

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 8, 2012
Approved October 2012

TABLE OF CONTENTS

Call to Order	1
Introduction and Remarks of the Northeast Regional Administrator	1
Approval of Agenda.....	3
Approval of Proceedings	3
Public Comment	3
Review of Stock Rebuilding Performance.....	3
Broadcasting ASMFC Meetings and Roll Call Votes	3
Habitat Committee Update	6
Atlantic Coast Fish Habitat Partnership Report.....	7
Technical Orientaton and Guidance Document Update	8
Proposed Rule on IUU Fisheries.....	9
Stock Assessment Priorities.....	9
Adjournment	11

INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 3).
2. **Approval of Proceedings of May 2, 2012** by Consent (Page 3).
3. **Move to adjourn** by consent (Page 11).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)
Steve Train, ME (GA)
G. Ritchie White, NH (GA)
Douglas Grout, NH (AA)
Jocelyn Cary, MA, Legislative proxy
Paul Diodati, MA (AA)
Bill Adler, MA (GA)
Robert Ballou, RI (AA)
Bill McElroy, RI (GA)
David Simpson, CT (AA)
Lance Stewart, CT (GA)
Jim Gilmore, NY (AA)
Pat Augustine, NY (GA)
Peter Himchak, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ (GA)

Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
Leroy Young, PA, proxy for J. Arway (AA)
Loren Lustig, PA (GA)
Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Roy Miller, DE (GA)
David Saveikis, DE (AA)
Tom O'Connell, MD (AA)
Bill Goldsborough, MD (GA)
Rob O'Reilly, VA, proxy for J. Travelstead (AA)
Louis Daniel, NC (AA)
Spud Woodward, GA (AA)
Aaron Podey, FL (AA)
A.C. Carpenter, PRFC
Jaime Geiger, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Emily Greene

Katie Drew

Guests

Sign-In Sheet Not distributed

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, August 8, 2012, and was called to order at 4:55 o'clock p.m. by Chairman Paul Diodati.

CALL TO ORDER

CHAIRMAN PAUL DIODATI: Welcome to the Policy Board. I am going to break from our agenda and not look for consent and approval of the agenda at this point or approval of our remarks or take public comment. We do have some guests I want to introduce.

INTRODUCTION AND REMARKS OF THE NORTHEAST REGIONAL ADMINISTRATOR

CHAIRMAN PAUL DIODATI: I think most of you know Sam Rauch, our Acting Assistant Administrator for Fisheries. I am going to ask Sam to make an introduction of their newest employee.

MR. SAMUEL RAUCH: Thank you, Paul. I am Sam Rauch. At the moment I am the acting head of the Fisheries Service. As you know, the Regional Administrator for the Northeast retired, and we have been engaged in a lengthy process, and I am very glad that this is the third day on the job of our new Regional Administrator for the Northeast, John Bullard.

Many of you know John from his prior experience. He worked at the Commerce Department many years ago helping us through some very difficult times in the Office of Sustainable Fisheries Development; helping to forge a broad coalition of partners to see us through some very difficult times looking outside of the traditional management boxes and looking for what things could be done as opposed to reasons why things couldn't be done.

He also is the immediate past president of the Sea Education Association in New England; and before that was mayor of New Bedford; so some difficult positions he has been in and that stood him well for the difficult position that he has just entered. He has been on the job for – this is his third day and he hasn't quit yet so that is good, but I will let him introduce himself and introduce him to all of you.

MR. JOHN K. BULLARD: Thank you, Sam; thank you, Paul. It is a pleasure for me to be here in this

august body. I'm a little disappointed you haven't solved all the issues of menhaden in a couple of hours, but I know you'll make up for that with sturgeon. You'll probably get that done in half hour or so; just as I anticipated I'll get all the New England groundfish done probably by the end of the week and move on to whatever else is next.

I'm looking forward to a job that I know will be difficult. That excites me. I'm looking forward to getting to know you. I don't know much about the Atlantic States Marine Fisheries Commission. I have, as Sam mentioned, worked on some fisheries issues. I'm not a fisheries scientist. I'm not a biologist. I frankly don't know why Sam hired me. I'll probably find that out at some point in the future.

I come from New Bedford, a fishing port. I know how much it means to seaports. I know how much people in seaports count on all of us to make wise decisions. I know how very few of those decisions are easy ones. I know how they all seem to be connected to one another. They're all incredibly complicated biologically, technically, politically, socially, economically.

Fish have this incredible habit of not respecting any of those boundaries; and until they respect those boundaries, it is going to be necessary for all of us to continue to gather in these rooms for hours and hours on end, linking all of these issues, all of these species all of the time. I congratulate you for your endurance, for your patience, for your tolerance of each other, of the frustrations so that we can gather each others wisdom together and make the wisest decisions that we can.

As I said, there are lots of people who may not know us, who may not give a hoot what we do, but they're counting on us. I intend to learn as much as I can about these complex issues, about your work. There are divisions of responsibilities, as there must be, between state roles and federal roles, but I know there are many intersections.

