

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

**Atlantic Sands Hotel
Rehoboth Beach, Delaware
October 22 and 23, 2008**

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ATTENDANCE

Board Members

George Lapointe, ME (AA)	Eugene Kray, PA (GA)
Pat White, ME (GA)	Roy Miller, DE, proxy for P. Emory (AA)
Douglas Grout (AA)	Bernard Pankowski, DE, proxy for Sen. Venables (LA)
Rep. Dennis Abbott, NH (LA)	Thomas O'Connell, MD (AA)
Ritchie White, NH (GA)	William Goldsborough,, MD (GA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
William Adler, MA (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Louis Daniel, NC (AA)
Mark Gibson, RI (AA)	Willard Cole, NC (GA)
David Simpson, CT (AA)	John Frampton, SC (AA)
Mark Alexander, CT, Admin. Proxy	Malcolm Rhodes, SC (GA)
Sen. George Gunther, CT (LA)	Robert Boyles, Jr., SC (LA)
Fred Frillici, CT, Legislative Proxy	Spud Woodward, GA, proxy for S. Shipman (AA)
James Gilmore, NY (AA)	John Duren, GA (GA)
Pat Augustine, NY (GA)	William Sharp, FL, proxy for G. McRae (AA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Rep. Mitch Needleman, FL (GA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Bryan King, DC
Erling Berg, NJ (GA)	Steve Meyers, NMFS
Gilbert Ewing, NJ, proxy for Asm. Fisher (LA)	A.C. Carpenter, PRFC
Leroy Young, PA, proxy for D. Austen (AA)	Jaime Geiger, USFWS

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

Ex-Officio Members

Staff

Vince O'Shea	Pat Campfield
Bob Beal	Mike Howard
Toni Kerns	

Guests

Josephine Calomo, MA	Mike Cahall, ACCSP
Harley Speir, MD DNR	Geoff White, ACCSP
Wilson Laney, USFWS	Ann McElhatton, ACCSP
Carol Bombay, AFWA	Julie Defillippi, ACCSP
Ron Regan, AFWA	Kelly Place ACCSP Advisory Panel
Dee Lupton, NC DMF	Gordon Colvin, NMFS
Jim Gartland, VIMS	Peter Himchak, NJ DFW

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Swan Ballroom of the Atlantic Sands Hotel, Rehoboth Beach, Delaware, Wednesday afternoon, October 22, 2008, and was called to order at 2:25 o'clock p.m. by Chairman George D. Lapointe.

CALL TO ORDER

CHAIRMAN GEORGE D. LAPOINTE: Good afternoon; my name is George Lapointe. I'm the Chair of the Commission and the Chair of the Policy Board. We have two agendas, one for today and one for tomorrow. Are there additions to the agenda? Pat White, you had an addition?

MR. PATTEN D. WHITE: Yes, I do, Mr. Chairman. Do you want to go over the issue now?

CHAIRMAN LAPOINTE: Just tell us what the issue is and we'll put on under other business.

MR. P. WHITE: I would just like a discussion of the number of members that are sitting at a table. I have no problem with the situation that's going on because we all only have one vote, but I think it ought to be a standardized decision.

CHAIRMAN LAPOINTE: All right, thank you. Any other business or new business for the board? Seeing none, with that change, is there any objection to approval of the agenda for today and for tomorrow? Seeing none, the agenda is approved. There were proceedings from the August 20, 2008, meeting of the Policy Board in your briefing materials. Are there any changes to the proceedings? Seeing none, is there objection to their approval? Seeing none, they are approved.

PUBLIC COMMENT

The agenda topic is for public comment. We reserve a spot on the agenda for comments on items that aren't related to the agenda topics for today's agenda. Are there any members of the public who want to speak at this time? Seeing none, we will move into Agenda Topic 4 and that is an update on non-native oyster activities; Bob Beal.

NON-NATIVE OYSTER ACTIVITIES

MR. ROBERT E. BEAL: I think I have updated the Policy Board on this project for the last three or four years. I think we're happy to report that there has been some significant progress this time around. The

Draft Environment Impact Statement was published on October 17th. It's a pretty thick document. I can provide CDs with the document on it.

