

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
INTERSTATE FISHERIES MANAGEMENT PROGRAM
POLICY BOARD

October 26, 2006

Sheraton Atlantic Beach
Atlantic Beach, North Carolina

ATTENDANCE

Board Members

George Lapointe, Maine DMR
Patten White, Maine Gov. Apte.
John Nelson, New Hampshire F&G
Ritchie White, New Hampshire Gov. Apte.
Dennis Abbott, NH Legislative Comm.
Bill Alder, Massachusetts Gov. Apte.
Vito Calomo, Proxy for Anthony Verga, MA
Eric Smith, Connecticut DMR
Lance Stewart, Connecticut Gov. Apte.
Gordon Colvin, New York DEC
Pat Augustine, New York Gov. Apte.
Brian Culhane; Proxy for Owen Johnson, NY
Tom McCloy, New Jersey DFG&W
Leroy Young, Proxy for Douglas Austen, PA
Eugene Kray, proxy for Curt Shroder, PA
Frank Cozzo, Proxy for Curt Shroder, PA
Roy Miller, Delaware Div. of Fish and Wildlife
Bernard Pankowski, Proxy for Robert Venables,
DE

Howard King, Maryland DNR
A.C. Carpenter, Potomac River Fisheries Comm.
Jack Travelstead, Virginia MRC
Preston Pate, North Carolina, DMF
Damon Tatem, North Carolina Gov. Apte.
Jimmy Johnson, proxy for William Wainwright,
NC
John Frampton, South Carolina DNR
Robert Boyles, Jr. South Carolina Leg. Comm.
Malcolm Rhodes, South Carolina Gov. Apte.
Susan Shipman, GA DNR
Spud Woodward, GA DNR
John Duren, Georgia Gov. Apte.
Luiz Barbieri proxy for Gil McRae, FL
April Price, Florida Gov. Apte.
Bill Johnson proxy for Mitch Needleman, FL
Wilson Laney, USFWS
Chris Moore, NMFS

ASMFC Staff

Bob Beal
Tina Berger
Vince O'Shea
Vince O'Shea
Erika Robbins

Brad Spear
Mike Howard
Toni Kerns
Jessie Thomas
Nichola Meserve
Chris Vonderweidt

TABLE OF CONTENTS

Welcome; Introductions.....	5
Approval of Agenda.....	5
Approval of Proceedings from October 26, 2006 Meeting.....	5
Public Comment.....	5
Review Non Compliance Recommendations (if necessary)	5
Discussion on the NMFS decision on Striped Bass Management in the EEZ.....	5
Discussion on “Script” to Improve Meeting Efficiency and Consistency.....	12
Report from the Meeting between ASMFC Ad Hoc Committee and the North Carolina Marine Fisheries Commission.....	22
Update Non-Native Oyster Activities	25
Law Enforcement Committee Report.....	27
Stock Assessment Committee Report.....	28
Management and Science Committee Report	34
Habitat Committee Report.....	37
Update on Cooperative Winter Tagging Cruise.....	43
Discussion on Forming Single South Atlantic Advisory Panel.....	44
Other Business; Adjourn.....	45

Summary of Motions

October 26, 2006

No motions made

The meeting of the ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Fear/Outlook/Atlantic Room of the Sheraton Atlantic Beach, Atlantic Beach, North Carolina, on Thursday, October 26 2006, and was called to order at 8:45 o'clock, p.m., by Chairman Preston P. Pate, Jr.

-- Welcome; Introductions --

CHAIRMAN PRESTON P. PATE, JR.: I'd like to begin the ISFMP Policy Board meeting. As I mentioned at the close of the Executive Committee meeting, this morning my intent is to work through the agenda of the Policy Board and the Business Session as quickly as possible and move directly into the ACCSP meeting with the hopes that we can get to that part of our day's agenda quickly and save ourselves some time for departure.

-- Approval of Agenda --

You have before you an agenda for today. Are there any changes necessary to the agenda? Seeing none, **we'll consider the agenda for today's proceedings approved.**

**--Approval of Proceedings
from October 26, 2006 Meeting --**

You also have had the minutes from the August 17th, 2006 meeting. Any comments or changes necessary for that? Seeing none, **we will consider the agenda from that meeting approved.**

-- Public Comment --

Any public comment? There is not requested.

**-- Review Non Compliance
Recommendations --**

There have been no compliance findings made during the course of the week so we will go to Item 6 which is the discussion of the National

Marine Fisheries Service decision on striped bass management in the EEZ.

**-- Discussion on the NMFS decision on Striped
Bass Management in the EEZ --**

We talked about this subject in a general sense during the Striped Bass Board meeting earlier in the week and noted that it was going to be available for further discussion by National Marine Fisheries Service staff at the Policy Board meeting.

And the reason that it is on the Policy Board meeting is that after receiving and studying the letter I considered that there were some policy implications imbedded in the service's response that went beyond just their decision to maintain the position of holding the EEZ closed to striped bass harvest.

The policy implications to me were relative to the partnership that we have with the service and the fact that the service was responding at all was because as part of Amendment 6 to the Striped Bass Plan we had sent a request to the service to have the Secretary reopen the EEZ.

And the way that the decision was made and transferred to the commission I thought was worthy of some more in-depth discussion about how the service responds to any matter that is carried to them as the position of the commission, particularly went it is included as a recommendation in a fisheries resource, in a fisheries management plan for which the commission is responsible for preparing.

So I wanted, I actually wrote the letter over Vince's signature to Dr. Bill Hogarth. And in that letter we were pressing either he or suggested Dr. Chris Moore to come and appear before the board today -- not with the intent of putting either Dr. Hogarth or our friend Chris on the spot but to have some honest and objective debate about whether there are any broader meanings or any more significance into their response than I had detected earlier.

So, Chris, I appreciate your being here today and I look forward your comments. And I'm glad you were able to come eat oysters with us last night.

DR. CHRIS MOORE: Thanks Pres -- Mr. Chairman. Well, I don't have a prepared presentation. I think behind I believe it's Tab -- what is it? Is it Tab B in your binder is the letters from Vince that Pres just mentioned as well as a letter from Bill Hogarth in response.

We can go over the details of those letters. I don't think we need to spend a lot of time with them. The basic foundation of Vince's letter is focused on two things. One is partnerships and the other one is the stock assessment and perceived differences in our interpretation of the stock assessment relative to the commission's interpretation of the Striped Bass Stock Assessment.

And in Bill's response to that particular letter we indicate that in fact the stock assessment that we used to make our decision relative to opening the EEZ to striped bass fishing is the same stock assessment that the commission uses. And again we can get into the details of that if you want.

In terms of partnerships, I think that everyone is very much aware that NMFS is very committed to its partnership with the commission and its member states. I believe that there was a handout on the table outside earlier in the week identifying a new division. That is called "Partnership and Communications." And that's the division that I lead as chief.

And that gives you a sense of where the service is relative to its commitment to partnerships. They've created this particular division with the focus on partnerships. And, again, the service looks forward to working with the commission as it deals with issues relative to striped bass as well as other species. With that, Mr. Chairman, I'd be glad to answer any questions.

CHAIRMAN PATE: Okay, thank you, Chris. Any questions of Chris? Paul.

MR. PAUL DIODATI: I'm looking at the letter in response that Vince O'Shea sent back to Dr. Hogarth. And there are six specific bullets that he is asking explanation on. And that's what I expected to hear back more specifically on each of those bullets. So, is it possible to elaborate a response?

DR. MOORE: Yes, again, I certainly can go over those points. The letter back to Vince touched on each one of those. So we can go to that letter in response. Let's see, that letter is behind the tab. I think it's also --

CHAIRMAN PATE: Pull your mic a little closer, Chris.

DR. MOORE: Yes, I think it's also a handout on the table. The letter is dated October 16th. It's to Vince. It basically talks about each one of those points. But just quickly, let's talk about the first one, resolution of the perceived stock fragility despite the current SSB relative to its target.

I don't think there is anything in any of the documents or in any of the letters that have come back to Vince or any of the documents that were prepared relative to the public comment that talk about stock fragility.

We understand that in fact stock spawning stock biomass exceeds the target. Any relative discussion to spawning stock biomass focuses on the recent decline in spawning stock biomass relative to the levels that were observed back in 2002.

The differences between fishing mortality estimates based on various methodologies. We understand that fishing mortality for striped bass can be estimated several different ways.

We understand that there are discussions within the commission relative to estimates from

tagging studies, relative to estimates from VPA or virtual population analysis. But we understand, I think as you do, that the estimates from the VPA are the ones that are used to be compared to the biological reference points.

So the VPA estimates based on the 2005 assessment for striped bass indicated that those particular F were very close to the threshold and exceeded the target. So the concern expressed by the service relates to those particular F estimates.

In the letter we touch on the relationship between NMFS and the commission in terms of management of Atlantic striped bass. And we talk about the strength of our partnership and the fact that the Atlantic striped bass management has been a success because of the strength of that particular partnership.

We talk about the weight of ASMFC's recommendation to the Secretary of Commerce. We've never gone through a process without going to the commission relative to striped bass.

The suggested inability of the Commission to react to fishery triggers with suitable measures, I don't think there is anything in any of our letters to indicate that the commission cannot react to the situation with suitable measures. I think that was something that came out of public comment.

Implied need to reduce striped bass fishing mortality, I think there is a question, again, that the fishing mortality estimates based on the VPA are too close to that threshold and there is a sense of concern.

CHAIRMAN PATE: Yes, Paul.

MR. DIODATI: Chris, maybe can you tell me if there is any level of striped bass SSB or fishing mortality that the service would consider it possible to reopen the EEZ? What level -- what condition does the stock, given that its current condition as recovered is not adequate, what

condition does the stock have to be in before the service will reopen the EEZ?

DR. MOORE: Yes, I can't answer that Paul, but I can tell you that when we first started the process back in 2003 fishing mortality estimates were well below that threshold. And the service began the process understanding that.

And as time went on we got that 2004 assessment that apparently, again, not having been involved in striped bass but apparently had conflicting information or information that wasn't or there was a recommendation that the board not use that particular assessment to do any or making any decision on striped bass.

The service decided to wait for the 2005 assessment and found in fact based on the 2005 assessment that the increase in fishing mortality rate had been over 40 percent. So that was reason for concern. So I can't tell you that in fact if F is back down to 0.2 that the service would open the EEZ.

CHAIRMAN PATE: Paul.

MR. DIODATI: I guess my last question, then, does the service intend to close the EEZ to weakfish fishing?

DR. MOORE: I can't answer that Paul.

CHAIRMAN PATE: Any more questions? Eric.

MR. ERIC SMITH: Questions or viewpoints, Mr. Chairman?

CHAIRMAN PATE: Either one.

MR. SMITH: Either one. Thank you. I don't disagree at all with the service's right, if you will, to decide not to reopen the EEZ if they view the public record and decide that their view of the public record is that they should leave it closed. I might disagree with that, but I suppose it is inbounds for the service to do that.

Where I have great difficulty in the responses that have gone back and forth is the difference between hanging a decision, the hat of a decision, if you will, on an assessment that we know has some problems -- and we know that through the joint technical committee of state and federal participants that have continued to look at the VPA and they have concluded with federal employees on the technical committee that there is a very pronounced retrospective pattern in that VPA, as in most VPAs.

But unlike most others, this one over estimates F. They know that to the satisfaction I believe unanimously in the group. so to base a decision of this magnitude on the view that the fishing mortality rate is very close to the threshold, knowing that the real fishing mortality rate will be substantially below what it appears to be in the terminal year of the F, that's what troubles me.

And the reason it troubles me is this is a formal decision letter of the head of an agency that suggests that we're managing striped bass in a way that makes the stock, puts the stock in a precarious position.

That's a public record issue. It's going to be dragged out every time some one of our critics or people with a different viewpoint on striped bass management choose to use it to defend a view that we may not disagree with as a commission.

And I really have trouble with that type of record being created.

I would have much preferred that the service ask what is the current thinking of the Striped Bass Technical Committee and the Striped Bass Board with regard to the status of the stock, include the tagging information, if you want, include their current thinking on things like natural mortality rate and their view that the VPA has a problem in it, as all the VPAs seem to have, use that current thinking and then if you decide that, well, we've got 8,000 comments and 6,000 of them said don't close it so that's how

we're going to proceed, I guess I could live with that. I just wouldn't like it.

But the injection of that view, three-year-old, almost view of the science that is inconsistent with the view of the technical committee really bothers me. So that's why I'm glad this is on the agenda. It's not something that I -- I'm certainly not satisfied yet with what I've heard and what I've read so far. Thank you.

CHAIRMAN PATE: Thank you, Eric. One of the points in the letter, Chris, that surprised me and honestly concerned me was a direct reference in the first paragraph on the second page to the role that public comment and particularly the use of the term "public perception" had in the management decision.

We all deal with having to listen to and take into account comments and observations made by commercial and recreational fishermen. We refer to those and "anecdotal" information that is used to supplement or temper the final decision.

But I was surprised to see that the service was very direct in their description of the public perception appearing to be -- at least in the way that this paragraph is phrased -- the tipping point, perhaps, in making the decision.

And I don't know how consistently the service applies those types of inputs into their decision-making process. But if they are consistent, and if it is a significant part of the decision formula, then we probably would not have sat around this table yesterday or earlier this week in agony talking about two million pounds of dogfish.

