

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

February 23, 2006

DoubleTree Crystal City
Arlington, Virginia

Approved May 11, 2006

ATTENDANCE

Board Members

George Lapointe, Maine DMR	Howard King, Maryland DNR
Dennis Damon, ME Legislative Comm.	Bruno Vasta, Maryland Gov. Apte.
John Nelson, New Hampshire F&G	Jack Travelstead, Virginia MRC
Ritchie White, New Hampshire Gov. Apte.	Kelly Place, proxy for John Chichester, VA
Peter Whelan, proxy for Dennis Abbott, NH	Preston Pate, North Carolina, DMF
Paul Diodati, Massachusetts DMF	Damon Tatem, North Carolina Gov. Apte.
Bill Alder, Massachusetts Gov. Apte.	Jimmy Johnson, Proxy for William Wainwright, NC
Vito Calomo, Proxy for Anthony Verga, MA	Mel Bell Proxy for John Frampton, SC
Eric Smith, Connecticut DMR	Malcolm Rhodes, South Carolina Gov. Apte.
Lance Stewart, Connecticut Gov. Apte.	Robert Boyles, Jr. South Carolina Leg. Comm.
Pat Augustine, New York Gov. Apte.	Spud Woodward, Proxy for Susan Shipman, GA
Tom McCloy, New Jersey DFG&W	John Duren, Georgia Gov. Apte.
Erling Berg, New Jersey Gov. Apte.	Gil McRae, Florida Marine Research Institute
Leroy Young, Proxy for Douglas Austen, PA	April Price, Florida Gov. Apte.
Eugene Kray, proxy for Curt Shroder, PA	Wilson Laney, USFWS
Frank Cozzo, Proxy for Curt Shroder, PA	Tom Meyer, NMFS
Roy Miller, Delaware Div. of Fish and Wildlife	
Bernard Pankowski, proxy for Robert Venables	

ASMFC Staff

Ruth Christiansen	Lydia Munger
Bob Beal	Brad Spear
Tina Berger	Nancy Wallace
Vince O'Shea	Mike Howard
Julie Nygard	Toni Kerns
Vince O'Shea	

Guests

John Carmichael, SEDAR	Matt Cieri, Maine DMR
Jeff Kaelin, Omega Protein	Bennie Williams, USFWS
Terry Stockwell, Maine DMR	Rick Robbins, Chesapeake Bay Packing

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Summary of Motions

February 23, 2006

Move to Accept the ASMFC Response to MRAG Report

Motion by Mr. Augustine, second by Senator Damon. Motion Carries

The meeting of the ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the DoubleTree Crystal City, Arlington, Virginia, on Thursday, February 23, 2006, and was called to order at 1:10 o'clock, p.m., by Chairman Preston Pate Jr.

-- Welcome; Introductions --

CHAIRMAN PRESTON PATE, JR.: We'll get started on the ISFMP Policy Board for February 23, 2006. Welcome, everybody. Before I start let me announce that the little test that we ran on the acceptability of the hospitality room tested positive and had a lot of really good feedback and appreciate everybody's cooperation and sensitivity in making it work with the least amount of disruption to other guests in the area.

It proved to be absolutely no inconvenience to me in using my room and I think it's something that we benefited from and will make efforts to continue that in the future. And thanks to the staff. I was looking for Mike. Is he around?

MR. GEORGE LAPOINTE: He's gone.

CHAIRMAN PATE: I was looking for Mike Howard. He was real instrumental in getting the materials for the event and keeping everything under control and cleaning up afterwards. And that was one reason it succeeded as it did.

-- Approval of Agenda --

The first item on the agenda is the approval of the agenda. I have one item of business that I'm going to add under other business. Mr. Steve Devitt from Maryland will be making a presentation on the Maryland striped bass certification program.

Are there any other additions to the agenda? I'm trying to talk like John Nelson now, the agenda - a combination of Bill Hogarth and John Nelson. That's scary. No additions to the agenda, then **we will consider that approved.**

-- Approval of Proceedings from November 3, 2005 --

Approval of the minutes from the last meeting. Any objections to that? Any changes to the minutes? **Without objection we'll consider those approved.**

-- Public Comment --

Any comments from the public? We're at that point where people can step forward and ask, present to the commission any points that they feel like are pertinent. Seeing none we'll move on.

-- Review Revised Response to MRAG Report --

The next item on the agenda is review of the revised response to the MRAG report. John Carmichael and Linda Mercer will be presenting that. But before they start let me say that after that report was released I received an analysis and a comment, a written comment from Desmond Kahn.

Des was the chairman of the assessment committee and took some exception to some of the issues and points that were raised in the MRAG report and presented those exceptions to me in a letter that we had intended to have available to pass out today so that you could review from his perspective as chairman of the committee therein his analysis of the progress and we just forgot to bring them but we'll mail those out after this meeting and let you read those.

I had promised Des that I would bring this matter before the board and allow you all an opportunity to review his comments. So we'll take care of that in a separate mailing after the meeting. John, are you going to do this? Are you going to take the lead? John Carmichael.

MR. JOHN CARMICHAEL: Well, yes, sure, I guess we can. John Carmichael for Joe -- in case you don't know my voice by now. I guess Lin and I's largest impression was that we would mainly answer questions that you all have

about it. We don't have a formal presentation prepared, per se.

I know this has been talked about times before at the Policy Board but to sort of fill you in on the document before you, the response to the MRAG report, this came before a subgroup of the Management and Science Committee and the Stock Assessment Committee. It hasn't been discussed by the committees as a whole in a face-to-face meeting.

What we did was send the comments out, send the document out to the entire committee and ask for a core group to step up and volunteer to be on a subcommittee, meet over a couple of conference calls back in December and January and draft this or at least to respond to these comments that were largest drafted by staff.

We made a few suggestions and added some more recommendations from that subgroup and tried to get in the ideas that had surfaced through the discussions with our committees which, as I say, have been largely informal.

It hasn't really appeared as a regular agenda item. I think Pres is right. Some of the other committee members have certainly expressed the opinion that they felt certain groups were singled out.

And my first impression upon hearing about the commission commissioning this report and seeing that it was available was that I thought it was a really good idea because those of us who have worked on commission stock assessments are well aware that there is a lot of challenges. Some go very smoothly.

I think overall most of the commission stock assessments go very smoothly. But then others seem to have problems and difficulties arise. And when I first read through the MRAG report my impression was that, you know, some of these things are rather critical to the process and some of the committees and it's probably good it's coming from an outside body because you can consider it to be more objective.

But a lot of issues weren't really a big surprise.

You know they come down to workload, probably one of the primary issues that's addressed is the workload, the time it takes to get assessments done, the skills it takes to complete assessments, the labor that it takes just to get basic datasets together.

The other issues are the conflicting demands that the technical people have. They have demands from their states. Most all of the people relied on at the ASMFC technical committee level are state employees.

They have a lot of demands there. They're pulled in many directions. They don't always have the time they want to work on commission projects. And you know from my own experience you always felt like you needed another week or two to get the job done.

So I think a lot of that is really reflected in the report when you read the comments. That's sort of the overriding thing. Sometimes committee members don't feel like they know the full process, where they fit into it. They don't feel like they have enough time. So the subgroup that we had basically went through the staff's comments and I think a lot of the changes that we made are probably what's largely in bold.

One of the issues that we did discuss during our conference calls was that a lot of the suggestions made through MRAG and some of the procedural changes that are suggested were addressed in the commission's stock assessment guidelines that were developed I guess back in 2002-2003. I don't know, maybe it was 2004 before we got them all wrapped up.

But I think, you know, certainly the weakfish assessment has caused some attention in this. And I think in defense of that assessment and with relation to the guidelines the weakfish assessment was well underway before those guidelines got approved I think.

And there is certainly a case to be made that maybe weakfish didn't benefit fully from those efforts to try and standardize the process to prepare deadlines and instruction manuals and to let everyone know what was expected.

I think comparisons to the summer flounder assessment, it's really in some senses an apples and oranges difference. You have summer flounder conducted by the Northeast Center with an assessment person who has been doing it for years and years.

You know the benchmark assessments were largely done years and years ago. So a lot of the problems that face a lot of the commission assessments like weakfish currently, eels, probably were addressed by summer flounder 15 years ago.

But now the datasets are worked out and you have a system that appears to run very smoothly. But I would think if you did a retrospective analysis, as we like to call it, that you might find out the first few summer flounder assessments had equal challenges to some of the ones we're working on today that are causing a lot of trouble.

I look back at striped bass. There were a lot of challenges when the VPA was first done in striped bass. Most years since it has run as a pretty well-oiled machine. So I think in a lot of cases the commission process works very well.

There are some changes in here that are suggested: ways to support the process better, to beef it up, better reliance on the guidelines, certainly making the deadlines better known, having better interaction between the technical committees and the management boards and the Policy Board on what the deadlines are, getting more feedback from the technical committee members, bringing them more involved in the process.

But I think overall, and one of the things that I think really needs to be done is just getting more people out there to do stock assessments.

And that's one of the comments that's made throughout here that came from the subcommittee that we had was that the short-term issues are dealing with process and procedure and most of those are pretty easy to implement and could be done overnight if you so chose.

But getting more people to do stock assessments is more of a long-term approach. The other big issue that came out of the MRAG is a lot of data concerns. And I think that the commission has really taken a big step in the support of ACCSP to start addressing data concerns.

Throughout fisheries management on this whole coast we deal with data problems and I think all the agencies are aware of it. And in every level we're struggling to try and collect more data with dwindling resources.

And you know that's just always going to be a fact. We have to be more efficient. We have to do a better job of it and have better coordination. And the commission can help with some of that.

But I think as programs like ACCSP get better and we do more cooperation, well, even our data problems will start to fade away as well. So, Linda, do you have anything to add?

DR. LINDA MERCER: John, I think you captured it quite well. I'd be happy to help answer any questions that you have.

CHAIRMAN PATE: Okay, thank you both. The document that you have is one that you reviewed before and had the input into some modifications to and there has been a subsequent review by the Stock Assessment Committee and the Management and Science Committee.

And the document that was in your package reflects the comments and modifications that were made as a part of that joint review by those two committees. And those items in the report that appear in bold are the ones that have been recommended by the committees. So at this point we can open it up for any further discussion that the board sees necessary.

What we want to do today as the next step in the process is to accept this report with the direction to the staff to go forward and start making the changes in the various guidance documents that we have to operate with and bring those changes back to future board meetings for modification to the appropriate documents. Mr. Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. Based on your comments I would so move. And how would you like the motion worded?

CHAIRMAN PATE: Just to move to accept the report.

MR. AUGUSTINE: **Move to accept the report** and go forward to the technical committee and stock assessment committee to take appropriate action?

CHAIRMAN PATE: Well, actually it would be, I think just a simple motion to accept the report and then we'll move forward with the proper staff response to that, Pat.

MR. AUGUSTINE: Thank you very much.

CHAIRMAN PATE: A second by Mr. Damon. Eric.

MR. ERIC SMITH: Thank you, Mr. Chairman, very briefly because I was kind of the skunk at the garden party on this whole process early on and I did ask for this kind of review I wanted to congratulate the two groups and the commission staff for what they've produced. I think it has been a very beneficial part of the process and I appreciate it. Thanks.

CHAIRMAN PATE: Thank you. And I agree with that assessment.

MR. SMITH: That I was the skunk at the garden party, Mr. Chairman?

CHAIRMAN PATE: George agreed with that. I just sort of nodded. Any further comments on the motion or on the document? Seeing none, any objections to the motion? So approved. Thank you, John. Linda, thank you very much. John Nelson.

MR. JOHN I. NELSON, JR.: Thank you, Mr. Chairman, and I appreciate the review that has taken place of this document. I think it will overall will be very helpful for our process which we obviously noted that we needed to streamline and improve wherever we could, not

only so John and Linda and the rest of them could you know get their work done in a timely fashion but that they wouldn't be worn out by the time we got to the end of that; although, you know, I don't mind wearing John. You know, he can carry a lot of hats on his head I think so we ought to keep pushing him.