If anyone would like one of those, just let me know after the meeting or send me an e-mail. The public comment period is for 60 days so it is open until December 15th, later this year. The plan is for the Interstate Shellfish Transport Committee to get together, review the document and provide feedback to the Policy Board. This is the process that the Policy Board set up I think three or four years ago when this whole project was initiated is that the Interstate Shellfish Transport Committee would report to the Policy Board.

The Policy Board would then take that information and decide what in what form and what comment that want to provide to the Army Corps of Engineers. We have a little bit of a timing problem in that, as I mentioned earlier, December 15th is the deadline for public comment. The Policy Board is not going to get together prior to submitting comments.

They're probably going to have to do this remotely rather than face to face. I'm trying to schedule the Shellfish Committee to get together. It's turning out to be tough to schedule those folks. They may not meet until the first week of December which will mean a real quick turnaround for the Policy Board.

The Habitat Committee met earlier this week and they will provide more details when we get to their report, but the Habitat Committee would also like to provide input on the non-native oyster project or the Chesapeake Bay Restoration Project, I should say. When the Habitat Committee provides their report in a few agenda items here, they'll provide their input and some ideas as far as comment timelines and how they would like to provide information to the Policy Board. Mr. Chairman, it's up to you on how you want handle coordinating the Habitat Committee comment with the Policy Board comment moving forward.

CHAIRMAN LAPOINTE: So we've got the deadline for the 15th of December. The ISTC wants to comment; the Habitat Committee wants to comment; and we need to get comments in. My sense is that we would have staff compile those comments, come up with a draft letter, circulate it and then submit it officially to the Army Corps of Engineers. Does that make sense to people? I see heads shaking yes. It strikes me that if we can meet remotely, can't the Shellfish Transport Committee do the same thing so they give us more than ten days?

MR. BEAL: We can probably do that. I think the difficulty is that they were – the plan is to give them a fairly lengthy presentation on the document and go through all the details and have them really get into the science that is included in the document.

CHAIRMAN LAPOINTE: Fair enough.

MR. BEAL: And we're having trouble just finding days that work remotely or face to face.

CHAIRMAN LAPOINTE: All right, so we'll give them a lot time and we'll have less, but that shouldn't bust our chops too much, should it?

MR. BEAL: Hopefully not.

CHAIRMAN LAPOINTE: And the Habitat Committee is also going to comment on this so our timing is a little –

MR. BEAL: Yes, they would like to. Karen Chytalo, the Habitat Committee Chair, is not here right now, but I think – the question that I brought up when I was talking to the Habitat Committee the other day is what is the appropriate avenue for their information to flow to the Policy Board. There are two options. One is the Habitat Committee comments directly to the Policy Board; the ISTC comments directly to the Policy Board. Then the Policy Board sort of distills those two points of view, assuming they differ.

The other way to do it is to have the Habitat Committee comment to the ISTC; the ISTC considers the habitat information and forwards one position to the Policy Board in early December, hopefully. I know the Habitat Committee preferred going with sort of the two-pronged approach directly to the Policy Board rather than having their comments go through the Transport Committee prior to coming to the Policy Board. You may want Karen here to handle some of that discussion.

CHAIRMAN LAPOINTE: Why don't we just hold off on what the board will finally do until after we hear what Karen has to say; is that all right with board members? Anything else on non-native oysters right now?

MR. BEAL: No.

CHAIRMAN LAPOINTE: Thank you. Any board questions or comments? Russell.

MR. RUSSELL DIZE: Bob, would that be at the February meeting we would maybe have something?

MR. BEAL: The difficulty is going to be that the public comment deadline is December 15th, so we're going to have to work the Policy Board through phones and e-mails, I think, to get the final comment wrapped up.

CHAIRMAN LAPOINTE: I think some people were talking about an extension in the deadline, but this thing has gone on since Joshua Chamberlain was governor of Maine, and that was in the mid-1800's, so it feels like we should not ask for that extension, but we can discuss that as well. Are there other questions on non-native oysters at this point? Our next agenda topic is the Assessment Science Committee Report, Ms. Paine.