I know the most efficient use of our time is where we come together in beautiful rooms like this. This is really gorgeous, isn't it? I know, Paul, you've probably have got a great deal on this, so we will come together in rooms like this – and amazing views – and wrestle these problems to the ground. This is a very efficient way to tackle problems like this.

This is my first meeting with you; it won't be my last. I know that the northeast office has done incredibly good work for many, many years without

me. We have very smart people. Dan Morris has led us. I think Sam said to Dan we need an acting director for a week, maybe two weeks tops. Dan is in the room somewhere. Would you all give him a round of applause for what he has done? (Applause)

We have a number of other very good staff. I'm going to try not to get in their way. They know so much more than I do. Dan is an expert bicyclist and I feel like I'm on a bicycle and he is way ahead of me on all of these issues, and I have no hope of catching to him on these issues, but I will try and assist. We have great leadership in Sam Rauch.

I will lend an oar to the effort and I will try and assist all of you in your work so that the federal government in the northeast region and all of the work in the Atlantic States can protect fish, fishing families, fishing communities so that seaport communities can prosper. I come from a seaport community and I know how important that is. I look forward to many interesting discussions with you and getting to know you in meetings like this. I know time is precious here; but if you have any questions, Mr. Chair, is there time for one or two?

MR. THOMAS FOTE: We met many years ago when we were dealing with some of the summer flounder issues and basically when you were working up in New England on some of those issues. There was a long history when Dick Schaefer and Dick Rowe were the regional directors, where they would make periodic trips down to the states or at least hold general meetings with the recreational and commercial fishermen.

That kind of petered out in the last ten or twelve years. We're looking forward and I know you're coming to New Jersey some time next week and I'll also see you at the Mid-Atlantic Council since it is going to be a joint meeting next week between the Atlantic States Marine Fisheries Commission. We hope that is a start of a relationship because that was a disconnect for the last ten years, especially in the states of New Jersey and New York and Maryland and Virginia and you make that effort to basically come down and see us. I am looking to working with you on these important issues of summer flounder, scup and black sea bass.

MR. BULLARD: Thank you very much for that question. I told my staff on the first day hello and goodbye, that I was going to spend an awful lot of time out of the office especially in the first three months getting to know people on their own turf. I think that is very important. You're correct when I

worked at NOAA in the nineties I learned an awful lot by visiting people at the time from Cape May to Ellsworth, Maine, meeting fishing families, state and local officials.

I intend to do that again and a very aggressive schedule of meetings is being set up as we speak, as you refer to. I'm going to be asking two questions everywhere I go, and this is a great opportunity. The northeast region, as you know, is a little different territory than Atlantic States. It is Cape Hatteras through Maine.

The two questions I'm going to be asking, simple questions to ask, what are the top two issues from your point of view, at each meeting; and what would success look like from each person's perspective. I'll take notes and it will be a continuing conversation. What I hope is that an evolving picture will appear so that will guide me in decisions.

I know the Mid-Atlantic Council has formally engaged in a visioning process. I'm going to meet with the Mid-Atlantic Council next week. I'm looking forward to hearing I think on Monday on the visioning process there. The New England Council hasn't done that, and I want to explore that with them. But, yes, I understand that the northeast region extends well past New England, and I am investing time here in Alexandria in the first week, investing time in the Mid-Atlantic next week. I understand the territory. Thank you very much for your question.

MR. PATRICK AUGUSTINE: Pat Augustine, the troublemaker from New York. Sam, did you get him cards that have that name change thing that has invisible ink on it?

MR. RAUCH: He hasn't got his card yet.

MR. AUGUSTINE: Okay, I tease Sam because he has had so many titles in the last couple of years, but Sam is a stalwart man and he does a great job for us and has been a great support to ASMFC. In your searches around, try to get to in some of Sam's cubbyholes to find some money to pay for our trawl survey. We could do with a couple million dollars a year.

I understand you're real good at digging and finding things from your previous experience, so it would be beneficial to us. I do think here in New York we're going to be looking forward to you coming to visit us also. We are unique. We are different from New England. We kind of are an island by ourselves. If we could only convince our commercial fishermen

we're part of a big family, it would be okay. You might be able to do that for us, but welcome and congratulations.

MR. BULLARD: Thank you for your welcome.

DR. JAIME GEIGER: John, Jaime Geiger with the U.S. Fish and Wildlife Service. On behalf of the other federal agency I welcome you to the northeast. I just want to say that we have a great relationship with your staff and with our Fish and Wildlife Service folks. We share numerous authorities and again we're really looking forward to working closely with you and your excellent staff out of the northeast region. Come visit us in Western Massachusetts when you have a chance. Thank you.

MR. BULLARD: One of the roles I had served in my previous service at NOAA was a harbor trustee council member where I also served with the Fish and Wildlife Service trustee. I had a great experience with them. Thank you very much; I appreciate your kind words.

