reduce fishing mortality of dusky sharks, and Alternative B2 would reduce dusky shark interactions by an additional nine fish, compared to Alternative B3a. However, interactions with some other species would increase (tiger sharks, hammerhead sharks, sandbar sharks, bluefin tuna, and blue marlin). On balance, Alternative B2 is not selected and Alternative B3 is preferred because Alternative B3a provides ecological benefits that meet the Amendment's objectives while mitigating economic impacts.

Alternative B4 would implement bycatch caps on dusky shark interactions in hotspot areas identified for closure in Alternatives B3. Under this alternative, fishermen could fish in hotspot areas until a specified number

of dusky shark interactions occur. If vessel owners are selected for observer coverage and an observer is available, these vessels would be able to fish in hotspot areas within statistical reporting areas for which they had been selected. Vessel operators would be able to fish outside of an area for which they had been selected but they would not be able to fish within any hotspot areas in other statistical reporting areas. This alternative would not completely close the hotspot areas and fishing would still be allowed, with 100-percent observer coverage. The number of dusky shark interactions allowed in hotspot areas would be set at 10 percent of the estimated 3-year reduction in dusky shark interactions by closing each hotspot area and accounting for redistribution of effort. Once observed interactions with dusky sharks meet the 10-percent threshold for a particular hotspot area, then that area would be closed for the remainder of the 3-year period. Any overharvests in excess of the bycatch cap would be accounted for in the subsequent 3-year period.

The ecological impacts of hotspot area closures in Alternative B4 would be similar to those described for the proposed hotspot closed areas in Alternative B3. Overall, for dusky sharks, this alternative would also have moderate, direct beneficial impacts for dusky sharks. In the short-term, these benefits may be somewhat reduced compared to the long-term because the benefits of reducing interactions with individual dusky sharks may take several years to affect the dusky shark population. Interactions with the 34 HMS and non-HMS target species, prohibited species, and bycatch, analyzed in Alternative B3 could be increased or decreased by 10-percent compared to completely closing the area to fishing because vessels would be able to fish in these areas (with an observer) until the 10 percent bycatch cap for dusky sharks was reached. However, because vessels would have to be selected for observer coverage and have an observer onboard to fish in these areas, overall fishing effort and how vessels fish in these hotspot areas would be affected. It is very likely that fishing effort would be reduced considerably in the hotspot areas, especially compared to the status quo, because only a limited number of vessels could gain access in the hotspot area every year subject to observer availability. Furthermore, if a bycatch cap were implemented, vessels may change fishing practices in order to reduce the likelihood of a dusky shark interaction. In the past, fishermen may not have had any incentive to avoid

dusky sharks. If bycatch caps were implemented, interactions with dusky sharks in excess of the cap would close the area for up to 3 years, in which case fishermen may change fishing behavior to minimize the likelihood of catching a dusky shark. Fishermen may deploy "feeler sets" (shorter sets in length with fewer hooks that are shorter in duration compared to other sets) in order to ascertain whether dusky sharks are in the vicinity. Avoiding water of a certain temperature, shorter soak times, and changes to hook and bait configurations also may be employed to try to avoid dusky sharks.

Implementing bycatch caps in conjunction with the proposed hotspot closed described in Alternative B3 would result in direct, minor adverse socioeconomic impacts in the short- and long-term consistent with the social and economic impacts described for each of the hotspot closed areas included in Alternative B3. The direct economic impacts of Alternative B4 would be less adverse in the short-term than implementing the proposed hotspot closed areas because bycatch caps would allow a limited amount of fishing to continue within the hotspot area until a bycatch cap was reached. The exact economic impacts of implementing bycatch caps would depend on the number of vessels authorized to fish in the hotspot areas (vessels selected for observer coverage and carrying an observer) on an annual basis and the number of trips that occur within each hotspot area before the bycatch cap is met. After the cap is met, economic impacts would be more pronounced and consistent with impacts of Alternative B3, because the hotspot area would close for the remainder of the 3-year period.

Alternative B4 is not preferred because it would result in additional challenges for pelagic longline observers. Relative to target catch and incidentally retained pelagic sharks, interactions with dusky sharks are a rare event, making positive identification difficult without bringing the fish onboard. Furthermore, if and when vessel operators and crew interact with a prohibited species, their goal is to cut the line and release the fish in a manner that maximizes the probability of survival, therefore observers may not have the time and viewing opportunities necessary to identify the sharks with absolute certainty. Pelagic longline vessels typically use longer gangions and have a higher freeboard than other vessels, which also hinders an observer's ability to get an adequate view of the shark to ensure that it is a dusky shark and not another

Carcharhinid shark (e.g., sandbar or silky sharks are commonly confused with dusky sharks). Assuming that all unidentified *Carcharhinid* sharks are dusky sharks may alleviate this concern to a degree; however, we prefer implementation of the hotspot closed areas described in Alternative B3, without bycatch caps, at this time.

Alternative B7 would prohibit the use of pelagic longline and bottom longline gear in all HMS fisheries. Prohibiting the use of pelagic longline gears would have direct, significant beneficial ecological impacts on target and non-target HMS, prohibited species, and bycatch in the short- and long-term. The species-specific ecological impacts on 34 HMS and non-HMS target species, prohibited species, and other bycatch depends on the species' life history, population status, and interaction rates in the pelagic longline fishery. Of the alternatives considered, this alternative would have the most beneficial ecological impacts for dusky sharks because the number of interactions would be reduced by 586 sharks per year. The number of harvested and discarded swordfish would decrease by 48,926 fish per year. Yellowfin tuna harvested would decrease by 35,757 fish per year. Blue and white marlin discards would also decrease by prohibiting the use of pelagic longline gear by 734 and 779 fish per year, respectively. Bluefin tuna kept and discarded 1,853 fish per year. Interactions with loggerhead and leatherback sea turtles would decrease by 162 and 70 turtles per year, respectively. Interactions with pelagic sharks, prohibited sharks, and LCS would all be decreased substantially.

Prohibiting the use of bottom longline gear—which is primarily used to target LCS in HMS fisheries—would have direct, significant, and beneficial ecological impacts on dusky sharks. Indirect, significant, beneficial impacts on HMS and non-HMS target species (primarily LCS), non-target HMS, and protected species in the short- and long-term are also expected. The majority of LCS are caught on bottom longline gear. In 2010, approximately 73 percent of LCS were caught on bottom longline gear. The species-specific ecological impacts on HMS and non-HMS target species, prohibited species, and other bycatch depends on the species' life history, population status, and interaction rates in the bottom longline fishery. Observers are onboard for 100 percent of the trips targeting sandbars in the shark research fishery and for 2–3 percent of the trips outside the shark research fishery. Prohibiting bottom longline gear and closing the shark

research fishery would decrease the number of dusky shark interactions because dusky sharks are predominantly caught in the bottom longline fishery by vessels targeting sandbar sharks. Between 2008 and 2010, there were 325 observed interactions with dusky sharks in the shark research fishery.

Closing the pelagic and bottom longline fisheries would have indirect, minor negative ecological impacts because these fisheries are the primary source of fishery dependent data. These data are critical to scientific understanding of the species that the fisheries interact with, and the basis of stock assessments for many target and bycatch species frequently encountered. Closing these fisheries would eliminate the logbooks submitted by longline vessel operators and remove the Agency's ability to deploy observers on longline vessels. Observer programs for the pelagic and bottom longline fishery, administered by the Southeast Fisheries Science Center, rely on observers for tagging studies, collecting biological samples, and for enhancing understanding on the life history and ecology of living marine resources. Closing the pelagic and bottom longline fisheries would result in direct, significant adverse economic impacts in the short- and long-term for longline vessel owners, operators, and crew. In 2010, there were 242 tuna longline permits (pelagic longline) and 217 shark directed permit holders (bottom longline) that would be affected. In 2010, the pelagic and bottom longline fisheries had revenues of \$27,026,120, which equates to approximately 70 percent of the total revenues for all commercial HMS fisheries.

In addition to direct impacts to vessels owners, operators, and crew members, this alternative would have significant, adverse indirect impacts in the short- and long-term on fish dealers, processors, bait/gear suppliers, and other shore-based businesses in the vicinity of the fishing ports impacted by reduced fishing opportunities for longline vessel owners. Prohibiting the use of longline gear would result in significant, indirect social impacts ranging from disruption of local fishing communities to relocation of vessels and homeports, loss of crew, increased time at sea, and other social hardships stemming from further reducing fishing opportunities for HMS participants. The states with the most tuna permit holders are Massachusetts (31.5 percent), North Carolina (12.9 percent), Maine (10.2 percent), New Jersey (7.0 percent), and New York (6.4 percent). The states with the most swordfish permit holders are Florida (32.4 percent), New Jersey (13.9

percent), Louisiana (11.9 percent), Massachusetts (9.1 percent), and New York (8.0 percent). The states with the majority of shark directed permit holders include Florida (62 percent), New Jersey (11 percent), and North Carolina (7 percent).

Alternative B7 would result in ecological benefits for the 34 species considered in this analysis because prohibiting bottom longline and pelagic longline gear would eliminate a significant source of fishing mortality for these species. However, the economic impacts stemming from prohibiting of these gears would also be significant. While an objective of this rulemaking is to reduce fishing mortality of dusky sharks and this alternative would meet this goal, we do not prefer this alternative at this time because this objective can be achieved via implementation of other measures, as described above.

Request for Comments

We are requesting comments on the alternatives and analyses described in this proposed rule and in the draft Amendment 5. Comments on this proposed rule may be submitted via <http://www.regulations.gov>, mail, or fax. Comments may also be submitted at a public hearing (see Public Hearings and Special Accommodations below). We solicit comments on this proposed rule by February 12, 2013 (see **DATES and ADDRESSES**).

We will announce the dates and locations of public hearings in a future **Federal Register** notice. Additionally, we have requested to present a summary of the draft amendment and this proposed rule to the five Atlantic Regional Fishery Management Councils (the New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils) and the Atlantic and Gulf States Marine Fisheries Commissions during the public comment period. Please consult the Councils' and Commissions' fall meeting notices for times and locations.

We are also requesting comments on specific items related to the alternatives to clarify sections of the regulatory text or in analyzing potential impacts of the alternatives. Specifically, we request comments on:

1. Monitoring dusky shark bycatch caps. We are seeking public comment on how to administer monitoring of dusky shark bycatch caps with limited additional observer program resources. One alternative that we are considering would implement dusky shark bycatch caps on vessels fishing with pelagic longline gear. This alternative would allow pelagic longline vessels limited

access to high dusky shark interaction areas while limiting the number of dusky shark interactions that could occur in these areas. Once the dusky shark bycatch cap for an area is reached, that area would close until the end of the 3-year bycatch cap period (see Alternative B4 above). To implement this alternative, we would need an appropriate level of monitoring and accuracy to ensure the mortality rate of dusky sharks, as determined by the stock assessment and this amendment, is not exceeded. However, additional funding sources to provide increased observer coverage to monitor dusky bycatch cap areas are unlikely, and we are looking for comments on how to monitor these areas if this alternative is implemented. Options that we are exploring range from allowing access only to vessels that have been selected for pelagic longline observer program coverage under its current selection process and when they are on a trip with an observer on board, to establishing other monitoring programs, such as an industry-funded observer program, or the use of electronic monitoring technology (e.g., video monitoring).

2. The name "aggregated LCS." We are seeking public comment on what to name the reconfigured grouping of sharks that would continue to be managed collectively in the remainder of what is currently the LCS complex for quota monitoring purposes. When we began managing sharks, we grouped sharks for management purposes into three species complexes: large coastal, small coastal, and pelagic sharks. Over time, as a result of numerous species-specific stock assessments and increasing requests for species-specific management, we have begun managing a number of species separately and have removed those species from the original LCS complex. In the draft Amendment 5 and this proposed rule, we use the name "aggregated LCS." However, other names may exist that are more descriptive or appropriate and that could help avoid confusion in the fishery as the groupings are reconfigured.

3. Suggestions for improving angler identification of shark species and reducing dusky shark mortality in the recreational fishery. We are looking for comments and suggestions on how to improve angler identification of the different shark species. Many shark species are similar looking, particularly to recreational anglers who may not see sharks on a regular basis. This difficulty in identifying sharks correctly has resulted in recreational shark management measures that try to group

all sharks together (e.g., the recreational retention limit of one shark per vessel per trip). However, these measures have not been effective for some species, such as dusky sharks, which are prohibited but look similar enough to other species that some anglers land them in error. In the draft Amendment 5 and this proposed rule, we propose increasing outreach to anglers and have suggested a companion to the current shark placard that would describe the characteristics of sharks that cannot be landed recreationally. We are looking for comments and suggestions on additional methods we can use to provide recreational anglers, particularly those that rarely fish for sharks, information on how to identify sharks and comply with the regulations. We are also looking for comments on additional approaches that could reduce dusky shark mortality in the recreational fishery to help meet the rebuilding targets of the Southeast Data, Assessment, and Review 21 stock assessment. Because dusky sharks are prohibited from recreational retention, we are proposing enhancing outreach and education efforts along with increasing the recreational minimum size from 4.5 feet fork length to 8 feet fork length to reach the rebuilding target, but acknowledge that there may be other approaches that could assist in reaching that target while also resulting in fewer changes to the way the recreational fishery currently operates.

4. Stowing longline gear to transit closed areas. We are looking for comments on the proposed change that would allow longline fishermen to stow gear and transit closed areas. There are currently a number of time/area closures for pelagic and bottom longline fishermen that have commercial swordfish and/or shark limited access permits. The regulations do not provide these fishermen the ability to stow their gear and transit the areas. Instead, fishermen must go around the areas to remain in compliance with the regulations. Among other things, this restriction has raised safety-at-sea concerns and could increase the economic cost of fishing by requiring fishermen to spend more time at sea and use more fuel. Over the years, we have heard from fishermen that they should be allowed to transit the closed areas if the hydraulics are disconnected from the mainline and drum. However, we have not implemented that in lieu of a stowage requirement because of concerns that the hydraulics are easily reconnected and, therefore, disconnecting them does not effectively render the gear unavailable for use. In

this proposed rule, we propose language similar to the language used in § 622.34 and § 648.23 that would allow fishermen to transit the closed areas if they remove and stow the gangions, hooks, and buoys from the mainline and drum. The hooks could not be baited. We are seeking comments on whether this language is appropriate, if following those requirements is possible on bottom and pelagic longline vessels, and if disconnecting the hydraulics is a feasible option to consider.

Classification

Pursuant to the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, ATCA, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

We prepared a draft environmental impact statement (EIS) for this rule that discusses the impact on the environment that would result from this rule. A copy of the EIS is available from NMFS (see **ADDRESSES**). The Notice of Availability of the EIS is publishing in the **Federal Register** on the same day as this proposed rule. A summary of the impacts of the alternatives considered is described above.

Paperwork Reduction Act

This proposed rule would require recreational fishermen who are not fishing in a tournament to report all landings of hammerhead sharks. If finalized, this requirement would be considered a collection-of-information requirement and would be subject to review and approval by OMB under the Paperwork Reduction Act (PRA). Because we are currently in the process of renewing the existing non-tournament recreational reporting requirement for billfish, swordfish, and bluefin tuna and cannot make changes while in the renewal process, we have not yet submitted this collection-of-information to OMB for approval. If we finalize this permitting requirement, we would submit an application amending the existing non-tournament recreational reporting collection-of-information to OMB for approval and would delay implementation of that portion of the rule pending approval.

Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the

information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to (enter office name) at the ADDRESSES above, and by email to OIRA_Submission@omb.eop.gov or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to, a penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB Control Number.

Regulatory Flexibility Act

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows. A copy of this analysis is available from NMFS (see ADDRESSES).

In compliance with section 603(b)(1) of the RFA, the purpose of this proposed rulemaking is, consistent with the 2006 Consolidated HMS FMP objectives, the Magnuson-Stevens Act, and other applicable law, to rebuild and end overfishing of certain species of sharks, as appropriate. As described earlier in the preamble of this proposed rule and in Chapter 1 of the draft Amendment 5, based on the results of the Southeast Data, Assessment, and Review 21 stock assessments for sandbar, dusky, and blacknose sharks, and a published stock assessment for scalloped hammerhead sharks, we have determined that sandbar, dusky, scalloped hammerhead, and Atlantic blacknose sharks are overfished and that dusky, scalloped hammerhead, and Atlantic blacknose sharks are experiencing overfishing. In addition, the overfishing and overfished status of the Gulf of Mexico blacknose shark stock is unknown, and the results of the Gulf of Mexico blacktip shark stock assessment are to be incorporated into this amendment as appropriate.

In compliance with section 603(b)(2) of the RFA, the objectives of this proposed rulemaking are to provide for the sustainable management of shark species under authority of the Secretary consistent with the requirements of the

Magnuson-Stevens Act and other statutes which may apply to such management, including the Endangered Species Act, Marine Mammal Protection Act, and Atlantic Tunas Convention Act. As described earlier in the preamble of this proposed rule and in Chapter 1 of the draft Amendment 5, the management objectives of the proposed regulations will be to amend the 2006 Consolidated HMS FMP to achieve the following: end overfishing and achieve optimum yield for dusky, scalloped hammerhead, and Atlantic blacknose sharks; implement a rebuilding plan for scalloped hammerhead and Atlantic blacknose sharks to ensure that fishing mortality levels for both species are maintained at or below levels that would result in a 70 percent probability of rebuilding in the timeframe recommended by the assessments; modify the current rebuilding plan for dusky sharks to ensure that fishing mortality levels for dusky sharks are maintained at or below levels that would result in a 70 percent probability of rebuilding in the timeframe recommended by the assessment; maintain the rebuilding plan for sandbar sharks to ensure 70 percent probability of rebuilding in the timeframe recommended by the assessment; and achieve optimum yield and provide an opportunity for the sustainable harvest of Gulf of Mexico blacknose, Gulf of Mexico blacktip sharks, and other sharks, as appropriate.

Section 603(b)(3) of the RFA requires Agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration has defined a "small" fishing entity as one with average annual receipts of less than \$4.0 million; a small charter/party boat entity is one with average annual receipts of less than \$6.5 million; a small wholesale dealer as one with 100 or fewer employees; and a small seafood processor as one with 500 or fewer employees. Under these standards, we consider all Atlantic HMS permit holders subject to this rulemaking to be small entities.

The proposed rule would apply to the 479 commercial shark permit holders in the Atlantic shark fishery based on an analysis of permit holders in October 2011. Of these permit holders, 217 have directed shark permits and 262 hold incidental shark permits. Not all permit holders are active in the fishery in any given year. We estimate that between 2008 and 2011, approximately 169 vessels with directed shark permits and 121 vessels with incidental shark permits landed sharks. The hotspot closed area alternatives also impact

pelagic longline vessels. Based on the number of Tuna Longline permit holders, we estimate that there are 242 longline vessels with HMS permits that could potentially be impacted by the proposed hotspot closed areas. Of those pelagic longline vessels, 116 actively fished in 2011.

The recreational measures proposed would also impact HMS Angling category and HMS Charter/Headboat category permit holders. In general, the HMS Charter/Headboat category permit holders can be regarded as small businesses, while HMS Angling category permits are typically obtained by individuals who are not considered small entities for purposes of the RFA. In 2011, 4,194 vessels obtained HMS Charter/Headboat category permits. It is unknown what portion of these permit holders actively participate in shark fishing or market shark fishing services for recreational anglers.

Under section 603(b)(4) of the RFA, Agencies are required to describe any new reporting, record-keeping and other compliance requirements. Most of the proposed commercial and recreational measures would not introduce any new reporting and record-keeping requirements. However, Alternative Suite A2 would require hammerhead shark reporting through the non-tournament reporting system. While this reporting requirement primarily impacts recreational fishermen, it also impacts small entities that operate charter/headboat trips that catch hammerhead sharks. The 4,194 charter/headboat permit holders in 2011 would be required to submit hammerhead shark landings through the non-tournament reporting system. Some small portion of those charter/headboat permit holders, primarily vessels in the Gulf of Mexico or South Atlantic targeting sharks, would actually be submitting reports because most charter-headboat trips target other HMS species and not hammerhead sharks.

Under section 603(b)(5) of the RFA, Agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed rule. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other FMPs. These include, but are not limited to, the Magnuson-Stevens Act, ATCA, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. The new regulations proposed to be implemented

do not conflict with any relevant regulations, Federal or otherwise.

Under section 603(c), agencies are required to describe any alternatives to the proposed rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are summarized below and in Amendment 5.

One of the requirements of an IRFA is to describe any alternatives to the proposed rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are discussed below.

Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of “significant” alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act and ESA, we cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. Under the third category, “use of performance rather than design standards,” we consider Alternative B4 addressing dusky shark bycatch caps in the pelagic longline fishery, to be a performance standard rather than a design standard. It establishes performance levels for pelagic longline vessels for avoiding interactions with dusky sharks, and only triggers closures of hotspot areas if those performance levels are exceeded. As described below, we analyzed several different alternatives in this proposed rulemaking and provide the rationale for identifying the preferred alternative to achieve the desired objective.

In this rulemaking, we considered two different categories of issues to address shark management measures where each issue had its own range of alternatives that would meet the objectives of the Magnuson-Stevens Act and the 2006 Consolidated HMS FMP. The first category (Alternative Suites A1–A5) covers five alternative suites that address various shark quotas and total

allowable catch. The second category of alternatives (Alternatives B1–B7) involves pelagic longline and bottom longline effort modifications, including time/area closures, bycatch caps, modification to the existing bottom longline shark research fishery, and gear restrictions. The expected economic impacts of the different alternatives considered and analyzed are discussed below. The potential impacts these alternatives may have on small entities have been analyzed and are summarized below. The full IRFA and all its analyses can be found in draft Amendment 5. The proposed action includes: Alternative Suite A2, Alternative B3, Alternative B5, and Alternative B6. The economic impacts that would occur under these proposed actions were compared with the other alternatives considered to determine if economic impacts to small entities could be minimized while still accomplishing the stated objectives of this rule.

Under the first group of alternatives that address various shark quotas and total allowable catches, Alternative Suite A1 (status quo) would not change current management of the Atlantic shark fisheries. Specifically, for hammerhead sharks, from 2008 through 2011, approximately 39 vessels with directed shark permits had hammerhead shark landings, while approximately 9 vessels with incidental shark permits had hammerhead shark landings in the Atlantic. In the Gulf of Mexico, approximately 25 vessels with directed shark permits had hammerhead shark landings, while approximately 4 vessels with incidental shark permits had hammerhead shark landings. Spread amongst the directed and incidental shark permit holders that landed scalloped hammerhead in the Atlantic, the average directed shark permit holder earned \$748 in average annual gross revenues, and the average incidental shark permit holder earned \$760 in average annual gross revenues from scalloped hammerhead shark landings. Spread amongst the directed and incidental shark permit holders that landed scalloped hammerhead in the Gulf of Mexico, the average directed shark permit holder earned \$1,363 in average annual gross revenues, and the average incidental shark permit holder earned \$1,387 in average annual gross revenues from scalloped hammerhead shark landings. Scalloped hammerhead sharks compose a small portion of total non-sandbar LCS landings; an annual average of 7.6 percent of non-sandbar LCS landings are scalloped hammerhead sharks in the Atlantic and 4.3 percent on the Gulf of Mexico.

Scalloped hammerhead sharks are overfished with overfishing occurring, and the stock could become increasingly unproductive, therefore we do not prefer this alternative at this time.

For LCS, from 2008 through 2011, approximately 68 vessels with directed shark permits had non-sandbar LCS landings, while approximately 25 vessels with incidental shark permits had non-sandbar LCS landings in the Atlantic. In the Gulf of Mexico, approximately 45 vessels with directed shark permits had non-sandbar LCS landings, while approximately 11 vessels with incidental shark permits had non-sandbar LCS landings. It is estimated that these permit holders would be the most affected by management measures proposed for non-sandbar LCS. Spread amongst the directed and incidental shark permit holders that landed non-sandbar LCS in the Atlantic, the average directed shark permit holder earned \$7,656 in average annual gross revenues, and the average incidental shark permit holder earned \$7,703 in average annual gross revenues from non-sandbar LCS landings. Spread amongst the directed and incidental shark permit holders that landed non-sandbar LCS, the average directed shark permit holder earned \$19,001 in average annual gross revenues, and the average incidental shark permit holder earned \$19,433 in average annual gross revenues from non-sandbar LCS landings.

For Gulf of Mexico blacktip sharks, from 2008 through 2011, approximately 41 vessels with directed shark permits had blacktip shark landings, while approximately 4 vessels with incidental shark permits had blacktip shark landings in the Gulf of Mexico. Spread amongst the directed and incidental shark permit holders that landed blacktip shark, the average directed shark permit holder earned \$13,861 in average annual gross revenues, and the average incidental shark permit holder earned \$14,051 in average annual gross revenues from blacktip shark landings.

For blacknose sharks, since Amendment 3 to the 2006 HMS FMP was implemented in 2010, an average of approximately 25 vessels with directed shark permits had blacknose shark landings, while approximately 4 vessels with incidental shark permits had blacknose shark landings. It is estimated that these permit holders would be the most affected by management measures proposed for blacknose sharks. Spread amongst the directed and incidental shark permit holders that landed blacknose, the average directed shark permit holder earned \$1,739 in average annual gross revenues, and the average

incidental shark permit holder earned \$222 in average annual gross revenues from blacknose shark landings.

Similarly, for non-blacknose SCS, since Amendment 3 to the 2006 HMS FMP was implemented in 2010, an average of approximately 39 vessels with directed shark permits had blacknose shark landings, while approximately 13 vessels with incidental shark permits had non-blacknose SCS landings. It is estimated that these permit holders would be the most affected by management measures proposed for non-blacknose SCS. Spread amongst the directed and incidental shark permit holders that landed non-blacknose SCS, the average directed shark permit holder earned \$13,414 in average annual gross revenues, and the average incidental shark permit holder earned \$1,677 in average annual gross revenues from non-blacknose SCS landings.

Regarding quota linkages, since Alternative Suite A1 does not create any new species or species complex, new quota linkages would be unnecessarily. Consequently, there are no additional direct or indirect socioeconomic impacts in the short or long-term beyond those discussed for scalloped hammerhead, blacktip sharks, non-blacknose SCS, and blacknose sharks.

Regarding recreational measures, under Alternative Suite A1, there would be no changes to the existing recreational retention limits for all species. Therefore, small entities, such as charter/headboat operators and tournaments that target sharks, would not experience any change in economic impact under this alternative.

When taken as a whole, Alternative Suite A1 would likely have neutral economic impacts on small entities in the short-term because the fisheries would continue to operate as status quo. In the long-term, it could cause direct minor adverse economic impacts because we would need to make to changes to the fishery to address the overfishing and overfished stocks. Since Alternative Suite A1 does not address the overfished and/or overfishing determination based on recent stock assessments, we do not prefer this alternative at this time.

Alternative Suite A2, the preferred alternative, would establish new species complexes by regions, adjust LCS and SCS quotas, link appropriate quotas, and increase the shark minimum recreational size to 96" FL. Specifically, for scalloped hammerhead sharks, under Alternative Suite A2, we would establish an Atlantic and a Gulf of Mexico hammerhead shark quota (including scalloped, smooth, and great

hammerhead sharks). Under those quotas, the reduction in revenue fishery-wide would be \$809 in the Atlantic and \$928 in the Gulf of Mexico. Therefore, there would be minimal impact on the annual revenues of individual vessels actively involved in the fishery.

For LCS, Alternative Suite A2 would establish new, separate quotas for scalloped hammerhead sharks and Gulf of Mexico blacktip sharks, necessitating removal of these species from the non-sandbar LCS complex (which will then be renamed aggregated LCS complex in both the Atlantic and Gulf of Mexico). The aggregated LCS quota would be based on average annual landings of the remaining species, therefore, those species composing the aggregated LCS complex would not experience a change in fishing pressure and landings would be capped at recent levels. For these reasons, economic impacts to small entities resulting from this portion of Alternative Suite A2 are expected to be neutral.

For Gulf of Mexico blacktip sharks, this alternative suite's proposed blacktip shark action would essentially maintain the current fishing levels and is likely to result in neutral economic impacts to small entities. We have determined that the Gulf of Mexico blacktip shark stock is not overfished and not experiencing overfishing. The results of the most recent stock assessment indicate the Gulf of Mexico blacktip shark stock can sustain current fishing levels and should not result in any additional impacts to small entities.

For blacknose sharks, under Alternative Suite A2, we would separate blacknose sharks into the Atlantic and Gulf of Mexico regions as suggested in the Southeast Data, Assessment, and Review 21 stock assessment. These alternatives would decrease the blacknose shark landings in each region. Average annual gross revenues for the blacknose shark landings for the Atlantic region would decrease from \$58,122 under the No Action alternative down to \$54,854 under Alternative Suite A2. We anticipate these directed and incidental shark permit holders would experience minor economic impacts as blacknose sharks are not the targeted shark species for SCS fishermen. Average annual gross revenues for the blacknose shark landings for the Gulf of Mexico region would increase from \$3,273 under the No Action alternative to \$5,650 under Alternative Suite A2. We anticipate these directed and incidental shark permit holders would experience neutral economic impacts since the new Gulf of Mexico blacknose shark quota is consistent with current landings. In the

short-term, lost revenues would be moderate for the 22 directed shark permit and 3 incidental shark permit holders that land blacknose sharks in the Atlantic region, and the 8 directed shark and the 2 incidental shark permits that land blacknose sharks in the Gulf of Mexico.

For non-blacknose SCS, Alternative Suite A2 would establish regional quotas for non-blacknose SCS based on the landings since Amendment 3 to the 2006 HMS FMP was implemented in 2010. In the Atlantic, an average of approximately 33 vessels with directed shark permits had blacknose shark landings, while approximately 10 vessels with incidental shark permits had non-blacknose SCS landings. In the Gulf of Mexico, an average of approximately 9 vessels with directed shark permits had blacknose shark landings, while approximately 3 vessels with incidental shark permits had non-blacknose SCS landings since Amendment 3. Under the Alternative Suite A2, there would be neutral economic impacts to directed and incidental shark permit holders as the average annual gross revenues from non-blacknose SCS landings would be the same as the status quo in the short- and long-term. Fishermen would be expected to operate in the same manner as the status quo in the short-term. However, this alternative suite could have minor negative economic impacts on fishermen if fishing effort increases for non-blacknose SCS. The fishery has never filled the entire quota established for the fishery in 2010, but that could change with a smaller regional quota and if fishermen are displaced from other fisheries.