ASSESSMENT SCIENCE COMMITTEE REPORT

MS. MELISSA PAINE: I just have a very brief report from the Assessment Science Committee that recently held a conference call last month. As usual they review the stock assessment schedule for the upcoming year, and that schedule was included in your meeting materials. There actually hasn't been much change from the last time you saw that schedule.

I think lobster was put into 2009 where it was previously in 2008, but I think the Policy Board was aware of that at your last meeting. The only other things were bluefish and scup could potentially be added to the schedule in 2010, I believe, but that's up to the NRCC meeting that will occur in November.

Additionally, the committee approved the scientists' workload for 2009, as usual. The next thing was that the committee received a presentation from representatives from NMFS on annual catch limits and accountability measures. That is purely informational at this point since that is a proposed rule and was at the time of this committee meeting.

What the group did was to form a subcommittee to look at present terminology and focus on overfishing to possibly provide some suggestions on new status determinations that could be used in commission stock assessments at some point. Those would be for those co-managed species.

Additionally, the committee discussed advanced training workshops for next year; and if fund can come through for two workshops, those would at

least be one on CPUE standardization and how different agencies calculate CPUEs and how those databases might be combined. Another would be to examine all the models that are available in the northeast toolbox.

Another possibility for a workshop that might be held in conjunction with ACCSP would be one on looking at how data is compiled. The idea behind that would be bring together state agency staff and ACCSP folks to just have a better understanding of how data are collected, the formats that those data are in, what is available and what issues there are with the data that is available.

Another thing they discussed was the possibility of holding another basic stock assessment training in 2009 since the last time that training was held was in '07. Each committee representative is going to check with their states and determine interest if there is new staff on board that would benefit from such training.

Additionally, there was some interest in the group looking at evaluating how reference points have performed in past assessments, and so a subcommittee was formed to develop a new evaluation of assessment efficacy for management. Additionally, there is a reference points' white paper that the group has been working on for some time now, and that's meant to be for some guidance to technical committee members. That is coming to completion pretty soon.

Also, per the benchmark guidelines' document, the ASC is meant to provide some suggestions for commission external peer review panelists, and so they did help add to that list for potential peer review panelists in the upcoming lobster review. Finally, they discussed making a revision to that benchmark guidance document to provide some leeway in the timing of triggers for updates and benchmark assessments of multi-species models since the timing of that is obviously not the same as single-species models. That is my short report for now.

CHAIRMAN LAPOINTE: Thank you, Melissa. Any questions for Melissa? A.C.

MR. A.C. CARPENTER: Is the time to discuss the schedule for upcoming assessments?

CHAIRMAN LAPOINTE: It certainly could be.

MR. CARPENTER: All right, I'm interested in the American Eel Assessment that is scheduled for 2010. It is simply an "X" in the box right now, and I'm

wondering what type of assessment is planned for that and what the timeline when we should be getting the results from that might be that we'd be able to use in a management plan?

MS. PAINE: It was just marked as an "X" in the schedule just for a five-year trigger, purely on that basis. It's something that the technical committee is going to be discussing, what venue it would take place in and the timing of it as well. It's for the upcoming Eel Technical Committee to discuss.

CHAIRMAN LAPOINTE: Other questions? We need to approve the modifications to the assessment schedule, and that is the Lobster External Peer Review in 2009 and with the understanding that the NRCC meeting in November will decide whether to add bluefish or scup; is that correct? Are there any objections to those changes? Seeing none, the revised schedule is approved. Our next agenda topic is the Management and Science Committee Report, Harley Speir.

MANAGEMENT AND SCIENCE COMMITTEE REPORT

MR. HARLEY SPEIR: We met yesterday. All of the states and federal agencies were represented. We had a report from Emily Greene on the Habitat Committee and Coastal Fish Habitat Partnership. We have three new signatories to the Fish Habitat MOU. Matt Cieri gave an update on the multi-species VPA and the data sources that are used to populate the model.