CHAIRMAN DIODATI: Thank you, John. I think you're going to find that we're in good hands with John. I want to say to both Sam and John that your representatives from both your headquarters and regional office to this commission have always been outstanding in their relationships with us and the participation at the meetings and great people to work with, so we appreciate that.

APPROVAL OF AGENDA APPROVAL OF PROCEEDINGS

I'm going to go very quickly through our policy board agenda and then let Louis get back to chairing the Menhaden Board. I'm just going to ask that I don't think we will have any objection to approval of the agenda or the proceedings from our May meeting. Any objections to approving both of those? **Seeing no objections, they are approved.**

PUBLIC COMMENT

I will take this opportunity for taking any public comment to the policy board. Is there anyone from the public that wants to address the board at this time? Seeing none, thank you.

REVIEW OF STOCK REBUILDING PERFORMANCE

CHAIRMAN DIODATI: Review of stock rebuilding performance, when Toni gets a chance she is going to

give us a short presentation. We have one action item coming up. The Habitat Committee has been doing some work and we have a document that requires approval. But before that, Toni is going to review our stock rebuilding performance.

ACTING EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a quick comment; we have done this same presentation I think the last three summer meetings and this is the fourth. The idea is just to hit the highlights of where the commission is with the rebuilding of all the species that is managed through the interstate process. The goal of this presentation, which is probably going to be pretty quick today, is to have the commissioners think about this and the status of these stocks and the status of the rebuilding programs as we move into the action planning process for Year 2013.

BROADCASTING ASMFC MEETINGS AND ROLL CALL VOTES

CHAIRMAN DIODATI: While we're waiting, I just wanted to mention that some of you recall we did receive some correspondence from Congressman Jones, I think it was, that had requested that we begin to broadcast our meetings very similar to what some of the councils do now. I want you to know that we are going to do that.

We'll probably address it at the annual meeting in terms of the technology and the cost and exactly how we're going to do that. This will be probably a web-based tool that we will take advantage of. The audio of these meetings will be broadcast probably beginning the meeting after the annual meeting. We will talk more about that in October. Tom.

MR. FOTE: Did the congressman also offer some money to help us do this?

CHAIRMAN DIODATI: I'm sure that he will get to that, Tom. He probably left that out in the letter, but internet technology is fairly reasonable and I think we can accommodate that as the councils have done.

ACTING EXECUTIVE DIRECTOR BEAL: The other part of that letter was a request for additional or increased use of roll call votes. Actually the congressman was asking for all votes to be taken through a roll call vote. I don't think that all votes necessarily need to be taken. Approval of the agenda and FMP reviews and simple things like that probably roll call votes would slow those down, but we will probably pull together a white paper on roll call votes, when they could be used to create greater

transparency in the ASMFC process and bring that back to the policy board at the annual meeting as well for consideration.

MS. TONI KERNS: Bob already gave us our background. The objective of reviewing the status of the stock performance is just to validate the status and the rate of progress that the commission is doing on each of our species. If it is not acceptable, we should identify areas where we should put forward corrective action.

Out of the outcome from today's presentation we're looking for direction or feedback to the species management boards for any corrective action so that we can input this into the 2013 action planning process, which will occur between now and the annual meeting. We have five categories; rebuilt, rebuilding, concerned, depleted and unknown.

In the rebuilt/rebuilding categories we have American lobster for the Gulf of Maine and the Georges Bank stock, Atlantic croaker, Atlantic herring, black sea bass, striped bass, bluefish, scup, spiny dogfish, Spanish mackerel, summer flounder and red drum. We had one species move out of this rebuilt/rebuilding, which was northern shrimp from last year. Summer flounder moved to the rebuilt status this year.

Looking at species of concern, the first we have is American shad. We have 86 rivers that are assessed. Of those 86, 64 percent are unknown. Collectively most of the river systems are at all-time lows. They do not appear to be recovering. With Amendment 13 approved, in 2013 there is a moratorium in all state fisheries if they have not been proven sustainable. We are looking for improved monitoring.

Atlantic menhaden moved from the rebuilding category into the concerned category this year. It is not overfished, but overfishing is occurring. We have had low recruitment since the peak in the 1980's. Amendment 2 is proposing measures to achieve the interim reference points and the Multispecies Technical Committee is developing a multispecies assessment approach. This just looks at our fishing mortality over the time series since 1955.

For coastal sharks, overfished and overfishing varies by species. The states deferred implementation of measures until 2010, but we are now complementing regulations with the federal government. This is the list of coastal sharks and their overfishing and overfishing status. This table is also included in the briefing materials.

For horseshoe crab, the assessment and peer review was done in 2009. There was an unknown status for concern. The Delaware Bay and southeast area increased and the New England and New York area declined. The ARM Model will be used for implementation for the 2013 harvest season. Our next benchmark assessment for horseshoe crab is 2015. For 2013, this will be the first year that we will the ARM for harvest strategies.