Under Alternative Suite A2, the quota linkages could have short and long-term moderate adverse economic impacts. Quota linkages are explicitly designed to concurrently close multiple shark quotas, regardless of whether all the linked quotas are filled. This provides protection from exceeding the quota by incidental capture where a directed fishery has been closed because it filled its quota, but it could also preclude fishermen from harvesting the entirety of each of the linked quotas. A quantitative analysis of the economic impact is not possible without comparing the rates of hammerhead shark, blacktip shark, and aggregated LCS catch and without knowing the extent to which fishermen can avoid hammerhead sharks because. If fisherman are unable to sufficiently avoid hammerhead sharks the quotas will likely close much sooner, but if they can successfully avoid hammerhead sharks, it is likely that

they will be able to fully utilize the other shark quotas. However, a qualitative analysis can provide insight on possible adverse socioeconomic impacts. Under Alternative Suite A2, both the hammerhead shark and aggregated LCS quotas would close when landings of either reaches or is expected to reach 80 percent of the quota. If hammerhead shark landings reach 80 percent of the quota, the aggregated LCS fishery would close, regardless of what portion of the quota has been filled. If the entire aggregate LCS quota has not been harvested, the fishery would not realize the full level of revenues possible under the established quota. A similar situation could occur in the Gulf of Mexico under Alternative Suite A2 where both the hammerhead shark and blacktip shark quotas would be linked to the aggregated LCS quota. The blacknose shark and non-blacknose SCS socioeconomic impacts would be the same as the LCS since there would be similar scenarios with the quota linkage by species and region. In addition, we would allow inseason quota transfer between non-blacknose SCS regions. This would have minor beneficial economic impacts for the fishery as the non-blacknose SCS quota would not be the limiting factor. Consequently, the quota linkages proposed under Alternative Suite A2 could have moderate adverse economic impacts.

Under Alternative Suite A2, we would increase the current recreational size limit for all authorized shark species to 96 inches FL, implement mandatory reporting of landed hammerhead sharks, and provide identification guide for all of the prohibition shark species. Implementation of these management measures would significantly alter the way tournaments and charter vessels operate, or reduce opportunity and demand for recreational shark fishing, could create adverse economic impacts. However, these measures would help the stocks rebuild and possibly increase recreational fisheries opportunities in the future.

When taken as a whole, Alternative Suite A2 would likely have direct short and long-term minor adverse economic impacts. These impacts would mostly affect fishermen targeting scalloped hammerhead and blacknose sharks since the quotas would be reduced. These fishermen are likely to adapt to the new regulations by fishing in other fisheries, or change their fishing habitats. Recreational management measures would increase the size limit and cause fishermen to catch and release more sharks. Neutral economic

impacts are expected for fishermen targeting the aggregated LCS and non-blacknose SCS complexes since the new proposed quotas are based on the average landings for each species. Furthermore, quota linkages would affect the economic impacts based on the fishing rate of each linked shark quota. When we compare the economic impacts of Alternative Suite A2 to the other alternative suites, this alternative suite would cause fewer impacts overall to fishermen. For this reason and the ecological reasons previously discussed, we prefer this alternative suite at this time.

Alternative Suite A3 would establish new species complexes by regions, adjust LCS and SCS quotas, prohibit retention of commercial blacknose sharks in the Gulf of Mexico, and increase the hammerhead shark minimum recreational size to 96" FL. Specifically, for hammerhead sharks, we would remove hammerhead sharks from the non-sandbar LCS quota and establish a separate hammerhead shark quota for the three species of large hammerhead sharks (scalloped, smooth, and great hammerhead sharks), similar to the action proposed under Alternative Suite A2. In contrast to Alternative Suite A2, however, the hammerhead shark quota under Alternative Suite A3 would not be split between the Atlantic and Gulf of Mexico, leaving one hammerhead shark quota across both regions. Although this difference could create some administrative difficulties, it is unlikely to alter the economic impacts from Alternative Suite A2's minor adverse economic impacts. Alternative B2 would have split the quota between the two regions based on historical landings; therefore, under Alternative Suite A3, a similar breakdown of landings would likely occur.

Non-sandbar LCS complex management measures under Alternative Suite A3 are identical to those under Alternative Suite A2. See the LCS complex section of Alternative Suite A2 for more details on impacts.

Alternative Suite A3 would create a separate Gulf of Mexico blacktip shark total allowable catch and commercial quota, by increasing the total allowable catch calculated in Alternative Suite A2 by 30 percent, which is based on the current landings percentage of Gulf of Mexico blacktip sharks. This would result in a commercial quota of 380.7 mt dw (839,291 lb dw), which is a 48 percent increase from average Gulf of Mexico blacktip shark landings from 2008–2011 (256.7 mt dw; 565,921 lb dw). This is an increase of \$314,376 when compared to current landings.

From 2008 through 2011, approximately 41 vessels with directed shark permits had blacktip shark landings, while approximately 4 vessels with incidental shark permits had blacktip shark landings in the Gulf of Mexico. Spread amongst the directed and incidental shark permit holders that landed blacktip shark, the average shark permit holder could potentially land up to \$6,986 in additional annual revenue from Gulf of Mexico blacktip sharks.

The blacknose shark management measures under Alternative Suite A3 are identical to those under Alternative Suite A2 for the Atlantic region. Under Alternative Suite A3, we would prohibit blacknose sharks in the commercial and recreational shark fisheries in the Gulf of Mexico region and work with the Gulf of Mexico Fishery Management Council to reduce the mortality of blacknose sharks to attain the total allowable catch of 11,900 sharks. Currently, the average annual gross revenues for blacknose shark landings for the entire commercial fishery are \$3,273, but would be reduced to \$0 under this alternative. Under Alternative Suite A3, lost revenues would lead to moderate direct adverse economic impacts for the 8 directed shark and the 2 incidental shark permits that land blacknose sharks in the Gulf of Mexico.

Alternative Suite A3 would keep the non-blacknose SCS complex and quota as status quo with one regional quota of 221.6 mt dw (488,539 lb dw). There would be neutral economic impacts to shark permit holders.

Under Alternative Suite A3, no quota linkages would be implemented. All shark quotas would open and close independently of each other. Quota linkages can lead to closures of quotas that are not yet filled if quotas of other sharks caught concurrently are closed. If each quota opens and closes independently, each quota would have a higher likelihood of being filled, allowing for full realization of potential revenues. Thus, the lack of quota linkages under this alternative suite could lead to minor beneficial economic impacts. However, this could result in adverse ecological impacts for overfished shark species.

Alternative Suite A3 would increase the minimum recreational size for all hammerhead sharks (great, smooth, and scalloped) to 78 inches FL, provide identification guide for all of the prohibition shark species, and prohibit the retention of blacknose sharks in the recreational fishery. Therefore, this alternative would likely result in minor adverse economic impacts for charter/head boat operators and tournaments

that target hammerhead and blacknose sharks because of the reduced incentive to recreationally fish for these species. Increasing the recreational size limit for hammerhead sharks would ensure that only larger or "trophy" sized sharks would be landed.

When taken as a whole, Alternative Suite A3 would likely have moderate adverse economic impacts on small entities. These impacts would mostly affect fishermen catching hammerhead and blacknose sharks. The hammerhead shark quota would be based on the scalloped hammerhead shark total allowable catch and would reduce all hammerhead shark landings. The blacknose shark quota in the Atlantic would be reduced, while the Gulf of Mexico blacknose shark retention would be prohibited. Recreational management measures would affect fishermen who catch hammerhead sharks since the increased size limit would result in more hammerhead sharks having to be released and blacknose sharks as blacknose sharks would be prohibited under this alternative suite. In addition, no quota linkages would allow fishermen to fully harvest all of the quotas. While this alternative suite might have more beneficial direct economic impacts than Alternative Suite A2, the ecological impacts would be adverse and would not achieve the rebuilding plan targets for these stocks.

Alternative Suite A4 would establish new species complexes by regions, adjust LCS and SCS quotas, prohibit retention of commercial blacknose sharks in the Gulf of Mexico, link appropriate quotas, and establish a species-specific recreational shark quota. Specifically, for scalloped hammerhead sharks, Alternative Suite A4 would use the scalloped hammerhead shark total allowable catch established in the stock assessment to create separate Atlantic and Gulf of Mexico quotas applicable to only scalloped hammerheads sharks rather than all three large hammerhead sharks as proposed under Alternative Suite A2. The proposed quotas in both regions are higher than current landings. Therefore, we expect neutral economic impacts. Great and smooth hammerhead sharks could continue to be landed at current levels under the aggregated LCS quota.

For LCS, Alternative Suite A4 would establish new aggregated LCS quotas in the Atlantic and Gulf of Mexico using a similar methodology to that outlined in Alternative Suite A2, except for one difference. While Alternative Suite A2 would calculate each species' contribution to total non-sandbar LCS landings using average annual landings between 2008 and 2011, Alternative

Suite A4 would instead calculate each species' contribution to total non-sandbar LCS landings using the year with the highest annual landings for the complex between 2008 and 2011 for each species. The year with the highest non-sandbar LCS landings in the Atlantic was 2008 and the highest in the Gulf of Mexico was 2011. This deviation in method does not substantially change the quotas; therefore, economic impacts are unchanged from Alternative Suite A2.

Alternative Suite A4 would establish a separate Gulf of Mexico blacktip shark quota of 1,992.6 mt dw based upon projections produced by stock assessment scientists. The quota of 1,992.6 mt dw is more than five times the current Gulf of Mexico non-sandbar LCS quota. Ex-vessel revenue resulting from this quota could increase by up to \$4,427,322 across the entire Gulf of Mexico blacktip. Spread amongst the 45 directed and incidental shark permit holders that landed blacktip shark, the average shark permit holder could potentially land up to \$98,385 in additional annual revenue from Gulf of Mexico blacktip sharks. However, it is unlikely that this value would be realized. The Gulf of Mexico blacktip shark quota would be linked to the Gulf of Mexico aggregated LCS and scalloped hammerhead shark quotas. All three of these quotas would close when one reached, or was expected to reach, 80 percent of the respective quota. Either the aggregated or scalloped hammerhead quota would be likely to be filled before the large blacktip quota was filled. Regardless, the increase blacktip quota would allow for increased fishing opportunities and positive impacts to small entities.

Under Alternative Suite A4, the mortality of blacknose sharks in the Atlantic region will be reduced by at least 61 percent in the Atlantic region as recommended in the stock assessment. All of the economic impacts resulting from this portion of the alternative suite are the same as those analyzed in Alternative Suite A2.

For the Gulf of Mexico, we would establish a total allowable catch of 9,792 blacknose sharks. As described in Alternative Suite A3, we would prohibit blacknose sharks in any shark fishery in the Gulf of Mexico in order to meet this proposed total allowable catch given the blacknose mortality in non-HMS fisheries in the Gulf of Mexico. We would also work with the Gulf of Mexico Fishery Management Council to reduce bycatch mortality of blacknose sharks in the shrimp trawl and reef fish fisheries. The average annual gross revenues for blacknose shark landings

for the commercial fishery are \$3,273, but would be reduced to \$0 under this alternative. Under Alternative Suite A4, it is anticipated that there would be moderate adverse economic impacts. In the short-term lost revenues would be moderate for the 8 directed shark and the 2 incidental shark permits that land blacknose sharks in the Gulf of Mexico. Over the long-term the economic impact would be moderate, as the other management measures could be implemented to reduce the discards of blacknose sharks.

For non-sandbar SCS, under Alternative Suite A4, we would establish regional quotas for non-blacknose SCS by dividing the current quota in half. This alternative would cause significant adverse economic impacts for shark fishermen in the Atlantic region. Alternative Suite A4 would restrict fishing of non-blacknose in the Atlantic to 244,269.5 lb dw and potentially reduce current annual revenue by \$253,411. In the Gulf of Mexico, this alternative would cause beneficial economic impacts for non-blacknose SCS fishery as the quota would be larger than their average landings. This larger quota could potentially increase gross revenues by \$259,157. However, this alternative suite would cause adverse impacts on blacknose sharks since current fishing and bycatch levels of blacknose sharks could increase. Since Alternative Suite A4 would not reduce blacknose shark mortality in the Gulf of Mexico and decrease the Atlantic non-blacknose SCS fishing levels, we do not prefer this alternative at this time.

Quota linkages under Alternative Suite A4 are nearly identical to those under Alternative Suite A2, except that instead of linking the hammerhead quotas to the aggregated LCS quota in the Atlantic and Gulf of Mexico, the scalloped hammerhead quota would be linked instead. This deviation should not change the expected economic impacts. In addition, we would link the Atlantic blacknose and non-blacknose SCS quotas and Gulf of Mexico blacknose shark and non-blacknose SCS quotas, and allow inseason quota transfer between the non-blacknose SCS regions. The quota linkages proposed under Alternative Suite A4 would be expected to have moderate adverse economic impacts.

Under Alternative Suite A4, we would establish species-specific recreational shark quotas and prohibit the recreational retention of blacknose sharks. This alternative would cause short-term neutral economic impacts for recreational fishermen as it would restrict landings to current levels. In the

long-term, this alternative could have minor adverse socioeconomic impacts if the species-specific recreational shark quotas are exceeded and we implement additional management measures. This would have a greater effect on tournaments and charter vessels that target sharks.

Overall, Alternative Suite A4 would likely have direct short and long-term minor adverse economic impacts. These impacts would mostly affect fishermen catching blacknose sharks. The blacknose shark quota in the Atlantic would be reduced, while the Gulf of Mexico blacknose shark retention would be prohibited to meet the total allowable catch. Recreational management measures would affect fishermen who retain sharks since we would implement a species-specific quota for the recreational fishery. Neutral economic impacts are expected for recreational and commercial fishermen targeting scalloped hammerhead sharks, aggregated LCS and non-blacknose SCS. While this alternative suite might have minor adverse economic impacts, there is the potential for more adverse economic impacts if quotas are exceeded in the future. Although this alternative suite would allow for the highest Gulf of Mexico blacktip shark commercial quota, it is based on base model projections produced by stock assessment scientists after the formal stock assessment process. These stock assessment scientists felt that the projections had a high degree of uncertainty in the base model used to create the projections. Furthermore, these projections were developed outside of the standard stock assessment process and were not reviewed. In addition to the uncertainty in the model, the blacktip shark quota proposed under this alternative suite could lead to increased bycatch of other species due to increased fishing effort. For all these reasons, and because of the potential for additional adverse socioeconomic impacts if quotas are exceeded, we do not prefer this alternative suite at this time.