But having said that when I went through the document two things came up to my mind and that was, well, where are we in regards to the recommendations? And what's the overall time table for implementing the recommendations.

And I think you've addressed that as far as saying now the report will go to staff and they'll develop a timeline for us to implement various components of this. You know maybe there are specific stock assessments that would be targeted to utilize these recommendations or have components in place so that those stock assessments can go in a more timely fashion.

And data does seem to be the biggest issue. Organizing that, as John said, a number of them have been organized. I wonder if that's where we haven't organized things and is that going to be the target, for example, trying to improve those datasets so that when we do a stock assessment we will be ready to go instead of trying to compile it all that time. But that's the type of thing that came to my mind. Where are we and what type of timeline is going to be set up for implementing these recommendations?

CHAIRMAN PATE: And I think we'll have a better feel for the timeline development once we find exactly what needs to be changed in the various documents because it might be such that we have to proportion that out, proportion those changes out over time. We'll come back at the next board meeting with that, with something more specific in that regard, John. Are you okay with that?

MR. NELSON: Yes.

CHAIRMAN PATE: Thanks. George.

MR. LAPOINTE: Thank you, Mr. Chairman. It's not so much a comment on the MRAG

report I don't think but the assessments that we heard about today for horseshoe crab and eel also bring to mind the need to work with our technical folks to know how much we can derive the information from those assessments.

You know, as we move forward with the MRAG report we aren't going to get there tomorrow and so when there are assessments that aren't as vigorous or rigorous, excuse me, as other ones we're going to need folks' help to realize what we can say about those things and what we can't.

And I think actually the Horseshoe Crab Technical Committee did a good job today of kind of saying here is what we can say and here is what we can't.

CHAIRMAN PATE: Okay, any further comments? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I think, you know one of the things this week was you know the discussion of the eel stock assessment and in particular the missing data that the peer review group felt that should have been considered by the stock assessment folks.

And you know part of the problem there is coming up with a process that sort of identifies what we're missing. And this was sort of an additional challenge in the eel stock assessment where it was the first time they had tried to do this.

And I think one of the things that has come out of this week's discussion, at least for me, is that we ought to take what happened with the eel process and from a staff standpoint we need to take a look at that and see what we could have done from a staff standpoint to add value to that process and make sure that whatever things happen in the eel thing that we check that experience against subsequent stock assessments and do that from a staff perspective.

That's not going to take any guidance or approval of this board or any modification to our documents so that would be one response, I'd

have the timelines. And we intend to do that. And I think the second -- I'm looking down at John Carmichael, Mr. Chairman.

Before this meeting I had a discussion with him and I said, "When I reviewed their report that was given to you here I didn't have a good sense of whether the problem is we have a comprehensive guidance document that when followed gets us in trouble or whether we're not following our document."

And I get the sense talking to John that a lot of the problems that were identified by Bob Trimble's group could be addressed if we paid more attention to our guidance document. And certainly we don't need a motion or any other action by the board but that's certainly a staff responsibility. And I'm much more sensitive to that issue.

And I think we're going to be coming back. It's a thick document. And from a staff standpoint we need to figure out a way to help our staff coordination with these technical committees to keep reminding them of what the guidance is in the document. So those would be my two comments to the timing issue and we can get on those right away. Thank you.

CHAIRMAN PATE: Just do it is what you're saying. Okay, thank you, Vince. Any further comments? The letter that I referred to from Des we actually had with us so we're making copies now to hand those out and we'll avoid a separate mailing so thank you for that. The next item on the agenda is the update on non-native oyster activities. Bob Beal is cued up for that.

-- Update on Non-Native Oyster Activities --

MR. ROBERT E. BEAL: Great, thank you, Mr. Chairman. In general the development of the environmental impact statement for oyster restoration within the Chesapeake Bay is continuing. The research by various principal investigators at some of the universities around the bay and some private consulting companies is continuing on.

There is a lot of new data being generated but

the majority of those projects are still kind of works in progress. At the very beginning of this meeting a summary of a meeting of the Interstate Shellfish Transport Committee was passed around.

And as you all know the Shellfish Transport Committee is the commission's group that's kind of injected into this EIS development for the oyster restoration efforts within the Chesapeake Bay.

This was the first meeting of the Shellfish Transport Committee where they had an opportunity to hear a series of presentations and then provide some recommendations to the management board.

I'll go through those recommendations in a minute but what, ultimately what, the way the commission kind of fits into the bigger EIS development picture is that we have our Shellfish Transport Committee which is the equivalent of a technical group that looks at the data and the EIS project that's being developed and they make recommendations back to this Policy Board.

This Policy Board then looks at those recommendations and decides if they want to, if they agree with those recommendations then they'll forward those on to the Project Delivery Team that's developing the environmental impact statement.

So in this meeting summary there are I don't know five or six recommendations that after I go through them I'll ask if the Policy Board is comfortable with those recommendations being forwarded on to the Project Delivery Team for consideration. So with that, that just kind of sets the stage of how the Shellfish Transport Committee fits into the bigger picture.

As I mentioned, we had a meeting. It was a two-day meeting. The first day of the meeting was presentations by the various principal investigators and the representative from the Maryland Department of Natural Resources, just to get the committee up to speed on the process, the development process and review process of

the environmental impact statement.

And then there is a table at the top of Page 2 which has a series of principal investigators and the projects that they're working on. Each of those investigators made a presentation to the Shellfish Transport Committee.

In the interest of saving paper I did not attach all the presentations to this document. I can get those out to anyone that's interested. There are probably, you know, 100-and-some slides total for all these presentations so I figured it was not the most efficient thing to do, to hand all those out to this group today. But if anyone wants them please let me know and I can definitely distribute those.

The second day of the meeting was the discussion part of it. Once they were brought up to speed the first day they had a pretty lengthy discussion the second day to determine where the process is, how they felt the Shellfish Transport Committee could be involved with the process and what feedback they should provide on the EIS development.

The first paragraph in the discussion is probably the most relevant part of the discussion in that overall the Shellfish Transport Committee agreed with the process that was established to develop and review the environmental impact statement.

They felt that the Shellfish Transport Committee, it's important that they remain involved and they wanted to stress that the, you know that the potential impact in introduction of a non-native oyster could impact neighboring states from, you know, outside the Chesapeake Bay region, actually up and down the coast.

They wanted to keep the commission in to provide a more coastwide perspective on the management program. Skipping forward to the recommendations on Page 3 -- and again if the Policy Board is comfortable with these recommendations they'll be forwarded to the Project Delivery Team.

The first recommendation was there was a

concern by the members of the Shellfish Transport Committee that not all the states were represented at this time. They felt that you know a number of states that could potentially have impacts of a non-native oyster introduction weren't there.

And they wanted to encourage all the states to appoint someone to the committee and you know have them able to actively participate in the committee as this environmental impact statement, as the research is finished and the decision is forthcoming.

The second recommendation that they had was they requested that an economic and legal analysis be conducted on the risk and liability of introducing a non-native oyster to the Chesapeake Bay.

So what they're asking is if a state or a group of states sanctioned an introduction to the Chesapeake Bay and those animals were to spread to adjacent bodies of water or bodies of water up and down the coast who, then, is liable to clean that up or address the impacts of the non-native oyster?

Potentially there's a negative impact and that's part of the environmental impact study that's going on but they just wanted to have a further analysis of kind of who is liable if there is an introduction and then these animals start showing up in other areas.

The Shellfish Transport Committee recommended further research be conducted on the reef building characteristics of the non-native oyster. There is some information that there is a discrepancy between the native and non-native oysters.

The Shellfish Transport Committee also recommends that the larval modelers consider some differential sediment preferences for the native and non-native oysters.

The second-to-last recommendation is that there is also non, or the Asian oyster and the native oyster disburse differently throughout the water column and the current modeling efforts don't

take into account the different level of mortality and different levels of dissolved oxygen and predation at different points within the water column so they wanted, the committee recommended that those issues be addressed by the modelers and that they also recommended that the EIS consider that or note that ballast water protocols differ between states.

So those are the recommendations that if this board approves would move forward. And there are notes about their next meeting and some presentations that they would like to see at their next meeting and likely that will be held in the March-April timeframe. So that's a quick summary of the meeting, Mr. Chairman.

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

MR. LAPOINTE: Thank you, Mr. Chairman, I'm looking at the recommendations, specifically the bottom one, the ISTC recommended that the EIS note that the states' ballast water proposals aren't consistent and may have the potential to -- well it's not worded correctly -- to distribute oysters.

Are there not federal rules or laws in regard to ballast water treatment? So it strikes me this may be a case where the state protocols aren't necessary. There might already be something to cover it so it strikes me that we should find that out before we move forward with the recommendation on it.

MR. BEAL: Okay, I'll note that and we can have the committee explore that at the next meeting.

CHAIRMAN PATE: Okay, any questions of Bob? Say again what we need to do.

MR. BEAL: Well, just I guess give consensus of the Policy Board that, to make sure they're comfortable with these recommendations except for the last one now give George's comments, comfortable with these recommendations moving forward to the group that is developing the environmental impact statement.

In other words, these would then become ASMFC recommendations to this group for consideration at subsequent meetings of the Project Delivery Team.

CHAIRMAN PATE: Okay, George.

MR. LAPOINTE: One more issue, Mr. Chairman, I apologize. When they discuss their next meeting and the reef building characteristics of the Asian oyster, given the fact these recommendations are being forwarded to the EIS team wouldn't it just make sense to have an analysis of the reef building characteristics of the Asian oyster forwarded to the EIS team rather than a two-stage process where the ISTC looks at it?

It might be fun to know but if it's all information going into the EIS go to the people who are preparing the EIS and give them the information.

MR. BEAL: Yes, the third recommendation actually gets to that somewhat, George. It is recommend that further research be done on the reef building characteristics. But we can modify that if you think it needs it.

MR. LAPOINTE: Sorry to belabor this. And it goes on to their next meeting. They said they want a presentation. If they have a concern, my only point is rather than do a two-stage approach get whatever information there is and give it to whoever is putting the EIS together and that should be sufficient.

CHAIRMAN PATE: Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. Bob, was there any thought given with these recommendations, any kind of timelines for implementation or any restrictions?

MR. BEAL: The timeline for completion of the EIS is somewhat uncertain. They're suggesting that it's going to be at least another six months if not a year before the EIS is developed so these recommendations would be forwarded back to the group.

I think they're meeting next week or the week after and then they'd be incorporated into the completion of the EIS which is still another six months to a year away.

CHAIRMAN PATE: Okay, any more questions? Are there any objections to moving these recommendations forward? No? If not then we'll by general consensus do that. Thank you, Bob. Next item on the agenda is the report from the Committee on Economic and Social Sciences, Brad Spear.

MR. BEAL: Just as a preface before Brad starts, at the annual meeting the Policy Board charged the Committee on Economics and Social Sciences with looking into different options that they could employ to evaluate the impacts of a closure in the horseshoe crab fishery.

They put together a series of options and associated costs that are, you know, that would be incurred if those options were selected. So Brad is going to go through those, go through the report of the Committee on Economics and Social Sciences.

-- Report from CESS on Impact of Horseshoe Crab Closure --

MR. BRADDOCK J. SPEAR: Thank you, Bob. I'm presenting on behalf of Elizabeth Griffin. She was the staff member from the CESS Committee but has now moved on to her new position. But she left me with the report which I believe it's just a two-page summary of the options which was included in the briefing materials for the meeting.

I'll go through those options quickly. Next slide. The first option is the do nothing option and that one is free of charge. Option Number 2 was an approximated cost of \$5,000 to \$10,000 and that's an update of what has been previously done in the 1998 FMP.