For northern shrimp, again this came off of the rebuilt into concerned. It is overfished and overfishing is occurring from the most recent 2011 assessment. We're very close to the biomass limit and there is a recommendation to conserve spawners. The draft addendum considers gear restrictions and explore trip limits, and those gear restrictions would consider retaining less small shrimp to help conserve those spawners.

For spot, a stock assessment has not been completed due to the inability to conduct a defensible assessment. It is hindered by inadequate discard data particularly in the shrimp fishery. The omnibus includes management triggers to assist the board in monitoring the stock status. The high level of spot bycatch presents a challenge in terms of both yearly management and overall assessment of stock health.

For spotted seatrout, the data shows mixed results. We are in need of updated state assessments for spotted seatrout. We're also looking for biological sampling and independent surveys. The omnibus for spotted seatrout included recommended measures to protect the spawning stock as well as a minimum size limit of 12 inches.

For Gulf of Maine winter flounder, Bmsy and Fmsy are unknown with the most recent assessment. There was a proxy for F threshold that was set and so overfishing is not occurring, but the biomass estimate could not be generated. The National Marine Fisheries Service increased the 2012 state water ACL by 450 percent based on this F proxy threshold. This shows winter flounder commercial and recreational landings. The commercial landings are the blue bar and your recreational landings are the red line. They have been decreasing over time and are at very low levels now.

For the depleted species we have American eel; American lobster, the Southern New England stock; tautog; river herring; weakfish; and winter flounder, the Southern New England/Mid-Atlantic stock. Eel and herring moved from unknown into the depleted category this year.

For American eel, trend analyses and model results indicated that the eel stock has declined in recent decades and the prevalence of significant downward trends and multiple surveys across the coast is cause for great concern. We need biological samples by life stage and regional reference points.

The board tasked the technical committee with developing management options based on the recent assessment results and the recommendations from the peer review panel. The board will review those technical committee recommendations tomorrow. This is the index of abundance for American eel that has been declining over time.

American lobster for Southern New England, there is not much new information in terms of the biology that you have heard; but for management this year board approved a 10 percent reduction in exploitation and yesterday the board approved trap cuts for LCMA 2 and 3. The other management areas within Southern New England are working on programs to take additional measures to rebuild the stock.

For river herring, of the 52 stocks of alewife and blueback herring for which data were available, 23 were depleted relative to their historic levels. One stock was increasing and the status of 28 stocks could be not determined because the time series of data was too short. Fourteen out of the fifteen river-specific young-of-the-year indices showed no or declining trends.

The mean length maximum age and mean length at age for both species has declined. There is a need for better data. Amendment 2 requires the states to implement fishery dependent and independent monitoring programs and contains recommendations to protect habitat. All states that have fisheries have to have those fisheries approved through the sustainable fishery management programs.

For tautog, the SSB is at 39 percent of the target from the most recent 2011 assessment. Overfishing is occurring. The board approved an F target of 0.15. States implement regulations to achieve this new target and were unlikely to meet the 2015 rebuilding goals. Here is your tautog SSB. It has been fairly constant in the most recent years but at low levels and well below the threshold.

Weakfish, we are at 10 percent of the SSB target from 2009 assessment. Overfishing is not occurring. We're unlikely to meet the 2015 rebuilding goal, and the next assessment is 2014. Our management

measures have not changed in the past couple of years. These are your biomass trends for weakfish.

Then the Southern New England and Mid-Atlantic winter flounder, we're at 16 percent of the SSB from the 2011 assessment. Overfishing is also not occurring. The board did follow the technical committee's advice and approved Addendum I, which established a small possession limit to discourage a directed fishery and prevent increases in dead discards. This is your SSB, which has been at very low levels and well below your threshold for winter flounder.

Atlantic sturgeon is the only species left in the unknown category. It is at historic low abundances. There are limited signs of recovery. Only three areas, the Hudson, Georgia and South Carolina, have shown some recovery in their river systems. We need better bycatch information. Four DPSs were listed as endangered and one was listed as threatened this year. That is my presentation.

CHAIRMAN DIODATI: Thank you, Toni. Any questions or comments for Toni? Louis,

DR. LOUIS DANIEL: Is the slide on sturgeon up to date, because I think the comments on sturgeon are inconsistent with the comments that came from the states in terms of the listing decision.

MS. KERNS: I can tell you that the page in your document is not completely up to date. I did go over the slide with Kate earlier today to make sure that the rest of the information was up to date and she said it was.

DR. DANIEL: I just have a concern with the "at historic lows". I don't believe that is the case and that we are seeing – we have been seeing improvements in recovery in the fishery. That has been our argument and that is the argument we're going to have here in just a little while about the sturgeon listing. I think we maybe need to work on that after the board meeting and kind of get – I don't think that is the message we want to send.