Alternative Suite A5 would close all commercial and recreational shark fisheries. Currently, scalloped hammerhead sharks provide fishery-wide revenue of \$75,633 (as discussed under Alternative Suite A1), which would be lost under this alternative suite. Consequently, the scalloped hammerhead portion of Alternative Suite A5 would be expected to only have moderate adverse direct economic impacts. Closure of the non-sandbar LCS fishery would have significant adverse direct economic impacts. Many fishermen rely on the non-sandbar LCS

fishery for a large portion of annual earnings. A closure of the fishery would significantly impact the livelihoods of these fishermen. Currently, the non-sandbar LCS fishery provides fishery-wide revenue of \$1,781,996 (as discussed under Alternative Suite A1), which would be lost under this alternative suite. Currently, Gulf of Mexico blacktip sharks provide fishery-wide revenue of \$624,496 (as discussed under Alternative Suite A1), which would be lost under this alternative suite and reduce the annual revenue of the approximately 45 direct and incidental shark permit holders that had blacktip shark landings by \$13,878 per permit holder. Consequently, the Gulf of Mexico blacktip shark portion of Alternative Suite A5 would be expected to have significant adverse economic impacts. Alternative Suite A5 would close the entire blacknose commercial shark fishery, prohibiting the landing of any blacknose sharks. This alternative would have significant, adverse, economic impacts on fishermen with directed and incidental shark permits that fish for blacknose: the 29 directed shark permit holders, and the 4 incidental shark permit holders that had blacknose shark landings during 2008 through 2011. The result would be a loss of average annual gross revenues of \$35,797 from blacknose shark landings. While this alternative could reduce blacknose mortality below the commercial allowance required to rebuild blacknose shark stocks, it would also drastically reduce non-blacknose SCS landings, and have the largest social and economic impacts of all the alternatives considered. This action would require fishermen to leave the closed shark fisheries altogether. Alternative Suite A5 would close the entire SCS commercial shark fishery, prohibiting the landing of any SCS, including finetooth, Atlantic sharpnose, and bonnethead. This alternative would have significant, adverse, socioeconomic impacts on fishermen with directed and incidental shark permits that fish for non-blacknose SCS, the 39 directed shark permit holders, and the 13 incidental shark permit holders that had non-blacknose SCS landings since Amendment 3. The result would be a loss of average annual gross revenues of \$544,954 from non-blacknose SCS landings. This action would require fishermen to leave the closed shark fisheries altogether. Alternative Suite A5 would close all federally managed Atlantic recreational and commercial shark fisheries, obviating the need for quota linkages. The quota linkages portion of

Alternative Suite A5 would likely result in no additional economic impacts on small entities. Alternative Suite A5 would have direct significant adverse socioeconomic impacts because it would prohibit the retention of all sharks for recreational anglers. This would have a significant effect on tournaments and charter vessels that target sharks. Alternative Suite A5 would likely have significant adverse economic impacts because recreational and commercial shark fishing in the Atlantic, Gulf of Mexico and Caribbean would be prohibited. Because other alternatives should meet the objectives of this Amendment with less significant adverse socioeconomic impacts, we do not prefer this alternative suite at this time.

As explained above, in addition to Alternatives Suites A1 through B5, we also considered a second category of alternatives (Alternatives B1 through B7) that involve pelagic longline and bottom longline effort modifications, including time/area closures, bycatch caps, modification to the existing bottom longline shark research fishery, and gear restrictions. Alternative B1 is the no action alternative in this group and would maintain existing time/area closures and would not implement any new time/area closures. Under this alternative, maintaining the existing closures and not implementing additional time area closures would have neutral, direct economic impacts in the short term. Vessels would continue to operate subject to existing regulations, including time/area closures, therefore no new economic impacts would be associated with maintaining the status quo. However, in the long-term, if additional measures to prevent overfishing of dusky sharks and allow populations to rebuild were implemented, including time/area closures, minor to moderate adverse economic impacts could be experienced by participants in the PLL and BLL fisheries.

Alternative B2 would modify the existing Charleston Bump Pelagic Longline time/area closure by extending the timing of the closure through May 31 every year. Closing the entire Charleston Bump during the month of May would result in direct, moderate adverse economic impacts in the short and long-term. On average from 2008 to 2010, 27 vessels fished in the proposed closure and would be affected. The annual average reduction in revenues per affected vessel as a result of the closure would be \$14,292, after adjusting for redistribution of effort into open areas of the South Atlantic Bight Statistical reporting area.

Alternative B3 would create additional time/area closures based on dusky shark interaction hotspot areas. This is the preferred alternative and under this alternative, we consider several different sub-alternatives, all of which are preferred. Alternative B3a would prohibit the use of pelagic longline gear in HMS fisheries in a portion of the Charleston Bump during the month of May. This sub-alternative would result in direct, minor adverse economic impacts in the short and long-term, although this would be offset by a potential increase in dolphin revenues. On average from 2008 to 2010, 17 vessels fished in the proposed closure and would be affected. The annual average reduction in revenues per affected vessel as a result of the closure would be \$1,074, after adjusting for redistribution of effort into open areas of the Charleston Bump closed area.

Alternative B3b would prohibit the use of pelagic longline gear in HMS fisheries in the vicinity of the Cape Hatteras Special Research/Hatteras Shelf Area during the month of May. This sub-alternative would result in direct, minor adverse economic impacts in the short and long-term. On average from 2008 to 2010, 10 vessels fished in the proposed closure during that month and would be affected. The annual average reduction in revenues per affected vessel as a result of the closure would be \$2,982, after adjusting for redistribution of effort into open areas of the Mid Atlantic Bight Statistical reporting area.

Alternative B3c would prohibit the use of pelagic longline gear in HMS fisheries in the vicinity of the Cape Hatteras Special Research/Hatteras Shelf Area during the month of June. This sub-alternative would result in direct, minor adverse economic impacts in the short and long-term. On average from 2008 to 2010, 11 vessels fished in the proposed closure and would be affected. The annual average reduction in revenues per affected vessel as a result of the closure would be \$2,559, after adjusting for redistribution of effort into open areas of the Mid Atlantic Bight Statistical reporting area.

Alternative B3d would prohibit the use of pelagic longline gear in HMS fisheries in the vicinity of the Cape Hatteras Special Research/Hatteras Shelf Area during the month of November. This sub-alternative would result in direct, minor adverse economic impacts in the short and long-term. On average from 2008 to 2010, 9 vessels fished in the proposed closure and would be affected. The annual average reduction in revenues per affected vessel as a

result of the closure would be \$4,177, after adjusting for redistribution of effort into open areas of the Mid Atlantic Bight Statistical reporting area.

Alternative B3e would prohibit the use of pelagic longline gear in HMS fisheries in three distinct closures in the vicinity of the Mid Atlantic Bight Canyons during the month of October. This sub-alternative would result in neutral direct ecological impacts in the short and long-term. On average from 2008 to 2010, 24 vessels fished in the proposed closure and would be affected. The annual average increase in revenues per affected vessel as a result of the closure would be +\$5,707, after adjusting for redistribution of effort into open areas of the Mid Atlantic Bight Statistical reporting area.

Alternative B3f would prohibit the use of pelagic longline gear in HMS fisheries in an area in the vicinity of the existing Northeastern closed area during the month of July. This sub-alternative would result in direct, moderate adverse economic impacts in the short term becoming minor in the long-term as fishing vessels adjust to fishing in different areas during the proposed closure. On average from 2008 to 2010, 15 vessels fished in the proposed closure and would be affected. The annual average reduction in revenues per vessel as a result of the closure would be -\$12,518 after adjusting for redistribution of effort into open areas of the Northeast Coastal Statistical reporting area.

Alternative B3g would prohibit the use of pelagic longline gear in HMS fisheries in an area in the vicinity of the existing Northeastern closed area during the month of August. This sub-alternative would result in direct, moderate adverse economic impacts in the short term becoming minor in the long-term as fishing vessels adjust to fishing in different areas during the proposed closure. On average from 2008 to 2010, 15 vessels fished in the proposed closure and would be affected. The annual average reduction in revenues per affected vessel as a result of the closure would be -\$7,557, after adjusting for redistribution of effort into open areas of the Northeast Coastal Statistical reporting area.

Alternative B3h would prohibit the use of pelagic longline gear in HMS fisheries in a portion of the Charleston Bump during the month of November. This sub-alternative would result in direct, moderate adverse economic impacts in the short-term becoming minor in the long-term as fishing vessels adjust to fishing in different areas during the proposed closure. On average from 2008 to 2010, 12 vessels fished in

the proposed closure and would be affected. The annual average reduction in revenues per vessel as a result of the closure would be \$8,954, after adjusting for redistribution of effort into open areas of the Charleston Bump area.

Under Alternative B4, we would implement dusky shark bycatch caps in the pelagic longline fishery. Implementing bycatch caps in conjunction with the proposed time/area closures described in Alternative B3 would result in direct, minor economic impacts in the short and long-term consistent with the economic impacts described for each of the hotspot closed areas included in Alternative B3. The economic impacts of Alternative B4 would be less adverse in the short-term than implementing the preferred time/area closures because bycatch caps would allow a limited amount of fishing to continue within the time/area closures until a bycatch cap was reached. The exact economic impacts of implementing bycatch caps would depend on the number of vessels authorized to fish in the hotspot areas (vessels selected for observer coverage and carrying an observer on an annual basis and the number of trips that occur within each hotspot areas before the bycatch cap is met. After the cap is met, economic impacts would be more pronounced because of the fact that the hotspot area would close for the remainder of the three year period.

Between 2008 and 2010, a total of 72 unique vessels fished in the proposed hotspot closed areas. The number of vessels that would be authorized to fish in these areas would decrease as a result of selecting this alternative, however, a limited number of vessels would still be authorized to fish in the hotspot areas with an observer therefore the economic impacts of this alternative would be more adverse than the status quo (Alternative B1) and less adverse than the preferred alternative (Alternative B3).

Under Alternative B5, we would modify the timing of the existing mid-Atlantic shark closed area to December 15 to July 15. This is a preferred alternative. Under Alternative B2, we would modify the timing of the existing mid-Atlantic shark closed area to coincide with the season opening dates in the Atlantic States Marine Fisheries Commission Shark Plan. This is anticipated to have direct, minor, socioeconomic impacts in the short- and long-term because fishermen in North Carolina would have access to adjacent Federal waters at the same that state waters open, consistent with the Atlantic States Marine Fisheries Commission Shark Plan. In the short-

term, revenue gain would be minor for the 17 directed shark permit and 12 incidental shark permit holders along with state-water fishermen that might normally fish in the mid-Atlantic closed area. These North Carolina fishermen would be able to fish sooner than in previous years, but the adjustment to the starting date of the closure would have very minor impacts. In the past four years, the non-sandbar LCS fishery, which primarily uses bottom longline gear, has only been open beyond December 15th once. This occurred in 2008 when the fishery opened in late July under the current fishing regulations. Since then, the non-sandbar LCS fishery has closed before December 15th. Over the long-term, the economic impact would be minor, as the fishermen are likely to adapt to the new regulations. Because the economic impacts of this alternative would have direct, minor economic benefits and neutral ecological impacts, we prefer this alternative suite at this time.

Under Alternative B6, we would modify the existing bottom longline shark research fishery to ensure that dusky shark interactions are reduced. This alternative is also preferred. Under Alternative B6, we would implement measures in the shark research fishery to reduce the interactions with dusky sharks. This alternative would result in direct, minor adverse socioeconomic impacts in the short and long term for fishermen participating in the shark research fishery because of additional restrictions placed on vessels participating in the shark research fishery, including, but not limited to: Limitations on soak time, limits on the number of hooks deployed per set, prohibiting participants from deploying bottom longline gear at times and in areas where elevated levels of dusky shark interactions have been observed, and/or stopping the shark research fishery for the year if a certain number of dusky shark interactions is reached. Fishermen participating in the research fishery are targeting sandbar sharks; however, dusky sharks are often caught as bycatch when targeting sandbar sharks. These measures could change the way that the shark research fishery operates, which could result in direct, long-term, minor adverse socioeconomic impacts. However, it is anticipated that vessels will continue to want to participate in the shark research fishery because these vessels have the exclusive privilege of being able to target and harvest sandbar sharks which are desired because of their high fin value. It is likely that these measures would help sandbar sharks rebuild more

quickly and increase commercial fisheries opportunities in the future. Indirect impacts, in the short and long term would be minor and adverse due to reduced revenues for fish dealers and other support industries that may occur if fishing effort is curtailed in the shark research fishery.

Alternative B7 would prohibit the use of pelagic longline and bottom longline gear in Atlantic HMS fisheries. Closing the pelagic and bottom longline fisheries would result in direct, significant adverse economic impacts in the short and long-term for longline vessel owners, operators, and crew. In 2010, there were 242 tuna longline permits (pelagic longline) and 217 shark directed permit holders (bottom longline) that would be affected. We estimate that between 2008 and 2011, approximately 169 vessels with directed shark permits landed sharks and 116 pelagic longline vessels made a set in 2011. In 2010, the pelagic and bottom longline fisheries had revenues of \$27,026,120, which equates to approximately 70 percent of the total revenues for all commercial HMS fisheries. Assuming these revenues are distributed evenly among the 285 active vessels, the estimated annual reduction in revenues per vessel would be approximately \$94,828. Given that other alternatives meet the objectives of this rule at significantly lower economic impacts to small entities, this alternative is not preferred.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: November 14, 2012.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

2. In § 635.2:

a. Remove the definitions of “Non-ridgeback large coastal shark,” “Non-sandbar LCS,” and “Ridgeback large coastal shark”; and

b. Add the definitions of “Atlantic Aggregated LCS,” “Canyons Hotspot

closed area,” “Charleston Bump May Hotspot closed area,” “Charleston Bump November Hotspot closed area,” “FL (fork length),” “Gulf of Mexico Aggregated LCS,” “Hammerhead Shark(s),” “Hatteras Shelf Hotspot closed area,” “Research LCS,” and “Southern Georges Bank Hotspot closed” in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Atlantic Aggregated LCS means one of the following species, or parts thereof, as listed in Table 1 of Appendix A of this part: Atlantic blacktip, bull, lemon, nurse, silky, spinner, and tiger.

* * * * *

Canyons Hotspot closed area means a closed area comprised of three separate rectangular areas of the Atlantic Ocean. Each of these areas is bounded by straight lines connecting the following coordinates in the order stated:

(1) South area: 37° 30' N. Lat., 74° 50' W. Long.; 37° 30' N. Lat., 74° 20' W. Long.; 36° 30' N. Lat., 74° 20' W. Long.; 36° 30' N. Lat., 74° 50' W. Long.; 37° 30' N. Lat., 74° 50' W. Long.

(2) Middle area: 39° 10' N. Lat., 73° 20' W. Long.; 39° 10' N. Lat., 72° 40' W. Long.; 38° 40' N. Lat., 72° 40' W. Long.; 38° 40' N. Lat., 74° 50' W. Long.; 39° 10' N. Lat., 73° 20' W. Long.

(3) North area: 40° 00' N. Lat., 72° 00' W. Long.; 40° 00' N. Lat., 70° 30' W. Long.; 39° 30' N. Lat., 70° 30' W. Long.; 39° 30' N. Lat., 72° 00' W. Long.; 40° 00' N. Lat., 72° 00' W. Long.

* * * * *

Charleston Bump May Hotspot closed area means a closed area comprised of the rectangular area of the Atlantic Ocean bounded by straight lines connecting the following coordinates in the order stated: 31°30' N. Lat., 80°00' W. Long.; 31°30' N. Lat., 78°20' W. Long.; 31°00' N. Lat., 78°20' W. Long.; 31°00' N. Lat., 80°00' W. Long.; 31°30' N. Lat., 80°00' W. Long.

Charleston Bump November Hotspot closed area means a closed area comprised of the polygon area of the Atlantic Ocean bounded by straight lines connecting the following coordinates in the order stated: 31°10' N. Lat., 79°20' W. Long.; 31°10' N. Lat., 79°10' W. Long.; 31°20' N. Lat., 79°10' W. Long.; 31°20' N. Lat., 78°50' W. Long.; 31°00' N. Lat., 78°50' W. Long.; 31°00' N. Lat., 79°20' W. Long.; 31°10' N. Lat., 79°20' W. Long.

* * * * *

FL (fork length) means the straight line measurement along the length of

the fish from the tip of the upper jaw to the fork of the tail.