It would be updating the socio-economic sections of that report, in part using information from a 2000, a year 2000 report that was commissioned by the U.S. Fish and Wildlife Service. That report was an economic

assessment of the horseshoe crab fishery so that could be used as a basis for that update.

Option Number 3 at a cost of about \$10,000 to \$20,000 was to analyze possible economic impacts of proposed management actions on horseshoe crab dependent fisheries. To do this would take hiring a contractor that would get into the trip ticket data from New York, New Jersey, Delaware, Maryland and Virginia, provided that information is available.

Another alternative was to kind of use the state that has the best or more robust amount of information from their trip tickets and extrapolate that to the other states. And the fourth option which has a price tag of \$150,000 to \$200,000 was to conduct a comprehensive, economic benefit-cost analysis of the actions.

This again would require hiring a contractor or multiple contractors to conduct the analysis and consider the effects of the management actions on the consumptive and now non-consumptive users. And that's it. I guess at this point we're just looking for board discussion and a possible choice option.

CHAIRMAN PATE: Thank you, Brad. Any questions of Brad? Vince.

EXECUTIVE DIRECTOR O'SHEA: I have -- thank you, Mr. Chairman. Maybe it's not fair to ask Brad but I noticed on some of these options when they gave the cost estimate it involved a contractor doing it.

And but in Option 1 the sort of modest amount of money but it doesn't refer to a contractor so the first is who would do that work? And then the second was in coming up with these cost estimates, where did they get them from? Did they consult contractors or does anybody know?

MR. SPEAR: Yes, I don't think they had a particular contractor in mind or I guess a method to find a contractor but it was based on if these were to be put out as RFPs it was I guess couched in those sort of terms.

EXECUTIVE DIRECTOR O'SHEA: Again,

when I look at it Option 3 is hire a contractor. Option 4 is hire a contractor. And Option 2 is update. So they just forgot to add "hire a contractor" to update?

MR. SPEAR: I believe that was, that it would be accomplished internally perhaps through a series of committee meetings with the existing committee structure, just having maybe CESS meet with the Horseshoe Crab Technical Committee. So I believe the cost in that Option Number 2 would be cost of meetings.

CHAIRMAN PATE: Okay, any reaction from the board? If we don't see any I guess we're by default just accepting Option 1 as no action. Tom.

MR. TOM McCLOY: I think with the discussions that went on earlier today as well as back in November regarding horseshoe crabs and the potential downside to fishermen, if you will, in various areas, that having some type of economic analysis of that fishery be updated from the previous survey I think is warranted.

I guess the real question becomes, you know, can the commission afford it and if so at what level? I can tell you from our perspective in New Jersey as part of the proposed moratorium that we're looking forward to or have for two years, we had an in-house economist do a very quick and dirty analysis of, you know, what the impacts would be.

And then because of the situation and the amount of data that was available, etcetera, that could only go so far. And you know I'm sure that if you know the moratorium moves forward and there is some type of compensation for fishermen I think it will be woefully inadequate in the eyes of some fishermen, unfortunately.

Not that this would help us in the short-term here but considering that we're looking at these restrictions on horseshoe crabs and continuing managing this fishery for a number of reasons I think it would be beneficial if we could assist in some kind of economic analysis that would deal with the fishery on a coastwide basis.

CHAIRMAN PATE: Mr. Robbins, you had a comment?

MR. RICK ROBBINS: Thank you very much, Mr. Chairman. I appreciate Mr. McCloy's comments on this matter and I would just like to follow up and point out as I think the one gentleman this morning made a very good point that this fishery from an economic perspective is poorly understood.

There is not a lot of data out there about it. And I think it would be very helpful to try to compile some sort of economic impact analysis related to these actions. And unfortunately it may end up being a postmortem analysis if the full moratorium or some form thereof moves forward.

But I think nonetheless that for the record it is important to document the impacts. And in Virginia, just as a for example we have four conch processing plants that generate \$9 million of direct economic revenue. They employ 100 people. There are 90 fishing jobs in the state that depend on it.

But if you search through publicly available databases you may not get the entire picture. I think it's important in some of these options it points out that the information would be augmented with commercial data and I guess data from industry or through consultation with the Horseshoe Crab Advisory Panel and key industry groups.

And I think that no matter what option you pursue that that element should be in there, even if it's just an internal update, if you could consult through the advisory panel or put out a public request for data because I think the publicly available data needs to be augmented and strengthened in order to get this story accurately portrayed. Thank you, Mr. Chairman.

CHAIRMAN PATE: Thank you. Roy.

MR. ROY MILLER: Mr. Chairman, I didn't have the opportunity to review this report in any detail but it just seems to me that it would be

prudent to consider Option 2 or Option 3 but I don't have a proposal for where that funding would come at this point in time, if anyone has a suggestion in that regard.

CHAIRMAN PATE: Well, Vince, I'm assuming that there is nothing in the budget that would allow allocation of money for either of these options unless we squeeze something else to generate that amount. Is that correct?

EXECUTIVE DIRECTOR O'SHEA: Bob and I are going back and forth here with sign language. What the excitement here is at the table, there is an item in the Action Plan -- and Bob you have it there now -- and that was basically to take on the job of coming up with a cost estimate to do a socio-economic analysis of the horseshoe crab thing.

So what these guys have reported back to you was the task that was in your '06 action plan. But, so my question now to Bob would be, did we put any money in to, you know in the budget to follow up on that?

And I think it was probably a chicken and egg thing, Mr. Chairman, that you know before you could put the money in you had to get an idea of how much this thing was going to cost. And so now you've gotten that. But I don't think we put any money aside for this, Bob.

MR. BEAL: We did not.

CHAIRMAN PATE: So, Roy, you have a follow up to that.

MR. MILLER: Well, just a lament, if you will. Had I know maybe a month ago I might have had some money for this particular job and could have allocated it towards that. That money has now been committed elsewhere.

CHAIRMAN PATE: Jack.

MR. JACK TRAVELSTEAD: I don't want to speak too soon but if we're talking about Option 2, \$5,000 to \$10,000, I think Virginia may have some funding. I don't know that we could come up with the full amount but if there could be

some matching effort through the commission or the other states I think we might be able to come up with as much as half of what is needed.

CHAIRMAN PATE: Well, George had a comment, Jack and we'll get back to that very generous offer in just a second. Finish talking before you take that away.

MR. LAPOINTE: I quit. It strikes me we can make the commitment to Option 2 or 3 and I'd actually like to have some additional guidance if one is 5 to 10 and one is 10 to 20 if you go in the 10 to 12 range can you get something that does a little bit more than just updating the previous study?

And along the lines of what Roy and Jack have said, try to seek the funding and if it takes a little bit of time and it builds into our next year's action plan we can consider that as we put the year's budget together.

CHAIRMAN PATE: Good idea. Thank you. Vince, do you have any response to Jack's offer or George's comment?

EXECUTIVE DIRECTOR O'SHEA: Well, I kind of see some other hands going up in response to what Jack said so maybe if you'd recognize some of those hands then I'll give you my answer.

CHAIRMAN PATE: I wish I had the talents of an auctioneer. They might come in handy right now. I've got five, I've got five, I've got five. Who else had their hand up? Howard.

MR. HOWARD KING III: Yes, I gave Vince a nod. If Maryland were to impose more restrictive regulations on the taking of horseshoe crabs we would be required to conduct an economic assessment so it would be prudent for us to contribute with Virginia to do that. But the amount of money at this point would be relatively small. We're not talking about 150,000-200,000. We're talking about 10,000 to 20,000.

CHAIRMAN PATE: So that would be -- Roy.

MR. MILLER: I feel confident that Delaware could kick in some money to this as well.

CHAIRMAN PATE: You weren't as broke as you implied earlier. Okay, come on New Jersey.

MR. McCLOY: I'd love to make a commitment but I can't.

CHAIRMAN PATE: Well, I see, what do we want to do now? Go ahead.

EXECUTIVE DIRECTOR O'SHEA: Now I know how Jerry Lewis feels on Labor Day Weekend. You know what we could do is if we took the second option, if you selected the second option, Mr. Chairman, and the staff would coordinate with those states, the three states -- oh, Option 3, that's right, the status quo is the real low budget -- the staff, we could work with those three states as well as the CESS Committee and the horseshoe crab folks and try to move that forward. I would be very happy to do that.

CHAIRMAN PATE: Does the board understand what Vince just suggested? And that's moving forward, developing our budget and a plan for implementation of Option Number 3 which is in the, what, \$10,000 to \$20,000 range? And is there any objection to moving forward with that idea? Seeing none, that's what we'll do and report back. Dennis.

SENATOR DENNIS DAMON: Not really an objection, I just would have it be noted that it would be subject to financing, subject to funding I am talking about so it's not an objection.

CHAIRMAN PATE: Thank you, Dennis. What we can do is develop that and come back at the next meeting and present what the final plan is and the cost associated with that.

EXECUTIVE DIRECTOR O'SHEA: Yes, Mr. Chairman, my anticipation would be I'd give you the whole package. In other words, this would be the, this would scope it out and this would be the commitment we would have from the affected states.

CHAIRMAN PATE: Okay, thank you. Are we through with that, Bob? Brad?

MR. BEAL: Yes, sir.

CHAIRMAN PATE: Okay. Thank you. Okay, next item on the agenda is a Habitat Committee report and Julie Nygard is going to be giving that for Bill Goldsborough. Julie.

-- Habitat Committee Report --

MS. JULIE NYGARD: Thank you, Mr. Chairman. I'm just going to mention three things regarding the Habitat Committee meeting that was held on Monday. We accepted or the Habitat Committee accepted the revised version of the shellfish habitat source document and we expect that publication will be complete in the coming months.

We have started revising the strategic plan for the Habitat Committee and we will be seeking commissioner and Policy Board input regarding future activities of the habitat program. And, finally, we'd like to thank you for coming to the workshop that was on Tuesday and a summary and copies of the slides as well as any requested documents will be mailed out in the coming weeks. And that's it.

CHAIRMAN PATE: Okay, thank you, Julie. Pat did you have?

MR. AUGUSTINE: Yes, thank you, Mr. Chairman. I had to go out and make a phone call. I apologize for being out of the room when you wanted to spend New York's money. Or you spent New York's money without our concurrence.

I will take it up with Gordon immediately if it hasn't already been, if he hasn't already been asked about this and we'll move as quickly as we can. If we can support it we will.

CHAIRMAN PATE: Okay, thank you very much. Did somebody else? Roy, you had your hand up again? No? Okay. Well, the follow up to Julie Nygard's report on the Habitat Committee, I think that one of the initiatives that

the commission can take on a little bit more aggressively than they have with the Habitat Committee is identification of some actions that the states could foster within their jurisdictions to advance the notion of habitat protection being very critical to our mission of proper management of our fisheries resources.

I don't think there is any question any more that there is a direct link between the quality of the habitat and the fisheries production from that habitat and how important it is for us to use that information in our decisions for management and developing our fisheries management plans.

And Vince and I have been talking a little bit at sidebars over the last couple of days about some activities that we may get engaged in. Vince, have you got some thoughts you might want to share with the group on that?

EXECUTIVE DIRECTOR O'SHEA: Sure, thanks, Mr. Chairman. I think the two things that came out of, my take away from the workshop and speaking to other commissioners is, Number 1, the commission's work in producing source documents as it affects habitat have received strong support from the states and were put to good use by the states.

And if you think about one of the presentations that we had the other day when they were talking about dissolved oxygen content, it really begs the question of should we be looking at producing more source documents that are maybe specifically tailored to the water quality review processes within the states.

So we do talk about parameters like temperature, dissolved oxygen content and that type of thing. So my first thought would be an expanded, maybe we ought to re-look at trying to increase production or emphasis on source documents.

And I think the other one would be could we identify some habitat areas that are potentially restorable and maybe put that on the commission's plate as a target for political/legislative focusing by our commissioners with a goal at the end of a certain period of time to restore more upland obstructed

waterways, that type of thing, and task the Habitat Committee with coming back and saying where commissioners can make a difference and can we have those be in measurable terms so we can gauge our progress. Those were the two thoughts I had, Mr. Chairman.