The primary predators included in this model are weakfish, bluefish and striped bass. The food habit studies from up and down the coast were used to define the prey species. This is an update through 2006. The model was assessed and went through peer review in 2005. The 2005 SARC advised that the model should not be used for defining reference points.

There are many cases where reference points that are defined with this differ from those that may be defined by a single-species model. That advice still holds, but results from the model can provide information on the direction and magnitude of the interactions between predator and prey.

At the direction of the Policy Board, the Fishing Gear Technology Workgroup was developed, and they were to develop a comprehensive report of gear work along the coast and evaluate the work to see if it can be implemented into management of bycatch,

reductions in mortality or reductions in habitat effects.

Joe DeAlteris presented a report on the first year of work, and they looked at ten priority fisheries up and down the coast. They looked at the potential for bycatch, the potential for interactions with threatened and endangered species. It is a fairly lengthy report and it is available in your briefing material.

The Gear Subcommittee that was formed – I think there are ten or twelve members – has become a standing subcommittee underneath Management and Science, and they'll be available to continue to look at gear problems and gear development.

In 2007 Management and Science formed a subcommittee to assess the available information on forage fish that are important to ASMFC-managed species. We've had a year now and several conference calls, and we were having a little bit of trouble developing clear objectives for this. We think we've got good direction now.

What we're going to do is take a single species; that is, weakfish, define the majority prey, look for data available for those forage species and look at the potentials for developing coast-wide indices for these prey species. We're going to be working with the technical committees and modelers to do this work.

There have been a number of technical committees that have held workshops to develop comparable aging criterion so that all states are producing comparable age information to go into assessment models. The Gulf States have such a manual for a number of species. We don't have one that covers the range of the ASMFC species, although some of the technical committees have single species' manuals.

What the staff is going to do is to poll the states and gather information on aging manuals that may be in existence, pull these together into a report or a CD and make it available online. It should be very useful. NMFS also has some sort of an aging manual that we will be drawing from, too.

We discussed and updated priority research needs for 2008. What we'd like to do is to pull out from those literally dozens of recommendations for research, is to actually pull out what we see as critical needs, and we have a subcommittee to do that, and we will provide a report to the board shortly.

We also looked at a Conflict of Interest Statement which was to be used external peer reviewers. It was adapted from the Conflict of Interest Statement used for the Center for Independent Experts. We found it to be somewhat restrictive. We modified the language in the first draft, and a draft should be available I think that you'll review shortly.

We were also tasked with providing a subcommittee of Management and Science members from outside the range of lobster management to assist in the selection of lobster peer reviewers. We have folks from South Carolina, Georgia and Florida on that subcommittee.

We also heard a fairly detailed presentation by Michael Wilberg, University of Maryland, on approaches to recreational fisheries management. The program that they're developing seeks to involve stakeholders in management with the objectives of reducing conflicts among and between stakeholders, improving understanding of management processes and encouraging the conservation ethic. They've held four workshops over eight months dealing with king mackerel. This is in the South Atlantic states. They do have a publication that is out and, again, is in your briefing document.

We also heard a summary of the NEAMAP Survey. The fall survey is complete, 150 sites, Martha's Vineyard to Cape Hatteras. The complete surveys are fall of '07, spring '08 and fall '08; 450 tows; 160 species; 1.4 million specimens in 2008; 128,000 measured. It's a huge effort, and the board really should recognize the value of this thing. It's immeasurable in terms of its value for us in assessments.

As Jim Gartland characterized it, it has somewhat of a status of an awkward teenager. It has a little bit of experience under its belt, but not enough length of time in assessment data to make it useful yet, but that is in the future.

We also had an update on the collection of state aquaculture contact information. The Interstate Tagging Committee is updating the tagging website and information, and they're now including information on acoustic tagging. The Interstate Shellfish Transport Committee will meet to review the new Oyster EIS. That completes my report. Any questions.

CHAIRMAN LAPOINTE: Thank you, Harley. Any questions for Harley? Bill Goldsborough.