We would have walked away from here being able harvest about 20 million pounds of dogfish a year instead of six because in that case the unbridled, overwhelming public perception is that there is more dogfish out there in the ocean than there ever has been before.

And I put a lot of significance in that report for that species. But it doesn't seem to be having as

much influence over the decision's position as public perception from one region had on the decision about the EEZ opening for striped bass.

DR. MOORE: In response, Pres, I think that alone, the public perception alone would not have swayed this decision in the way that it was made. I think the combination of those particular statements and that particular information from the public in combination with the increase in fishing mortality rate that we saw with the latest stock assessment, that 2005 stock assessment, that combination led to the decision.

CHAIRMAN PATE: Well, I won't wrap us around the axel on a dogfish debate but you've got a population that's deemed not overfished and not overfishing, but we can't catch them when you've got the public comments saying we should are probably 40,000 to 1. So, I'll leave that alone. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I guess the last comment, in answer to your question. I think that I was actually thinking that maybe Paul Diodati was going to have his hand up because we're back to what I thought I heard Dr. Moore say, we're back to the stock assessment -- unless I misunderstood him saying that it was a combination of public perception as well as the results of the stock assessment which I thought earlier was, which was one of the points in the letter that we sent to Dr. Hogarth was the difference in the perception of the stock assessment. The letter that came back said, no, we're on the same page with you on the stock assessment. So I guess I'm a little confused.

CHAIRMAN PATE: Chris.

DR. MOORE: Yes, I think, again I think we are on the same page with you relative to the stock assessment. The 2005 stock assessment information that we have is the same 2005 stock assessment information that you have, and we used it.

CHAIRMAN PATE: Dennis.

REPRESENTATIVE DENNIS ABBOTT: Thank you, Mr. Chairman. A comment and a question. I think that we don't want to talk about dogfish and I think we all know how we all feel about dogfish. But I think the issue of opening the EEZ with the ASMFC was quite a different question.

I don't think there was any unanimity of wanting to open it. It was a very close vote, very, very close. But, be that as it may, my question is now that the service has decided, where would we go or where will the service go in the future regarding the opening of the EEZ?

Is it going to take an action from us again to ask you? Or are you going to sit by and just let things go? Just where are we looking towards the future?

DR. MOORE: Yes, the recent decision doesn't mean that the service would never again consider opening the EEZ. If in fact the commission through its deliberative process decided that in fact it wanted to make a recommendation to the service that new information suggested that in fact the EEZ should be opened, then that recommendation could be made and the service would consider it in its public process.

REPRESENTATIVE ABBOTT: And a quick follow up. And then we would go start over again through all the public comment period etcetera and etcetera?

DR. MOORE: Yes, we'd follow the same process that we used for the last go around.

REPRESENTATIVE ABBOTT: I understand.

CHAIRMAN PATE: Gordon, I'll recognize you next but to Dennis' point, the final vote on whether or not to include this recommendation in the plan was not unanimous but it was a majority. And it was part of the approved plan

and went up to the service and the service treated it in the way that has been reflected in the letter. And that's the point of this meeting. Gordon.

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. Chris, you've got a tough job, you and this new division or bureau that you've got there because you've got an expectation that from your partners that we'll work together as partners do, on the one hand.

And we all know that sitting behind you over there in Silver Springs you've got NOAA General Counsel and a bunch of bureaucrats that want you to make decisions at arm's length as if the partners were just some other regulated party. And that's tough.

And I think a lot of what you're hearing this morning comes from the perspective of a preeminent partner, the Atlantic States Marine Fisheries Commission of the National Marine Fisheries Service, being a little unhappy with the way a decision got handled that could have been handled differently if we had been able to have a dialogue about these two issues that seemed to drive the decision.

You know in retrospect it would have been better if you folks could have come back to us and said, look, we've got a little bit of a problem here juggling what we have, the realities of a very hostile public comment and public perception environment that maybe the commission can help us address because, frankly, the commission didn't really help you address that much -- I mean to be honest about it and we need to be honest here -- and we've got some concerns about, you know, the way the most recent stock assessment information relates to this decision in the context of NEPA, in the context of other things we've got to decide, can we talk about this? Can we work it out?

And I think that would have been from my perspective a preferred approach. And I suspect that in the background there is some lawyer

saying, "You can't do that; you've got to make a decision." Well, baloney. We need to work together. And that's my advice.

And as you start this new bureau, you can take that advice with however many grains of salt you want. But I think the way to go. And if we can find a way to do that, then we can avoid these things.

Now, you know we got here because we asked the service to take this step way back many years ago. And maybe, you know, having done so we kind of pushed the issue off at arms' length and maybe should have been a little closer to it ourselves, Mr. Chairman.

One of things we need to ask ourselves is, can we be more helpful? Can the commission be more helpful to the service when we ask it to take an action? And perhaps, you know, be a little bit more in custody and shepherd, help to shepherd that decision-making process a little better than simply asking them to do it, walk away, and watch them have their public hearings and their public comment process and get beat up and simply stand by and say we still want you to do it. So I think there is room to look at this from both perspectives and I hope that we will.

CHAIRMAN PATE: Thank you, Gordon. I couldn't agree with you more. And I was optimistic about the opportunity to do that when I learned that Chris had been put in the position that he was in.

And I was looking at that, Chris, as perhaps an expanded role of what that position had been in the past and, again, creating an opportunity for you to identify areas like this that maybe from your perception we have given the service a request and, using Gordon's terms, put it at arm's length.

But don't let us do that. If there is something that the service is considering as a request from this board or for any other reasons that you think

our continued involvement right up until the last minute decision-making process could be helpful, then keep us involved. Come to us and let us walk through issues like Gordon just identified. I think that would be extremely helpful.

DR. MOORE: Yes, I appreciate those comments, Pres and Gordon. And Gordon is right. There are legal/bureaucratic constraints that prevent us from doing things sometimes when you think we should do them.

And I think that's obvious to a number of you. But as Pres said, you know, this new division gives us an opportunity to look at our partnerships, expand those partnerships and find areas where we can improve. And certainly that's going to be my focus.

CHAIRMAN PATE: Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Somewhat in line with what Gordon was with, you have a job ahead of you because we have a perfect example was our herring decisions, the dogfish decisions which I felt the National Marine Fishery Service was much too rigid.

And you know when you talk about partnerships you talk about a little give on each side. And the fluke thing the other day was, I took the National Marine Fisheries Service response as a threat, that if you do this I'll do this.

And when we're trying to deal with partnerships this striped bass thing is just one thing. There has been this inflexibility on the part of the National Marine Fisheries Service I believe on some of the things that we manage jointly or that we work together on. It's work together provided you agree with us says NMFS.

That's the perception I get. So it's like, we'll have a partnership but I won't give; you, the Atlantic States has to give. There is our partnership.

So anything you can do to improve this situation and, as Gordon says you probably have people behind you, the lawyers and the rest of the stuff. But I perceive that as a serious problem in trying to have a partnership. And thank you very much.

CHAIRMAN PATE: Thank you, Bill. Any more comments? Well, Chris, let me thank you for, as Jon Steward would say, coming in and getting on the seat of heat. I think it has been helpful for us and hopefully for you, too, and a good opportunity to identify what should be some long-range policy and goals for all of us. Thanks again for coming. And I hope you'll share these with Dr. Hogarth.

DR. MOORE: Thank you, Pres, a pleasure being here.

MR. VITO CALOMO: Mr. Chairman.

CHAIRMAN PATE: Yes. Yes, Vito, always.

MR. CALOMO: I'm not quite sure what I was going to say but I felt the moment because of Chris Moore. I know of his background. I know Chris very well. And I, like Bill -- Bill kind of hit home on everything I was going to say. That, you know, this partnership that we have -- and I'm glad that you're the person that we can talk to and I think you have a very difficult job.

But it seems to be a one-way street. And it's supposed to be a marriage between us and you. And what is happening is like in any marriage we seem to be one side wants something and the other side wants to stay no even though we may think we're right. I've been married 35, almost 36 years, now and there are times I can't figure out the other side. And I'm not alone, I guess.

And we've seen that action on dogfish just the other day when the assessment said we could take 2 million pounds more and it actually wouldn't affect the outcome of the rebuilding, you know, little to none.

And it's going to be difficult for us to continue on with a partnership that seems like one of us is cheating. And I don't like that and I don't think anybody else likes it. We need to work together. We're going through the toughest times I've ever seen in the fishing industry and we really need to work together.

And I really am happy that you're the man we can talk to. I don't know what you're going to be able to do with us but I hope we have some good make-up sex pretty soon. But I think we're going to need you.

I think we're going to need you more now than any other time in our lives. So I appreciate you being the man to talk to. But I think we've got a long way to go to patch up our differences. And without patching up our differences we're going nowhere fast. Thank you.

CHAIRMAN PATE: You do live in Massachusetts, too, don't you? Now we'll go to the next item on the agenda. I guess Chris has no comment on that. Bob Beal, Agenda Item Number 7.

-- Discussion on "Script" to Improve Meeting Efficiency and Consistency --

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. At the last Policy Board meeting there was a fairly lengthy and very good discussion on meeting efficiency and consistency between and across the different management boards that we have at the commission.

That discussion was really broken down into three different issues. The first was the advisory panel chair participation and conduct at meetings. The second is the proxy voting issue that the Policy Board had decided on a couple years ago where meeting-specific proxies for legislators and governor's appointees aren't able to vote on final actions.

And the third area was public participation at management board meetings or really all the commission meetings. The first two issues, the advisory panel participation, the advisory panel chair participation and the proxy issue, were relatively straight-forward.

There may be some more discussion on the advisory panel issue based on this week's discussions at some of the board meetings but the one that, the issue that took -- the discussion was the longest and most constructive I think was the issue of public participation at commission meetings.

Each of you have, there is a document in front of you dated October 11th. It's a front and back document. It's a discussion paper on public participation at our meetings. The document goes through sort of a background and then ends up with some different options for the board to consider.

So I'm going to quickly run through that paper just so it, it essentially summarizes a lot of the discussion that we had at the last meeting.

And I think it will set the stage for a discussion to consider the options on the back and decide what further action we want to take and do we want to further develop a script or a boilerplate language that can be used by our chairs at the beginning of a board meeting to control the public expectation and even develop into a public comment policy that expands kind of beyond our boards and goes into our public hearings and other public comment periods that the commission has.

The document, you know, gives the background that I just gave as to how we got to where we are. There is a paragraph on the purpose of public interactions with our management boards. There are really two main purposes of that public interaction. That's the solicitation of public comment and the transparency of the commission process.

So we like the public to come to our meetings and obviously see how business is done. And you it appears that part of that role is also to receive public input and feedback on the management issues of the day.

There are a number of issues that are currently the strengths of the current commission public process, public comment process, and those are in the bullets, kind of on the middle of the front page.

The first one, you know, is obvious to everyone. That's the commission has made the commitment to consider public input. We do that at many levels. We have multiple simultaneous public hearings.

In 2005 we had over 80 public hearings -- 80, not 18 -- so quite a few opportunities up and down the coast. I think this year in 2006 we've conducted 65 to 70 public hearings so far and we'll probably end up with a few more before the end of the year. So we'll have at least probably 80 hearings this year. So there is quite a few meetings going on up and down the coast.

These public hearing obviously are in the states where the fishermen are. We try to conduct them in convenient locations to cut down on the travel burden for the stakeholders so that they can show up at these meetings.

And we have the written comment period where folks can craft a letter and submit that and those letters are forwarded on to the management board members. And you know the public comment period is usually fairly lengthy and allows folks to put together their letters.

Stakeholders also have the option of contacting the commissioners directly. You know the contact information for all of our commissioners is on our web page. It's pretty open as to how we, you know, any individual can give essentially you folks a call and comment on some of the issues of the day.

And we also have the advisory panels where stakeholders can contact advisory panel members. The members themselves are able to provide feedback to the management board. So there are a number of opportunities for public input and public comment that we already have in our system.

This discussion paper goes on to cite some language out of the ISFMP charter. And that language essentially just notes that there is an opportunity, that the agendas for meetings, management board meetings or sections will have the opportunity for public comment prior to the board, section, or commission taking action on a management issue.

So the way the charter is currently written there is an obligation and a commitment there to take public input. Again, you know the paper goes on to describe how that the commission is committed to the open and transparent process that we have right now. And what we need to create is an efficient and fair public comment process at management board meetings, in particular.

You know in the past folks have said, well, you know, if you can afford to come to a management board meeting and get in front of the management board you kind of get the last opportunity before the management board makes a decision on an issue to comment and maybe that is carried, given more weight in the management board members' minds than individual comments that are, you know, e-mailed in or collected during public hearings or whatever. But so the fairness and equity issue is important throughout this debate.

The paper goes on to discuss the four options, as I mentioned. The first option is essentially status quo which is you know the way we've been doing business now with a little -- a little bit inconsistent at times across management boards but in general we solicit public comment at the beginning of the meeting and prior to any final action or final motion, I guess.

There is usually an opportunity, time for public comment. The second option is to build public comment periods into management board agendas. The agendas for all board meetings would have a specific amount of time prior to each potential board action.

So, you know, if we know we're approving an addenda we'd set aside 15 minutes, 10 minutes, whatever it is, before the approval of that document or when the final motion is in place to solicit public comment on that issue.