CHAIRMAN PATE: Thank you, Vince. What I wanted to do in bringing this up is just initiate some consideration by the board and some, hopefully generate some ideas about how to go forward a little bit more aggressively with some positive results and recommendations out of the Habitat Committee.

We need to start looking a little bit more proactively and substantively about what can be done in the way of, in the manner of what Vince just described in identifying what some of the in-state priorities need to be and what some of the priorities of this board can be legislatively.

So Vince and I can work more on that and try and get something back before the board and the Habitat Committee in future meetings. But we have a lot of opportunity there now with the emphasis that's being placed on marine habitats with the various ocean commissions and some individual state initiatives and we need to capitalize on that to the extent that we, the fullest extent that we can. Dennis.

SENATOR DAMON: Thank you, Mr. Chairman. As I attended some of the Habitat Committee meeting and as we're having this discussion now, it occurs to me and reoccurred to me because I had thought of it earlier that this board with regard to policy can certainly be an effective advocate to our legislative members as we go back to our respective states and deal with legislation that may come before our various committees dealing with water quality and habitat.

And it just strikes me that as I'm thinking of my own marine resources committee and also our inland fisheries and wildlife committee, our agriculture committee and the education that they need, members of those committees need, that this commission could help provide. So I'm right in line with what you're saying and I think

that we ought to be taking a more aggressive role in that. Thank you.

CHAIRMAN PATE: Yes, thank you. And as I said, Vince and I will get Bill Goldsborough in the loop on that as well and hopefully make some progress in that regard. Okay, any questions for Julie or anything else on the habitat agenda item?

Thank you, Julie. Next agenda item is being presented by Pete Mooreside. It's the NEAMAP Board report, the second of my staff that has been before you today that I have lost, unfortunately. And Joe Grist is coming up soon so that will make Number 3.

-- NEAMAP Board Report --

MR. PETER MOORESIDE: Thank you, Mr. Chairman. I'm addressing you on behalf of the NEAMAP Board Chairman, Dr. David Pierce who is unable to come before you today. The NEAMAP Board met Wednesday afternoon.

The board was unable to address the action item that was scheduled, namely the approval of the 2006 NEAMAP Operations Plan, due to not having a quorum. Despite the absence of a quorum the board members who were present expressed consensus to accept the 2006 Operations Plan contingent upon several revisions.

The document will be modified appropriately and in the upcoming weeks it will be electronically distributed to the entire NEAMAP Board for subsequent review and for final approval. Also during yesterday's meeting there was an update of the status of the Mid-Atlantic Near Shore Bottom Trawl Survey.

Upon discussion the board agreed for the researchers from the Virginia Institute of Marine Science to proceed as intended with conducting the 2006 iteration of the survey's pilot study which is tentatively scheduled to begin on September 25th of this year.

And finally a subcommittee of the board was formed to examine the long-term funding needs

in support of the NEAMAP program design. That's what I have. I'd be happy to answer any questions that the board may have.

CHAIRMAN PATE: Okay, thank you, Pete. Any questions? Very good. Next item on the agenda is an update on the multispecies assessment efforts, Pat Kilduff is going to present that but Bob Beal is going to introduce that first.

-- Update on Multispecies Assessment Efforts --

MR. BEAL: Great, thank you. Patrick Kilduff has been asked to give kind of the cliff notes version of where we are with the multispecies management. The MSVPA X went through the SARC last December and Patrick will give you the details on that.

But what we're considering at the staff and part of the action plan this year is a workshop to discuss multispecies, the implementation of multispecies management into the commission's management program and how do we do that.

About a year ago I believe if not maybe nine months ago there was a paper presented by Doug Grout which contained some implementation options on multispecies management. And they included formation of multispecies boards and technical committees and a whole suite of options.

So we're considering putting together a workshop in May which will give more detail on the multispecies assessment efforts as well as you know refresh the memory of the Policy Board members on the implementation plan proposal that was brought forward to the Policy Board a number of months ago.

And so, you know, after Patrick goes through there it may be worthwhile to have a brief discussion on if we were to hold a workshop in May what type of content or what level of detail would be most useful for the Policy Board to consider when they have this workshop and considering moving forward on multispecies management.

CHAIRMAN PATE: Okay, thank you, Bob. Patrick.

MR. PATRICK KILDUFF: Thank you, Mr. Chairman. I'd like to give an update on our multispecies VPA model that's been in development for about four or five years now. The model was reviewed at the SARC in November and December of last year. I'll give you a brief update of the review and an example of how the MSVPA can be used in a commission sense.

The first thing I would like to recognize is the work of the Multispecies VPA Assessment Subcommittee. We have several members that I want to point out. Matt Cieri is the chair. He is here today.

They all did, this has been -- we always talk about how the commission assessment work is extra. This was extra, extra work for these gentlemen that have been involved in this project so I'd like to recognize them and thank them for their efforts.

We had a panel of international stock assessment experts provide independent reviews at the SARC which is their current model. So today I'll present an overview of the SARC 42 comments and present a brief example of how the MSVPA X has been and can be used in commission stock assessments.

I just want to provide a brief reminder of, review of what the MSVPA is and it's a series of trophically-linked VPA models. So you have VPAs for predator species and a fully modeled prey species. And they're linked together using dietary information.

And in the example case that has been developed for the commission we have a predator species of striped bass, bluefish, and weakfish and a primary prey species of menhaden. And in order to make a realistic, a more realistic view of the options for prey we've added a whole suite of prey species and prey groupings, bay anchovies, clupeids, benthic invertebrates, sciaenids, macro invertebrates, benthic invertebrates and squid and butterfish

which encompasses what we call medium silver size fish.

And this is a diagram that just shows how the MSVPA works. The rectangles and the colors are the VPAs and once you get an output of biomass estimates at age for each of the fully modeled species and then they plug into a feeding model which is the large rectangle on top.

And through a series of iterative runs you derive a predation mortality estimate so this is for the primary prey species in the model. And this is the amount of, this is predation mortality which is the predation attributed to a prey species, the mortality attributed to a prey species by a specific predator.

And this is a diagram of how it looks like in reality. This is the model area. It goes from, the focus of the area runs from North Carolina north to Maine. And to try to get spatial and temporal variability we've looked at spatial overlap and prey abundance over time and space in these areas to try to get some seasonal and spatial resolution to the model, even though it's not a spatially explicit model.

So before we proceed and go over like the results of the review and the output of the model I just want to remind everybody this was a test case that was an example of the model. And the focus of the SARC review was to look at the model formulation and the function. And also the data is only used through 2002 at this point.

So we had a series of terms of reference. These are boiled down. Term of Reference 1 is to look at the data used in the models. This is the single-species stock assessment data primarily and available dietary information. And in cases where we didn't have single-species assessments or published literature we had to look at additional methods to fill in the gaps.

Then the third term of reference was looking at the model formulation. Was it logically set up? Is everything scientifically correct in that format? And does the model function properly?

We have a large number of sensitivity analyses that were done to do this. And there was a lot of work by the assessment subcommittee. There is a large number of research recommendations that were produced. And the take-home point is the SARC provided recommendations on what the model can and cannot be used for.

The SARC commended the MSVPA X Assessment Subcommittee for a job well done. But they did present several caveats for the assessment. In this case the model development is beyond the data available to do this.

Some primary points of consideration for data shortcomings are dietary studies, estimates of abundance for the other prey items, the single, any assessment shortcomings in the single-species assessments carry over into the multispecies arena, and some additional information on seasonal distribution would be helpful.

Another point to bring up is the lack of uncertainty. The model produces point estimates and the SARC thought there would be additional value in having some bound of variance in the estimates that are output from the model.

And in your Policy Board materials there is a complete peer review report from the SARC. It is also available on the Northeast Fisheries Science Center Website if you would like to find it there.

And from the SARC 42 panel report there are a couple of main points. They commended the work as being a great first step in looking at the trophic dynamics of this predator-prey system. As we stated earlier the data is the primary limitation at this point.

And the big message is that they viewed the MSVPA as a useful tool for aiding management and providing additional information for stock assessments, rather than for using multispecies benchmarks or something to that end at this point.

The major recommendations that came out of

the SARC panel were there is no impact or no effect, you can't model the impact or any predator -- the predator populations can't be affected by the amount of prey in the environment over time.

There is no ability to monitor competitive interactions with the predators and other population abundance changes over time. And, as I said earlier, there is no stochasticity or no uncertainty in the model output.

A few of the potential uses that have been identified, one is the, to provide additional information for single-species population adjustments. An example of this that has been used is providing age-specific Ms or M estimates for the menhaden stock assessment.

You can also investigate predation mortality versus catch for important prey species, investigate trade-offs in harvesting strategies for fisheries of predator and prey species, and provide some guidance for rebuilding predator stocks.

Again, this is additional information in support of the single-species stock assessments. And we have a complete listing in the meeting materials that were prepared. Just as important as what the model can do, here is some information of what the model cannot do.

The predator input in the model, they're not going to change as a result of the MSVPA modeling. The single-species results aren't affected by the MSVPA model. We're not going to be able to set reference points or harvest limits for the single-species from the MSVPA X, nor provide absolute estimates of abundance, nor is the model spatially explicit. And again it's also not suitable for providing long-term population projections.

A quick example of how the output of the MSVPA has been used in a single-species assessment which is the menhaden assessment, the menhaden assessment uses the vector of M2 values at age which is, and this has been reviewed through the 2003 SEDAR reviewed menhaden stock assessment.

So predation mortality is referred to as M2 in this model. And it is the biomass of a prey species divided by the, the biomass of a prey species consumed by a predator divided by the total availability of prey biomass.

And a visual explanation of this is if you look at the age-specific for each predator at age how much biomass they're consuming and for each year class of menhaden and then divide that by the total available amount of menhaden biomass you will get the M2 value.

And the way it looks like, the top, over time you have predation mortality as the value examined there. You have the top line is the total predation mortality on the Age 0 menhaden. And if you look at, the total is the sum of the weakfish, striped bass and bluefish M2 values.

And the way this is used in the menhaden assessment is to add, you add in the predation mortality value to the other natural mortality, add that to F and you get your total mortality. And the end result is it results in higher predation or higher natural mortality values for Age 0 and 1 menhaden and slightly lower values for the older fish in the stock.

So to wrap things up, the MSVPA is ready to run supplemental advice to augment single-species assessments. It's not going to replace single-species stock assessments and it's not ready to provide single-species benchmark assessments.

The next step to come up with a fully functional model or an up to date model would be to update with the most recently peer reviewed stock assessments and also, as Bob mentioned, develop a strategy for handling the multispecies decision making process at the commission level. Thank you.

CHAIRMAN PATE: Thank you, Patrick. Any questions? Howard.

MR. KING: Is this presentation on our meeting CD?

MR. KILDUFF: No, sir. I can make copies

available to you if you'd like.

CHAIRMAN PATE: Did you have a question?

MR. KILDUFF: I just wanted to add that we do have the full SARC review reports are on the meeting materials CD as is the assessment summary report that was presented to the SARC.

MR. LAPOINTE: I would appreciate getting a copy of the slides because for we feeble commissioners it can help us get to the cliff notes rather than wade through the whole report. I did have a couple questions.

You made a statement, well, in the slide there was a slide that was titled, "The MSVPA Cannot" and I want to go to the slide before that if we could. The second bullet, investigate predation mortality versus catch for important prey species by class, age class, I don't understand the statement. I mean I just looked at it and I said -- tell me what it means.

MR. KILDUFF: It would be able to -- this refers to getting insight on the relative impacts of, you would get an estimate of the total biomass consumed for an age class, for Age 0 menhaden, for example, relative to the catch of an Age 0 menhaden which may not be the best. But I believe that it's getting to allocation of where the menhaden is going, to the fishery or --

MR. LAPOINTE: Allocation of menhaden deaths?