MS. KERNS: Well, the slide did say that we have some signs of recovery especially in those three systems, Georgia, Hudson and South Carolina.

DR. GEIGER: Thank you for the report, Toni. The one thing I would bring to the attention of the board is on horseshoe crabs, yes, we are implementing the ARM Model, but unless we continue that Virginia Tech Trawl Survey we are going to be having some

difficulties with that. I think that is of significant importance that we may want to add that to the slide as an asterisk or some other notable point. Thank you, Mr. Chairman.

MR. ROB O'REILLY: This is related. The slide that showed the index for American eel – and I don't know whether that is a conglomerate index of how that was done, but it reminded me that with all the information about catch and the imprecision of catch or the inaccuracy of catch; a lot of the assessments at least that I'm familiar with don't spend enough time on the indices, the independent data.

In a lot of cases it is left up to whether it is a SEDAR or some type of other approach, you are taking a lot of these indices – you being us taking a lot of the indices at face value because the states provide them to you and the states have been doing them for a certain amount of time. I would like to see, if it is not being done already, that the Assessment and Science Committee looks at the indices for various assessments that they are getting ready for at the ASMFC and look for approaches such as the temporal and spatial aspects of those surveys and not just be averaging surveys; and coming up with ways to really look at the survey such as Dr. Joe did for weakfish, where there is auto-relation involved in these surveys, whether it is spatial or temporal and these can be corrected for before they go into the model.

I think this might be something that at least should be talked about, and I think that probably it would improve some of the model fits. There was a lot of talk about retrospective and everyone seems fascinated by retrospective, but early on the National Marine Fisheries Service said you really can't correct for it. There have even been workshops on retrospective bias.

But, it is either the independent or the dependent data going in and, you know, maybe one way to help on the retrospective, because you're not going to get rid of it, is to at least have better independent data. That is just a recommendation and maybe Pat or someone else can say that the Assessment and Science Committee already looks at that, I'm not sure.

MS. KERNS: I had a little bird come and tell me that all the indices were standardized and the technical committee, when they went back to review some of the recommendations, one of the things that they talked about was in terms of looking at the spatial and temporal for the indexes, and they will be doing that for eels specifically.

MR. O'REILLY: You were talking about eel, and I think my suggestion is pervasive. It involves a process.

MR. LOREN W. LUSTIG: Thank you, Toni, for an excellent report. Your first slide related to shad and I've always been very curious that we are not real specific when we refer to shad. I presume we're talking about American shad; sometimes called white shad. But I've also had plenty of happy days fishing for hickory shad. Can you tell me what the status is regarding that companion species, please, and whether it is considered at all in the assessment?

MS. KERNS: The status of hickory shad is unknown currently.

MR. DOUGLAS GROUT: One comment I wanted to make on Page 20 where we're talking about alewife and blueback stocks. I know you probably took a table out of the stock assessments concerning whether rivers are depleted or increasing. Under the recent trends, I made this point at the last board meeting.

I believe in New Hampshire under the recent trends, the Exeter River and the Lamprey River are switched. It says the Lamprey River is unknown and the Exeter River is increasing. I hope that change was also made in the stock assessment because I think that was the case. Just as a side note, this depleted stock in the Lamprey River just had its highest return numbers in the time series this year.

MS. KERNS: If it is not already corrected, we will correct it.

CHAIRMAN DIODATI: Thanks, Doug. I don't see any other hands up so thank you, Toni.

HABITAT COMMITTEE UPDATE

ACTING EXECUTIVE DIRECTOR BEAL: Going to Agenda Item Number 5, the Habitat Committee Update; the Habitat Committee is asking for approval of one document, and I will give you a brief update on some discussions that will occur at the annual meeting. The Habitat Committee has pulled together a background document of offshore wind projects.

The document goes through the siting of projects, including the data needs, geology, benthic issues, pelagic issues, birds, et cetera, human uses. It goes from siting into design, construction and operation. Then it finally wraps up with the monitoring and information needs long term for these projects.

The idea is this document does not recommend necessarily a course of action, whether a state should or shouldn't site windmills. It just highlights all the issues associated with wind generation projects offshore and gives the states background on the issue and things to think about as the states and other agencies go through the consideration, deliberations and potentially construction of these projects.

This document was e-mailed to the policy board six weeks ago, and it was also on the briefing CD that was sent around before this meeting with a cover memo from Bob Van Dolah, the chairman of the Habitat Committee, recommending its approval. In that cover memo there is also a request for the policy board to approve their next sort of addition in this series of habitat background documents.

The next issue they want to tackle is harbor dredging projects. If the policy board gives them the green light on that, they will go ahead and get started on that and bring that to the policy board for approval probably in about a year from now. They are seeking approval of that document as well as the harbor dredging topic for their next paper.

CHAIRMAN DIODATI: So you want approval of both of those issues?

ACTING EXECUTIVE DIRECTOR BEAL: Yes, please.