The third option is to modify the charter, the language that I mentioned earlier, and clearly state the public comment is limited to talk about issues that, bring issues to the board's attention that are not currently on the board agenda.

Under issue 3 you know you're essentially saying that the public comment opportunities and public hearings are the commission's or the management board's, that's the opportunity to comment back to the management board. The opportunity is not at the management board meetings to provide input on final or prior to final actions by a management board.

And the fourth option is to modify the charter to state that public comment is limited to items not on the agenda or for which there is not a public, a prior public comment opportunity. So, if a state brings in a proposal -- I guess the example maybe this week would be the Massachusetts dogfish proposal where we obviously didn't go out to public hearing on that and that's a management board decision.

It wasn't an addendum or an amendment. There really wasn't a public comment opportunity or public comment solicitation. The management board or the agendas would reflect the opportunity for the public to comment on that.

But if during that same meeting the board was also considering approval of an amendment or an addendum or some other issue that did go out

to public hearing, the public would not have the opportunity to comment on that.

And then as a subset or a subsequent decision to deciding those major, you know, I think Issues 1 through 4 the options I just listed are the, that's the real substantial decision. The next set of options are kind of how do we go about implementing whatever we decided in the first four options.

You know if there is a public comment opportunity at meetings you can divide the time allotted by public comment by the total number of individuals commenting. If you've got ten minutes and five speakers, obviously they get two minutes each.

And it's difficult to at times predict how many people will show up but we can control the expectations a little bit through allotted time on the agenda and notification that this is how we're going to handle it.

The next option would be to take one comment in favor and one in opposition until the chair of the board in his or her discretion would decide, you know, we've heard a lot of comment or enough comment and I don't think any additional comment will change anyone's mind on this.

And the next, the final option is you know allow everyone three minutes until you go through the whole group of folks that are willing to comment. And so that's the summary of this paper. You know the idea is that once we get feedback from this meeting we'll go back at the staff level and kind of craft a public comment policy based on this, on the input that we receive today.

We will bring that forward as well as the boilerplate language on the advisory panel participation, advisory panel chair participation, and the proxy issue that you guys saw last meeting in August.

And we'll bring that together as one package for approval on I think script language for all those different issues. So I can answer any questions or I'm sure maybe there is some discussion.

CHAIRMAN PATE: Thank you, Bob. Any questions? Gordon.

MR. COLVIN: A couple of comments, Mr. Chairman, on the paper. I think the issue that Chris described about the equity issues that arise from comment at the board meeting on the decision that has followed a substantial public comment period is an important one.

And I think that there is a couple of things I would comment associated with that. One is that it will take some time I think and education and dialogue to communicate with people about a change in policy that reflects that.

And many people who come to our meetings expect their input at the meetings to be weighted more heavily than the input that came prior to that, right or wrong. And I don't disagree with where the policy is coming from.

But that expectation exists and it will take some time for us I think to address it with some of our major stakeholders. And I think in that light at a minimum this policy should more fully describe and lay out that issue.

Secondly, if we are in fact going to make some changes in the degree to which we accept comment on issues that we will be deciding and have had public process proceeding the board meeting, we need to make sure that that public process that we conduct preceding the board meeting is thorough and fully uses the tools, the bulleted tools under the strength of the process on the first page, particularly the advisory panels.

And I'll take you back to some comments I made yesterday on that subject. The third thing is that something came up yesterday at the Eel Board

that I just want to mention at the Policy Board and it's kind of tangential to this but it's not.

We had two representatives of the electric power generation industry speak and express some concern and frustration about the fact our process didn't seem to accommodate their desire to provide technical commentary and input on elements of the American Eel Stock Assessment and the response of our technical committee to the peer review.

And to a degree those gentlemen had a point. And I think that is something that we ought to be thinking about. And it's not exactly central to a public comment policy but at the same time there is an issue there in terms of a major stakeholder group who may disagree with the conclusions of a technical review.

CHAIRMAN PATE: Okay, thank you, Gordon. George.

VICE CHAIRMAN GEORGE LAPOINTE: Thank you, Mr. Chairman. I think we need to be cautious about making our individual meetings more efficient and our process less open. I mean this is a delicate balance.

And at this point I would encourage us to maintain the status quo and then work on some of the options. I really like how John Nelson does Option Number 2 at our meetings.

I am really concerned that if we clamp down on people's ability to comment that it will make our process look more closed and we might, again, run our meeting more efficiently but need more meetings or create more controversy by trying to be more efficient. And so I, too, think we need to think long and hard about that.

And the other thing that we need to do is in terms of meeting efficiency -- and I think we're doing better -- is be introspective and realize that we can beat a dead horse as well as the public can and use the same kind of standard of saying, "Thanks, George, we've heard that three times

already; we don't need to hear it again." And that will make our process more efficient as well.

CHAIRMAN PATE: Thank you for being concise, Mr. Lapointe. Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. Another suggestion that I find takes up a lot of time is someone, and very often it's professional lobbying groups and organizations will submit lengthy written report and letters and testimony and mail them to you. They get delivered to you when we arrive here. Then they sit down at the microphone and go over them again.

And if there might be some way of saying, you know, if we're going to be delivered the written testimony then you don't need to, you know, sit down and tell it to us. So I don't know how we would do that but I think striped bass is a good example of that.

CHAIRMAN PATE: Thank you, Ritchie. Jack Travelstead.

MR. JACK TRAVELSTEAD: I agree with George to a point that we need to be careful how we approach this. But it seems to me there are three types of public comment that the commission gets and it sort of gets at Option 4.

And that is there are public comments that have nothing to do with the agenda before us and we hear those at the beginning of every meeting and that should be noted on the agenda. I noticed on some of the agendas we received for this meeting that you know it very clearly stated on the agenda that there was a public comment period and it was only for items that would not be otherwise considered on the agenda.

The second type of public comment are those for which the commission held an extensive public hearing process in all of the states and the states were allowed to have as many public hearings as they wanted and there was a definitive time

established beyond which the commission would not accept any further comments.

And it is those that bother me that occur at the meeting when we've set aside time on the agenda to make decisions. I mean we've told the public in advance that the public comment period ends on such and such date and yet we continue to allow other people who have the ability to travel the distance to the meeting to have some last say.

And it seems to me on those agenda items again we ought to clearly state on the agenda so the public can see it that the public comment period ended on such and such date and no further public comment will be taken.

And then the third type of public comment is similar to what was already mentioned, the Massachusetts dogfish proposal. Those are items that are on the agenda for which there was no public comment opportunity allowed in the other states and we out to show on the agenda for those items that the commission will take some limited public debate, set aside some time at the meeting to hear from the public and then make the decision.

But I think it would help the public to see those particular types or issues delineated on the agenda so that, you know, a couple of weeks in advance of the meeting they know what they're going to be allowed to comment on and what they're not going to be allowed to comment on.

CHAIRMAN PATE: Thank you, Jack. Dennis.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. I, too, agree with Jack's comments and George's comments regarding leaning toward the status quo. At some meetings we spend a lot of time trying to get through our agenda and we need to control public comment.

On the other hand, if you had a two-hour hearing scheduled and you limit the public's input and

you adjourn an hour later I think it makes you look kind of funny because you didn't allow the public to speak.

We talked about public comment. We have agendas today that right at the moment we have public comment right in black and white. It's all the public sees, that they are going to be allowed public comment. So I do think that we do need a policy to delineate what our expectations are.

And we do need to control the input from the public. And I think we also have to be considerate of the public. And I think it's a chairman's responsibility to be the referee through the whole process, which I think all of our chairmen do very, very well. So I'll leave it at that.

But one question I might have is we always have people who come to our meetings to speak. And it appears to me that a lot of those folks are the same people that the people from the various states already know, probably have heard the same thing at the state level. And I was wondering if my perception of that is correct, that you get the same people sitting here often times that you've already heard in the public comment process.

CHAIRMAN PATE: Go ahead.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I think this is a good discussion for us, for you all to be having. Just a couple of points, one is I don't look at this, it seems to me this is not as much about efficiency as it is expectations and fairness.

And I think if I look back in the last two years to members of the public that have come to me, it is because they had one expectation of what was going to happen and they got here and something else happened. And they left very disgruntled and very upset.

And frankly I didn't have anything to really point to them and say, you shouldn't feel that

way; that's not what this is about. The staff goes and tries as best we can to estimate how long things are going to take. And I get nervous about getting into a situation where if we had an extra hour we would take public comment but if we don't have an extra hour we're not going to take public comment.

That comes back on us. And you could see yesterday we missed one board meeting by almost two hours of how long we thought it was going to take. And this morning we set aside an hour for 15 minutes of work. So I think looking at this from the standpoint of what's fair and what the public can expect consistently from board-to-board, issue-to-issue, is the way to look at this Mr. Chairman. Thank you.

CHAIRMAN PATE: Thank you. Mark, I'm sorry to skip over you.

DR. MARK GIBSON: Thank you, Mr. Chairman. I think Jack framed it pretty well, that there are a number of different types of actions that the boards take that have had different levels of public comment, whether they be an extensive set of coastwide hearings or a customized action that a particular state has asked for action for.

So to the extent that there is a way to identify, you know, categorize those and set up the process for those in accordance with those different types I think that's a good idea. But the issue I wanted to raise was consistency of process, not only within the commission but across the whole fishery management framework.

There is the New England Council process, the Mid-Atlantic Council, almost all of our states have state fishery management councils. And if it hadn't already been done it would probably be useful to look at how they allow for public comment, particularly during the course of a meeting when there is an action on the table by a board or a body.

It seems to me that's where Vince's idea about public expectations, if they participate -- we all know what the councils look like. If there is an expectation that they're going to come here and participate the same way they do at a council when there is an action item on the table, they don't get to do that and it's different again from the way they do at their state fishery management council.

I think that's going to create some difficulties for us. So to the extent we can look at all those processes, see what the commonalities and best working arrangements are and maybe we can get aligned with those. Thank you.

CHAIRMAN PATE: Thank you, Mark. Leroy.

MR. LEROY YOUNG: I agree with Gordon's comments about perhaps addressing the comments with a response in some way. I think that not only would build trust with the public that we've seriously considered their comments but also I think helps with us.

I find, the other day in the discussion about eels there were some questions raised that I would like to have heard the answer to. And so I think that's a good thing to think about.

CHAIRMAN PATE: Thank you, Leroy. George.

VICE CHAIRMAN LAPOINTE: Thank you, Mr. Chairman. I want to follow up on what Mark and Jack -- called it his "second type of public comment" where we brought something out to public hearing and then we discuss it when we come back.

And Mark tied it into our state processes and we've actually changed at our state level where we don't allow public comment when we take final action on a regulation. But the big difference between our state process and what we do at the commission is we can't modify.

Our advisory council either needs to say "yes" or "no" to whatever the proposal was or we need to go back out to public hearing. And the difference in our process and the council process is we will go out to public hearing and we will have a suite of issues and we will modify it, adjust it, mash it into you know some new combination and that does merit public comment.

And so if we explore Jack's Option 2 we have to figure out how you know George Lapointe, member of the public, am I commenting on an option that was just at the public hearing or am I commenting on the modified final action. So I think we need to give some thought to how we refine that.

CHAIRMAN PATE: Pat White.

MR. PATTEN D. WHITE: Yes, I had a question for Vince, I guess, in your comment. The disgruntled comments that you've heard from the public, is that because they didn't feel that they were heard or because the vote didn't go the way they expected? And I'll follow up that with a comment.

EXECUTIVE DIRECTOR O'SHEA: Well, in one case, quite frankly I think the chairman didn't let him talk because they had the votes and he was afraid they were going to lose it. So in one case they actually prevailed.

But they drove five hours to come down to the meeting and weren't allowed to talk. That was their perception. But to answer your question, they prevailed. And I can think of two cases, one was a headboat/party boat guys and the other case was lobstermen.

CHAIRMAN PATE: Go ahead.

MR. WHITE: Well, I guess that's the kind of point that I wanted to hear because I think hearing, standing out in the hall in a number of instances this week while there was I thought pretty good public participation people were,

you know, very unhappy with the way a particular vote went. And I think we've got to isolate the difference between the two.

CHAIRMAN PATE: Thank you, Pat. Tom.

MR. TOM McCLOY: Thank you, Mr. Chairman. We've been wrestling with this whole public participation issue with our own marine fisheries council. And in New Jersey our council has a fairly unique authority where they can actually veto a rule that is proposed by the commissioner.

We'll set up a public comment period. The comment period id way gone. The council meets within the time period they're allowed, and then they make a decision whether they're going to support the regulation or not.

And, quite frankly, you know, Item Number 2 I think in Jack's list is a good approach. And I think it mimics what the commission process is like. But trying to tell those people that they're not going to have an opportunity to comment when that council is making a decision which is very similar if not identical to this process, I think we're going to be hard-pressed to do that.

Maybe there is some way comment can be limited but I think we need to keep that in consideration because as Vince indicated, people are going to come to the meeting regardless of what policies we have in place and how well they have been publicized with some expectation.

And when they're turned away from the microphone it's not going to be an issue of whether they won or lost the issue, it's going to be an issue of whether they had ample opportunity to be heard.

CHAIRMAN PATE: Vito.

MR. CALOMO: Thank you, Mr. Chairman. Several years ago I think it's about several years ago, I talked to Vince about that our meetings

went on and on and on and it was unbelievable. He said well that's, you know, the public wants to comment.