MR. KILDUFF: Yes.

MR. LAPOINTE: Thank you. One more quick -- sorry. You're a little possessive of this thing.

CHAIRMAN PATE: It's mine.

MR. LAPOINTE: You talked about -- now go to your last slide I think it is. And you talked about how we move forward and using ready to provide supplemental advice to augment single-species assessment. Which one is next? I mean, it strikes me that's a logical next step so it doesn't get on a shelf and we don't use it.

We understand that there was a lot of suggestions about making it better, like every other assessment, so we expect that. But if your committee was going to make a suggestion about what single species assessment to inject this process into or use this process on, which would it be?

MR. KILDUFF: Currently the model has been developed to look at a Mid-Atlantic finfish predator-prey system of striped bass, bluefish, weakfish and menhaden with menhaden being the primarily prey species.

The primary benefit is the improved estimate of natural mortality so in this case updating the assessment with the most recent assessment information and dietary studies would be the next step to update that so that could be used.

There are additional steps to those. You can decide. You get into looking at different, other prey items to add or other predators to add but at this time that would be the immediate step.

CHAIRMAN PATE: John.

MR. NELSON: Thanks, Mr. Chairman. It works pretty well, George. Patrick, I was just curious. One of your first slides was showing the kind of the inputs and it was a listing of various predators and the prey was the menhaden and it had striped bass I think and weakfish in there.

No, it went back further. There you go. So, why was, what was the difference with the biomass predator being the bluefish? What was the difference between that and just being predator?

MR. KILDUFF: Bluefish at the time were incorporated as a, well -- an age-structured benchmark stock assessment wasn't available for bluefish at the time. The model developer was Lance Garrison who I should recognize did an excellent job in developing the MSVPA X. His work has been invaluable to this process.

But he developed a method to include biomass, a predator without an age-structure assessment to

be incorporated into this multispecies framework which is something that hasn't been done in the standard available ICES MSVPA model.

The bluefish's input is solely an input. It's not a single-species. It's not included in the iterative process, in calculating, but outside of the feeding aspect so it's a feature that allows us to get a more realistic view of the predator and prey relationships and add a little flexibility to the incomplete data availability for all the, for the system that we're looking at.

CHAIRMAN PATE: Roy.

MR. MILLER: Thank you, Mr. Chairman. Patrick, will this model help us understand the dilemmas we face in regard to weakfish management any better? Specifically, since the weakfish has been identified as one of those species that predator-prey interactions may be running up natural mortality and thus confounding management.

MR. KILDUFF: I don't know. It's a tough one. I think we might be able to get some insight but I don't know if it's. We do have. I might defer to Matt Cieri in the audience -- he is the chair of the technical committee -- on this one.

DR. MATTHEW CIERI: Hi, Matt Cieri, Maine DMR. It might be able to help you out sort of anecdotally. What you can get at with this model is for example relative food availability for each of the predator species over time.

So that might give you some insight. What you're not going to get are quantified results that will allow you to point a finger at any particular environmental factor and say, ah, that's the culprit.

CHAIRMAN PATE: Jack, you had your hand up earlier.

MR. TRAVELSTEAD: I wanted to go back to Bob and have you talk a little bit more about this workshop that is going to happen. I mean is that sort of the next step in this process? And that's already been decided, funded, etcetera?

MR. BEAL: As I mentioned, it's part of the action plan and it is funded. And given that it will be, you know, occur during a meeting week and everyone's here anyway. And at a previous Policy Board meeting it seemed like the logical progression of things.

We had an implementation plan presented a while ago. We had actually a recommendation from the Menhaden Management Board to consider a few things. And at the time the Policy Board discussed it previously they said, well, let's wait until we get the answer out of the SARC review of the MSVPA model.

And now we have that. And we've got some additional insights into some of the other kind of ecopath, ecosym models in the Chesapeake Bay, some of the other spatial modeling efforts, and you know we just have a lot more information about where the modeling stands on some of the multispecies efforts that are going on right now.

So it seemed, the last time the Policy Board discussed it which, again, was I don't know, maybe six months or nine months ago, it seemed like the logical progression at the time. And at the annual meeting it continued to seem that way and it was included in the action plan. So that's kind of the guidance that staff is using. As I mentioned, we are considering that workshop for the May meeting.

MR. TRAVELSTEAD: Just to follow up, Mr. Chairman. So what will be the products of the workshop? What comes out of that that keeps this ball rolling?

MR. BEAL: My understanding is that it will be a review of the implementation plan which included consideration of development of standing multispecies technical committees, potentially a multispecies management board. The other option was should multispecies decisions be made at the Policy Board.

There were a suite of options that were included in that document so I think it's moving forward on the implementation of that document and starting to consider modifications to the commission process and commission structure

as it exists now to start moving toward a more multispecies, multi-dimensional -- I hate to use the word -- maybe ecosystem management approach for some of our species.

MR. TRAVELSTEAD: Well, it sounds to me like we've got a plan. I know there was a lot of interest on all of this by the Menhaden Board you know over the last year, and the Striped Bass Board as well. So I just hope we keep it moving.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. You know when you all had the presentation from Doug Grout nine or ten months ago about implementation it struck me that I don't know how you make decisions on implementation without fully understanding what the capabilities of the tool are and what it can do for you.

And I think that in response to Jack's question about the workshop, I think building up confidence and understanding what this tool is and how it can be applied and getting commissioners' confidence in that we'll then see opportunities to how to use the tool which will then hopefully build into how do you want to structure yourselves to consider governance questions using that tool.

But I think understanding this model and what it's telling you is a key part here. And I think it's going to be a pretty steep, frankly, a steep learning curve because I certainly don't have it.

CHAIRMAN PATE: You're exactly right. Confidence is the key. If we don't have it, the public isn't going to have it. Gene Kray.

DR. EUGENE KRAY: Thank you, Mr. Chairman. About a year ago at the council we had a presentation by I believe his name was Derek Orner of the Chesapeake Bay Group and presenting their Chesapeake Bay Ecosystems Plan.

I was wondering, Patrick, was there any collaboration or touching base with any of the Chesapeake Bay people in this, in the multispecies management approach?

MR. KILDUFF: Yes, in fact, we had a subcommittee of the Management and Science Committee that was formed to develop the implementation plan. Derek Orner chaired that committee so we've been involved with that. And he will continue to be involved and we'll continue to work with that group.

CHAIRMAN PATE: George.

MR. LAPOINTE: Thank you, Mr. Chairman. I think this is a follow on from Vince's question as well. When I went back to get a cup of coffee I asked Matt, "So what are the next steps?" And he talked about both food availability and applying Atlantic herring or applying to Atlantic herring.

And it strikes me at this point that given the presentation I don't need to understand all of it except that our technical folks say it's worthy of exploration. And so for them to do the step-wise improvements to the model and I don't know exactly what that means yet, and so to continue to explore its applicability because I think in time it will be useful to us.

But importantly and Patrick had a couple slides up there continually reminding us about what it can and cannot do. You know I jokingly talked about the search for the Holy Grail the other day in the Habitat Committee.

And the whole ecosystem management issue is the same way. And so there will be expectations about finding the answer, you know of putting all the pieces together. And we're a way long way away from that. So continually updating us on the growth in the model and its utility but importantly what the limitations are as well is I think a good course for us to be on.

CHAIRMAN PATE: Thank you, George. Yes, Mr. Robbins.

MR. JEFF KAELIN: Jeff Kaelin with Omega Protein. One of the take-away messages that I got from the SARC and maybe through the chair we could ask Matt to comment on this, that I think this will help us have a better understanding of the relative impact on

particular predator species on prey species that you're trying to manage.

And I think one of the things that we learned was in fact that there is less of an impact on striped bass, well on menhaden from striped bass predation than you might have thought after all of the VPAs were rolled into this thing.

And in fact weakfish predation seemed to be more of an issue for menhaden than striped bass predation did. And so I think you know I'd like to kind of ask through the chair if Matt could comment on that because I thought that was very surprising.

The striped bass predation became less of an issue as far as menhaden on natural mortality than might have been believed beforehand. So I think there will be value in helping us understand the relative impacts of various species that you're managing, maybe not the way that we've always thought about them. So thank you.

CHAIRMAN PATE: Well, if Matt can do that in a concise way and not to get into a debate about the menhaden mortality but have this relative to the value of this new model. Can you do that, Matt?

DR. CIERI: Yes.

CHAIRMAN PATE: I knew you could.

DR. CIERI: Yes, you can. You can do this to take a look at the effects of predator on the prey species, who is eating what, who is contributing significantly to the predation mortality, and how that predation mortality stacks up against fishing mortality.

CHAIRMAN PATE: Good job. Thank you. Are there any specific recommendations that the board would like to make for consideration at the workshop in May? I think we've had some good discussion on this today and we're making progress on this very complex but important new management tool.

Good work, guys. Thank you, Patrick. We're

moving on to the next agenda item, Number 11, discussion of Pennsylvania's membership on the Horseshoe Crab Management Board. Bob Beal.

-- Discussion on Pennsylvania's Membership on Horseshoe Crab Management Board --

MR. BEAL: Great, thank you, Pres. Just to provide background and the representatives and commissioners from Pennsylvania can provide any more insight if they would like but currently Pennsylvania has a declared interest in, is a member of the Horseshoe Crab Management Board.

Excuse me, their membership or they were originally included in the Horseshoe Crab Management Board to address what was perceived as a potential loophole, for lack of a better term, to the management program and concern that fishermen may travel up the Delaware River and land fish in Philadelphia.

This, Pennsylvania has enacted regulations that would prevent horseshoe crabs from being landed in any of their jurisdictions or I think any other commercial species that has a quota in place is prohibited from landing in Pennsylvania.

So that loophole, for lack of a better term, no longer exists in Pennsylvania. They are essentially requesting that they no longer be included as a member of the Horseshoe Crab Management Board.

They have, you know, they have the prerogative to step down but they felt they wanted to inform the Policy Board of why they were considering removing themselves from the Horseshoe Crab Management Board.

CHAIRMAN PATE: Okay, thank you. Gene, do you have anything to add to that?

DR. KRAY: Thank you, Mr. Chairman. I just might add that we don't have horseshoe crabs in Pennsylvania waters.

CHAIRMAN PATE: Okay, thank you. And we don't need any action on this. It's just

information on their decision to remove themselves from the board. Okay, thank you. Agenda Item Number 12, discussion of the South Atlantic Board's request for the Weakfish Management Board's shrimp bycatch reduction devices.

-- Discussion of Change to Bycatch Reduction Devices Standards in Weakfish FMP --

MR. BEAL: At the, the chairman of the South Atlantic Board, Spud Woodward, is not here so he asked that I bring this forward to the Policy Board.

Earlier in the meeting week the South Atlantic Board had a discussion on bycatch reduction devices in the shrimp fishery. The South Atlantic Council has modified their certification requirements for bycatch reduction devices in some of the southern shrimp fisheries.

And now that they've modified their regulations or their provisions for certification those regulations are no longer consistent with the wording in the ASMFC Weakfish Management Plan.

So the South Atlantic Board would like to request through the Policy Board that the Weakfish Management Board consider an addendum or potential changes to the bycatch certification or the certification of bycatch reduction devices and the criteria that are included in the Weakfish Plan.

I think weakfish currently has a 50 percent by number and 40 percent by weight reduction or vice versa. And they wanted, the South Atlantic Board felt it might be reasonable to consider modifying those certification criteria to be consistent with what the South Atlantic Council has recently approved for shrimp bycatch reduction devices.

So they just, essentially what's being asked of this board is an endorsement or forwarding the recommendation on to the Weakfish Management Board for further consideration of this issue.

CHAIRMAN PATE: Will that have to be done in the form of a plan change, Bob?