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Gulf of Mexico Aggregated LCS means one of the following species, or parts thereof, as listed in Table 1 of appendix A of this part: bull, lemon, nurse, silky, spinner, and tiger.

* * * * *

Hammerhead Shark(s) means great, scalloped, and smooth hammerhead shark species, or parts thereof, as listed in Table 1 in Appendix A of this part.

* * * * *

Hatteras Shelf Hotspot closed area means a closed area comprised of the rectangular area of the Atlantic Ocean bounded by straight lines connecting the following coordinates in the area stated: 36°10' N. Lat., 75°00' W. Long.; 36°10' N. Lat., 74°40' W. Long.; 35°10' N. Lat., 74°40' W. Long.; 35°10' N. Lat., 75°00' W. Long.; 36°10' N. Lat., 75°00' W. Long.

* * * * *

Research LCS means one of the species, or part thereof, listed under heading A of Table 1 in Appendix A of this part, other than the sandbar shark.

* * * * *

Southern Georges Bank Hotspot closed area means a closed area comprised of the parallelogram shaped area of the Atlantic Ocean bounded by straight lines connecting the following coordinates in the area stated: 40°50' N. Lat., 68°50' W. Long.; 40°50' N. Lat., 66°30' W. Long.; 39°40' N. Lat., 67°40' W. Long.; 39°40' N. Lat., 70°00' W. Long.; 40°50' N. Lat., 68°50' W. Long.

* * * * *

3. In § 635.5, introductory paragraph (c) and paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 635.5 Recordkeeping and reporting.

* * * * *

(c) *Anglers.* All bluefin tuna, billfish, North Atlantic swordfish, and hammerhead shark non-tournament landings must be reported as specified under paragraphs (c)(1) or (c)(2) of this section, unless an alternative recreational catch reporting system has been established as specified under paragraph (c)(3) of this section. Tournament landings must be reported as specified under paragraph (d) of this section.

(1) *Bluefin tuna.* The owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all BFT landings under the Angling category quota designated at § 635.27(a) through the NMFS automated landings reporting system within 24 hours of the landing.

Such reports may be made by calling 1–888–872–8862 or by submitting the required information over the Internet at: www.hmspermits.gov.

(2) The owner, or the owner’s designee, of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, and Atlantic sailfish, and all non-tournament and non-commercial landings of North Atlantic swordfish and hammerhead sharks to NMFS by telephone to a number designated by NMFS, or electronically via the internet to an internet Web site designated by NMFS, or by other means as specified by NMFS, within 24 hours of that landing. For telephone landing reports, the owner, or the owner’s designee, must provide a contact phone number so that a NMFS designee can call the vessel owner, or the owner’s designee, for follow up questions and to confirm the reported landing. Regardless of how submitted, landing reports submitted to NMFS are not complete unless the vessel owner, or the owner’s designee, has received a confirmation number from NMFS or a NMFS designee.

* * * * *

4. In § 635.20, paragraphs (a) and (e)(2) are revised to read as follows:

§ 635.20 Size limits.

(a) *General.* The CFL will be the sole criterion for determining the size and/or size class of whole (head on) Atlantic tunas.

* * * * *

(e) * * *

(2) All sharks landed under the recreational retention limits specified at § 635.22(c)(2) must be at least 96 inches (243.8 cm) FL.

* * * * *

5. In § 635.21:

a. Remove the introductory paragraph; and

b. Revise introductory paragraph (c), paragraph (c)(1)(i), introductory paragraph (c)(2), paragraphs (c)(2)(i) and (ii), introductory paragraph (c)(5)(iii)(c), introductory paragraph (d), and paragraphs (d)(1)(i) and (d)(4) to read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(c) *Pelagic longlines.* For purposes of this part, a vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and leaders (gangions)

with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear. If a vessel issued a permit under this part is in a closed area designated under paragraph (c)(2) of this section with pelagic longline gear on board, it is a rebuttable presumption that fish on board such vessel were taken with pelagic longline gear in the closed area except where such possession is aboard a vessel transiting a closed area with fishing gear stowed appropriately. “In transit” or “transiting” means non-stop progression through an area. Longline gear is stowed appropriately as long as all gangions and hooks are disconnected from the mainline and are stowed on or below deck, hooks are not baited, and all buoys are disconnected from the mainline and drum (buoys may remain on deck).

(1) * * *

(i) Is in a closed area designated under paragraph (c)(2) of this section with bottom longline gear onboard, and is not transiting such closed area and does not have with fishing gear stowed appropriately as defined above, the vessel may not, at any time, possess or land any pelagic species listed in table 2 of appendix A to this part in excess of 5 percent, by weight, of the total weight of pelagic and demersal species possessed or landed, that are listed in tables 2 and 3 of appendix A to this part.

* * * * *

(2) If pelagic longline gear is on board a vessel issued a permit under this part, persons aboard that vessel may not fish or deploy any type of fishing gear:

(i) In the following month-long closures every year: the Charleston Bump May Hotspot closed area in May; Northeastern United States closed area in June; the Canyons Hotspot closed area in October; the Hatteras Shelf Hotspot closed area in November; and the Charleston Bump November Hotspot closed area in November;

(ii) In the following multi-month closures each year: Charleston Bump Hotspot closed area from February through April; the Hatteras Shelf Hotspot closed area in May and June; and the Southern Georges Bank Hotspot closed area in July and August;

* * * * *

(5) * * *

(iii) * * *

(C) *Hook size, type, and bait.* Vessels fishing outside of the Northeast Distant gear restricted area, as defined at § 635.2, that have pelagic longline gear on board, and that have, or are required to have, a limited access swordfish, shark, or tuna longline category permit

for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico, are limited, at all times, to possessing on board and/or using only whole finfish and/or squid bait, and the following types and sizes of fishing hooks:

* * * * *

(d) *Bottom longlines.* For the purposes of this part, a vessel is considered to have bottom longline gear on board when a power-operated longline hauler, a mainline, weights and/or anchors capable of maintaining contact between the mainline and the ocean bottom, and leaders (gangions) with hooks are on board. Removal of any one of these elements constitutes removal of bottom longline gear. Bottom longline vessels may have a limited number of floats and/or high flyers onboard for the purposes of marking the location of the gear but removal of these floats does not constitute removal of bottom longline gear. If a vessel issued a permit under this part is in a closed area designated under paragraph (d)(1) of this section with bottom longline gear on board, it is a rebuttable presumption that any fish on board such a vessel were taken with bottom longline in the closed area except where such possession is aboard a vessel transiting a closed area fishing gear stowed appropriately. "In transit" or "transiting" means non-stop progression through an area. Longline gear is stowed appropriately as long as all gangions and hooks are disconnected from the mainline and are stowed on or below deck, hooks are not baited, and all buoys are disconnected from the mainline and drum (buoys may remain on deck).

(1) * * *

(i) The mid-Atlantic shark closed area from December 15 through July 15 every year;

* * * * *

(4) If a vessel issued or required to be issued a permit under this part is in a closed area designated under paragraph (d)(1) of this section with pelagic longline gear onboard, and is not transiting such closed area and does not have with gear stowed appropriately as defined above, the vessel may not, at any time, possess or land any demersal species listed in Table 3 of Appendix A to this part in excess of 5 percent, by weight, of the total weight of pelagic and demersal species possessed or landed, that are listed in Tables 2 and 3 of Appendix A to this part.

* * * * *

6. In § 635.22, paragraph (c)(2) is revised to read as follows:

§ 635.22 Recreational retention limits.

* * * * *

(c) * * *

(2) Only one shark from the following list may be retained per vessel per trip, subject to the size limits described in § 635.20(e)(2): Atlantic blacktip, Gulf of Mexico blacktip, bull, great hammerhead, scalloped hammerhead, smooth hammerhead, lemon, nurse, spinner, tiger, blue, common thresher, oceanic whitetip, porbeagle, shortfin mako, Atlantic sharpnose, finetooth, Atlantic blacknose, Gulf of Mexico blacknose, and bonnethead.

* * * * *

7. In § 635.24:

a. Remove and reserve paragraph (a)(7); and

b. Revise paragraphs (a)(2), (a)(3), and (a)(4)(ii) to read as follows:

§ 635.24 Commercial retention limits for sharks and swordfish.

* * * * *

(a) * * *

(2) A person who owns or operates a vessel that has been issued a directed LAP for sharks and does not have a valid shark research permit, or a person who owns or operates a vessel that has been issued a directed LAP for sharks and that has been issued a shark research permit but does not have a NMFS-approved observer on board, may retain, possess, or land no more than 36 LCS other than sandbar sharks per vessel per trip if the respective LCS fishery(ies) is open per § 635.27 and § 635.28. Such persons may not retain, possess, or land sandbar sharks.

(3) A person who owns or operates a vessel that has been issued an incidental LAP for sharks and does not have a valid shark research permit, or a person who owns or operates a vessel that has been issued an incidental LAP for sharks and that has been issued a valid shark research permit but does not have a NMFS-approved observer on board, may retain, possess, or land no more than 3 LCS other than sandbar sharks per vessel per trip if the respective LCS fishery(ies) is open per § 635.27 and § 635.28. Such persons may not retain, possess, or land sandbar sharks.

(4) * * *

(ii) A person who owns or operates a vessel that has been issued a directed shark LAP may retain, possess, or land blacknose and non-blacknose SCS if the respective blacknose and non-blacknose SCS fisheries are open per §§ 635.27 and 635.28.

* * * * *

8. In § 635.27, paragraph (b) is revised to read as follows:

§ 635.27 Quotas.

* * * * *

(b) *Sharks*—(1) *Commercial quotas.*

The commercial quotas for sharks specified in this section apply to all sharks harvested from the management unit, regardless of where harvested. The base quotas listed below may be adjusted per paragraph (b)(2) of this section. Sharks taken and landed commercially from state waters, even by fishermen without Federal shark permits, must be counted against the commercial quota. Any sharks landed commercially as unclassified will be counted against the appropriate quota based on the species composition calculated from data collected by observers on non-research trips and/or dealer data. No prohibited sharks, including parts or pieces of prohibited sharks, which are listed under heading D of Table 1 of Appendix A to this part, may be retained except as authorized under § 635.32. For the purposes of this section, the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of quota monitoring and setting of quotas, to be within the Gulf of Mexico region. Any water and land to the north and east of that boundary, for the purposes of quota monitoring and setting of quotas, is considered to be within the Atlantic region.

(i) *Sandbar sharks.* The base annual commercial quota for sandbar sharks is 116.6 mt dw. This quota, as adjusted per paragraph (b)(2) of this section, is available only to the owners of commercial shark vessels that have been issued a valid shark research permit and that have a NMFS-approved observer onboard.

(ii) *Atlantic aggregated LCS.* The base annual commercial quota for Atlantic aggregated LCS is 168.2 mt dw. The commercial quota for the Atlantic aggregated LCS, as adjusted per paragraph (b)(2) of this section, applies only to those species of sharks that were caught in the Atlantic region, as defined in paragraph (b)(1) of this section.

(iii) *Gulf of Mexico aggregated LCS.* The base annual commercial quota for Gulf of Mexico aggregated LCS is 157.3 mt dw. The commercial quota for the Gulf of Mexico aggregated LCS, as adjusted per paragraph (b)(2), applies only to those species of sharks that were caught in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section.

(iv) *Research LCS.* The base annual commercial quota for Research LCS is

50 mt dw. This quota, as adjusted per paragraph (b)(2) of this section, is available only to the owners of commercial shark vessels that have been issued a valid shark research permit and that have a NMFS-approved observer onboard.

(v) *Hammerhead sharks.* The base annual commercial quota for all hammerhead sharks is 52.2 mt dw. This quota is split between the regions defined in paragraph (b)(1) of this section as follows: Atlantic region receives 54.2% of the base quota, except as adjusted per paragraph (b)(2) of this section; Gulf of Mexico region receives 45.8% of the base quota, except as adjusted per paragraph (b)(2) of this section. The commercial quota for Atlantic hammerhead sharks applies only to those species of sharks that were caught in the Atlantic region, as defined in paragraph (b)(1) of this section. The commercial quota for Gulf of Mexico hammerhead sharks applies only to those species of sharks that were caught in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section.

(vi) *Gulf of Mexico blacktip sharks.* The base annual commercial quota for Gulf of Mexico blacktip sharks is 256.7 mt dw. The commercial quota for Gulf of Mexico blacktip sharks, as adjusted per paragraph (b)(2) of this section, applies only to those species of sharks that were caught in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section.

(vii) *Non-blacknose small coastal sharks.* The base annual commercial quota for non-blacknose small coastal sharks across all regions is 221.6 mt dw. This quota is split between the regions defined in paragraph (b)(1) of this section as follows: The Atlantic region receives 89.3% of the base quota, except as adjusted per paragraph (b)(2) of this section; the Gulf of Mexico region receives 10.7% of the base quota, except as adjusted per paragraph (b)(2) of this section. The commercial quota for Atlantic non-blacknose SCS applies only to those species of sharks that were caught in the Atlantic region, as defined in paragraph (b)(1) of this section. The commercial quota for Gulf of Mexico non-blacknose SCS applies only to those species of sharks that were caught in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section.

(viii) *Atlantic blacknose sharks.* The base annual commercial quota for Atlantic blacknose sharks is 18 mt dw. The commercial quota for Atlantic blacknose sharks, as adjusted per paragraph (b)(2) of this section, applies only to those species of sharks that were caught in the Atlantic region, as defined in paragraph (b)(1) of this section.

(ix) *Gulf of Mexico blacknose sharks.* The base annual commercial quota for Gulf of Mexico blacknose sharks is 2 mt dw. The commercial quota for Gulf of Mexico blacknose sharks, as adjusted per paragraph (b)(2) of this section, applies only to those species of sharks that were caught in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section.

(x) *Pelagic sharks.* The base annual commercial quotas for pelagic sharks are 273 mt dw for blue sharks, 1.7 mt dw for porbeagle sharks, and 488 mt dw for pelagic sharks other than blue sharks or porbeagle sharks.

(2) *Annual and inseason adjustments of commercial quotas.* NMFS will publish in the **Federal Register** any annual or inseason adjustments to the base annual commercial quotas. The base annual quota will not be available, and the fishery will not open, until any adjustments are published and effective in the **Federal Register**. Within a fishing year or at the start of a fishing year, NMFS may transfer quotas between regions of the same species or management group, as appropriate, based on the criteria in paragraph (b)(1)(i)(C) of this section.

(i) *Annual overharvest adjustments.* Except as noted in this paragraph, if any of the available commercial base or adjusted quotas as described in this section is exceeded in any fishing year, NMFS will deduct an amount equivalent to the overharvest(s) from the base quota the following fishing year or, depending on the level of overharvest(s), NMFS may deduct from the base quota an amount equivalent to the overharvest(s) spread over a number of subsequent fishing years to a maximum of five years. If the blue shark quota is exceeded, NMFS will reduce the annual commercial quota for pelagic sharks by the amount that the blue shark quota is exceeded prior to the start of the next fishing year or, depending on the level of overharvest(s), deduct an amount equivalent to the overharvest(s) spread over a number of subsequent fishing years to a maximum of five years.

(ii) *Annual underharvest adjustments.* Except as noted in this paragraph, if any of the annual base or adjusted quotas as described in this section is not harvested, NMFS may adjust the annual base quota depending on the status of the stock or quota group. If a species or a specific species within a management group is declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may not adjust the following fishing year's base quota for any underharvest, and the following fishing year's quota will be

equal to the base annual quota. If the species or all species in a management group is not declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may increase the following year's base annual quota by an equivalent amount of the underharvest up to 50 percent above the base annual quota. Except as noted below, underharvests are not transferable between regions, species, and/or management groups.