I said, yes, but we're not holding a public hearing. We're holding a meeting that the public is invited to, a public meeting. And I believe a lot of problems can be resolved by the chairmen.

I watched and I listened to one man on menhaden go on and on and on about the same thing I've heard for the last ten years I believe. I heard one man on dogfish go on and on and on. I think I've made my point, Mr. Chairman. You have a button; you press the button and say "See you later." I think in all reality --

(Whereupon, Chairman Pate pressed the override button on his microphone.)

MR. CALOMO: One thing about me, I don't need that microphone. that doesn't make any difference to me.

CHAIRMAN PATE: Eric Smith.

MR. CALOMO: But I the chairman of the Massachusetts Fisheries Commission. And when we hold our monthly meeting right in the beginning of the meeting I tell the people this is a public meeting but not a public hearing. We've held our public hearings where comments were taken.

But like the commission we have people that travel a long way. And I do allow, I do allow for some limited public comment on issues that are hot issues that we know we need to take a little more input.

But basically I do not allow -- and, hey I am not running for a popularity contest. If they want a new chairman, they'll vote for a new chairman. But I do not allow us to get bogged down with public comment during a time it's just a public meeting.

And I think that's the chairman's position. And it's a difficult one. I'm not saying disallow all but you need to run the show. And for the most part we have very good chairman, but I wanted to make that suggestion. Thank you.

CHAIRMAN PATE: Thank you, Vito. Eric.

MR. SMITH: Thank you. I'm hearing, since I wrote my notes down and raised my hand I'm hearing kind of a groundswell of support that Jack's list of three was a good list of the types of comments we have.

And his Point Number 2 was something like it seems like everybody is really rallying around. And I agree with that, too. And I also agree with Tom McCloy and Gordon that we have to ease into that fairly carefully because it's a good way to get your partners or the interested parties to be jaded about the process.

And I've had that experience with lobster, that lobster instance where, you know, people at meetings in the legislature three months later when lobstermen were there, there were still whining about the fact that they got cut off even though I thought the chairman acted responsibly in limiting the debate.

They didn't think so and so we need to be careful how we ease into this. But I think it's a good idea to move in that direction. When our formal comment period is over and we're at a business meeting, we should be dealing with the business of our decision and not dealing with the comment by those few people who can come to the meeting.

The other point that I think I heard and I only heard it once but I wanted to drag it back into the open because I agree with it, and it has worked for me, is this whole in the list of three items, the second list of three items on the page.

George mentioned this. I have found that take one in favor, one in opposition to be very effective to convey to people that there is a sense

of balance, that everybody's getting treated fairly. And it actually, I find, limits debate because after you've had two and two I will ask okay, is the section or the board ready to vote?

Have you heard enough debate? And you've had a fair couple of points. And I think we all know that if you hear eight in favor and eight opposed, the last six on both sides is probably going to sound pretty much like the first two.

So I think that works pretty well. By the way, I've used both of those things, Jack's Point Number 2 and the one-for, one-against in the Herring Section. And I did take a few body blows on the, "No comment at this meeting. It's decision meeting."

But I'm happy to say that the person I took the body blows from, we have not had to have make-up sex. And I'm eternally grateful for that.

CHAIRMAN PATE: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Maybe for the benefit of the full Policy Board, earlier this week we've had a difficult situation that you are aware of and the other members might not be aware of and that was the frankly, highly contentious issue of meeting with the North Carolina Marine Fisheries Commission.

Having come down here and watched the 300 people attend the public hearing and testify for eight hours I can -- obviously it was an issue that the people spoke very passionately about.

But in trying to structure a meeting that was going to move the agenda forward and provide a constructive dialogue we had the issue of public, of what do we do with public comment and how do we create an environment for the two commissions or the representatives of the two commissions to talk together.

And, quite frankly, the number of constituents that potentially had we opened that meeting up

to public comments we could have spent the whole afternoon again just taking public comments. So a decision was made not to take any public comment but to let the public into the room so that they could observe the discussion and listen to it.

And not everybody was satisfied or pleased with that, I'm sure, but I haven't heard any comments this week about that process. And I think one of the reasons I haven't is because up-front and early-on we told folks what the ground rule was, ground rules were going to be, and they understood that. Thank you.

CHAIRMAN PATE: Thank you, Vince. Any more? Yes, A.C.

MR. A. C. CARPENTER: This is really kind of a minor point with regard to this but on Page 2, the second paragraph, commission's public policy, we have the word in the second sentence "in order to control the public expectation."

I don't think we want to control the expectation. I think what we want to try to do is match the public's expectation with the commission's ability to do its job. And it's just, it's really, I think it helps us conveyed the issue that we are trying to match their expectations with our abilities to do the meeting.

And the other thing is I want to echo Eric's comment that Number 2 in the bottom list of three I think is probably, we need to bring that forward. And as the chairman yesterday I didn't use that and maybe I should have. But I think basic status quo with a little bit of tweaking, I think we've got it pretty well. Thank you.

CHAIRMAN PATE: Okay. I'll let Roy Miller have the last comment on this.

MR. ROY MILLER: Thank you, Mr. Chairman for that. I would just urge us not to be too prescriptive. The three points at the bottom of Page 2, I wouldn't recommend that any one chairperson commit themselves necessarily at a

time to any of those particular three but we allow our chairpersons the flexibility to select among the various methodologies.

The methodology that we have come, I've heard people ascribe to former Chairman Nelson can be very effective, very effective indeed.

But I can also recall a time when perhaps there was public input provided for a species that is uncommon, shall we say, in New England or areas further south that the public comment that was provided at this board meeting I suspect, and my feeling was that it was taken to heart by the members from the north and the south who were less familiar with this resource.

To put it on a personal level, I have relatively little to do with the lobster resource because of my geographic area. But sometimes I find the public comments useful simply because I don't hear those comments at home. And this is only opportunity I have to hear those comments.

And I suspect there are other commissioners that might feel the same way about horseshoe crabs, just for instance. So I urge you not to be too prescriptive but to allow our chairpersons the flexibility of picking and choosing as the circumstances may dictate it. Thank you.

CHAIRMAN PATE: Thank you, Roy. Bob is going to take the comment and suggestions made today and do a further draft to be brought back to the board at the January meeting.

And, Vince, I might suggest that we consider carving out some time during the year at one of the annual meetings maybe an hour to set down with the chairs and the vice chairs to go over these guidelines as a refresher course.

It's going to be easy to lose sight of them even though you have them written down. We heard earlier in the week the importance of more attention needing to be paid to the training for new commissioners and this could possibly fit into that as well.

EXECUTIVE DIRECTOR O'SHEA: That's a good idea, Mr. Chairman.

-- Report from the Meeting between ASMFC Ad Hoc Committee and the North Carolina Marine Fisheries Commission --

CHAIRMAN PATE: We are down to Agenda Item Number 8, the report from the meeting between the ASMFC Ad Hoc Committee and the North Carolina Marine Fisheries Commission. And George Lapointe who chaired that session is going to give the report. But first, George, let me recognize one of our commissioners who came today, Dr. Barbara Garity-Blake who was not able to join us Monday but is here today. Thank you, Barbara, for coming.

VICE CHAIRMAN LAPOINTE: Thank you, Pres. The report of the ad hoc meeting was handed out this morning. Bob, are there copies on the back table as well?

MR. BEAL: Yes, I think there are.

VICE CHAIRMAN LAPOINTE: Okay. And I'm not going to go through the report in detail. I think it was -- and I've gotten a lot of feedback. I think the idea of having the two commissions talk about the issues that North Carolina raised I think was a good idea. And I think the meeting went incredibly well and I want to thank all the participants for that.

And I think at the end of the meeting there was a reporter who came up and she said, "Well, what concrete steps are you going to take?" And I said, "I don't know. We're going to discuss that Thursday."

And so I would encourage some discussion about what steps that we think we might take or we might not take as a result of the discussion we heard. We clearly heard that communication between the commission and the commission and member states could stand improvement.

We can always look at, you know, improvement in communication. And I think that's important. I've heard a couple suggestions that I'll just throw out for discussion at this point. One of the suggestions was that the Compact calls for an advisory committee.

And we have -- with the passage of the Atlantic Coastal Act we made a decision to make the advisory committee the chairs of our respective AP's to coordinate that work.

But the suggestion that was given was thinking about reconstituting the advisory committee to have a member of each one of the state commissions as a member and get them together to discuss the very kind of issues that were discussed at our meeting so that in fact there is a connection and a communication between commissions and our state commissions and this Atlantic States Commission.

And I think that certainly merits some further thought. Another suggestion was this standardizing the way that ASMFC commissioners participate in commission public hearings.

In some states -- and Maine is one of those -- when we hold an ASMFC public hearing there is sometimes an ASMFC staff member there, always somebody on the technical side, but the commissioners, Pat, Dennis, myself or Terry, set at the table and run the hearing.

So it is, you know, we're identified as the ASMFC commissioner from our state. And it just creates a connection. Other states have different traditions. But that was one of the suggestions that was offered as a way of making sure that in Maine they know that the ASMFC isn't this, is this group in D.C. But there are three guys from Maine who sit on it and there is a direct connection.

And then, well, and the other thing that I mentioned before was just how to increase

communication between the state and state commissioners in regard to ASMFC action. And I think Gordon Colvin said that when he communicates with his In-state council that there is a section on the agenda updating people on ASMFC actions that they think they need to be aware of.

And so I just throw those out. And I think what I would encourage folks to do is to comment on those ideas or give us other ideas so that in fact we can improve this communication process that was -- again resulted in the meeting between our two commissions.

CHAIRMAN PATE: All right, thank you, George. Pat.

MR. WHITE: George told me about these ideas and I think they're all great. And one of the other suggestions I think that I would make is that we have somebody to drive a fire truck so we don't get into the mess that we were Monday.

When somebody senses that there is something like this going on, that somebody, be it a commissioner or a staff person whatever can go out into the field and address some of these issues because it isn't just the North Carolina, I mean this has happened on many different issues on different things.

And if we had somebody that could go down and meet with these people in their own area at a public hearing type of thing to get their grievances I think we can oftentimes allay some of these manifesting into a bigger problem.

CHAIRMAN PATE: Thank you, Pat. A.C.

MR. CARPENTER: Thank you, Mr. Chairman. The Potomac River Fisheries Commission is actually made up of eight commissioners, four from Maryland and four from Virginia. And we have set aside in our operating budget at the commission level monies for any one of those eight or all eight commissioners to attend any

ASMFC meeting that they are able to, and we encourage them to.

I didn't have but one commissioner that was able to attend this particular meeting but we have had as many as three or four attending an ASMFC meeting from time to time. From my perspective back at home, having the ability to have them come and sit and listen and be educated to the process is money well invested in our operating budget.

And I would encourage anybody else to look at that. It's a relatively minor expense to have them come to the meeting, but there is nothing beats being here for the three or four days and see what goes on to understand when they go home the process and how the whole thing works together. So I'd encourage you all to look at that.

CHAIRMAN PATE: Thank you, A.C.

MR. CARPENTER: The other -- while I have the mic the other thing that we have is all eight are on the distribution list for the Fisheries Focus publication. And that helps them know what meetings are coming up, what is going on with the ASMFC, and that costs me nothing.

CHAIRMAN PATE: Ritchie.

MR. WHITE: Thank you, Mr. Chairman. That's the point I was going to make, that possibly have the Fisheries Focus go to all the individual fish commission's members directly, not to the agency but to, you know, each person directly.

And then, secondly, whatever action we take would it not make sense to be in touch with the North Carolina Commission in a year or a year-and-a-half to see whatever we're doing if it has made a difference and, you know, kind of check in with them, so to speak?

CHAIRMAN PATE: That's a good idea, Ritchie, thank you. Gordon.

MR. COLVIN: Yes, building on that I was going to suggest, too, that we make sure that each of us have our state marine fisheries council membership list given to Tina to receive the Focus, the Habitat Newsletter, and all of our press releases and meeting reports, that it goes directly to them.

I send them out now but I think sometimes they get a little late and a couple of my members don't have e-mail so it does always work. But if we can get them sent directly from the commission I think that would be a good idea.

A couple of other things that occur to me in terms of ways to try to connect our state, our in-state commissions and councils, I mentioned at the meeting that you know we have a very large council in New York. We have 15 people on it.

And what we try to do often -- and we are not always able to do it because we can't always match the interest but we do try to get as many of those guys as possible on the advisory panels so that we have a connection that way.

And another thing that we've done that I just remembered -- and again you can't always do this but we try whenever possible. They meet alternate months on Tuesdays.

And whenever we're having ASMFC public hearings if we can we try to put the public hearing the same evening as the council meeting meets in the afternoon so that the council members having come from as far away as Westchester County, New York City, Eastern Long Island, to our office can just have dinner locally, stay there and attend the public hearing. And that does work. We tend to keep them around and they get to the hearings that way.

VICE CHAIRMAN LAPOINTE: Pat Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. In addition to that either Brian

Culhane or myself try to attend all of those meetings and either Brian or myself also attend the public hearing meetings.

And it seems to bring a lot of brevity to the situation where the folks see we're actually participating and listening to them. And we both have a tendency to write notes as to what they're talking about. And I find that to be very helpful. Thank you.