MR. BILL GOLDSBOROUGH: Harley, on the forage fish issue, you've identified weakfish as a predator to do a case study on; and if I understood you right, you were going to look at developing indices for each of the major forage species that weakfish depend on; right?

MR. SPEIR: Yes.

MR. GOLDSBOROUGH: And those would be throughout the range, I take it, those indices?

MR. SPEIR: Yes.

MR. GOLDSBOROUGH: So that seems to lead to the concept of managing or monitoring forage species as a group, and I know that has been discussed before. I wonder if you guys view it that way?

MR. SPEIR: That is one of the difficulties that we had in trying to wrap our hands around just exactly what we do. There are two forage fish plans in existence, one for Washington State and one for Alaska. Obviously, Alaska has got as much coastline as we've got. They've managed to create a plan, but I'm not sure how useful it is. I think until we get into this and see exactly what information is out there and how we put it together, right now I don't know useful it's going to be.

CHAIRMAN LAPOINTE: Other questions for Harley? Mr. Goldsborough.

MR. GOLDSBOROUGH: Before we leave Management and Science, Mr. Chairman, I wasn't sure where on the agenda, if at all, you were planning on discussing that issue with respect to asking that committee to help develop the ecological reference points for menhaden.

CHAIRMAN LAPOINTE: Harley, when we had the Menhaden Board meeting yesterday, there was a discussion about ecological reference points by a number of people present. There was discussion about forming another group and getting outside experts in, and I suggested that it was something that we could task the MSC with as a standing issue just to give us some idea of what kind of progress was being made rather forming another group. That was my recollection from what we said yesterday. Is that pretty accurate?

MR. GOLDSBOROUGH: Well, if I recall right, it was your idea.

CHAIRMAN LAPOINTE: Yes, it was, but I was also yammering yesterday so I just wanted to make sure I wasn't getting too far out on a limb. It strikes me as a more efficient way of moving than forming a whole other group. In the conversations with Ken Hinman, it strikes me as – and I'm actually going to meet with Linda and Matt and Brad when I get home because one of the things they talked about, or one of the things Ken mentioned was figuring out how many fish were out there and how many you could take; and if you want to be conservative, just ratcheting down on it rather than coming up with whatever the ecological point discussion may come up with. That's certainly what I favored.

MR. GOLDSBOROUGH: So, then, where we are on that, if I understood from yesterday, was that you were going to draft something up to describe this concept to move it forward; is that accurate?

CHAIRMAN LAPOINTE: Well, there are a couple of things. One, if board members concur, is to task the MSC to look at the question and to give us regular reports because it strikes me that it's kind of like the multi-species efforts, that it could be all-consuming and it could also take a long time, and so just to give a steady progress.

But the other thing I was going to do, when I get home, is just to write down my ideas to give to them and to the Menhaden Board and then people can throw darts at it if they want to, which I hope they'll do because I sure don't know exactly what steps to take. It was kind of a two-pronged approach.

MR. GOLDSBOROUGH: Not to belabor, but one other point that was discussed was – and this came from the terms that staff had drafted up initially, and that was the concept that they have done ecological reference points in some other fisheries that we might be able to learn from, and so the discussion was that bringing in some outside expertise might help jump start that; and so that Management and Science, when this whole thing unfolds, would have the latitude to do that to some extent within budgetary constraints.

CHAIRMAN LAPOINTE: Does that make sense to people? I see heads shaking yes, so that is what we will do. We'll make sure you get a copy of the terms of reference document that staff came up with as well. Thank you. Other questions or comments for Harley? Seeing none, unless there is objection, we will accept the report. Thanks very much, Harley. Our next agenda topic is the Habitat Committee Report, Karen Chytalo.

HABITAT COMMITTEE REPORT

MS. KAREN CHYTALO: We had a lively meeting, as always, yesterday, and I'm glad to report that we do have some documents that will be completed. One of them will be the Atlantic Coast Diadromous Fish Habitat, a review of utilization and threats, recommendations for conservation and research needs. It is being fully updated and chapters should be completed by the end of this month and a publication date of late fall. That's good news since that is something that is moving ahead.