CHAIRMAN DIODATI: Unless there is any opposition, I'm not sure that I will even take a motion because I suspect that we're all going to benefit from this as policy document. I think we will all encourage guidance on dredging as well and look forward to seeing that. Without objection, I will consider both of those requests approved. Thank you.

ACTING EXECUTIVE DIRECTOR BEAL: The other habitat issue is the future direction of the Habitat Program. Vince O'Shea and Robert Boyles, when Vince was executive director and Robert was the chairman, talked a lot about the future direction of the Habitat Committee and how to make it a more effective and efficient committee.

Vince contracted with Megan Gamble – Megan Caldwell – a previous staffer here at ASMFC, and she came up with some recommendations based on reviewing the documents and reviewing the products of the Habitat Committee for potential improvements to that program. The Habitat Committee reviewed that white paper and has their response and additional

recommendations on how to improve the Habitat Committee.

Both of those documents are included in the briefing material for the policy board for this meeting. In the interest of time and the fact that Megan, our habitat contractor, and Bob Van Dolah, the chairman of the Habitat Committee, are not here, we didn't want to get into a lengthy discussion on this issue right now.

We just wanted to let the policy board know these two documents are out there. We will set aside some time at the annual meeting when the Habitat Committee will be at the same meeting and hopefully the policy board can talk about the future direction of that program. This is a heads up for future discussion. Number 6 is the Atlantic Coast Fish Habitat Partnership Report. Emily is going to give a quick presentation on that. There is a handout coming around as well.

ATLANTIC COAST FISH HABITAT PARTNERSHIP REPORT

MS. EMILY GREENE: There is a handout coming around that is kindly being passed out, so I'm just going to run through that real quickly. The first topic that I'm going to touch on is that the U.S. Fish and Wildlife Service has approved funding for Fiscal Year 12 to ACFHP's top two funded projects.

The first is located in Florida in the Indian River Lagoon. It's a mangrove restoration project. It is fully funded at the requested amount. It will remove invasive plants and restore mangrove fringe and other wetland plants in the Pelican Island National Wildlife Refuge and on adjacent public lands to create new fish nursery habitats.

The second project, which will be funded in part at the requested amount, will go to the James River Atlantic Sturgeon Habitat Restoration Project in Virginia. It will go towards the construction of an artificial reef to restore hard substrate for spawning and nursery habitat for Atlantic sturgeon and other anadromous fish species to the Chesapeake Bay.

We're also waiting on approval to potentially reallocate left over Fiscal Year 11 funds to Fiscal Year 12 projects. If approved, we will be able to fund that James River Project in full and possibly a third project. The second item I'd like to touch on is that we are requesting project proposals for our Fiscal Year 2013 project cycle. These funds can be used for on-the-ground habitat conservation projects and

improvements and related design and monitoring activities.

It should be geared towards meeting our protection and restoration objectives described in our Conservation Strategic Plan, which are located out back. The maximum amount available for in individual project is \$50,000 and the number that we fund will depend on how much is requested and how much is available.

I would welcome you to share this information with your staff and encourage them to apply. If you would like more information, you can go to the website that is noted on your handout for full information. Applications are requested by September 14th at midnight. The third item I'd like to touch on is on the back of the handout.

It is an image of the full number of projects that we've funded since becoming a recognized fish habitat partnership in 2009. You will see it covers sort of a wide geographic and project type. I just want to touch real quickly starting with our Fiscal Year 10 projects. Scoy and Staudinger's Pond and the Goose Creek Dam; those are shown in blue.

Those are well under way. Staudinger's, we replaced an undersize pipe. An open channel was excavated so that alewife could be maintained. Scoy Pond will occur later this year. Goose Creek Dam as of this summer has installed two eelgrass ladders and elvers have been found at that first eel ladder.

The red pins represent our Fiscal Year 11 projects; Shoreline and Spartina Marsh Stabilization Project in South Carolina and the second is restoring diadromous fish passage and habitat to Shorey's Brook in Maine. Both of those projects are well underway or completed. The South Carolina Project was completed this summer.

Volunteers filled mesh bags with recycled oyster shells. The shoreline was transplanted behind those reefs. The Shorey's Brook Project, which was a three-part project, the ACFHP funded piece is now completed, which involved removal of a dam. They're already starting to see elvers above that dam as well.

The green pins represent our Fiscal Year 12 projects, which I just discussed. Lastly, I would like to talk about the three endorsed ACFHP projects. ACFHP endorsement is generally seen as an opportunity to gain formal support from the partnership when funding is not available, so it is a way to sort of

highlight a project, particularly if it's a proposal stage.

It was highlighted, the three that we have endorsed, the proposed projects in the recent Fisheries Focus which Tina announced earlier this week. I encourage you to check that out to learn more about those projects. That's it; thank you.

CHAIRMAN DIODATI: Thank you, Emily. Any questions for Emily? Steve.