VICE CHAIRMAN LAPOINTE: Other comments. A.C.

MR. CARPENTER: Just one final comment, I'd like to complement Vince and the leadership of the commission. I sat in on that meeting as part of the public and was very impressed with how well it worked. So I did want to comment that I thought the format and the structure really lend itself to an active complete debate of the issues.

CHAIRMAN PATE: Thank you, A.C. As I mentioned at dinner Tuesday night I was in a rather awkward position because of the two hats that I have been wearing and the situation. And, again, I appreciate the support and the sensitivity that this commission had to the needs of my other commission. So I thought it went well, also. Any more comments? Kelly.

MR. KELLY PLACE: Yes, I just wanted to mention one thing. I was glad the commission had the ad hoc meeting yesterday or the day before. And it was very constructive.

But tying into the summer flounder problems we had yesterday -- and I'm not weighing in on any of the three options we weren't able to resolve, to come to, I see the logic behind all three, but I would caution the commission that the concerns of the Carolina Marine Fisheries Commission I think are illustrated by some of the potential ramifications from the three different options we weren't able to decide on.

And I'm concerned that some of those options would result, as Mr. Travelstead pointed out, in

a de facto reallocation from north to south as well as from commercial to recreational.

And I don't want whatever decision the board comes to on summer flounder to be held up as the poster boy for the North Carolina people and their concerns of everything from de minimis states that have no stake in the fishery deciding the outcome to the detriment of say a southern state.

And I think it's something that we should really continue to maintain a real sensitivity towards. And as Mr. Travelstead pointed out in the proceedings from the last meeting, there are a lot of Virginia fishermen that for many years have had the same concerns that the North Carolina commercial fishermen have had, even to the point in the '90s I think twice our legislature narrowly decided to table bills to withdraw from the ASMFC.

But I think it's great that the commission had that meeting to air those concerns. But I sure hope that the commission maintains that sensitivity over time.

And I think that some of the decisions that we have coming up will likely either ameliorate the feelings the people have expressed or possibly exacerbate them if people aren't sensitive to the long-term ramifications of those decisions we'll make, especially with summer founder. Thank you.

CHAIRMAN PATE: Vito.

MR. CALOMO: Yes, I thought the meeting myself was -- actually I'll use the word -- tremendous for both sides to communicate and look at it. But I was a little disappointed, Mr. Chairman, that even by myself inviting them to the next day's meeting with dogfish or something that I didn't see them show up.

You know, they were talking about lack of communication. We're here. We're in their state. We're in their backyard. I thought they

would be in the audience. That's all. Thank you.

CHAIRMAN PATE: Thank you, Vito. Any more comments? Okay, we'll move on to Agenda Item Number 9, update on non-native oyster activities, and Megan Caldwell. Good morning, Megan.

-- Update Non-Native Oyster Activities --

MS. MEGAN CALDWELL: Good morning. I've had the pleasure of attending two Chesapeake Bay Non-native Oyster Project Delivery Teams since I have started in this new position. Both Jack Travelstead, Howard King, and A.C. Carpenter were at the first of those two.

The latest happenings with this group is that they have received during their September meeting a presentation from the STAC, which is the Scientific and Technical Advisory Committee to the Chesapeake Bay Program.

And the STAC, there was a 2003 workshop which identified the research needs that would have to be connected to adequately evaluate the ecological impacts of introducing a non-native oyster to the Chesapeake Bay.

The STAC, following up from that workshop, recently surveyed all of the researchers to evaluate the progress that's being made on those research efforts. And the results of that survey indicated that only one of those projects has been adequately completed and the remaining are 45 to about 72 percent complete.

So, the point that the STAC wanted to make was that those projects, the funded projects will be completed in late 2008 and then would be available for use in an environmental impact statement shortly thereafter.

At the October meeting we had the pleasure of meeting with Colonel Aninos from the Norfolk District of the Army Corps of Engineers. And

he wanted to show his commitment to overseeing the process and ensuring the delivery of a draft environmental impact statement by May or June of 2007.

And he made this statement knowing that all the research may not be complete by that deadline. And in having discussions with those at the meeting who are very familiar with the EIS development process, it sounds as though once more research becomes available a supplemental information document would be written to incorporate that new information from those research efforts.

So it sounds as though the project delivery team will begin reviewing some sections of the draft EIS shortly. And I just wanted to let you all know that there currently are some concerned about sharing those sections beyond the plan delivery team because it contains pre-decisional information.

During the October project delivery team meeting we also received an update on the ecological, economic, and cultural risk benefit assessments as well as modeling efforts. And the progress on those models are going very well.

They are pretty much ready to go and just waiting for all the information to input into those models and assessments. And then the last thing I just wanted to let you all know that we have yet another PDT meeting scheduled for November and there will be an executive committee check point meeting in December.

CHAIRMAN PATE: Thank you, Megan. Any questions? Roy.

MR. MILLER: Thank you, Mr. Chairman. Megan, you may not be able to answer this but from your comments I noted that researchers anticipate their work will be done by 2008. And knowing researchers I have yet to know one that concluded that they wouldn't like to know more. There is always fertile ground for research.

But I did note that you said that the draft EIS is expected in May or June of 2007 as an expected delivery date. This is nothing you have any control over but it concerns me when you have a timeline for and expected delivery date on an EIS knowing full well that the research that supports that EIS won't be completed until at least a year after that.

And that has been my perception of this process with the non-native oyster all along is that arbitrary deadlines seem to be driving this process. And let me just share that concern and let it go at that. Thank you.

CHAIRMAN PATE: Jack.

MR. TRAVELSTEAD: Yes, I'd like to respond to Roy's concerns. throughout this process which is now I guess in its third year we have set schedules for precisely the purpose that you describe in your opening remarks.

Our belief is that if we do not have a schedule that we will never get this thing done. We've had three different schedules now. And each time upon further review we've, all parties have been willing to modify that schedule.

But it's our concern that if we don't have a schedule that lays out the various steps that we will begin to fall behind further than we have already. As Megan pointed out, in December there will be yet another meeting of the executive council which is made up of the two secretaries, the National Resources from the two states and Colonel Aninnos from the Corps of Engineers.

And there will be a review of all the available science that is, that we have at that point in time. And a decision will be made at that point whether the schedule should yet again be changed to some future date.

But for right now we're all trying to work together, the researchers and the PDT, and the

executive committee, to try to finish this thing by next year. But you know it's not set in stone.

You know, it's merely a guideline that sort of pushes everyone to do everything they can to get there, recognizing that there will be these future meetings to assess whether we can live up to that schedule and not.

CHAIRMAN PATE: Thank you, Jack. Howard.

MR. HOWARD KING: Yes, thank you. And I would just like to add, Roy, all the research is not decision-critical. There is an element of research that has been conducted that is supplemental. And so no decision would be made without having the decision-critical research completed.

CHAIRMAN PATE: Okay, any more questions of Megan or comments on this subject? I lost my agenda. The next item on the agenda is the Law Enforcement Committee report from Mike Howard. Mike.

-- Law Enforcement Committee Report --

MR. MICHAEL HOWARD: Thank you, Mr. Chairman. I'd like to apologize for not being here in June. I think as everyone knows, we met in Houston. It was an efficient way so that the states wouldn't have to attend two meetings back-to-back.

It was also a cost savings since the Feds just added a night on to the rooming. And I believe it was probably the best way. And we don't want to do that too often but it was the best way to go for efficiency.

We met on Monday afternoon and Tuesday morning to discuss and make decisions on several issues. The chairman, Jeff Marston, has asked me to give the following report on his behalf.

During the last year the committee has worked continuously to bring increased fines for violations of striped bass in the EEZ to the table. The LEC is pleased to report that NOAA has agreed in principle and is moving forward to increase the summary penalty for fine for minor violations in the EEZ in the very near future based on the LEC's persistence and some of your all's comments and requests on this matter.

With the assistance of joint enforcement agreements between the Coast Guard and participating states and NOAA's National Marine Fisheries Service Office of Law Enforcement the LEC has been able to concentrate more enforcement efforts in the EEZ that target striped bass violations.

Now that it's clear the EEZ will not be opened for striped bass fishing it is imperative that the LEC and its partners coordinate efforts further to reduce illegal fishing for striped bass in the EEZ. In the next few days the Coast Guard will be announcing operation "Striper Swiper," a multi-state effort to target illegal fishing on migrating stock of large striped bass.

In an outstanding effort last year the Coast Guard, National Marine Fisheries Service, through JEAs with their state partners, made dozens of cases after boarding hundreds of boats along the Atlantic Coast for violations in the EEZ in striped bass provisions.

Another area of concern for the committee is enforcement of area management provisions within lobster management plans. The committee has been on record since early 2002 identifying problems with area management for law enforcement.

Much of what the committee identified early-on is heard year-after-year or session-after-session within the lobster management plan meetings. It causes us great concern to have multiple carapace sizes within single geographic boundaries. Again, we presented an updated

letter on those recent suggestions and the current proposals.

Maryland gave a presentation on two recent officer-involved shootings that included their training, supervision, investigation, community reaction and departmental response to a very sensitive issue between enforcement officers and commercial watermen.

Enforcement techniques were also discussed dealing with unlicensed sale and purchase of fish products, which you all have heard as officers from Florida received a special award.

Officers from Florida gave their presentation how they developed their cases and information. I'm sure you will see this spread to other areas along the coast for people who decide to purchase and sell without the proper licensing.

The LEC is also hopeful that whatever version of Magnuson passes it will ultimately have a provision that allows the states use of VMS data for enforcement of fisheries violations. It is our understanding that all versions still possibly on the table contain the provision that will allow the states to use that enforcement data for fisheries violations.

The U.S. Coastguard advised that it is proposing a system for all boats over 65 foot that under Homeland Security will be available to us if that is passed. The system known as AIS will also provide tracking data, real-time data, and historical data for vessels, all vessels over 65 foot. It is my understanding that that would be at the cost to the vessel owner. And that has not passed as of yet.

The committee looked at the use of unmanned aerial vehicles for offshore violations and its efficiency and as of yet there is no availability on the East Coast. The National Marine Fisheries Service has one of these and we will not be requesting it at this time.

Officers will be upgrading skills by attending two specialized schools for fisheries in the northeast and southeast that the Feds so generously will be hosting this year. Hopefully that will help us in being uniform in geographic areas across regions.

Any questions? Oh, and one last thing. I'm sorry. We do have a new vice-chair which is Jeff Bridi of Pennsylvania. He will assume the chairmanship in 2007. Any questions?

CHAIRMAN PATE: Thank you, Mike. Any questions of Mike? Okay, Vito.

MR. CALOMO: I seem to be a little slow this morning. I'm sorry, Mr. Chairman. I just have a comment, Mr. Chairman, and it's probably not to do so much with law enforcement but it's to do with Mike Howard.

From the LGAs I really want to thank Mike Howard for going above and beyond the call of duty working with us in the hospitality suite and throughout the commission. I think all the commissioners know the Mike Howard that I'm talking about. He is a fantastic person to help all the time. And he doesn't even look for a little thank you. And I think we all should say thank you. And I say thank you from our committee. Thank you.

CHAIRMAN PATE: We gave him a fishing rod yesterday.

VICE CHAIRMAN LAPOINTE: That you warranted.

-- Stock Assessment Committee Report --

CHAIRMAN PATE: Okay, the next item on the agenda is the Stock Assessment Committee report from John Carmichael. Good morning, John.

MR. JOHN CARMICHAEL: Good morning, Pres. Thank you, Mr. Chairman. This Stock Assessment Committee meets two times a year

to discuss issues related to stock assessments, the commission's process for stock assessments, and developing a schedule or making recommendations on the schedule that ultimately the Policy Board approves.

So the committee met in, I guess we met in August or July, a few months ago, and reviewed the 2007 benchmark assessment schedule and we also looked at issues with benchmark assessments over the next five or so coming years.

We approved a schedule as provided you for your review and consideration. The benchmark assessments for 2007 are American shad, northern shrimp, striped bass and then also within the SEDAR process which is kind of an aside to the commission's primary workload is the small coastal sharks.

And the assessment schedule for 2007 is certainly manageable with the technical resources that are available. But there are some concerns. There are always concerned when it comes to stock assessments.

Certainly one is with species such as shad which have taken a number of years to get completed. And the concern is that if shad is not wrapped up probably in 2007 and rolls over into 2008 then you're also going to have delays within river herring and we're going to get into other large species which have benchmark assessments coming, and that that could cause a workload issue.

So the committee wanted to stress that it's important to try and get shad wrapped up on schedule. It's important just in general to keep these assessments on schedule as much as possible.

And the other issue that was discussed relative to assessment scheduling is how issues that arise in following a review when assessments maybe are criticized or even in some cases outright rejected and much of the needed management

parameters do not survive the review process, what sort of repercussions that has on the overall workload for the technical people.

And that's certainly one of the issues that the membership of the Stock Assessment Committee is paying close attention to. The other item we discussed was the benchmark stock assessments and changes to the process and procedure, continuation of work that has been going on for some time --

CHAIRMAN PATE: John. John, excuse me for interrupting. You moved a little bit quickly. We do need to approve the 2007 for next year. And I'd like to do those individually just to make sure there is no confusion about it.

MR. CARMICHAEL: Sure.