Another issue I know that was raised earlier – I wasn't here for it, but I understand there was a discussion about the Non-Native Oyster EIS. The Habitat Committee has decided – this is a subject that has been very much in my minds. We've had very passionate discussions about, it, too, and we have decided that we would like to be able to present comments directly to the Policy Board.

Because comments are due to the Army Corps of Engineers right now by December 15th, we would like to get comments to you December 1st, and so therefore you can deliberate them, and also we would submit those same comments to the Interstate Shellfish Transport Group so that they would be aware of our comments.

We have also recommended to our Habitat Committee members that they outreach to their states' members on that Interstate Shellfish Transport Group, too, to have these discussions. So, therefore, we would hope to expect some uniformity in our recommendations. Because of this small process, you know, and going through committees and moving things through and then the short timeframe, we thought it was prudent upon us to get our comments out and out to you as soon as possible.

But we're also thinking of another recommendation which we discussed at our meeting of potentially having the Policy Board make a request to the Army Corps of Engineers to extend the comment period, so, therefore, maybe we can go more smoothly through our process and go through this mega file of information in that EIS.

To do that, we'd have to have very good reasons of why that would have to take place, but that is just an option that we're expressing to you that maybe you might want to take that task, but it would be your decision if you think is the right thing to do. We don't know how some of the states feel about that or if that's going to be prudent or whatever.

On another issue, the committee is taking an effectiveness review. We did an online-type survey that a lot of the commissioners here responded to as well as the Habitat Committee members just to see how well are the documents that we have been producing over the years – are they being utilized, are people, you know, promoting them in permit decisions and agreements and reviews of different types of projects?

We did find that there was a certain level of use of these documents that have been produced but more outreach needs to be done with them; that we definitely need to get the word out that these documents do exist on special types of habitat and that we need to do this further outreach. But one thing we did find by doing this effectiveness review, too, is that the habitat workshops that we've been holding have been helpful, have been getting some of the message out.

That's something that we're going to follow up on and do more. Based upon those workshops is to build them into source documents that could be helpful the various states in part of their reviews. Once such thing was that we had an energy workshop a few years ago at the North Carolina meeting; and from that meeting, we did develop and we are in the process of developing a non-traditional energy source document.

We're in the process right now of finalizing the outline of that document. We thought that was a good use of our time, and that will be a helpful project because so many of the projects that are going on up and down the whole coast, they're all being done by very similar contractors, so we're all being hit with similar sorts of things; and we have approached them with more of a unified coast-wide front, that they'll learn they have to do this type of monitoring, they have to care about fish habitat, and they have to do certain types of things.

At our meeting yesterday, what we did is expand the outline a little bit more by including some of the watershed. First we were looking at just coastal impacts, but now we're considering looking at more of the watershed, which includes other types of energy projects such as biofuels because of the high water usage and how that could change to streams and their flow augmentation, so we were concerned about that.

But we also had increased the outline, too, of including traditional uses of gas and oil exploration, especially after the slogan of "Drill, Baby, Drill"

came out; that this is time that we better have something ready to roll and to be able to respond to those types of requests that will be coming our way.

We also had a presentation yesterday by Bluewater Wind on the impacts of wind energy on marine ecosystems, which was very helpful, that was very good at crystallizing on some of the issues out there, too. We also have been involved in developing management plan habitat sections, and so the diadromous source document will be completed shortly with the Shad and River Herring Amendment.

We are gathering a subcommittee to revise the American Lobster Habitat Section. We're also looking into incorporating information from other diadromous species into the habitat amendments. Another issue that came up that this group deliberated on was the project comment letters that we would be sending, those informational or actual comment letters that was a major issue I know you guys deliberated about for a couple of meetings.

One thing that we decided on is the whole process on how we would be doing those types of things. We came up with a form on how they would be submitted. We now have a time table, too, so they can come in, request for these things to be evaluated more on an orderly basis so every few months there would be like a call for projects if you want to promote something.