MR. STEVE MEYERS: Not a question but just a point of information to talk just very quickly about NOAA Fisheries Habitat Blueprint that we're putting together. It is a forward-looking strategic approach with partners to deal with coastal habitat issues, marine habitat issues. For this meeting I will provide information to staff for distribution for the board on this. Thank you.

CHAIRMAN DIODATI: Thank you; and I will note that I am familiar with the grant programs that the National Marine Fisheries Service also provides towards similar projects as the U.S. Fish and Wildlife Service that was just described. Thank you for both of those. Roy.

MR. ROY MILLER: Emily, it is noted on the paper there is a \$50,000 maximum project ceiling. What is the required local match for one of those projects?

MS. GREENE: We request a one to one, but it is not required for an individual project. It is required for the program as a whole; so it is requested but not required.

CHAIRMAN DIODATI: Any other questions or comments? Okay, thanks, Emily. Are we back to Toni, I think.

TECHNICAL ORIENTATON AND GUIDANCE DOCUMENT UPDATE

MS. KERNS: This is just an update that back I think through some public comment the policy board received on public interactions and behavior during technical committee meetings, that the policy board asked staff to update the guidance documents for technical committees. We are currently working on that. The last time that those guidance documents were updated was 2001. We are working through those and you will see them at the annual meeting.

CHAIRMAN DIODATI: And Bob on the IUU.

PROPOSED RULE ON IUU FISHERIES

ACTING EXECUTIVE DIRECTOR BEAL: The National Marine Fisheries Service published a proposed rule on IUU Fisheries, which is International Unregulated and Unreported Fisheries, basically high seas international fisheries. Part of this rule is getting at shark finning issues and some other issues that the Shark Board is going to talk about tomorrow.

The public comment on this proposed rule is actually due tomorrow. A draft letter was sent around to the policy board at the end of last week – I believe, Danielle? Danielle sent that around – basically supporting this rule. What this rule would really do is if there are high seas fisheries or international fishermen in countries that are not essentially playing by the rules, the U.S. may deny them access to U.S. ports.

The goal here is to take some of the shark fins and other illegal products off the markets in the United States. These illegal markets are generating some concern that if illegal shark fins are entering the market from international fisheries, some groups are considering impacting domestic fisheries, and that is obviously a concern to the folks here.

If the domestic fisheries are being prosecuted legally and those shark fins and other shark products are entering the markets legally, there is concern about closing down those fisheries and the economic value of those fisheries just because there is illegal activity going on at the international level.

The proposal is to send a letter of support for the proposed rule the National Marine Fisheries Service has out right now and we would send that letter in tomorrow if everyone is comfortable with that approach. If there is any objection or concern, we can address that. I think a small set of the state representatives on the Shark Board had a conference call last week and everybody on that conference call was comfortable with us sending a letter off to support this issue as well. If the policy board supports it, we will send off the letter.

MR. WILLIAM A. ADLER: Bob, when you say they're going to penalize the foreign country that is doing it; penalize it in that you're going to stop them, perhaps, from bringing other fish into our market or just the fins?

ACTING EXECUTIVE DIRECTOR BEAL: Yes, they would be impacted by not being able to have

access to our ports, so other products other than just illegal fins.

CHAIRMAN DIODATI: Okay, so we will all have an opportunity to look at and comment on that proposal. The stock assessment priorities, you're going to do that?

STOCK ASSESSMENT PRIORITIES

ACTING EXECUTIVE DIRECTOR BEAL: This was on the policy board agenda in anticipation of the Sturgeon Board happening before the Policy Board, but that didn't happen. The technical committee for Atlantic sturgeon as well as the technical committee for Atlantic menhaden, both are recommending that those benchmark stock assessments be accelerated beyond their current schedule.

Menhaden is scheduled for 2015 and I don't believe there is a sturgeon assessment scheduled right now so that is open ended. The question that is going to be put before the policy board either now or when the policy board tackles the 2013 action plan is how does the policy board want to prioritize those species.

As I mentioned during the Menhaden Board, there is already I think seven or eight species that are going through benchmark assessments and peer reviews in the years 2013 and 2014. The benchmark assessment and peer review schedule is already as full as it can get if it is not overloaded already.

The addition of these two species, menhaden and sturgeon, would overload that schedule, and we could not get all that work done, so there is going to be some prioritization done or some way of considering things like farming out those assessments to other entities was discussed briefly at the Menhaden Board.

Since that just came up today, we have not had time to do the research and how much it would cost, for example, to take the menhaden assessment to Virginia Tech or NC State or another group of assessment folks that may be able to conduct that assessment. The sturgeon assessment is in the same situation. I'm not sure if the policy board can have the final discussion on this. There may be some thoughts around the table on how to tackle this, but we are heading toward a situation where we are going to be overloaded for 2013 and 2014.

DR. DANIEL: Bob, what are species that we have in 2013 and 2014?

ACTING EXECUTIVE DIRECTOR BEAL: Pat can give you that.