CHAIRMAN PATE: Are there any objections to the schedule for 2007? You've been handed a matrix that shows how that relates to the upcoming 3-4-5-6 years. Any objections to that? **Seeing none, then we'll consider the 2007 stock assessment schedule approved by consent.** Thank you. Go ahead, John, thanks.

MR. CARMICHAEL: I guess there has been a recent development on black sea bass, that that's going to go before an NRCC review and, yes, Bob or Megan knows the details.

MS. CALDWELL: I don't know a lot of details. The NRCC met a few weeks ago and discussed the schedule for the SAW/SARC process as well as the track with Canada. And a discussion came up about, relative to black sea bass and the reference points. So they've charged the technical committee with getting together and taking a, or reviewing the reference points and that will go through a peer review as well.

MR. CARMICHAEL: I certainly think that's something the entire committee will support given what has happened in that stock assessment recently. So the next item is the document that describes the process through

which the commission conducts benchmark stock assessments.

And there has been a lot of discussion in various commission committees over the last couple of years about the process. And the Stock Assessment Committee has been working with staff to get changes in the document as necessary. Primarily these are clarifying some things and working on ways to improve communication between all players.

The stock assessment process involves a lot of people and can get rather complicated. And it also spreads out over in some cases years from the time you start getting data together to when you finally get through a review.

So we've got some things now in the document that I think will help clarify who should do what and when they should do it and give better timelines which is responding to a lot of the suggestions from the reviews of the process. And the Stock Assessment Committee has approved the document and offers it to the Policy Board for consideration.

CHAIRMAN PATE: Thank you. Any questions of John? Any clarification of the changes that he has described to the document? Any objections to approving those changes? **Seeing none we will consider the modifications made by consent.** Thank you, John.

MR. CARMICHAEL: And one of the things we're looking at closely there is this issue which is kind of a common thread which is what you do when the peer reviewers reject the assessments or reject the benchmarks.

And we're trying to make sure the right language in there and in our terms of reference for assessments that really doesn't let a peer review panel get off the hook that easily, that we're not going to accept them just saying, well, the assessment that you did is no good and the

benchmarks we don't accept and walking out of the room.

We want to find ways to force them to then give some reasonable management advice that is of use and salvages something from what may have been a several-year process to come together. And so we're going to continue to look into that and keep you posted as that develops.

The other item that we do or a primary part of our role is the training. All of the technical people in the commission's extended family really appreciate the training opportunities the commission provides them.

And it's one of the things that's really core to the Stock Assessment Committee's mission. And in 2007 we have recommended a number of advanced stock assessment training workshops, and we've also recommended holding the basic training workshops.

Usually what we try to do is one or two, maybe three if the funding is available, advanced workshops. And this is for the people that regularly conduct assessments and want skills that are above and beyond what they normally have or to learn new things.

So for our advanced workshops we're looking at continuing our surveys efforts. We started a workshop that's planned for 2006, for this year, talking about fisheries-independent sampling and for next year we want to continue that and do fishery-dependent.

There is also suggested that we do a workshop on the NOAA Fisheries toolbox which is a national effort to put together in one place a number of stock assessment programs and a number of the state people are interested in getting some sort of first-hand training on that from the people who helped put it together.

The other item we want to look at and we decided this is going to take a while so we want to start in '07 but probably have the workshop in

2008 which is an advanced statistical and data analyses for fisheries.

And it's just to work on some of the core skills but take it up and notch from the basic assessment training and give it to the people who have gone through that and are ready to learn some new things and keep everyone on the cutting edge as much as we can.

As I said, we will also do the basic training workshops in 2007.

And I want to skip over now to the second page of our report. I don't think there is anything there to specifically approve. Mr. Chairman, is that right?

CHAIRMAN PATE: The three workshops that you have listed on your handout are included in the action plan and budgeted for next year so you will be approving those in the process of approving the action plan later on in the agenda.

MR. CARMICHAEL: Thanks.

MS. CALDWELL: In addition to the advanced training as well as the basic training we also have in the action plan to do a commissioner stock assessment training as well as some stock assessment training for the new commission staff.

MR. CARMICHAEL: Which is always fun. So I wanted to skip over to near the end where we do the training report. And this is just an update since this is more on training. This is a update of what we've done for 2006 and the workshops that we're holding.

Already was held this year a fish tagging methods and analysis. And the feedback that I got from the people who went said it was an outstanding workshop and they really enjoyed it, learning more about tagging methods, and they had some great instructors.

The sampling of fisheries resources which I said is the Part 1 of the sampling workshops and

that's going to be December 4th through 6th and we're still struggling to find a location. And it has become a bit difficult with the federal budget situation.

And Patrick is working very hard to find a location that will optimize participation on that. And I wish him the best of luck in getting that straightened out in the next week or so.

And we're also doing the basic stock assessment training. And I guess we're up to, they've completed the first week and we'll soon be doing the second week. And that's the one that Dr. Joe deAlteris teaches.

And the people who go through it think it's great. And one of the things we talked about at our meeting was whether or not there was a need to do it again in 2007. And the state representatives to the committee said, "Absolutely."

They had people within their states who can use those skills and have not had an opportunity to go through that training so they wanted to bring them right in. So, I think it's great that there is such a positive response to that effort.

And the last thing that I wish to bring before you is an issue sort of relating to the committee and its identify and it has to do with a name change. The committee is now called the Stock Assessment Committee.

And what we found amongst the technical community is that people get that confused with the individual species stock assessment subcommittees. And there is a number of technical people who are not really clear that there is a separate committee that deals with stock assessment issues in general.

And in fact there is even some people on the Stock Assessment Committee itself who are not sure sometimes if that's a stock assessment subcommittee of some sort or whether it's a higher level standing committee.

So we've talked about this for a while and we finally decided at our last meeting to come forward with a recommendation. And what we came up with was recommending that we change the name of the committee to the Assessment Science Committee to be sort of the similar moniker to the Management and Science Committee.

And we think that that will be more recognizable and familiar to the commission family and it will clarify what we do which is the assessment science and the process.

We're not set up -- the Stock Assessment Committee as it stands now, the future Assessment Science Committee as it may become, is not really there to resolve issues of individual assessments, differences between technical committee/stock assessment committee members/review panels.

We're there to oversee the process and procedure and to ensure that the workload stays manageable for all the technical assessment procedures that we have to deal with in a year.

And we're also there to provide feedback to the Policy Board or to a management board which has, which may have a general stock assessment question which to us is much the same sort of task that the Management and Science Committee handles.

And we thought it would be good and help avoid some of this confusion amongst other technical committee members and even our own members that we're not just another stock assessment subcommittee.

We are a higher-level committee and we're composed of mainly the primary stock assessment people within the states and the senior, most experienced stock assessment peoples on our various technical committees.

So we're offering for you that we'd like to **change our name, if you approve or since we serve at your pleasure to the Assessment Science Committee.**

CHAIRMAN PATE: Any objections? Approved by consent. Thank you. Calm down, Pat. Calm down. Pat White.

MR. WHITE: Are you sure it shouldn't be the Assessment Science Subcommittee?

MR. CARMICHAEL: Let me tell, we thought of some good ones during our meeting and most of them we probably shouldn't say here at the annual meeting. That's true. After the previous comments I guess we can say anything we want.

MR. WHITE: That depends on whether you like your acronym or not.

CHAIRMAN PATE: Okay, thanks, John. Next item on the agenda it is -- Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I was just, for John Carmichael, one of the issues on the stock assessment review and the process has been the issue of committee members being assigned certain deliverables and certain tasks and deadlines to provide those materials.

And that issue has come up in the past when we have had difficulties with stock assessments. And we've I think even gotten a report this week about -- you may have even mentioned the difficulties we have getting the shad stock assessment done.

And I was just is wondering if you could give us a sense of the sort of the committee's analysis in response to that and how you think the new guidelines that you've built into your document, your recommendations, would help counter or address that issue. Thank you.

MR. CARMICHAEL: Primarily, we tried to address that by clarifying what needs to be done

and trying to assign responsibilities well in advance.

We've put in there a suggestion to hold so of a planning call, a conference call with the technical committee chair, the stock assessment committee chair, the ASMFC staff and, you know, in advance of the data workshop phase of it and make sure that they talk about who should be involved and what people's responsibilities should be.

We've talked about getting people identified up front to spearhead different components of the data collection. And I think the first step in that is making sure that everybody that comes in at the start, at the ground level of getting a stock assessment done is clear what they're expected to do and then hoping that they don't over commit themselves, that when they say that they're going to, say, provide a survey index time series from their state by a certain date that they actually can do that.

And part of this would be making sure that the leadership team that we have, which is really the technical committee, the stock assessment committee chairs with the plan coordinators, so we keep a running list of who has committed to what and what they've said they're going to do and keep plenty of reminders on them to meet those obligations and remind them of what needs to be done to make sure that it is all clearly in writing to everyone who is involved so that they can keep track of their duties and they don't just go home from a workshop and forget about it for three weeks or go home from a meeting and forget what they committed to do.

And we think that's going to be the first step. And then if we continue to get problems where people just can't meet their obligations I think it comes up to sort of a level above us to the Policy Board, to the management board that is involved to try to look at it and figure out why things aren't getting down and where the issues are and if people are over-extended, if state people are

involved in too many assessments, things to look at.

We do look at, in terms of the benchmark schedules, is we actually take the people who are leads for each assessment and see what they're working on within a given year and we evaluate that, too. But we're hoping that just communication and clarification of responsibilities will go a long ways towards solving that.

EXECUTIVE DIRECTOR O'SHEA: Well, thanks Mr. Chairman. I hope so.

CHAIRMAN PATE: All right, thanks. Gordon.

MR. COLVIN: I wonder if there is such a list of assignments that would be useful for the members of this Policy Board, particularly the state directors, to also be provided with copies of those.

We know that sometimes the folks that work for us accept responsibility to do some things and then they come home and get crosswise of us. But we don't always have all that whole picture in front of us.

And the commission, of course, can't possibly know, isn't expected to know, what other obligations our members of stock assessment subcommittees or this committee may have at home. So there is one commonality here and that is the Policy Board member/state director and the individual and we need to work together with them to manage their workload.

And I need all that information. So I think it would be useful to share those kinds of assignments with the Policy Board members to help us help our staff manage their workload with more information on both sides.

CHAIRMAN PATE: Thank you, Gordon. Any more questions of John? John, I understand that you're ending your two-year chairmanship of the committee.

MR. CARMICHAEL: Yes, that's correct. I'll be ending my chairmanship. And the next chair is Mike Murphy from Florida.

CHAIRMAN PATE: Yes, so thank you for your leadership and always very efficient and effective input into the process.

MR. CARMICHAEL: Thank you, Pres.

**-- Management and Science Committee
Report --**

CHAIRMAN PATE: Next on the agenda is the report from the Management Science Committee, Linda Mercer.

DR. LINDA MERCER: Thank you, Mr. Chairman.

CHAIRMAN PATE: Please take note both of these have been once staff to the North Carolina Division of Marine Fisheries.

DR. MERCER: That's correct.

VICE CHAIRMAN LAPOINTE: Please take note that you can't have her back.

DR. MERCER: The Management and Science Committee met Monday and Tuesday and we have three action items to bring to your attention, two you have just taken action on that were presented by the stock assessment -- excuse me, the Science Committee. I've got to get used to that one.

But the first was that we reviewed the updated stock assessment and peer review process benchmark stock assessments data and assessment workshop and peer review process document, very nicely revised by commission staff. I commend them for doing a nice job and incorporating the changes from the MRAG review. So that is one item.

The other was to approve the stock assessment schedule for 2007 which I believe you just approved. We also had a discussion on eels that came out of our review of the 2007 action plan.

And the discussion ended up with a recommendation that perhaps the commission could facilitate in some way the creation of a broader working group for American eel to be formed that would involve more of the academic research community as well as our international partners in some way, perhaps, to address research and other problems with the American eel resource.

So I'm not sure how you want to handle that as an action item, Mr. Chairman, but that was a discussion we had and I would be glad to try to answer any questions.

CHAIRMAN PATE: Okay, Linda, thank you. Is there any objection to creating the American Eel Working Group? Seeing none we will consider that approved by consent. Linda, the second.

VICE CHAIRMAN LAPOINTE: I don't have an objection. I just have a question about the mechanics of it. How often do these people think it will meet? How will we pay for it, etcetera, etcetera?

DR. MERCER: Yes, and those were questions we really didn't address. We thought that would be something commission staff would have to look into and determine whether there would be resources to do it and how that might be formed.

CHAIRMAN PATE: Gordon.

MR. COLVIN: I might suggest, Mr. Chairman, that we didn't really even get a chance to discuss this idea at the Eel Board. It was kind of being simultaneously discussed almost at Management and Science when we met.

But maybe it would be useful for the American Eel FMP coordinator and the staff to discuss

with the Management and Science Committee the idea and kind of flesh out a proposal for how this might work and run it back through the Eel Board to the Policy Board upcoming.

CHAIRMAN PATE: Very good suggestion, Gordon. And we'll take that course instead of approving it at the moment. Okay? Linda.

DR. MERCER: A number of updates for you, the Policy Board requested that the MSC develop tasks for the soon-to-be formed Multispecies Technical Committee. We came up with three items that they could start with that will probably keep them more than busy for a considerable amount of time.