We did have a great project that was submitted by Wilson Laney for Titans America that we are very interested in. It's a project where potentially 400 to 600 acres of tidally influenced wetlands would be destroyed by that project. That would be very precedent-setting and that would affecting a lot of ASMFC-type species.

We're interested in formulating and putting together an information letter on that because that is at the early part of project period but before an EIS scoping document gets out, so we thought let's get our issues on the issues on the table right from the beginning and be able to present that. We'll be forwarding that to you for your review, too.

Another issue, too, with respect to the Habitat Committee, the Artificial Reef Subcommittee, which meets annually, will be meeting in November down in Jacksonville, Florida. The subcommittee will be working on compiling updates of all the state programs along the Atlantic and the Gulf states. They will also be working on their Artificial Reef Monitoring Documents that evolve into monitoring

guidelines for all the states to be able to use, which would be a very helpful document, I know, for a lot of states that are involved in those programs. That's the report for the Habitat Committee.

CHAIRMAN LAPOINTE: Questions or comments? Roy Miller.

MR. ROY MILLER: Thank you, Mr. Chairman, and thank you, Karen, for your report. Concerning the Artificial Reef Committee, does ASMFC take any involvement in the discussion of SMZs; that is, special management zones around artificial reefs?

MR. CHYTALO: I'm not on that committee so I don't know if that issue has been discussed or deliberated. I could find that out. Right now they have been mostly involved in discussions on what type of products to use, what kind of things can be placed out there. I know that was one of the major issues as well as the monitoring and those aspects. That's a little bit more of a policy thing, but I don't know. That's something that could be discussed or we could recommend that.

MR. MILLER: Well, that issue has been taken up the Mid-Atlantic Council, but I can't recall any ASFMC involvement in the issue of SMZs around artificial reefs.

CHAIRMAN LAPOINTE: Bob, I think has some information.

MR. BEAL: I think the Artificial Reef Committee put together an ASFMC Special Report, we call them, on SMZs in the mid-nineties, so it may be a little dated by now, 13-15 years old, something like that.

CHAIRMAN LAPOINTE: Other followup, Roy?

MR. MILLER: Well, it is a topic that has come up repeatedly in our state and in New Jersey, and those of us who represent the states of New Jersey, Delaware, Maryland and Virginia at this commission have had sidebar discussions on this topic, and New York, as well. I have nothing in terms of approved guidance to hand out or to suggest at this point in time other than there is a general concern and some preliminary discussions have taken place, but strictly as a sideboard discussion.

CHAIRMAN LAPOINTE: I'll have staff see if we can find a copy of that report and make it available to folks on the Artificial Reef Subcommittee. Didn't the South Atlantic Council do something with

artificial reefs and SMZs as well, so we'll see what they have available as well so that we have that information before us to see if there are next steps to be taken. Pat.

MR. PATRICK AUGUSTINE: We had some extensive conversation about special management zones considering artificial reefs. The interpretation we got from Dan Furlong for the Summer Flounder, Scup and Black Sea Bass FMP is that under the part that's black sea bass states can ask for consideration for artificial reefs in federal waters to become special management zones.

As I recall, Roy – I don't know if you remember it or not, but he had made the statement that if a state so desired to identify special management zones in the artificial reefs in EEZ, that the state should write a letter to the Mid-Atlantic Council requesting consideration for that site, and it ended there.

Jim Gilmore was just coming on board; and with the plateful that he had, I did not pursue it at that point in time, but, Jim, we'll have another conversation about it. It's on an individual state basis who wants to pursue it. Special management zone status could be covered for your reefs in federal waters under the black sea bass part of the FMP.

MR. MILLER: You're absolutely right, Pat, we did have that discussion, and we decided that any presentation before the Mid-Atlantic Council would be strengthened with a multi-state presentation, and I think that's about where we left it – Gene is shaking his head yes – as I recall.

MR. LEROY YOUNG: This is a question for Karen. You mentioned development of an Artificial Reef Monitoring Guidance Document. Could you fill in just a little bit about what that would cover and when that document might be developed, the timeline?