(iii) *Determination criteria for inseason and annual quota transfers between regions.* Inseason and/or annual quota transfers of regional quotas between regions may be conducted only for species or management groups where the species are the same between regions and the quota is split between regions for management purposes and not as a result of a stock assessment. Before making any inseason or annual quota transfer between regions, NMFS will consider the following criteria and other relevant factors:

(A) The usefulness of information obtained from catches in the particular management group for biological sampling and monitoring of the status of the respective shark species and/or management group.

(B) The catches of the particular species and/or management group quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made.

(C) The projected ability of the vessels fishing under the particular species and/or management group quota to harvest the additional amount of corresponding quota before the end of the fishing year.

(D) Effects of the adjustment on the status of all shark species.

(E) Effects of the adjustment on accomplishing the objectives of the fishery management plan.

(F) Variations in seasonal distribution, abundance, or migration patterns of the appropriate shark species and/or management group.

(G) Effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the quota.

(H) Review of dealer reports, daily landing trends, and the availability of the respective shark species and/or management group on the fishing grounds.

(3) *Opening commercial fishing season criteria.* NMFS will file with the Office of the Federal Register for publication notification of the opening dates of the shark fishery for each species and management group. Before making any decisions, NMFS would consider the following criteria and other

relevant factors in establishing the opening dates:

(i) The available annual quotas for the current fishing season for the different species/complexes based on any over- and/or underharvests experienced during the previous commercial shark fishing seasons;

(ii) Estimated season length based on available quota(s) and average weekly catch rates of different species and/or management group from the previous years;

(iii) Length of the season for the different species and/or management group in the previous years and whether fishermen were able to participate in the fishery in those years;

(iv) Variations in seasonal distribution, abundance, or migratory patterns of the different species/complexes based on scientific and fishery information;

(v) Effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas;

(vi) Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; and/or,

(vii) Effects of a delayed opening with regard to fishing opportunities in other fisheries.

(4) *Public display and non-specific research quotas.* All sharks collected under the authority of a display permit or EFP, subject to restrictions at § 635.32, will be counted against the following:

(i) The base annual quota for persons who collect LCS other than sandbar, SCS, pelagic sharks, blue sharks, porbeagle sharks, or prohibited species under a display permit or EFP is 57.2 mt ww (41.2 mt dw).

(ii) The base annual quota for persons who collect sandbar sharks under a display permit is 1.4 mt ww (1 mt dw) and under an EFP is 1.4 mt ww (1 mt dw).

(iii) No persons may collect dusky sharks under a display permit. Collection of dusky sharks for research under EFPs and/or SRPs may be considered on a case by case basis and any associated mortality would be deducted from the shark research and display quota.

* * * * *

9. In § 635.28, the section heading and paragraph (b) are revised to read as follows:

§ 635.28 Fishery closures.

* * * * *

(b) *Sharks*—(1) Non-linked quotas: If the quota of a species or management group is not linked to another species or management group, then if quota is available as specified by a publication in the **Federal Register**, the commercial fishery for the shark species management group specified in § 635.27(b) will remain open. When NMFS calculates that the landings for the shark species management group, as specified in § 635.27(b)(1), has reached or is projected to reach 80 percent of the available quota as specified in § 635.27(b)(1), NMFS will file for publication with the Office of the Federal Register a notice of closure for that shark species, shark management group, and/or region that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

(2) *Linked Quotas:* As specified in paragraph (b)(3) of this section, the quotas of some shark species and/or management groups are linked to the quotas of other shark species and/or management groups. For these linked species and/or management groups, if the quota specified in § 635.27(b)(1) is available for all the linked species and/or management groups as specified by a publication in the **Federal Register**, the commercial fishery for all linked species and/or management groups will remain open. When NMFS calculates that the landings for any species and/or management group of a linked group has reached or is projected to reach 80 percent of the available quota as specified in § 635.27(b)(1), NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fishery for all species and/or management groups in a linked group is closed, even across fishing years.

(3) The quotas of the following species and/or management groups are linked:

(i) Atlantic hammerhead sharks and Atlantic aggregated LCS.

(ii) Gulf of Mexico hammerhead sharks, Gulf of Mexico aggregated LCS, and Gulf of Mexico blacktip sharks.

(iii) Atlantic blacknose and Atlantic non-blacknose SCS.

(iv) Gulf of Mexico blacknose and Gulf of Mexico non-blacknose SCS.

(4) When the fishery for a shark species and/or management group is closed, a fishing vessel, issued a Federal Atlantic commercial shark permit pursuant to § 635.4, may not possess or sell a shark of that species and/or management group, except under the conditions specified in § 635.22(a) and (c) or if the vessel possesses a valid shark research permit under § 635.32, a NMFS-approved observer is onboard, and the sandbar and/or Research LCS fishery is open. A shark dealer, issued a permit pursuant to § 635.4, may not purchase or receive a shark of that species and/or management group from a vessel issued a Federal Atlantic commercial shark permit, except that a permitted shark dealer or processor may possess sharks that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under a closure for a shark species group, a shark dealer, issued a permit pursuant to § 635.4 may, in accordance with State regulations, purchase or receive a shark of that species or management group if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in State waters and that has not been issued a Federal Atlantic commercial shark permit, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4. Additionally, under a closure for a shark species and/or management group, a shark dealer, issued a permit pursuant to § 635.4, may purchase or receive a shark of that species group if the sandbar and/or Research LCS fishery is open and the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel issued a valid shark research permit (per § 635.32) that had a NMFS-approved observer on board during the trip sharks were collected.

* * * * *

10. In § 635.31, paragraphs (c)(1) and (c)(4) are revised to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(c) * * *

(1) Persons who own or operate a vessel that possesses a shark from the management unit may sell such shark only if the vessel has a valid commercial shark permit issued under this part. Persons may possess and sell a shark only when the fishery for that species, management group, and/or region has

not been closed, as specified in § 635.28(b).

* * * * *

(4) Only dealers who have a valid shark dealer permit may purchase shark from the owner or operator of a fishing vessel. Dealers may purchase a shark only from an owner or operator of a vessel who has a valid commercial shark permit issued under this part, except that dealers may purchase a shark from an owner or operator of a vessel who does not have a commercial permit for shark if that vessel fishes exclusively in state waters. Dealers may purchase a sandbar shark only from an owner or operator of a vessel who has a valid shark research permit and who had a NMFS-approved observer onboard the vessel for the trip in which the sandbar shark was collected. Dealers may purchase a shark from an owner or operator of fishing vessel who has a permit issued under this part only when the fishery for that species, management group, and/or region has not been closed, as specified in § 635.28(b).

* * * * *

11. In § 635.71, paragraphs (d)(3) and (d)(4) are revised to read as follows:

§ 635.71 Prohibitions.

* * * * *

(d) * * *

(3) Retain, possess, or land a shark of a species group when the fishery for that species, management group, and/or region is closed, as specified in § 635.28(b).

(4) Sell or purchase a shark of a species group when the fishery for that species, management group, and/or region is closed, as specified in § 635.28(b).

* * * * *

12. In Appendix A to part 635, Sections A, B, and D of Table 1 are revised to read as follows:

Appendix A to Part 635—Species Tables

Table 1 of Appendix A to Part 635—Oceanic Sharks

- A. Large Coastal Sharks*
- Atlantic and Gulf of Mexico blacktip, *Carcharhinus limbatus*
- Bull, *Carcharhinus leucas*
- Great hammerhead, *Sphyrna mokarran*
- Lemon, *Negaprion brevirostris*
- Nurse, *Ginglymostoma cirratum*
- Sandbar, *Carcharhinus plumbeus*
- Scalloped hammerhead, *Sphyrna lewini*
- Silky, *Carcharhinus falciformis*
- Smooth hammerhead, *Sphyrna zygaena*
- Spinner, *Carcharhinus brevipinna*
- Tiger, *Galeocerdo cuvier*

B. Small Coastal Sharks

- Atlantic sharpnose, *Rhizoprionodon terraenovae*
- Atlantic and Gulf of Mexico blacknose, *Carcharhinus acronotus*
- Bonnethead, *Sphyrna tiburo*
- Finetooth, *Carcharhinus isodon*

* * * * *

D. Prohibited Sharks

- Atlantic angel, *Squatina dumeril*
- Basking, *Cetorhinus maximus*
- Bigeye sand tiger, *Odontaspis noronhai*
- Bigeye sixgill, *Hexanchus nakamurai*
- Bigeye thresher, *Alopias superciliosus*
- Bignose, *Carcharhinus altimus*
- Caribbean reef, *Carcharhinus perezii*
- Caribbean sharpnose, *Rhizoprionodon porosus*
- Dusky, *Carcharhinus obscurus*
- Galapagos, *Carcharhinus galapagensis*
- Longfin mako, *Isurus paucus*
- Narrowtooth, *Carcharhinus brachyurus*
- Night, *Carcharhinus signatus*
- Sand tiger, *Carcharias taurus*
- Sevengill, *Heptranchias perlo*
- Sixgill, *Hexanchus griseus*
- Smalltail, *Carcharhinus porosus*
- Whale, *Rhincodon typus*
- White, *Carcharodon carcharias*

* * * * *

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Atlantic States Marine Fisheries Commission

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MEMORANDUM

January 31, 2012

TO: ISFMP Policy Board
From: Toni Kerns, Acting ISFMP Director
RE: Habitat Committee Program Direction and Priorities

A white paper was developed by a contractor to consider the future direction of the Habitat Program and the Habitat Committee (HC) responded to that white paper. Based on these two reports, the HC chair and coordinator presented the Policy Board with recommended changes for the future direction of the habitat program and priorities for the committee at the 2012 ASMFC Annual Meeting. The Policy Board tasked staff to develop a white paper that would identify the how the recommendations for the Habitat Program would be implemented and the cost associated with each recommendation. This memo describes how the 6 recommendations and the committee direction would be integrated into the Habitat Program with the projected cost. The memo also identifies methods to address concerns of the Habitat Committee.

Recommendations #1, #2, #5, #6: Revise the Operational Procedures Manual

Task: Habitat Coordinator & an HC Subcommittee will streamline the Habitat Program's governing documents; Habitat Program will integrate its strategic planning process with ASMFC's process; the Operational Procedures Manual will define the role and responsibilities of the Habitat Committee within ASMFC; the manual will be revised to include the characteristics and expertise necessary to be an HC member, as well as the expectations and typical tasks for an HC member; work to be completed via email, phone, and previously budgeted HC meetings.

Cost: No additional cost

Recommendation #3: Assign Habitat Committee Coordinator

Task: Hired (via contract) part-time Habitat Coordinator: integral to Program's effectiveness and completion of tasks

Cost: 2012: \$20,000 for 7 ½ months; 2013: \$14,250 for 6 months

Recommendation #4: Develop an Annual Work Plan

Task: Develop annual work plan based on the Annual Action Plan to clearly define habitat-related responsibilities, assign tasks to individuals or subcommittees, and provide timelines

Cost: No additional cost

New Committee Direction: Identify bottlenecks creating habitat limitations for Commission managed species with poor stock status.

Background: The contract for the habitat program review suggested a new area of focus for the Habitat Program in an effort to integrate the Habitat Program's activities with Commission goals and current management challenges.

Task: Incorporating a discussion, when appropriate, in updated FMP habitat sections

Cost: Possible cost associated with updating the habitat section of the FMP: red drum-no cost; lobster-contracting the section ~\$3,000

Task: Considering a broader look at habitat limitations that may influence several Commission managed species with poor stock status.

Cost: Uncertain, HC is still discussing a path forward.

Habitat Committee Concerns:

a. **Improve Communication between HC & Policy Board:** The Habitat Committee would like more feedback and direction from the Policy Board.

- Prior to ASMFC meeting week, HC members "check in" with Commissioners on any relevant habitat issues in meeting week agendas.
- Will provide Commissioners with an abbreviated HC meeting summary to solicit feedback and facilitate communication.

Cost: No additional cost

b. **Staying Informed of other Committee Activities:** With two meetings per year and most HC members do not have responsibilities on other ASMFC committees, HC finds it challenging to keep apprised of other committees activities and habitat-related needs.

- Habitat Coordinator should facilitate communication between committees; and keep HC apprised on habitat-related issues.

Cost: No additional cost, but integral to Rec #3 (Habitat Coordinator)

Atlantic States Marine Fisheries Commission

Habitat Committee Condensed Meeting Summary

*October 23-24, 2012
Philadelphia, Pennsylvania*

2012 Action Plan Highlights

- Completed “Offshore Wind in My Backyard?” (Habitat Management Series)
- Annual publication of Habitat Hotline Atlantic (December)
- Completed Sturgeon (Board approved, October) and Red Drum (ready for Board approval) FMP Habitat Sections
- Habitat Coordinator: Commission contracted out for part-time coordinator

Approved 2013 Action Plan: Highlights

- Harbor Deepening Report (Habitat Management Series) to be completed soon; New topic to be selected during Spring HC meeting. Potential Future Topics:
Habitat Impact from Climate Change; Estuarine and Nearshore Aquaculture;
Sand Mining Along Eastern Seaboard; Environmental Windows; and
Impingement from Power Plants; Open Water Disposal of Dredge Material
- American Lobster Habitat Section: hired a contractor with expected completion by end of May 2013
- Proposing to also contract out for Black Drum Habitat Section if funding allows to be completed in 2013
- Habitat Committee will continue to develop a discussion of habitat limitations creating bottlenecks to the recovery of Commission managed species with poor stock status. The Committee will incorporate a discussion on habitat limitations as FMPs are developed or updated, but the Committee will also look into a broader discussion to address limitations that impact more than one species.
- Revise Habitat Program’s Operational Procedures Manual: Upon Policy Board approval of the Habitat Proposal, the Habitat Program’s Operational Procedures Manual will be revised to streamline the program’s governing documents and to better align its objectives with those of the Commission.
- Annual issue of Habitat Hotline Atlantic

Outreach: Historically, the Habitat Committee has had the responsibility of fostering interagency cooperation and communication, particularly since habitat programs are not always within the same state agency or department from state to state. The Committee reviewed an antiquated database for maintaining contacts, but has decided to streamline the effort by auditing the Commission’s existing mailing and email distribution lists. These distribution lists will be used to disseminate products of the Habitat Program. In the future, the Habitat Committee would like to use social media to reach a broader audience.

Other Topics & Updates: ACFHP, Fish Passage Update, Reviewed Commission’s use of habitat information in stock assessments

Proposal for Improvements to the Atlantic States Marine Fisheries Commission's Habitat Program

This document includes responses and recommendations to the eight questions posed by the Atlantic States Marine Fisheries Commission (ASMFC). To the extent possible, the responses and recommendations were developed using Commission guidance documents, such as the Atlantic Coastal Act, ISFMP Charter, ASMFC 2009-2013 Strategic Plan, Habitat Program 2009-2013 Strategic Plan, Habitat Operational Procedures, and 2012 Action Plan. In addition, recent Habitat Committee notes and a few recent Habitat Committee products (e.g., Habitat Hotline and Offshore Wind guidance document) were reviewed. Several conversations with a few Commission staff members provided information about the Habitat Program and the Committee's current efforts. With these resources, the following suggestions for improving the Habitat Program are proposed.