The first is to evaluate the status of the commission's multispecies model development and update the MSVPA-X to include updated stock assessments and diet data and also evaluate output from the MSVPA for use in single-species assessments. That would be a major task.

Also to evaluate the status of research recommendations from the SARC report and peer review panel report and, finally, to work with the Assessment Science Committee to consider and evaluate alternate stock assessment models that incorporate environmental and ecosystem factors.

The science staff will work with a committee of MSC members to develop procedural guidelines outlining methods to address multispecies considerations in fisheries management, following up on the panel discussion that we had in the spring.

Let's see, the MSC was also tasked to answer two questions dealing with the issue of retrospective bias in stock assessments. The first question was what causes retrospective bias.

I'm not sure if you have been handed the white paper that the commission staff prepared but this

was a very nice, useful document that I hope you have.

And there are clearly many things that can cause retrospective bias. And from the summary that we have on various species it's a lot of different things and different for each species. So it's a complicated issue.

How should managers address retrospective bias? We had quite a bit of discussion about this and have a few recommendations: One, that managers manage conservatively when a consistent trend is detected. We recommend including a term of reference that explicitly addresses retrospective bias to the ASMFCA generic terms of reference so that there is more specific focus on this issue.

We also recommended tasking technical committees to be more specific with research needs that might help to reduce retrospective bias. And also we recommended working with the Assessment Science Committee to provide additional advice on how to handle retrospective bias.

A couple other items, the Management and Science Committee and staff are working with Versar to develop a generic template for up-river creel survey design. There is funding from the ACFCMA add-on money for some additional up-river survey work. And so Versar has agreed to design a template for this.

We were informed that the -- excuse me -- the Pennsylvania Fisheries Commission is going to be doing a survey along the Susquehanna River this year and so those recommendations were to make sure that survey designs were compatible.

We also recommended that the Shad Technical Committee identify a river on which to conduct the pilot study when they meet in December.

Commission staff will work to develop an improved process for identifying a prioritized list of data needs for connecting stock

assessments. This in part came out of our discussion of the retrospective bias issues.

And then we had a number of discussions on topics including improving recreational fisheries data, addressing culling in live release tournaments for striped bass, and the use and regulation of bait and live imports around the topic of black salties.

The NEAMAP, we were given an update on the NEAMAP near-shore trawl survey that took place along the Mid-Atlantic Coast. Chris Bonzek presented that survey that just took place I think last month.

And it was very successful in terms of the gear used. They are using the same gear that the new Bigelow will be using and collected 425,000 fish on the cruise and collected a great deal of information.

The NEAMAP Board is meeting at the end of November to talk more about the pilot survey and the future of that effort. And I'd be happy to answer any questions.

CHAIRMAN PATE: Thank you, Linda. Ritchie, you had a question.

MR. WHITE: Thank you, Mr. Chairman. What are black salties?

DR. MERCER: They are goldfish that have been bred to look silvery. And I don't know why they call them black because they are more or less silvery.

But there have been bait companies that have been introducing, wanting to introduce them into the, for use in striped bass fishing, in particular. They can live a short time in high salinity water but the concern is that they can move into lower salinity water and become established like goldfish do.

CHAIRMAN PATE: Okay, any more questions for Linda? Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman, just one about the trawl survey. And my understanding was they had conducted that. It was a three week, the cruise was essentially three weeks at sea.

And Chris Bonzek had indicated to me that I don't think they, I think his term was they had not even broken a mesh in the net and, which is really remarkable to me and I think one of the advantages of the partnership between using commercial vessels and the scientific community.

Because I know we have other cruises that the commission is interested in and it seems like every year they lose a net. And this is because of the hang information that the vessel that we put under contract had available to them. And they were able to avoid that gear, if I am recalling Chris' report correctly, Mr. Chairman.

DR. MERCER: That's absolute right. It was very a successful survey. There were a few areas inshore that they couldn't survey because I guess of obstructions on the bottom. But in general the whole survey went very smoothly.

Dr. Alameda suggested at our meeting that there be some comparisons done of the data they collected from their inshore strata and the NMFS survey inshore strata to see how that compared. And there will be discussion at the board meeting about what could be done next year.

The funding right now is insufficient to actually repeat the survey. VIMS had to put quite a bit of their own resources into this the survey so they have concerns about being able to use what funding is available to conduct that survey. So we will be discussing those sorts of issues at the board meeting in November.

CHAIRMAN PATE: Thank you, Linda. And as I understand it your two-year term of chairmanship of the committee is up also. Thank you very much for your leadership and

welcome back home for a few days. Good to see you.

DR. MERCER: Thank you, Pres.

-- Habitat Committee Report --

CHAIRMAN PATE: Next on the agenda is report from the Habitat Committee, Bill Gold borough.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. I have a number of things to share with the board today starting with a joint workshop that the committee, the Habitat Committee, held with the Management and Science Committee on Tuesday regarding energy, the energy arena and commission involvement therein to minimize impacts on fish habitat.

As a little bit of background you know that a number of issues have come up in recent years of concern to this commission and certain commissioners in particular regarding energy development in their jurisdictions.

There is the Blue Atlantic gas pipeline in New England, the Cape wind project in Nantucket Sound, for a variety of cable and pipeline crossings on Long Island Sound, and of course stepped-up LNG development along the whole coast, especially in the Southeast that have been of concern to a lot of commissioners.

The committee and the commission have of course provided comments and information to that process for a number of years typically through the public comment process when those projects are applying for permits.

But I think it's fair to say that we've never felt like we have maximized our effectiveness in minimizing impacts on fish habitat. It's kind of like dealing with a huge monolith, the energy industry.

So we conceived of this joint working seminar to try and get a better handle on the most effective role for the commission in this area. And that's what we held on Tuesday jointly with the Management and Science.

We had five speakers that really were quite effective in sort of painting the landscape, including some conflicting perspectives and viewpoints that really I think were helpful to both committees.

One was from of course NOAA Habitat. Another was a private consultant formerly of NOAA. We had a representative from the Federal Energy Regulatory Commission. We had a state fishery biologist involved in energy issues. And we had someone from the Electric Power Research Institute. So it was quite a variety of input that we found very helpful.

And following that we had extensive discussions between the committees and with the panelists on what types of energy projects were likely to cause significant impacts, emphasis on LNG and alternative projects that are currently high on the radar screen and the different avenues for involvement of this commission in the development of those sorts of projects. Very constructive discussions.

We then met separately, both the Habitat Committee and Management and Science in the afternoon and continued some of those discussions toward the end of coming up with some recommendations for this board that we hope to present to you at your January meeting. So we don't have them for you today.

But I thought you'd be interested in having that update knowing that we are moving to deal with that issue that is of concern to a lot of folks. Happy to answer any questions on that or should I move on, Mr. Chairman?

VICE CHAIRMAN LAPOINTE: Any questions for Bill on this particular issue? Oh, Bill.

MR. ADLER: Excuse me, what particular issues? Any issues having to do with the habitat issues or?

VICE CHAIRMAN LAPOINTE: Well, he just, the issue he just discussed was the energy workshop that they had had.

MR. ADLER: Oh, on the workshops. Can I comment a little later when he is finished perhaps on something?

VICE CHAIRMAN LAPOINTE: Absolutely.

Mr. ADLER: Okay, thank you.

MR. GOLDSBOROUGH: I will now report, Mr. Chairman, on the Habitat Committee meeting, the afternoon, on the afternoon on Tuesday. First of all, in your briefing book you have a, what we anticipated would be the final draft of our shellfish habitat document that has been in development for a while.

And yet we have to back off from that attempt at seeking your final approval of that because in our meeting on Tuesday the committee wanted to make a few final revisions to perfect the document in a couple of ways.

So we anticipate bringing it to you in January for that final approval because we do have a commitment from Habitat Committee members to give immediate attention to those revisions. So we hope to be finalizing that soon. Any questions on that?

Okay, then recall that at your May meeting the board directed the committee to develop a pilot partnership under the National Fish Habitat Action Plan. We have actively taken up that charge. Over the summer we have had a number of conference calls. We had a sub-committee working on it, working closely with the Fish and Wildlife Service, Ron Howey, in particular, to address the development of a partnership for the Atlantic Coast.

In your briefing CD, on the briefing -- I'm used to saying, "in the briefing book." It's on the briefing CD, all right, you did get a copy of a letter that we sent to the NFHAB board, part of their September meeting, briefing them on our interest in developing a partnership for the Atlantic Coast.

You also have on the CD the most recent draft of the foundation document that we're developing for the partnership. And I can go into some of the details on that. And I also can tell you that we have a draft of a letter to go to potential partners because that would be the next step and we've compiled a tentative list of up to 200 possible organizations who might be sent that letter.

And don't let that concern you. We started from the standpoint of casting a broad net and we're going to be refining and offering to any of the, refining a list that will get the letter but then offering to any of them in the process of that communication the ability to express at what level they would like to be involved in a partnership like this.

So the core participation will be much smaller than that, we anticipate. But it is our intent to bring the foundation document to the interested partners we have identified at a workshop in February.

And that would be the first major step in the development of the partnership. And we hope to formalize it at that point. And at this point I'd like to get a sense from the board if our work to date toward this end and with this document, the Foundation document, is consistent with your intentions as expressed at the May meeting.

CHAIRMAN PATE: Thank you, Bill. Yes sir.

MR. BILL ARCHAMBAULT: Bill, I would just like to say given the charge of the commission to the committee I think you're heading on exactly the right direction. The

National Fish Habitat now has been out for about two years.

And it was primarily driven on the states. And to date we have five federal focus areas that we're working with state partners. And there has been a significant amount of research actually leveraged.

We were really surprised this year when Congress got out ahead of us and provided or actually in '06 provided us some money and actually in the '07 budget is a couple of million dollars that is pending that can get put right into the ground into projects.

To date there has been no coastal or marine focus areas and I believe the commission is the primary body that can push forward with an initiative and we can leverage some of these dollars to put them on the ground.

The funding that we have received to date we've put right back through our state partners and that has gone, 90 percent of that has gone right on the ground into projects. So I believe the charge is right on track and there is a real opportunity here for the commission to get out in front.

And we had the first federal, not federal, state/federal focus area partnership which we could leverage some dollars towards. So I believe you are heading in the right direction. Thank you.

CHAIRMAN PATE: Go ahead, George.

VICE CHAIRMAN LAPOINTE: Thank you, Mr. Chairman. The action plan for next year, we had significant discussion about the commission's involvement with the National Fish Habitat partnership.

And so I would recommend we postpone the discussion until then and we roll all that together. But everybody should, who wasn't there, should be rest assured that the

recommendation is for a very significant involvement in this effort.

CHAIRMAN PATE: Okay, thank you, George. Bill, continue your report.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. I have one other major area I would like to share with the board today and that has to do with Habitat Committee program planning. Two items, one the strategic planning process you may or may not know that the Habitat Committee is a little bit out of synch right now with the overall commission's five-year strategic plan. Ours is a bit more out of date than that.

So we are updating it, fully cognizant that two years from now we will get back in sync when the commission re-engages in its five-year strategic planning process and we will re-up at that time. But we felt the need to do it now.

We do have a draft plan. We have done a lot of work recently on actually revamping the strategic plan that we do have, breaking it down into a real plan and operations procedures manual that would be separate. And we anticipate bringing the plan to your attention with a specific draft before you at your January meeting.

The second item under program planning has to do with committee membership. And there has been a lot of discussion in recent months, the last year perhaps, on how the Habitat Committee can be most effective.

And membership is a key to that we think. We're interested in -- and those discussions have included discussions with commission leadership, all of whom were interested in trying to make the committee as much of an authority on habitat as possible, as able to be a clearinghouse for information on fish habitat along this coast as possible, to enhance its ability to serve as a liaison between the important state and federal agencies on coastal fish habitat and,

frankly, to be able to leverage the influence and abilities of the commission and its commissioners in their jurisdictions in advancing identified priority habitat issues.

So toward that end we've had a lot of discussions. And it is our intention to make recommendations to the chairman by the end of the year when he undertakes the annual process of reappointments to that committee.

And we have some recommendations, draft recommendations already. I'd like to get a little bit of feedback on them to take to the committee as we do finalize our recommendations. A number of things, one, the fundamental thought that we really should have every coastal state government representative on the committee. That might seem obvious but some of you may be surprised that the evolution of the Habitat Committee started a number of years ago with its makeup being entirely by LGAs. And we evolved quite a bit now. And we found that our effectiveness increases every time we build those bridges to individual state's agencies. So we're interested in completing that evolution.

Also, the same with respect to federal agencies. Of course we do have the two services as long-term members of the committee and that has been critical. But looking at other federal agencies that might be important as well, EPA in particular, and maybe other agencies like the Corps of Engineers, the federal councils, perhaps, any number of other possibilities -- yes, U.S.G.S

So, and we're looking at various means for increasing the liaison to those agencies that may even go beyond membership. In addition, there is a lot of interest on the committee and with commission leadership in increasing the diversity of the committee and bringing in representatives from NGOs.

Again, this is consistent with the intent to increase the expertise on the committee and its ability to influence conservation of fish habitat.

And finally there is the issue of commissioners on the committee. I mentioned the evolution we have gone through where we started being entirely made up of commissioners. And the thought that there may be the appearance that the commissioners that are on the committee now -- and we now have two I believe, and two pseudo. In other words, myself who used to be a commissioner and Tom Fote who used to be a commissioner, so it's a little bit ad hoc -- but that there may be the appearance that those commissioners on the committee shoulder the responsibility for commissioners in general for habitat matters.