MR. PATRICK CAMPFIELD: Currently benchmark assessments and reviews scheduled for 2013 included striped bass, northern shrimp, large coastal sharks – select species there – and summer flounder. I will note that staff is passing out a summary of this information. Please see the colored table at the end of the document. In 2014 we have lobster, black drum, black sea bass, bluefish, tautog and weakfish. As Bob noted, that is definitely a heavier assessment and review workload than the commission typically carries; probably more than twice the usual workload. There are implications for the scientists' workload and the peer review venues and associated budget if you want more details.

DR. DANIEL: All right, so with large coastal sharks and black sea bass; is that in concert with HMS and the Mid-Atlantic or the South Atlantic?

MR. CAMPFIELD: Yes, for sharks that is largely HMS and run through a SEDAR so that is a low commission commitment; and black sea bass, again largely federally led but certainly states are involved on the technical committee.

ACTING EXECUTIVE DIRECTOR BEAL: Louis, that is the northeast black sea bass and not the southeast black sea bass.

CHAIRMAN DIODATI: Okay, without asking staff to answer the question today, it is pretty clear that we're going to have to make some adjustments to the schedule to squeeze in at least menhaden and probably take a look at sturgeon as well. I'm not convinced that contracting that work out is going to be cheaper or less effort because there are certain folks in our own community that are just too familiar with this work. I expect that Bob and other staff could evaluate this and make a recommendation on the best way to accommodate this on a faster schedule.

ACTING EXECUTIVE DIRECTOR BEAL: Paul, would it be okay if we explored with the Assessment and Science Committee and brought back some options for consideration at the annual meeting? It is going to take a little while. It's the tradeoffs. As Louis has said, postponing large coastal sharks, it really doesn't free up much state assessment time and you have to get the right folks that know menhaden moved off other species and those sorts of things.

And consideration that the Gulf of Mexico Menhaden Stock Assessment is ramping up for 2013, so that is going to occupy the Beaufort crew, so we just have to kind of think through all those variables and hopefully working with the Assessment and Science Committee and commission staff we can come up with some options and considerations for the next couple of years. Does that sound reasonable?

DR. DANIEL: Just two quick things; when we did red drum with the Gulf that was really cool. I mean, we had an opportunity to bring together all the red drum biologists from the Gulf and the South and Mid-Atlantic. I would strongly recommend we explore at least the option of doing that on menhaden and that way we kill two birds with one stone.

We have done multiple SEDAR reviews where we have done like the deepwater complex for snapper grouper and we have done like five assessments in one workshop, so that is possible. I think we will hear from the Sturgeon Board or I will certainly bring it up at the Sturgeon Board that I think one of the critical needs for our petition to delist is going to be a parallel track stock assessment on sturgeon. That could really help us out a lot. I think we need to be cognizant of that whether it happens in 2013 or 2014, but I would think we could be able to work it out.

CHAIRMAN DIODATI: All right, that sounds like a plan. Pat.

MR. CAMPFIELD: It would assist staff if either the policy board or the individual management boards could provide guidance on when the delivery of the next menhaden and/or sturgeon assessments would be needed in order to inform your decisions at the annual meeting.

CHAIRMAN DIODATI: We'll do that, Pat. Jaime.

DR. GEIGER: Mr. Chairman, I know every year we have this discussion and it reminds me of rearranging the chairs on the Titanic. However, I do believe we need some hard, well-defined criteria that allow us to make an informed decision on how we rearrange these priorities in terms of stock assessments.

Right now we're just sort of doing this based upon either needs economics or a variety of other things. I would strongly suggest if we had a set – if we could develop a clear set of criteria by which we can make informed decisions, I think this will help us along in the process; what are the tradeoffs, what are the offsets and so on. I think we have talked about this in the past, but we have yet to really nail this one down,

but I think it is a good business way to do things, Mr. Chairman, and I would urge us to explore this in the future. Thank you.

CHAIRMAN DIODATI: And the future will be in October at the annual meeting. Staff will provide us maybe some criteria that we could begin to discuss.

ACTING EXECUTIVE DIRECTOR BEAL: The Assessment and Science Committee has done some of that work, Jaime, life history, stock status and those sorts of characteristics and level of data, new datasets, et cetera, so we can revisit that and bring that back to the policy board.

CHAIRMAN DIODATI: Okay, before we adjourn and being the menhaden meeting again, I want to know how many people in the audience are here specifically for sturgeon. How many of you will not be here tomorrow morning? You can specifically for that; so you prefer that we address the sturgeon issue tonight rather than putting it to tomorrow morning.

ADJOURNMENT

CHAIRMAN DIODATI: All right, Bob and I will be discussing the remainder of the schedule and we will try to accommodate that, obviously, but time is tight and people are getting tired. I want to make sure that menhaden is given the proper focus, and I am sure Louis will. Without objection, we will adjourn the policy board.

(Whereupon, the meeting was adjourned at 5:55 o'clock p.m., August 8, 2012.)