MR. BEAL: Yes, the weakfish, the current Weakfish FMP allows to adjust the bycatch certification criteria through an addendum to the plan through the adaptive management process.

CHAIRMAN PATE: Okay, any questions of Bob? Any objections to pursuing those changes with the board? Okay, seeing none we will direct the staff accordingly. Is that what you need?

MR. BEAL: Yes.

CHAIRMAN PATE: Okay, thank you, Bob. Bob is going to take on the next item as well which came out of the Summer Flounder, Scup, Black Sea Bass Board meeting yesterday.

-- Discuss Recommendations from the Summer Flounder, Scup, and Black Sea Bass Management Board Re: Resolution of Allocation Issues --

MR. BEAL: Thank you. Again, the chairman of the Summer Flounder, Scup, and Black Sea Bass Management Board is not here so I'll just briefly introduce this and the Policy Board can discuss it.

The Summer Flounder, Scup, Black Sea Bass Board was discussing an allocation issue for summer flounder in the recreational fishery. And a number of members of that management board felt that it's probably appropriate that the Policy Board or a subset of the Policy Board get together and discuss allocation issues and have, potentially develop another forum for resolving allocation issues.

They felt that the, a number of the allocation issues obviously go beyond summer flounder and all of species, probably across the board that we have here at the commission. So they wanted to have the Policy Board at least discuss or explore other venues to resolve allocation issues.

CHAIRMAN PATE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I think the concern is that by what the board did on behalf of us states that were having difficulty this year it had been mentioned around the table that we may in one respect be starting or setting precedent.

And it's very likely until our management plan, both the council and joint plans with summer flounder, scup and black sea bass, go into effect so we come up with different allocations that may address the concerns and the issues that have been raised for the last couple of years, it would, as these issues came up it then they would go to this board immediately as opposed to coming directly to the full board or to that specific board to air it, to air that concern, to air their opinions.

But to set up some type of a framework within which when presented to this board, I'm sorry, not the ISFMP Board but to the Summer Flounder, Scup and Black Sea Bass Board or if it were another species of fish, we would be consistent in how we applied our determination to each one of those situations. I hope that clarifies it for you, Mr. Chairman.

CHAIRMAN PATE: It does, Pat. And in fact I think I was one of the ones that initiated the discussion yesterday during the board that that one specific plan was driving a major policy decision that could be better addressed through something much more comprehensive at this level. So that's, really what we're looking for is how to initiate that process and who needs to be involved in it. George.

MR. LAPOINTE: I wasn't part of the summer flounder process and so shy of suggestions about dueling pistols or telling the Summer Flounder Board to be equitable and fair I don't know. I'd like some more discussion on what, how you'd set up guidelines because we have plans that deal with individual circumstance so what might work great, or not so great, what might work okay in summer flounder might not work so well on a New England species or a South Atlantic species.

So if you could explore with us a little bit what,

you know what kind of value added a new group in the allocation mix would be I would appreciate hearing it.

CHAIRMAN PATE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I thought along the lines of possibly getting some of those states who participated in the ISFMP Policy Board but have no, the species we're dealing with, their participation has no impact or what the decisions are have no impact on the states.

For instance, case in point, summer flounder, scup and black sea bass, Florida, Georgia, would be members that should be a party to this process. And in my mind they would bring to the table a more neutral and objective point of view.

They have no benefit to gain unless we promise them the world and maybe give them \$500 under the table to vote for us. But, seriously, it appears that might be one way to address it rather than trying to come up with some convoluted way to structure this thing.

CHAIRMAN PATE: Well, since George is going to chair this subcommittee.

MR. LAPOINTE: I'm going to slip \$600 under the table to Pres not to be on the committee.

CHAIRMAN PATE: Eric.

MR. SMITH: I think Pat, as he often does and it's often very welcome, even as in this time, he jumped ahead looking for solutions. And I think what we were talking about yesterday is we seem to have a persistence of these situations that were not anticipated in the development of a plan or the approved plan.

And then the situations come up and they are burning issues in the states that happen to be affected by them at the time. So we're always searching for what is the right solution to solve this particular problem. So we solved the problem in one state and you try not to create a problem in another state.

And, Mr. Chairman, I think the frustration you were voicing yesterday was it might be helpful if we look at it systemically to see if there isn't some way that we could design a model that could be used as a starting point to and solve some of these things for consistency's sake.

It might not be that the model would be the perfect solution at all times but at least it would be the starting point and then it wouldn't always look like it was species-by-species and depending on the mix of people and the type of issue you come to an entirely different solution for fluke as you do for scup and as you do for black sea bass.

To me, and I agree with that concept, that you know we have to hit this in a calmer time when we don't have a burning issue in front of us and kind of put our heads together because ultimately we all want the same thing, which is to feel like our brother states, if you will, have been treated fairly and that no one has been treated unfairly.

But while you're conserving the stock you're also not causing an inordinate amount of pain in any couple of the member states because any one of us can be in that position any time in the future and we all ought to be sensitive to that.

So the solution I would hope we're looking for with this is we've had pretty good success in the past as a commission with working groups and white papers. You know just put some people together that are willing to invest the time to brainstorm and have Bob Beal write something down for us. No, staff involvement to be the recorder. Bob has done a good job in that in the past. Vince might assign somebody else.

The point is if we can get that kind of a thought process started and three months, six months from now see where we go, that might help us the next time one of these issues blows up on us because they seem like once or twice a year -- even striped bass which doesn't really make allocations, per se, you hear the allocation word that comes up when one state or another takes a particular management position and other states might feel like that's a reallocation of

opportunities. So it's broader than just our quota managed species and I think it's worthwhile to look at it as a working group.

CHAIRMAN PATE: Thank you, Eric. I think that's a fair characterization of the problem and the process of trying to come up with a solution. We're not going to solve this today, of course.

And what I'd like to do is continue to work with the staff and might even take the prerogative of calling selected individuals and asking for volunteers to work with us in a group setting to try and draft something out.

It may be as complicated as trying to develop and understand the multispecies VPA but it's something we need to start working towards I believe. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, it might be helpful if, listening to the conversation if we had a good, solid problem statement and maybe we could, as staff we could help you with that. We could take a shot at it.

And I think we'd get the consensus around the table of what the problem is. I think that would go a long way to you know help us identify who the right people are to put on this and what we want to get out of that group. So, I'd offer that. Bob and I would be happy to take a shot at that for you.

CHAIRMAN PATE: Thank you. I think Eric in a pleonastic way explained clearly what the issue is but we might need to condense that some. I think that's a good idea. Gene.

DR. KRAY: Following up on Pat Augustine's looking at states that don't have summer flounder, Pennsylvania does not have summer flounder either. But I'm a summer flounder fisherman so I'd be happy to volunteer to serve on any capacity for that.

CHAIRMAN PATE: Thank you, Gene, I'll remember that. Pat.

MR. AUGUSTINE: I would, too. Interestingly enough, New Jersey landed over a million

weakfish this year and New York landed a whole 194. So I sure hope our quota goes up next year. The point I'm making is that we've had some inconsistencies. Whether MRFSS is good, bad or indifferent that is the mechanism, the tool that drives all of our situations.

And just to point staff in the direction as to some of the elements we should consider, and I'll make this very brief, if we seem to have constant regulations on a state-by-state basis and for some anomaly or some crazy reason specific states -- in our case it's New York, we seem to have the most restrictive measures, about the most restrictive measures in summer flounder, and yet we continue to go over, it just seems to me that a basis for driving a decision to look at a state who is asking for assistance or help might be to take a two-three-four-five year cycle or trend of the MRFSS reporting for those states, whether it's a wave-by-wave, go back that far, wave-by-wave, compare it against the other states and so on and that information should be made available from MRFSS, if in fact the state has gone crazy and, let's see, expanded their regulations for a year and as a result have a tremendous harvest, then I think it's a whole different ballgame.

But as I pointed out the other day, we aren't considering whether -- and I'm not going down that road -- we aren't considering trends and we aren't considering it appears that there has been an expansion of some of these stocks in different directions.

And so consequently if the trend is for, in the case of winter flounder, to continue to move further north with fewer and fewer less fish being caught south for some reason -- I'm not suggesting we take away their quotas.

We're suggesting another way of looking at how to solve the problem -- and this board did very well in addressing our issues on the summer flounder situation. So I think it's got to be a bigger net, if you will. And I sure as heck would like to sit in on that if I may, Mr. Chairman.

CHAIRMAN PATE: Thank you. You have volunteered very successfully.

MR. AUGUSTINE: No, we've indoctrinated Gene who is coming along very nicely so we'll work it together.

CHAIRMAN PATE: Okay, be nice. Thank you, commissioner. Okay, I think we can conclude with those comments from Pat and the understanding that we're going to develop a problem statement and work with the volunteers that have come forward today and move ahead. So going to the next agenda item, Number 14, George Lapointe.

-- Update on Review of Charter and Rules and Regulations --

MR. LAPOINTE: Thank you, Mr. Chairman. This will be short. Bob and I and other staff members have talked about the fact that we no longer have had Susan Shipman keeping us diligent on the charter and so we posed the question to ourselves, is the charter still contemporary? And that's all we've done thus far.

And so we are going to, Bob and I are both going to look at it. But I encourage other commission members to get a copy of the charter -- it's on the Website -- and look to make sure it's still as relevant as it can be. Any suggestions you have you can give to either Bob and I and we will report back at the annual meeting about our progress to date.

CHAIRMAN PATE: Okay, thank you very much. Next item is non-compliance recommendations which there were none so we can skip to the other business addition, Mr. Devitt from Maryland.

--Marine Stewardship Council Presentation --

MR. STEVE DEVITT: Thank you to the board members for giving me the opportunity to come and present on behalf of Maryland an update of the Marine Stewardship Council certification that's ongoing for striped bass in Maryland.

Basically just to let you know who I am, I'm the operations manager for the independent third-party company that is doing the certification.

What I'm going to do today is just run through a bit about what the process is and where we're at with it and then hopefully provide opportunity for any questions.

And I believe there was also a handout that was going to go around that gives basically some guidance information and background on the process. My name and contacts are also in there so if people would like to forward questions to me afterwards, by all means please do. Basically I think I've just covered that.

To give those of you who don't know a little bit of background about the Marine Stewardship Council, basically they have set up a voluntary international program which basically started with the development of an environmental standard for sustainable wild harvest fisheries.

That standard is in fact the certifications to that standard are done by independent third-party companies called certification bodies, such as ourselves. And basically the objective of the program is to reward good fisheries, primarily through the use of an ecologo which you'll see here on this next slide.

The objective obviously as you see down there in the bottom right, as you see here, down here in the bottom left you actually see what we call the ecologo which appears on products that have been certified. And there is also a claim that accompanies that logo.

And basically the claim makes the statement the product from the fishery comes from environmentally, from a Marine Stewardship Council environmental standard for a well-managed and sustainable fishery.

Just to give you an idea about a couple of the benefits of the certification process, very briefly I think the most important one, and I think one of the main reasons that Maryland is quite interested in this, is it is a transparent assessment of the fisheries management and science by an independent third-party group to an international standard.

It's evidence and recognition of good fisheries

management. For those in the commercial market obviously one of the more important points is that it's a preferred supplier status. You might not get a penny a pound more but what you will get for those groups that are recognizing this program you certainly will get preferential treatment on their shelves.

Here in North American and particularly the states we have seen a number of large retailers come forward, most recently Wal-Mart, to support the program by offering to sell Marine Stewardship Council certified products. Wal-Mart, in fact has made the claim that in the next three to five years all their fresh and frozen product here in North America will be from MSC certified products or fisheries.

Just briefly to give you an idea about where the program has come from, the standard was established basically beginning in 1996. The first fishery was, the Alaskan salmon fishery was certified in 2000. To date there are 14 certified fisheries that have gone through the program. As you can see, they cover a fairly wide area across the world.