And we don't want that to be the appearance. In fact, as I said earlier, one of our hopes is to make habitat a higher priority across the commission and increase the ability to leverage the influence of all commissioners.

So toward that end the thought has been bounced around quite a bit in commission leadership and on the committee to no longer have commission members of the committee. Now I will have to say there are a variety of opinions about that on the committee.

But I wanted to throw that out for your consideration and recognizing that, just like with any board, committee, subcommittee, any commissioner as per policy is always invited to participate and welcome.

And in fact Doc Gunther attended most of our sessions on Tuesday. This is not to say that we don't value the input that we receive and continue to receive from our commission members -- and I'll say including myself who once was a commissioner and that's how I got there and others -- and we would hope that that would continue and more of an ad hoc basis.

So I'll toss that out for your consideration. And, like I said, we are just going to be refining our recommendations to the chairman who will make the final decision on committee makeup.

CHAIRMAN PATE: And, Bill, I'm assuming from that explanation that there is no formal document that sets out the membership of the committee?

MR. GOLDSBOROUGH: That's correct, Mr. Chairman.

CHAIRMAN PATE: George.

VICE CHAIRMAN LAPOINTE: Just I'm going to comment on the last point you made about commissioners on the committee, to allow commissioners to sit on the Habitat Committee because as it is currently outlined it takes a lot of time and it runs concurrently with boards. And that creates a dilemma.

The committee should consider some kind of reconstitution so that in fact they do a lot of what I perceive to be their current work in either subcommittees or using some kind of technical committee and then bring very targeted recommendations back to the commission, because then you could slip the Habitat Committee in as a two-hour committee during our regular business time and that would allow us to participate. But to have it running concurrently with other boards because it takes a long time precludes us from doing that.

CHAIRMAN PATE: Okay, Bill.

MR. ADLER: Has Bill completed his report?

VICE CHAIRMAN LAPOINTE: He has.

MR. ADLER: Okay, thank you, Mr. Chairman. I wanted to ask Bill --

CHAIRMAN PATE: Just a minute Bill. He hadn't completed his report yet because I just wanted to make sure that there was not any more comments or feedback to Bill on that specific membership question before we moved further. Dennis.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. The things that George just said I think are important. I feel that we probably should devote more time to the habitat issues as commissioners. I think Bill get short-shrifted when he comes in here and he asks for our consideration on matters at a time when we are watching the clock and we buzz through this and the matter is so important that we at some point may consider having a board meeting or some sort of reconstitution of things so that we hear a little more in detail of what is going on.

CHAIRMAN PATE: Thank you, Dennis. Any more comments on that particular item? And, Bill, the chairman will anxiously await your list of recommended participants. Thank you. You had more to report.

MR. GOLDSBOROUGH: Mr. Chairman, that concludes my report.

CHAIRMAN PATE: Okay, thank you very much. Now, Bill.

MR. ADLER: Thank you, Mr. Chairman. My issue here is cobble mining which is taking place in state waters, Massachusetts, a hundred square acres ten feet deep of prime cod bottom to be dumped on the beach.

And fishermen, of course, they are wondering, you know, where are the people when we need them? Where are these agencies when we can use them? It's in the Cod Conservation Zone which has been closed to fishing to protect the cod and yet they're going to take the bottom away.

And I know Vinnie Malkoski who is a member of your committee, I believe, Bill, works for Massachusetts. He has been very vocal; however, he has been basically told for political reasons to be quiet because some of the politics involved in fixing a beach.

The lobster industry in Massachusetts is the only one it seems to be is the only one screaming

bloody murder and now has the state agencies in court over this issue. And I did talk to the New England Fisheries Management Council Habitat Committee about can you put in two cents worth against this project. And I'm hoping they did.

And also the National Marine Fisheries Service has in fact indicated that when the permits for this thing are going to be issued that it would be elevated to Washington. And that's a good move.

And I just thought that it might be advantageous to have the Atlantic States Marine Fisheries Commission put in their two cents to the Corps of Engineers or wherever. And Vinnie Malkoski would know exactly which ones to go to.

But this is a habitat issue. This is a habitat issue in state waters. And while we spare no action to stop habitat destruction by fishing, when it comes to this thing everybody is sort of, well where is everybody.

So I wanted to put this into the record that this is an issue and it's not just this one. I mean this is beach nourishment. It's going to be going up and down the coast in state waters so it's going to be an issue.

Right now this is a big issue right there. But it will go all over the place. And I think Atlantic States Marine Fisheries Commission should take a stand if it's going to be destructive to the habitat. And I will shut up. Thank you.

CHAIRMAN PATE: Vito.

MR. CALOMO: Thank you. Just to add to what Bill has talked on, this beach nourishment project, we as the state of Massachusetts Fisheries Commission closed the area I think about three months while codfish spawned in that area.

Also we've been very vocal on this subject. We've gone in front of the senators and the state representatives on this but, again, we are a state

commission and I'm not so sure that we're getting our point across so we'd appreciate any help you can give us. Thank you.

CHAIRMAN PATE: Thank you, Vito. Susan.

MS. SUSAN SHIPMAN: Correct me if I'm wrong, Bill, but I believe we've got a policy on beach nourishment that was done. It's a very extensive policy that is a statement of this commission with regard to beach nourishment and perhaps the Massachusetts delegation could forward that to the regulatory agencies because it's a very extensive policy. I know we use it in Georgia.

CHAIRMAN PATE: Yes, Bill.

MR. GOLDSBOROUGH: Yes, thank you, Susan. I do want to mention that. It is actually a very comprehensive, almost a source document on beach nourishment that is quite authoritative. And it is available if that would be of assistance.

And this issue, Vinnie did bring up this issue, has brought up this issue at the committee. I don't recall being requested to weigh in or play a specific role, however. Of course we are at the board's direction on that if you should so desire.

CHAIRMAN PATE: Yes, we do. Any more questions of Bill? Kelly.

MR. PLACE: One point that is related to Mr. Abbott's comment on broader representation on the Habitat Committee as well as Mr. Adler's example of stakeholders observing certain habitat destruction but not really having an avenue to express their concerns or get anything done.

Sometimes I think maybe the Habitat Committee could use a little more representation from certain stakeholders that have direct empirical observations of certain habitat destruction, sometimes spanning many generations of people and in addition would have suggestions on how to either mitigate or reverse that type of thing.

So sometimes I think maybe it would be better not to create a referendum-type situation but at least have some avenue for all the stakeholders to contribute to the Habitat Committee deliberations.

Also, I would like to see the Habitat Committee as it did this week meet in conjunction with the board instead of -- I haven't seen the Habitat Committee meeting during the meeting week for I know it seems like a year but maybe not that long. I think the last meeting was in New York. But I do like seeing the Habitat Committee meeting during the meeting week. Thanks.

CHAIRMAN PATE: Bill, you mentioned earlier your ideas about including some other federal partners in the process. You might want to consider someone from NOAA's CRM program as well. Thank you for your report, Bill.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman.

CHAIRMAN PATE: Is there any other business to come before the Policy Board?

DR. WILSON LANEY: Pres.

CHAIRMAN PATE: Wilson.

-- Update on Cooperative Winter Tagging Cruise --

DR. LANEY: Thank you, Mr. Chairman. Since I didn't get around to all of the boards this week I wanted to give you all a brief progress report on the status of this coming January's twentieth annual cooperative winter tagging cruise. The approximate dates are going to be January the 15th through the 26th.

And, as many of you are aware, those have a tendency to shift in time so those are not final. We will be using the NOAA research vessel

Oregon II once again. And yes, Mr. O'Shea, I do resemble that remark.

We have lost gear for the last two years in a row, I am sorry to say. We have attempted to recover it but it's kind of hard sometimes when you don't have a big enough grappling hook.

The tagging goals are pretty much the same as they have been in the past. We will be tagging five species, the primary target being striped bass but we also tag Atlantic sturgeon, horseshoe crabs, red drum, and spiny dogfish, the latter in partnership with the Mid-Atlantic Council who put \$8,000 into that project last year and NOAA, National Marine Fisheries Service, Dr. Boreman put five grand in and we put five grand in and that's being spearheaded by East Carolina University.

We will be once again this year trying to do sort of a short-term population estimate off the coast of North Carolina for that particular species. And I will mention that this year we have managed to get out two peer reviewed publications that contain the results of cruise investigations, one of them dealing with the mortality rates of large striped bass, over 28-inches, and the other dealing with our captures of Atlantic sturgeon for the past 19 years. And if you're interested in those, see me. I can get copies of those to you.

And, finally, we will be once again collaborating with VIMS, providing samples for them to do dietary analysis for many different species as part of the eco-path program in Chesapeake Bay. And I won't mention the others. There are many collaborations that we undertake each year because we do try and maximize the use of federal vessel time.

And so we are in contact with lots of researchers who are doing lots of different things and ask us to take lots of samples so we try and accommodate as many as we can. And I'll be happy to answer any questions.

Most of you and/or your staffs will be getting a solicitation from me shortly with regard to their possible participation as scientific party members during the upcoming cruise. I'll be happy to answer any questions, Mr. Chairman.

CHAIRMAN PATE: Okay, thank you, Wilson. Any questions of Wilson? I had -- Dennis Abbott is recognized for something.

-- Discussion on Forming Single South Atlantic Advisory Panel --

REPRESENTATIVE ABBOTT: Yes, for something. Thank you, Mr. Chairman. As chairman of the Advisory Panel Oversight Committee I was approached on this week about exploring something.

And that something to explore is the possibility of having a combined advisory panel for some of the species to the south. I assume we're talking croaker, Spanish mackerel, spot, spotted sea trout, and the like.

And before my group starts looking very deeply into that I'm going to be looking for the opinions of the states involved. They bring up the questions of keeping the advisory panels in place, ability to get people, and possibly if we had a combined panel we might have an interested resource to work with of people.

So we are going to do that. And before I do a whole lot I will be looking for some correspondence in the near future to the southern states about what they think of it so that we could at least go further in the exploration. So you will be hearing from us and I would like you to give some thought about a combined advisory panel in the southeast states. Thank you.

CHAIRMAN PATE: Dennis, I'm assuming that came up after the South Atlantic Board met earlier in the week. Is that correct?

REPRESENTATIVE ABBOTT: I have no idea as I don't keep very close track of what's going

on here. But I did hear that from one of the states, in fact, from two individuals.

CHAIRMAN PATE: I'd suggest putting it on the agenda for that next, that board's next meeting to discuss. Spud.

MR. SPUD WOODWARD: Thank you, Pres. Yes, I talked to Dennis sort of informally about this. It actually came out of a conversation between Bill Windley and I during the South Atlantic Board meeting, just talking about the challenges of the fact that we have sort of sporadic activity with species under the purview of the board.

And you know we activate AP's and then we sort of stand them down and then we try to activate another one and we talked about this concept of maybe having a composite multispecies advisory panel so that we could maintain core participation over time and maybe have some continuity.

And I asked his opinion on it in his capacity with the AP Oversight Committee. And this is something that I plan to bring before the South Atlantic board in a more formal approach at the next meeting.

CHAIRMAN PATE: Okay, great. Thanks, Spud. Yes, Chris.

DR. MOORE: I just have one quick thing, Mr. Chairman. Hopefully at the beginning of the week there were some NOAA Fisheries Service fact sheets that were put on the display table as they relate, and these fact sheets relate to a proposed rule that is coming out or is out in regard to sea turtle bycatch data collection. If you haven't gotten it we'll make sure that we send these out to all the board members.

But basically the service is proposing a rule under the Endangered Species Act that is going to require state and federal fishing vessels operating in state and federal waters to take onboard observers upon request.

It's likely that the number of fisheries that we're going to monitor under this rule be limited to high priority fisheries that are likely to encounter sea turtles. So if you have any questions you can talk to me later.

CHAIRMAN PATE: Thank you, Chris. Bob.

MR. BEAL: Thank you, Mr. Chairman, just real quickly, the Summer Flounder, Scup and Black Sea Bass Management Board earlier this week had a number of items that there was some remaining business still to be done.

And we're working with the Mid-Atlantic Council to see if we can kind of piggyback on their meeting. It looks like the most probable date for that meeting will be Monday, December 11th. That meeting is in New York City. I don't know the name of the hotel but we'll get that out.

We're still trying to make contact with the hotel and see if all the logistics work out, but that seems to be the most efficient way to get the board together since we will be having a joint meeting with the Mid-Atlantic Council in the next day or two after that. So we're working and that. I just wanted to, you know, have folks kind of save that date and we will get back to you with more details.

CHAIRMAN PATE: You don't want to explain what that unfinished business is?

MR. BEAL: I am afraid to bring it up. It would take too long.

CHAIRMAN PATE: Thank you, Bob. And the other business? Gene.

DR. GENE KRAY: Just a quick comment. The hotel is the Skyline Hotel. It's on Tenth Avenue and 49th-50th Street.

-- Other Business; Adjourn --

CHAIRMAN PATE: Thank you. Any other business to come before the board? Seeing none, we will consider the Policy Board meeting adjourned.

(Whereupon, the meeting adjourned on Thursday, October 26, 2006, at 11:21 o'clock, a.m.)

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