Recommendation #1: Discontinue the Habitat Strategic Plan. Place Habitat vision and mission in the Habitat Operational Procedures Manual and allow the ASMFC Strategic Plan and Annual Action Plan outline the Habitat Program's goals, objectives, and tasks. The Habitat Committee should continue to have significant involvement in the strategic planning for the habitat component of the Commission's Strategic Plan and annual Action Plan.

Recommendation #2: The ASMFC Habitat Program Operational Procedures Manual should be revised to strengthen the connection of the Habitat Program to the Commission's vision, goals and objectives.

Recommendation #3: A Habitat Program Coordinator should be assigned to facilitate and guide the efforts of the Habitat Program.

Recommendation #4: To ensure the completion of the Annual Action Plan's habitat tasks and to properly focus the Habitat Program's efforts, an annual work plan should be drafted by the Habitat Program Coordinator and reviewed by the Habitat Committee Chair and ASMFC Senior Staff.

Recommendation #5: Incorporate a Habitat Committee member job description into the Habitat Program's Operational Procedures Manual.

Recommendation #6: The appropriate relationship between the Habitat Program and the Atlantic Coast Fish Habitat Partnership (ACFHP) is a partnership that allows for the fluid dissemination of information on projects, partnership initiatives, and funding opportunities. The Committee should specifically focus on identifying partnership opportunities to facilitate the successful restoration of Atlantic coast fish species by 2015.

Recommendation #7: Business and administrative support aside, the Commission's involvement with the ACFHP should be analogous to State memberships with the Atlantic Coast Fish Habitat Partnership.

Some aspects to the proposed questions could probably be developed further with additional conversations with Habitat Committee members. Having not connected with Habitat Committee members, it is difficult to assess the degree to which the Habitat Management Series has been used and/or found to be useful. If a Habitat Coordinator is assigned, this individual may want to further evaluate the utility of these documents before the Committee embarks on the development of another document in this series. Further, Habitat Hotline may need to be re-evaluated in light of new and somewhat similar resources available from other organizations (e.g. ACFHP updates and USFWS email newsfeed). Finally, question #8 asks for key partnerships and organizations that the Habitat Committee should engage. These partnerships could be more readily identified with the help of Committee members and conversations with some of our Federal counterparts and may be specific to a project.

By and large, these Habitat Program recommendations would establish a solid organizational and functional foundation, ultimately leading to a prioritized Habitat Program workload and focused Committee. With this foundation, the Habitat Program would be better aligned with the Commission's vision, mission, goals, and objectives.

Q1: Do the objectives and HC tasks in the Habitat Strategic Plan and Action Plan align with broader objectives in ASMFC plans?

The Habitat Program is the only program and committee within the Commission to have its own dedicated strategic plan. The Habitat Strategic Plan (2009-2013) was developed with the intent to better define the role of the Habitat Program and to incorporate the Habitat Program goals and objectives into the Commission's Strategic Plan. The Habitat Program's Strategic Plan was revised in August 2009 to update the goals and strategies incorporated into the Commission's current Strategic Plan (2009-2013). The Commission should consider discontinuing the Habitat Strategic Plan to better align the Habitat Program with the broader objectives of the ASMFC and its plans. Dissolving the Habitat Strategic Plan would do the following:

- Prevent further duplication of effort;
- Streamline the process;
- Update the vision and mission;
- Exclude an inaccurate statement regarding a mandated habitat component in the FMP development process; and
- Strengthen connection between the Habitat Committee's priorities and that of the ISFMP.

The Habitat Strategic Plan provides a vision, mission, goals and strategies for the entire Habitat Program. Each component can be found in other Commission documents, and therefore may not be necessary as a separate document. The Commission should consider streamlining the Habitat Program's governing documents and simplifying the development process for the Habitat Program's goals, strategies, and tasks. The Habitat Program's goals appear as habitat strategies under Goal #4 in the ASMFC Strategic Plan and the Habitat Program's strategies are included in the Commission's Annual Action Plan as tasks. The Commission's Strategic Plan should supersede the Habitat Strategic Plan. Additionally, the Habitat Program's mission is included in the Operational Procedures Manual. The Program's vision could be incorporated to provide a more complete governing document. As the process currently exists, the Policy Board approves

the Habitat Strategic Plan as well as the ASMFC's Strategic Plan, which results in approving the habitat strategies twice. The process could be streamlined. The Habitat Committee should continue to be involved in the development of the Habitat Program's goals and strategies as the Commission periodically revises the ASMFC Strategic Plan and Annual Action Plan.

The Habitat Program's Strategic Plan may also overstate its role and its responsibilities within the Commission. For example, the Strategic Plan's introduction states that the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA; P.L. 103-206 et seq.) requires the Commission to include a habitat component in the development of fisheries management plans. The Act does not include such a requirement, but does acknowledge the change in fisheries habitat has led to a reduction in the Atlantic coastal fishery resources. The Act also discusses the type of Federal support to be provided to State coastal fishery programs, and one aspect is habitat conservation. The Act specifically requires a fishery management plan (FMP) to clearly outline what a State must do to be in compliance with the plan, but again does not require a habitat component to the FMPs. The Commission acknowledges that the degradation or loss of habitat may be a significant factor in rebuilding several of the Commission managed species, but the Commission is not required to incorporate a habitat component in the rebuilding plan for many of these species.

In the goals and strategies section of the Habitat Strategic Plan, the Habitat Committee was granted the ability to "redirect goals or priorities on its own or as directed by the ASMFC Policy Board." To ensure that the Habitat Committee's efforts continue to align with the broader goals and priorities of the Commission, the Policy Board should approve changes to the Habitat Program's goals and strategies. Further, the goals and strategies are for the entire Habitat Program, not just the Committee. Some of the strategies or tasks may be beyond the scope of the Committee's efforts, but do fall under the broader umbrella of the Habitat Program. One example, the Habitat Strategic Plan's goal #7 (fish passage) appears as part of Goal #1 in ASMFC Strategic Plan because it addresses an issue that is broader than habitat alone and must involve the FMP process to be effective. Another example, ASMFC Strategic Plan's Goal #4 has several strategies addressing the Atlantic Coast Fish Habitat Partnership (ACFHP). While the Committee has some involvement with the ACFHP, the Commission's involvement is greater in that it provides administrative support and functions. As the Habitat Strategic Plan is written, the Habitat Committee has a different standing from other Commission Committees. Eliminating the Strategic Plan would remove any discrepancies between the two strategic plans, and help to ensure the Committee remains focused on clear goals and objectives in support of the Commission vision to restore healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015.

There are four different options for addressing the Habitat Strategic Plan:

1. Continue to operate with the Strategic Plan and process for updating it.
2. Revise the introduction to habitat strategic plan to eliminate discrepancies or inaccuracies.
3. If Policy Board approves other recommended changes provided below, then revise Habitat Strategic Plan with a note and re-post to the Commission website – goals and strategies still stand but the remainder of document's contents would be replaced by the Operational Procedures Manual. Going forward, the Habitat Program's goals and

strategies would be revised via the Commission's process for updating the Annual Action Plan and the ASMFC Strategic Plan.

4. Continue with Habitat Strategic Plan and do not renew in 2014.

Recommendation #1: Discontinue the Habitat Strategic Plan. Place the Habitat vision and mission in the Habitat Operational Procedures Manual and allow the ASMFC Strategic Plan and Annual Action Plan outline the Habitat Program's goals, objectives, and tasks. The Habitat Committee should continue to have significant involvement in the strategic planning for the habitat component of the Commission's Strategic Plan and annual Action Plan.

The actual goals and strategies of the Habitat Program are in keeping with those provided in the Commission's Strategic Plan and Action Plan. The Habitat Strategies included in the 2012 ASMFC Action Plan reflect a more current and focused work plan that is also in keeping with the Commission's broader objectives. But, these documents do not prioritize the Habitat Program's annual activities. Upon review of recent Habitat Committee meeting notes, the Committee's time has been focused on activities that are not directly connected to the priorities of the Commission. The Committee's time was spent writing the most recent issue of Habitat Hotline, a guidance document on wind projects, and discussing whether or not the Committee should be responsible for writing FMP habitat sections. The Committee should focus on issues immediately relevant to achieving the Commission's mission, and specifically supporting ISFMP activities.

In addition to the Habitat Program's Strategic Plan, the Program has an Operational Procedures Manual. The manual's introduction states that the document should be reviewed upon production of each revised Strategic Plan. While the above recommendation suggests discontinuing Habitat Strategic Plan, the Operational Procedures Manual is a useful document, and could be made more useful with a few revisions. The document currently includes descriptions of for the Coordinator, Chair, Vice Chair, membership criteria and the selection process, and guidance on development habitat section of FMPs, habitat source documents, policy statements and resolutions, and the protocol for ASMFC comments on project/permits. The manual should be revised to include a revised vision and mission, modify the job descriptions for Coordinator, Chair, and members, outline the process for developing an annual work plan (see recommendation #4), as well as several other changes. The manual's introduction states that significant changes would require approval of the ISFMP Policy Board. Several of the proposed recommendations could easily be incorporated into the Operational Procedures Manual, providing a more comprehensive guidance document.

Recommendation #2: The ASMFC Habitat Program Operational Procedures Manual should be revised to strengthen the connection of the Habitat Program to the Commission's vision, goals and objectives.

Q2: Is completion of habitat tasks realistic given resources dedicated to the Program?

The tasks assigned to the Habitat Program can be accomplished, but it will require more resources than currently dedicated to the Program. The Habitat Program should have a Habitat

Coordinator to oversee the completion of the Annual Action Plan's habitat related tasks. The Habitat Committee should not be expected to complete all of these tasks. Some of the Action Plan tasks are attributed to the ACFHP, some fall under the responsibilities of a Habitat Coordinator, some (e.g. FMP sections or Habitat Management Series documents) could be assigned to a specific individual (e.g. Committee member, state fisheries employee, or contractor), and some by the Habitat Committee collectively. The responsibilities need to be delegated to complete the assigned habitat tasks.

After responsibilities have been delegated, the tasks need to be prioritized. The Habitat Coordinator, along with the Habitat Committee Chair, should be responsible for focusing the Committee's efforts on the tasks necessary for achieving the Commission's mission and supporting the ISFMP activities. The Habitat Coordinator and Habitat Committee Chair should review the Habitat Program's assigned Annual Action Plan tasks and design a work plan. The work plan would identify who is responsible for accomplishing the tasks (ACFHP, Coordinator, a potential contractor, committee member, or Committee as a whole). The tasks for each individual or group should be prioritized. The work plan should be reviewed by the ASMFC Senior Staff to ensure its prioritized according to the needs of the ISFMP. Better preparation and early planning will allow for the completion of habitat tasks, and hopefully, lead to a more productive Habitat Program.

Recommendation #3: A Habitat Program Coordinator should be assigned to facilitate and guide the efforts of the Habitat Program.

Recommendation #4: To ensure the completion of the Annual Action Plan's habitat tasks and to properly focus the Habitat Program's efforts, an annual work plan should be drafted by the Habitat Program Coordinator and reviewed by the Habitat Committee Chair and ASMFC Senior Staff.

Q3: Does the current Habitat Committee approach add clear value to the ISFMP or States in general? To what is it adding value? E.g., are the Diadromous Habitat publication and other Habitat Management Series publications being used?

The current Habitat Committee activities could have a stronger connection to the Commission's efforts and priorities. The Habitat Committee's approach was refocused when the Policy Board charged the Habitat Committee with initiating ACFHP. As their involvement in the ACFHP winds down, the Committee seems to be at loss for direction and a connection to the Commission's efforts. Other factors that may have contributed to the Committee's shift in focus: the Committee has been without an assigned coordinator that is tuned into the priorities of the ISFMP; the Committee's ability to determine the Program's priorities (as stated in the Habitat Strategic Plan); and the personal interests of Committee members. More recently, the Committee's efforts have been focused on developing papers and projects that are generally of interest to fish habitat managers along the Atlantic coast, but the immediate connection to the Commission's priorities and the ISFMP's efforts to maintain and rebuild stocks are not always apparent. To better ensure the Habitat Committee's approach does have a clear value add, the Committee needs to revisit the tasks and strategies outlined in the Annual Action Plan, as well as any recent developments from the ISFMP Policy Board.

As recommended earlier, the Habitat Program should develop a prioritized work plan to guide the efforts of the Program and Committee in a direction that clearly adds value to the Commission's vision. This work plan would facilitate the completion of Task 4.5.1 "Review program goals and evaluate accomplishments annually" from the Annual Action Plan. Many of the assigned tasks would add clear value to Commission's broader goals, but the Habitat Program does not have the guidance on where to most effectively focus their efforts, and has had the autonomy to address any of the tasks listed in the Action Plan. A work plan to prioritize the Habitat Program tasks (Recommendation #4), a Habitat Coordinator to keep the Program and Committee on task (Recommendation #3), and additional senior staff oversight would set the Habitat Program on a path to add clear value to the Commission.

Much of the work that would benefit the Commission's broader goals ultimately benefits the States. For example, the Habitat Program already has a task assigned in the Annual Action Plan that directs the Committee to "prioritize and publicize important habitat types for Commission-managed species as identified in the ACFHP Strategic Plan (Task 4.2.2)." While it may not send the right message to have the Habitat Program's efforts guided by the ACFHP, this may be the first step in an important value add for the Habitat Program. The second step in this task should be to *identify the critical habitat bottlenecks for each Commission species*. In fact, NMFS is moving towards the concept of identifying habitat-constrained species. To address bottlenecks on the ground, a potential component of the Habitat Program could then be to establish key partnerships with regional and local entities with jurisdiction and resources to affect change in fish habitat to the benefit of migratory fish stocks (Tasks 4.3.2 and 4.3.3). In addition, the Atlantic Coastal Fish Habitat Partnership (ACFHP) is a new entity with new resources and mechanisms to address fish habitat projects within the individual states. The Committee's approach to addressing the assigned tasks needs to be changed and guided in a direction that will better align with the Commission's vision.

Q4: The linkage between the HC and Policy Board is weak. What are approaches to strengthen the linkage?

The linkage between the Habitat Committee and the Policy Board has been weak due to the Committee's ability to independently determine the focus of their efforts and a lack of guidance and oversight to direct their efforts towards supporting the ISFMP activities and Commission's mission. The solution to strengthening the linkage between the Policy Board and Habitat Committee has been discussed under Question #2 (e.g. assign a habitat coordinator, committee work plan). The role of a Coordinator is one parallel that can be drawn between the Technical Committees and the Habitat Committees. A Coordinator needs to have a clear understanding of the Policy Board's priorities, as well as many of the species Boards. With this understanding, the Coordinator and the Habitat Committee Chair can align the Committee's efforts with the broader goals and objectives of the Commission. Therefore, the Coordinator and/or the Habitat Committee Chair should be present during Policy Board meetings.

Q5: Is the HC limited in capacity; is that limiting results? Where is capacity needed?

The Habitat Committee is not lacking in capacity when its efforts directly support the Commission's priorities; rather than developing work that is habitat related, but not directly connected to FMP objectives and broader goals of the Commission. The Habitat Committee is lacking in clearly assigned objectives and tasks that tie into the Commission's priorities. The development of a work plan should help to identify the capacity needed and empower this Committee to complete tasks that will be directly in support of ISFMP activities and the mission of the ASMFC.