There are another 17 fisheries. In fact there are two more Norwegian fisheries that have signed up to undergo the assessment. So as you can see we're getting a fair amount of buy-in on this particular program. And certainly Wal-Mart's coming in here in North America has introduced the program I think in a fairly substantial manner into the North American market.

What I want to talk to you about now is a bit about the principles and criteria which is the actual standard, the environmental standard for sustainable fishing and talk about how we as a certification team apply that standard.

So within the standard there are three principles. And under each of those principles there are a number of criteria. I'm going to run briefly through what each of those principles looks at.

Principle 1 deals with the condition of the stock. And primarily it's measuring the performance outcome from the management system, the candidate fishery management system, regarding

stock health.

To do that we look at a variety of different types of characteristics of the stock health management program: obviously definition of the target stocks; quality of the monitoring and stock assessment program; the specific management goals for the target stock and the ability of the groups managing to meet those goals; recovery procedures for depleted target stocks; and then harvest to ensure that harvest is controlled to prevent reproductive performance impairment obviously on age, sex and number of mature fish in the population.

Principle 2 looks at the fishery impacts of the candidate fishery, so in this case we're talking the Maryland commercial fisheries, on the ecosystem. And it measures again the performance outcomes from the management system regarding fishery impacts.

Does the management system maintain a productive, functional, diverse, ecosystem? Where possible is the reduction of fishery impacts on icon species and assurance of a strong biological diversity?

And then, finally, are the recovered procedures for depleted, non-target stocks or degraded ecosystems that result from the efforts of the commercial fishery that's the candidate commercial fishery?

Principle 3 looks at the management system and basically what we're trying to do under Principle 3 is ensure that the management system can continue to provide an institutional and operational framework to support Principles 1 and 2.

And again we look at the evaluation of the consultation process within that management system, the procedures used to control harvest, internal and external review of the management system. We look to see that the fishery and the management system meet their legal and administrative compliance requirements.

And obviously an important part of this is we look to see that there are responsible fishing

practices similar to those taken from the Code of Conduct, that they are being used in the candidate fishery.

As you can imagine, you can't make this kind of a standard that would fit every fishery, every species, habitat, across the world so the standard itself is generic and it must be interpreted for the individual species, habitat type and commercial fishery.

So as a result each team that comes together to do the assessments, the first thing that they have to do is develop what we call the fishery assessment tree. And the standard occupies the top two levels. And I'm going to show you this in the next couple of slides.

But basically the MSC principles are the top level. Under that are the criteria defined by the MSC. And then the team has the latitude to break those criteria up into smaller portions called sub-criteria that allow us to deal with characteristics of the fishery or attributes that we need to look at in specific detail and we group it accordingly.

And, finally, the meat and potatoes of the assessment basically is the development of what we call the performance indicators and the scoring guideposts. And I'm going to describe those. To date we've got about 99 of these developed for the Maryland striped bass fishery.

And after the comment period closes I expect we'll probably have another ten or twelve. I'm not going to go through these. I just put them up for display purposes but basically, again, it shows how the MSC principle is broken down for each of the principles and then the criteria and the sub-criteria that have been developed for them.

Under the Principle 1 we've developed 35 performance indicators. Under Principle 2 we've developed 20 performance indicators. And all this information is in the handout that I provided. And, finally, under Principle 3 we have 44 performance indicators that have been developed so far.

Basically interpretation of the performance indicators requires us to compare the fishery and the information put forward by the fishery against the attributes that we actually put together to score the fishery.

So down at the bottom you see these scoring guideposts. And those are really the meat and potatoes. The 60 is what we call the must pass sustainable performance. And it's basically where the bar is set to begin to get into this program. Eighty is the exemplary performance level. And then obviously 100 is the perfect performance for a perfect fishery.

When we actually go through and do the assessment and get to the point of scoring these under each of the individual principles under the MSC the average score must be greater than 80. So the fishery must have exemplary performance in all three of those areas. Each of the individual performance indicators must achieve a score of greater than 60.

And for any performance indicators that score between 60 and 80 the fishery, the candidate fishery, the client basically, has to agree to make improvements in those particular indicators over the five-year life of the certificate to bring it from a 60 to an 80. So it is definitely a very, very strong commitment to continuing to improve the management of and the sustainability of the fisheries.

I'm going to give you a few details about the Maryland fishery to date and the certification to date. These are the members of the team. Cynthia Jones is working on Principle 1, Dr. Cynthia Jones out of Old Dominion.

Dr. Karen Limburg is out of SUNY out of New York. She'll be working on the habitat issues and the ecosystem issues implications of the fishery. And then, finally, Dr. Andrew Rosenberg will be acting in the Principle 3 category looking at the management issues. So I feel we've got a very strong team put together to do this assessment.

My job in the assessment is basically the lead auditor. I'm, to sum it up, basically the project

leader. I have to lead the team through all the requirements. The MSC process is highly prescriptive.

And it requires that the certification bodies follow a methodology and use very specific processes throughout its certification to ensure that it's done in an open and transparent manner. So that's my job to lead them through that process.

Just to give you an idea of where we're at, basically the pre-assessment which is the gap analysis was completed in 2004. To date and the reason I'm here is to try to get, ensure that we have ample opportunity for stakeholders to provide input into these performance indicators. And that period closes March 31st.

We're hoping to have our client documentation before the team to begin assessing the documentation in May with the site assessments and fishery visits in June/July with hopefully a draft report in September. That's our goal at this point.

Again, as I mentioned, it's a highly prescriptive process. I put this up mainly to demonstrate that there's a wide opportunity for stakeholders to provide input. This process is transparent all throughout.

People that want to be involved have the opportunity to provide input at the development of the performance indicators, where we are now, to the draft report, comments on the peer review. So as we go through this process and we get to another step we'll be letting people know again through probably Maryland's Website that we are at our next step. People can provide input if they wish.

Some specifics about the fishery that we're looking at, obviously what we're doing is we're verifying Maryland's management within the umbrella management plan of the ASMFC. So that in particular under Principle 1 there will obviously be some need to get some information from ASMFC and we've been working with Bob and company to understand what that, how that's going to work.

We're reviewing the health of the coastwide mixed stock. Obviously we're doing both the Chesapeake Bay and the ocean portion of the fishery. As a result it behooves us to look at the whole stock.

Obviously striped bass we recognize that we've got commercial and recreational fisheries' dynamics and we, you know we're in the stakeholder consultation and process right now. We are getting comments from both groups and I imagine we'll continue to get feedback from both groups as we go through this.

Under Principle 2 one of the important issues, obviously, are the environmental pressures within Chesapeake Bay. That will bear a certain amount of importance for the certification for sure. And obviously impacts on the biological diversity and icon species are also issues under this particular assessment.

The best way to talk about what we're doing is to compare it to a tax audit. So we're not the people that do your taxes, we're the auditor. We're coming in to verify the information, the systems that you use to manage the fishery. That's what we do. We use a standard tool kit of audit tools, interviewing stakeholders, reviewing documentation, and observing the fishery.

All certification bodies use a scoring software that is mandated by the MSC to lead us through the actual scoring process. That basically ensures that we're all doing the scoring in the same manner, using the same rules. And, finally, that's it. Are there any questions that I can help you with?

CHAIRMAN PATE: Steve, has it been possible to do a benefit analysis based on those fisheries that have been certified so far?

MR. DEVITT: The MSC has started the process. Obviously it's been difficult to date because of the number of fisheries that have come on really in the last probably three years. I think what the MSC are pointing to at this point is that a number of the fisheries that have been certified are going back for their five-year

certification.

I think the primary benefits that have been incurred so far have been access to new markets, in particular Europe and in particular some of the other markets that a lot of U.S. fisheries didn't have access to in the past. And I think, you know one of the benefits also is that we're seeing a fair amount of activity in Southeast Asia.

There was a Japanese fishery that has just decided to get on. So we're seeing interest in other parts of the world. And behind that interest we're hoping, obviously that we're going to get the consumer draw. But there has not been to date a dollar-for-dollar benefit analysis.

CHAIRMAN PATE: And the cost of doing this, using striped bass for an example.

MR. DEVITT: Well, basically the cost so far, the pre-assessments run anywhere sort of between \$10,000 to \$20,000. The full assessments run between \$60,000 and \$150,000 on average.

There are a couple fisheries -- in particular the Alaskan pollock I think people hear a lot about that fishery -- supposedly the number is about half a million bucks to do the actual assessment. There were over, close to 2,000 pages of report produced for that particular fishery.

But on average I'd say most of them run between 60,000 to 120,000-150,000. And I think the cost is coming down as the pool of people involved in doing the assessments gets more knowledgeable, we have a wider pool to draw from. We're able to do them faster as the companies get more used to doing them, basically.

CHAIRMAN PATE: Thank you. I have questions all over the place. Paul.

MR. PAUL DIODATI: I have a question and then I guess a comment. I imagine for this kind of certification is it the client comes forward to your organization? Is that how the nomination

process begins?

MR. DEVITT: Well, there are a couple of options. I mean that's my preferred option, if you come right to me and I can do it for you. But a lot of fisheries start first by talking with the Marine Stewardship Council themselves because they don't want to engage in commercial discussions. They'd prefer to get the information. MSC is a good starting place or certainly any of the certification bodies.

MR. DIODATI: Then I guess my comment is that it seems like if you go back and look to how this commission was created, you go back to the 1940s, it was really created around the striped bass fishery.

It was created to bring states together to work on a very complex problem, a multi-stock fishery with fisheries conducted along the entire Atlantic Coast, or nearly the entire coast. And you know we have gained success. It's a successful management story. I'm curious why we're looking at this as Maryland striped bass and not Atlantic striped bass.

MR. KING: Only because this arose out of a collaborative discussion with the Chesapeake Bay Foundation, Maryland DNR and other stakeholders. It certainly does extend to Atlantic Coast striped bass but we happened to be the ones that are funding this and so it has got the Maryland label.

MR. DIODATI: So then if I offer Massachusetts striped bass as the next agenda item here in this prescription and New York striped bass and every other commercial fishery that has striped bass so that we have the certification, is that how the process would work?

MR. DEVITT: Well, you know the best way would be to do the whole striped bass fishery along the coast.

MR. DIODATI: Well, I agree but we're not doing it that way, though.

MR. DEVITT: But certainly, yes, if other

individual states want to come forward and would want to have their fisheries certified there would be a couple issues, one depending upon the proximity to Maryland and the issues around the science that has been done in Maryland.

Obviously a lot of the effort of this certification is looking at Maryland science. So some of the activities in the certification would have to be redone. And there may be the opportunity to have some economies of scale. Those economies of scale we would likely have to discuss with Maryland but for all intents and purposes I think yes, states could get in line as they choose.

CHAIRMAN PATE: Roy Miller.

MR. MILLER: Thank you. Very quickly you mentioned twice the term icon species. I was curious what you meant by that.

MR. DEVITT: Sure, sorry. Icon species from our perspective means endangered, threatened, protected species as well as species of I guess public concern or public interest. The way I like to describe it for most people is anything that's warm and brown and fuzzy and has big eyes typically is an icon species.

But certainly any, you know, birds, mammals, fish that are on any endangered, threatened or species list are considered icon. And obviously in this case we're looking at a couple of the sturgeon species within the bay itself.

CHAIRMAN PATE: We just identified that Vito is a warm, brown and fuzzy. Anyway. He's an icon. We knew it. We really knew it all along. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. This seems like an interesting concept and if you sell stock I sure as hell would like to, I've got \$100,000 I'll give you right away. And I'm not being facetious. It seems to me you've listed a whole bunch of stocks up there that appear to be in relatively good shape, including Alaska stocks and so on.

And so a hard question -- and people know me

as being very black and white and sometimes as subtle as a meat cleaver, don't mean to be quite that bad but to get to the point -- have you tackled any species of fish in any of the councils that were listed as being overfished or overfishing is occurring? And then I have a follow on question.