The expectations for what the Habitat Committee should and can achieve needs to be reasonable. The capacity of the Habitat Committee is not equivalent to the capacity of a Technical Committee. Each individual Committee member cannot be expected to be an expert in the habitat requirements for all the Commission managed species. When they are lacking that expertise, they should have the ability to identify someone within their state that has the expertise. Further, they should be able to work with those individuals to cultivate the necessary information. When the Habitat Committee cannot complete a project, it is reasonable to expect that the Committee has the capacity to identify individuals with the necessary expertise, and for the Committee to provide the necessary oversight and guidance to complete the project. The Habitat Committee's most significant strengths are the connections and partnership opportunities with membership spanning the entire Atlantic coast.

To ensure the Committee has the necessary capacity to complete the assigned tasks, the Commission could develop a general "job description" outlining the desirable attributes of Habitat Committee members. When a Committee member needs to be replaced, the criterion could be given to the State Commissioners to consider when selecting their new Habitat Committee representative. This guidance would have a slow impact on the Committee's capacity, as turn over is not frequent. It would also be dependent upon the Commissioners using the criterion in their selection or the Commissioners having access to staff members that meet such a criterion. The "job description" could be included in the Habitat Committee's Operational Procedures Manual.

Recommendation #5: Incorporate a Habitat Committee member job description in the Habitat Program's Operational Procedures Manual.

Q6: How does the arrival of ACFHP change the Habitat Program's vision, objectives, and tasks?

For several years, the Habitat Committee played a significant role in the development of the ACFHP, and was specifically tasked by the Policy Board to do so. A considerable portion of the Committee's time and effort was dedicated to the Partnership, which likely contributed to some uncertainty about the Committee's role with ACFHP, as well as within the Commission, and weakened the Committee's connection to the Commission's priorities. The Habitat Program lost its Habitat Coordinator around the same time that ACFHP received recognition and project funding. At that time, a Partnership Coordinator was hired to manage the ACFHP. The Partnership Coordinator also facilitated some of the Habitat Committee related business in the absence of a Habitat Program Coordinator. Using the Partnership Coordinator to facilitate

Habitat Committee meetings may have blurred the lines between responsibilities of the Habitat Program and ACFHP. With the ACFHP now underway and no longer dependent upon the Commission, the Habitat Program needs to redirect its efforts to the priorities of the ISFMP, and leave the business of ACFHP to the Partnership Coordinator.

All of the Strategies and Tasks outlined in Goal #4 of the Annual Action Plan should not be considered the Habitat Committee's workload. Rather, the goal specifies all of the habitat related tasks to be undertaken by the Commission. In the current version of the Annual Action Plan, the first several tasks relate to ACFHP, and some of the administrative and business related support to be provided by the Commission. If the proposed work plan were implemented, the Action Plan tasks relating to ACFHP would be assigned to the Partnership Coordinator with, potentially, some support from Finance and Administration, and the Committee would be assigned other strategies and tasks. A clear definition of roles and responsibilities, and with a Habitat Program Coordinator and Chair directing efforts, would go along way toward bringing the Committee around to focus on efforts that would address the need to rebuild fish stock by 2015.

The current wording of the Habitat Program's vision parallels the Commission's vision. The Habitat Program exists to support the Commission's vision. The vision should be stated in such a manner that highlights the Program's commitment to work towards the Commission's vision and mission. The arrival of ACFHP is not the driver for revising the Habitat Program's vision. Rather, it is to realign the Habitat Program's vision (and efforts) with the Commission's vision to restore healthy, self-sustaining Atlantic coast fish species by 2015.

Q7: What is the appropriate relationship between the Habitat Program and ACFHP moving forward?

In addition to the Commission, all of the Atlantic coast states are signatory to the ACFHP MOU, but not all of the states are equally involved in the Partnership. About two-thirds of the Habitat Committee State members are involved with the ACFHP Steering Committee or some other related committee. The few ASMFC states not involved with any of the ACFHP committees may receive emails providing updates on projects related to the ACFHP. Because ACFHP participation is not coastwide, the partnership between the Habitat Program and ACFHP should manifest itself as updates to the Habitat Committee to disseminate all pertinent information to each of the States. These updates would be beneficial for all parties, and may enhance the relationship between those states not currently involved with the ACFHP. These updates could alert the states of potential funding opportunities, engage the states in efforts such as data collection for the coastwide database (which in turn may be beneficial for FMP habitat sections) or additional partnerships and/or projects that could address significant bottlenecks for rebuilding various Commission managed species. Updates should continue to be provided at Habitat Committee meetings to ensure all Atlantic coast States are informed of the Partnership's efforts and project funding opportunities.

Recommendation #6: The appropriate relationship between the Habitat Program and the ACFHP is a partnership that allows for the fluid dissemination of information on projects, Partnership initiatives and funding opportunities. The Committee should specifically focus

on identifying partnership opportunities to facilitate the successful restoration of Atlantic coast fish species by 2015.

A couple of organizational changes may better define the relationship between the ACFHP and Commission to be more akin to other ACFHP members; and may also draw out a clearer distinction between the Habitat Committee and ACFHP. First, the ASMFC is signatory to the ACFHP MOU, not the Habitat Program. Changing the Commission's ACFHP Steering Committee member to the ISFMP Director may draw a greater distinction between the activities of the ACFHP and the Habitat Program. Second, each program should have its own dedicated coordinator. The clear definition of roles and responsibilities should prevent any bleeding of ACFHP related issues into Committee business.

Recommendation #7: Business and administrative support aside, the Commission's involvement with the ACFHP should be analogous to State memberships with the Atlantic Coast Fish Habitat Partnership.

Q8: Who are potential regional and local key partners? How does the HP engage them?

Several of the Habitat Program's Action Plan tasks address the identification of partnerships (Tasks 4.2.3, 4.3.2, 4.3.3, 4.3.4, 4.4.2, and 4.6.2) to facilitate the efforts of the Commission's Habitat Program. The identification of potential regional and local key partnerships may be specific to the project to be undertaken. For example, the Committee may reach out to academics, graduate students, or other state partners for the development of new FMP amendments and identification of relevant fish habitat research. Partnering with some of the ACFHP members may facilitate the identification of funding sources to address the fish habitat bottlenecks. NOAA has a new effort underway called the Fish Habitat Blueprint, which may be another avenue for addressing some of the key bottlenecks of important fish habitat for Commission managed species. One of the most significant strengths of the Habitat Committee is a membership that spans the entire coast, and includes members from state and Federal agencies, as well as NGOs. As the Committee refines its focus, the Habitat Committee should have the capacity to identify potential regional and local key partnerships necessary to complete the assigned tasks, and more effectively achieve the Commission's vision to restore healthy, self-sustaining Atlantic coast fish species by 2015.

To: Paul Diodati, ASMFC Chair
From: Bob Van Dolah, Habitat Committee Chair
cc: Louis Daniel, ASMFC Vice Chair; Bob Beal, ISFMP Director; and Vince O'Shea, Executive Director
Date: June 5, 2012
Re: Habitat Committee's Response to the Proposal for Improvements to the ASMFC's Habitat Program

The Habitat Committee (HC) met on April 25 and 26, 2012 to discuss the Proposal for Improvements to the ASMFC's Habitat Program (hereafter, Proposal). The Committee endorsed all six recommendations provided to the HC for review. The Proposal was generally well received, but the Committee had some concerns and caveats related to the recommendations. This memo outlines the Committees thoughts and concerns should the ISFMP Policy Board move forward with these recommendations.

Background Information

The HC and the Committee on Economics and Social Sciences (CESS) are the only ASMFC components which are appointed by and report to the Commission Chair (i.e., reference January 6, 2012, memorandum from Chair Paul Diodati to all commissioners), and we believe this is a reflection of the importance placed upon them, since the functions of both these committees (analysis of and providing advice on habitat, economic and social science issues) are cross-cutting across *all* ASMFC species. The ASMFC Habitat Program in our opinion is designed to address the conservation of the foundation (i.e., habitat) for *all* other ASMFC activities, since adequate habitat quality and quantity are essential for any species managed by the Commission. As noted by former Executive Director John H. "Jack" Dunnigan, "Healthy fish habitat is vital to healthy fish stocks (Dunnigan 1997)."

The HC's consideration of the Proposal was informed by our review of the ASMFC guidance and policies which formed and have shaped the Commission's Habitat Program, and provide direction to the Habitat Committee. These include Stephan and Beidler (1997), Stephan et al. (1998), Stephan et al. (1999), ASMFC (2008), and ASMFC (2009a and b). The ASMFC Charter (ASMFC 2009b) states the purpose of the Habitat Committee and charges it with the following (pages 10-11):

"The purpose of the Habitat Committee is to review, research, and develop appropriate response to concerns of inadequate, damaged or insufficient habitat for Atlantic coastal species of concern to the Commission. Among its duties for the Commission, the Habitat Committee shall: (1) Serve as a consultant to the ISFMP regarding habitat on which the species of concern to the Commission are dependent, whether salt, brackish or freshwater; (2) Provide comment on the habitat sections of FMPs, and provide suggested text for these sections; (3) Propose habitat mitigation measures, comment on proposed habitat mitigation measures, and propose alternate measures if necessary to ensure appropriate habitat conservation; (4) Establish subcommittees or other work groups as are necessary to research various habitat related issues; and (5) Formulate habitat specific policies for consideration of and adoption by the Commission." The Charter further specifies that other components of the Commission should seek advice from the Habitat Committee (e.g., Plan Development Teams and Plan Review Teams), and that "Conservation programs and management measures shall be designed to protect fish habitats" (page 14), and that management program elements should include "A review and status of fish habitat important to the stocks, and ecosystem considerations" (page 16). More detailed information regarding the duties of the Habitat Committee is found in Stephan et al. (1998, 1999) and ASMFC (2008, 2009a).

Our review of the recommendations in the Proposal considers the above guidance and directives from the Charter as well as the past operation of the Habitat Program. Any questions regarding the responses to the recommendations in the Proposal should be directed to the Habitat Committee Chair.

Recommendations #1 & #2: Merge the Habitat Strategic Plan and Habitat Operational Procedures Manual; Revise the Operational Procedures Manual

The Habitat Program has two governing documents, a Habitat Strategic Plan and the Habitat Program's Operational Procedures Manual. The recommendation is to merge the two documents and minimize duplication of effort. The Committee spent considerable time reviewing the Operational Procedures Manual. The Committee plans to revise the document to include the recommendations from the Proposal, specifically incorporating elements of the Habitat Strategic Plan. With the document under revision, the Committee will also revise the standardized outlines contained within the Operational Procedures Manual. The Committee will revise the Operational Procedures Manual for the ISFMP Policy Board's review and approval at the ASMFC Annual Meeting in October, or a subsequent meeting if our revisions are not resolved at that meeting.

Recommendation #3: Assign a Habitat Committee Coordinator

The Committee was very pleased to have a part-time Habitat Committee (HC) Coordinator assigned to facilitate and assist in the efforts of the Habitat Committee. However, the Committee is concerned that the limited part-time arrangement is not sufficient for the coordinator to accomplish all of the work related to the Habitat Program. In addition to the Habitat Committee, the Artificial Reefs Subcommittee has voiced the need for the support of a Coordinator. The HC Chair and HC Coordinator with input from the HC will be identifying the tasks/responsibilities of the coordinator for this year and next, which should help to identify how much time the HC Coordinator should be committing to make the HC and Habitat Program more effective. The Committee views a HC Coordinator as integral to what and how tasks will be completed as defined in the annual work plan, as well as being integral to the Committee's effectiveness.

Recommendation #4: Annual Work Plan

Goal #4 of the Commission's Annual Action Plan addresses Habitat, but tasks could be attributed to many several different entities (e.g. ACFHP, HC, HC Coordinator, Artificial Reefs, etc). The recommendation suggests developing an annual work plan to prioritize tasks, delegate responsibility, and set deadlines for completing items under Goal #4 of the Action Plan. The proposal does not make it clear that the Committee would have the opportunity to provide substantive input during the development of the annual work plan. It is essential that the Committee develop this work plan, with the assistance of the HC Coordinator, given the associated and expected responsibilities of the HC members to complete associated tasks. With their input as part of the process, the Committee agreed the development of an annual work plan would help clearly outline tasks, responsibilities, and timeframes for completing tasks.

Recommendation #5: Habitat Committee Member Description

The Committee agreed with the inclusion of a description of committee member characteristics in the Operational Procedures Manual, and further stated that HC members are expected to represent their agency's expertise, and set aside their agency's policy and regulatory views, while doing business as the HC.

At several points throughout the Habitat Committee meeting, the Committee discussed their general lack of species-specific expertise and the challenge to complete FMP habitat sections, as well as some other tasks. With limited expertise, as well as the lack of authority to assign someone within their organization to a task, and increasing workloads, some of the expectations for the Committee are not entirely realistic. The Committee's role should be to identify an appropriate author for FMP Habitat Sections, and to review

the work prior to incorporating it into the larger draft FMP. The Committee emphasized the need for assistance from a HC Coordinator, as well as funds to contract out for these assignments.

Recommendation #6: Habitat Committee's relationship with ACFHP

The proposal recommends a clear delineation of efforts between the Habitat Committee and the ACFHP. The proposal suggests that it is important for the Habitat Committee and ACFHP to have fluid dissemination of information on projects, as well as partnership and funding opportunities. The Committee agrees with the characterization of the relationship between the Habitat Committee and ACFHP presented in the Proposal. The Committee receives updates from the ACFHP coordinator at each meeting. Integrated coordination with ACFHP is in point of fact automatic, as multiple Committee members also represent their organizations on the ACFHP Steering Committee.

Communication

The Committee also had a lengthy discussion related to Questions #3 in the proposal: "Does the Habitat Committee approach add clear value to the ISFMP?" Due to pressing issues and full agendas, the ISFMP Policy Board does not always have the time to provide a lot of feedback to the HC regarding the efforts and direction. Therefore, the Committee finds it challenging to determine how best to support the Board. The Committee discussed ways to better reach out to the Commissioners and get a sense of their habitat concerns and issues within their states. One possibility would be to closely review the upcoming Meeting Week agendas for items that may relate to habitat. Committee members could then sit down with their Commissioners to discuss these issues. The Committee also talked about developing an abbreviated Habitat Committee meeting summary to take to their Commissioners as a means for opening the channels of communication, which ideally would lead to discussions of how to best support the Board's efforts.

The Committee also finds it challenging to be keyed into the habitat issues and concerns discussed in other Commission meetings. In addition to the Policy Board, there should be a greater connection to other Commission Committees. The Committee discussed the benefits of having a seat at the Management & Science Committee meetings to keep informed of habitat related issues. The Committee also acknowledged the vital role of the HC Coordinator to connect with other Commission Coordinators and report back to the Committee on any important habitat related issues. The Habitat Committee wants to be viewed as a resource to address habitat questions and resolve fishery habitat issues, but needs to be made aware of what these issues or perceived issues are.

A New Direction

The proposal repeatedly discussed creating a stronger connection between the Committee and Commission's efforts. In an effort to be responsive to a suggestion from the Commission, the Committee will work on identification of critical habitat bottlenecks for Commission species. The Committee plans to use weakfish or lobster as their test case for identifying the ways in which habitat is limiting the species. The Committee will incorporate this task into the 2013 Action Plan.

Please consider the Committee concerns and thoughts for improving the Habitat Program. The Habitat Committee is being enthusiastically responsive to the suggested modifications in our strategic planning and operations, and we will continue to work with Commission staff and the Policy Board to strengthen the Commission's Habitat Program.

References

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