MR. DEVITT: No, I think obviously the candidates that have come forward have been the ones that have felt fairly sure. Now, remember, one of the first things that we do in this process is a gap analysis which is a broad look at the fishery and how it compares to the standard. And so what we don't know about because it's a confidential to each certification body are the number of fisheries that have gone through that gap analysis.

MR. AUGUSTINE: Thank you for that. And then a follow on question in the case that Paul brought up, let's say New York does want to conduct one of these. Can you give us an idea as to what the initial layout would be to get the certification started?

MR. DEVITT: Well, I think the first thing would be we'd have to go through the pre-assessment which I mentioned is between \$10,000 and \$20,000 typically.

MR. AUGUSTINE: That's good. Thank you. So it does seem to me that we would gain value added by going through this process to what our state or to our imagine or to our public? Where do we get the value added? I'm not playing hardball, I just, I really would like to know what we're getting out of it if we decide to go forward with the process for our particular state.

MR. DEVITT: Well, I think there are a couple of things. First, obviously the direct value added are for the, is for the commercial industry that supplies to commercial fisheries and the use, the ability to use that stamp to get their products into new markets or get it into better markets. That's obviously the biggest value added.

But secondly I think it's a very strong statement about how a fishery is managed and the people that are managing it. I think if you go through

this you certainly have all the rights in the world to hold your head up very clearly and say that you're among the best in the world. You've met this standard.

CHAIRMAN PATE: Howard.

MR. KING: Yes, just one follow up to some of the questions that have been asked, if this is certified as responsibly fished then it's good news for Chesapeake Bay as well. One of the objectives here was to promote the Chesapeake Bay.

The other is it's not a bad idea to have a third party come in and look at how you're conducting or prosecuting your fishery. We're all operating under ASMFC guidelines but it's not a bad idea to have somebody else come in and take a look and double check you on how you are doing it and whether you are fishing responsibly.

CHAIRMAN PATE: I thank you. George.

MR. LAPOINTE: I think the certification process is pretty interesting but it is in the realm of marketing. And when we talk about what the commission does, you know for me this is an interesting concept but it's a completely new process.

And I, the state of Maine has had an unfortunately diminishing but schizophrenic role in marketing of its seafood products, the ones that come under the jurisdiction of the department. And it's just, I mean it strikes me as a role outside of the normal role of this commission. And you need cooperation on the part of in this case of the industry and the state and I think that's great.

And all of our states should be aware of it but it strikes me that that's kind of a you know responsibility of the individual jurisdictions to enter into that process because I mean it makes perfect sense if you can get 10 percent more for the product that you're trying to sell that's good for the people involved.

CHAIRMAN PATE: Thank you. Gene.

DR. KRAY: Thank you, Mr. Chairman. Mr. Devitt, on Page 2 of the handout you talk about the Hudson River stock merges with the Chesapeake Bay stock to form this multi-jurisdictional coastwide fishery. What happens to the Delaware River stock? That's a fish we do have in Pennsylvania waters.

MR. DEVITT: Point well taken. I think that piece is written by Cynthia Jones and I think from her perspective she was looking more at the importance of the various stocks that are contributing to the overall coastwide stock. Certainly its health is being reviewed here as well, obviously. Sorry. It's just a mistake on our part to not include it and I apologize.

CHAIRMAN PATE: Wilson.

DR. WILSON LANEY: Steve, I was curious, can you give us some sense for the percentage of those fisheries that have gone through the process -- I guess you could only address those that have been done by your firm -- that rated out at 100 as opposed to those that came out between 60 and 80.

And then of that second part of the question how many of those have you know taken the management measure changes that you all have recommended and implemented them to get themselves up to a higher level?

MR. DEVITT: Well, in fact that's public knowledge and that's part of the process under the MSC program. In fact to date none of those 14 fisheries that have been certified have come out without conditions.

So the fact that they've been certified means that they've all at the principle level have met the 80 criteria. But under each of those likely there are a number of conditions that have been set basically to improve a number of performance indicators from 60 to 80.

So every fishery to date, and obviously I would imagine for the foreseeable future will have conditions. If they wish to maintain their certification, and maybe I should talk a bit about that.

It's a five-year certification but it's not a ticket and I'll see you in five years. It's the agreement to certify and then we're back in on an annual basis. And we're doing two things. One, we're reviewing where the fishery is in terms of the actual principles and criteria.

In other words, do they continue to maintain? Have there been significant changes? And then secondly we're looking to see how they're progressing on those particular conditions that they were required to improve. So that's part of the process. And that's done on an annual basis through the five-year life of the program.

CHAIRMAN PATE: Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. That answered most of my questions but at the end of the five years if they don't continue on with the program then is the species non-certified then?

MR. DEVITT: That's right. If a fishery decides to not go back for recertification, at that point the produce that's in the market that has the commercial, you know, has the seal on it basically has to be removed. And I mean typically it's done over the better part of a season to allowed it to be used up. But for all intents and purposes, no, that's right, it's delisted and removed off the list.

MR. WHITE: That's kind of like an annuity for you, then.

CHAIRMAN PATE: Paul.

MR. DIODATI: Yes, again, I guess I'm having a little trouble with the concept given that it's all based on sustainability of the resource and how well it's managed. And everyone around the table and those that have already left are partners in this process.

If the Commonwealth of Massachusetts didn't participate in the management program where those same fish are off our shore a good portion of the year and we're a major harvester of these fish, Chesapeake Bay fish, then the program would not be sustainable.

So I don't see how you can market this as a Maryland striped bass given that the sustainability of the program is based on the partnership of the Atlantic States Marine Fisheries Commission and not a single group. So I would argue that your label is false from the beginning.

MR. DEVITT: Well, I disagree primarily because, you know, we're not only looking at the ASMFC but we're looking at the activities of Maryland, per se, and how they manage their fishery within the overall ASMFC guidelines.

So, yes, I agree that it's a partnership across the 15 states but certainly what we're concentrating on are how Maryland manages its activities of its commercial fishermen.

MR. DIODATI: So the health of the resource in question has nothing to do with your label?

MR. DEVITT: Well, certainly it has everything to do with it but under Principle 1 that's what we're concentrating on is the health of the resource which is where, primarily where the ASMFC activity will be involved in this certification.

MR. DIODATI: But Maryland cannot sustain the health of the resource without the partnership around this table.

MR. DEVITT: That's correct.

CHAIRMAN PATE: Vince.

EXECUTIVE DIRECTOR O'SHEA: Yes, thanks, Mr. Chairman. One of the things that I found is pretty interesting with this is we've sort of heard about the resource side of this, this afternoon.

And there is another movement that's going on out there and that's on the supply side, that the Marine Stewardship Council and other agencies that are involved in this are, frankly, lobbying major consumers of seafood, buyers and distributors, and they're trying to get them to adopt MSC standard as a criteria for them to go in and buy seafood.

And the objective -- not saying I agree or disagree with it but -- is to use the marketplace to drive sustainability concepts and in terms of management. So we're hearing discussions about Wal-Mart considering a policy that they're only going to have MSC-certified seafood in their distribution process.

And when you think about it in those terms, it is really quite a, on a world-wide basis there is potential for this program to have an effect on management of fisheries. Thank you.

CHAIRMAN PATE: Thank you. Dennis.

SENATOR DAMON: Thank you, Mr. Chairman. Mr. Devitt, you have talked about the certification for wild stocks. Is there any certification for aquacultured stock as well?

MR. DEVITT: For pure aquaculture, no. The MSC label does not cover pure aquaculture but obviously when you look, if you looked at some of the species that have been certified on the West Coast, in particular salmon, there are a number of stocks that have hatchery enhancement that has gone on and the hatchery fish are part of those stocks. And they've gone through that process.

The guidelines of the MSC are no, they don't wish to look at fully controlled aquaculture. And on a case-by-case basis, depending upon sort of the genetic mix and the strength of the populations, they're looking at fisheries that have been, had implications by hatchery programs. But there is no aquaculture label to date with the MSC.

SENATOR DAMON: May I follow up?

CHAIRMAN PATE: Sure.

SENATOR DAMON: Thank you. Is it because, I mean as I listen to you it seemed as though the interest was that there be good management in our fisheries and sustainability, etcetera, etcetera, etcetera. And is it because aquaculture, pure aquaculture won't fit into any of that or tell me some other reason why.

MR. DEVITT: I think it's basically based on the too big a mouthful to chew off at this time. You know they wanted to settle, deal with one battle at a time, I think. And I think probably a year and a half ago the MSC board sat down and addressed the aquaculture question because there have been a lot of people that have asked about it.

And they basically have said that I think for the next five years their intention is not to deal with it simply because you know this is a new concept that's gaining traction and they wanted to deal with it in an appropriate manner.

CHAIRMAN PATE: Okay, I'm going to take a couple more comments. George was recognized. You're through?

MR. LAPOINTE: I'm through.

CHAIRMAN PATE: I'm going to let Lance have the last word, then.

DR. LANCE STEWART: I was just wondering how you rectify a certification label competing or just being in presence with your buyers for all the aquacultured salmon product that comes from imports? And some of the prime species that are on their shelves for sale, how would you project swordfish and tuna and haddock certification to ever come up to speed with some of these ones that are more realistically certified?

MR. DEVITT: Let me just clarify your question. You're asking about how that we actually ensure that the product gets on to the shelf bearing the label in a true manner. Is that?

DR. STEWART: No, the question is how the public perceives a label like this in light of competing I would think non-certifiable products that come from purely international aquaculture, which is the bulk of items that are sold in, say, Wal-Mart or someplace else and some fisheries that probably will never meet your qualifications so how does that eventually go to the goal of the MSC for dealing with seafood product endorsements?

MR. DEVITT: Well, again I think that's a question you would want to ask the MSC primarily but you know based on what I know let me say that I think that basically their goal is to try to get those fisheries that are interested, the wild harvest fisheries because I think that's where there is a fair amount of growing concern at the consumer level and the John Q Public level about the health of our fishery resources and I think that that's primarily the reason that they chose to go that route.

Obviously, you know we are dealing with a huge price issue in terms of product that has been certified versus something that might be produced quite a bit cheaper. I think what the MSC are trying to do are to educate the public to make choices that are sustainable in the end. I apologize for the lack of clarity on the answer.

CHAIRMAN PATE: I'll let Paul have the final last word.

MR. DIODATI: Mr. Chairman, I'll just ask that if we can reserve some opportunity in the near future for the commission to discuss either at this level or I don't know if it belongs at the board level, I suspect at this level, this particular issue. It wasn't ever my concept that the ASMFC process was going to lead to marketing advantages among our partners.

And I'm a little disappointed that I'm hearing about this at such a late hour. It seems like this process has gone quite a ways. And I think I have to question about you know where the commission really falls in this. I think that we need an official position on this.

CHAIRMAN PATE: Thank you, Paul. Fair enough. We'll put that on the agenda for a future meeting. Hurry up. Go ahead, Howard, the final, final.

MR. KING: Yes, thank you. This isn't the first time this has been mentioned at the commission, though, Paul. But if the commission did want to invest in a marketing program, which this essentially, is how could the MSC process apply to a multi-state region or could it?

MR. DEVITT: It certainly could. You know there are a number of fisheries on the West Coast where fisheries have been certified over a number of jurisdictions. So, yes, it's fully adaptable and obviously under Principle 1 again we're dealing with the ASMFC level.

Under Principle 2 we'd end up looking at the gear types that are used in the various regions and the effect obviously across a very wide region of those gear types so that would obviously entail a lot more work. And then finally under three we'd have to look at what the various management implications are for each of

the individual states. But, hey, I'm up for it.

CHAIRMAN PATE: Okay, thank you, Steve, very informative presentation. Okay, that concludes the agenda of the Policy Board meeting and without objection I'd like to adjourn the Policy Board and move right into the Business Session which should go very expediently.

(Whereupon, the meeting adjourned at 4:00 o'clock P.m. on Thursday, February 23, 2006.)

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