MS. CHYTALO: I don't know the status of where they had started on it. I mean, the group doesn't meet too frequently. My sense is that there has been some initial conversations on what would be a minimalist type of program but also some of the things that we could do, so the data is more comparable up and down the coast, and that we could also make this as a request that, you know, for permitting decisions that here is the protocol to follow, because sometimes some of the requests that come into some of the states are very expensive for monitoring-type efforts to be done; and what really makes sense should be done. So that's why we thought that it would be good to have something that's a little bit more uniform up and

down the coast. But, hopefully, within this year that will be definitely constructed and completed.

DR. EUGENE KRAY: Mr. Chairman, I just wanted to add to what Pat Augustine indicated on what transpired at the council. One additional point was that whatever provisions the state has for their – regulations that the state has for the artificial reefs in state waters would have to be consistent with what they're petitioning for in federal waters. If you require 500-foot around it, you can't fish within that framework in state waters, then the same would have to hold true in your petition so we don't have different regulations for the state as well as the EEZ.

CHAIRMAN LAPOINTE: Fair enough. Other questions or comments on this issue? It strikes me that because the Artificial Reef Committee hasn't met in some time, that we ask them to provide us a summary of their report so that we can have that in time for our February meeting.

Karen, the issue of the Non-Native Oyster Report, we discussed before you came in the idea of the Habitat Committee and ISTC providing comments to us – separate comments potentially and not one feed into the other, and I think people were fine with that. What do board members think about asking for an extension? I was a little reluctant about that, but I'm interested in what other Policy Board members think. Ritch.

MR. G. RITCHIE WHITE: Well, I think, in hearing this, it seems like we're kind of rushing to get this response put together in time. Is there a time period in which we can ask for or is it just some type of automatic extension?

CHAIRMAN LAPOINTE: When we've made requests for extensions in the past, we've asked for a specific – well, when the state of Maine has, ones that I've been aware of, I think they have been for specific periods of time. They aren't necessarily granted, obviously, but the request can go in.

MR. R. WHITE: My sense is that we should ask for a short one so that we can do this properly. I mean, this is important; it has taken a long time, and we shouldn't hasten to get this report out too quickly.

MR. THOMAS O'CONNELL: I just wanted to inform the board that the lead agencies in Maryland, Virginia and the Corps have already extended the public comment period beyond the minimum time required of 45 days to 60 days. I just wanted to inform them I'm not sure what type of feedback the

lead agencies will have to an extension request, but that should be considered by the Policy Board if that would be helpful.

CHAIRMAN LAPOINTE: Board members, what is your pleasure about requesting an extension or not? We have one board member saying yes; other people are being silent. Doug Grout.

MR. GROUT: I would certainly support requesting an extension as long as it doesn't have any adverse impact on getting this thing through. Obviously, it would delay it, but, you know, 30 days or 45 days gets us beyond Christmas.

MR. MILLER: Mr. Chairman, from the standpoint of thorough consideration by this board, it would be nice if we could have an extension of the deadline until after we get together in February so we don't have to have a special polling over the telephone or something like that. I, for one, would feel more comfortable with a face-to-face meeting in speaking a topic of this potential importance that may not at all fit within the Corps' framework and the sponsoring states of Maryland and Virginia.

MR. CARPENTER: I was going to make the point that if you were to wait for a February meeting, that's really another two months. My read of the principals involved in this, that would not be something that they would look very favorably given the number of delays and the length of time that it has taken us to get this far. The other situation, to echo what Tom just said, is the minimum required is 45 days, and they already accommodated an additional 15 days on that.

MR. JAMES GILMORE: Mr. Chairman, my suggestion would be that we essentially do both. We would make the request for the extension but review on a parallel track. I agree with what A.C. said, they've already done an extension and they typically don't this, but then again this is 15 coastal states on an important issue, so hopefully that would carry a little more clout. But, again, I think we should probably make the request, but assume we're not going to get it so we'll review it and at least have comments in time. Thank you.

CHAIRMAN LAPOINTE: So is there concurrence on asking for a request; my sense is yes. And the length of time, I think waiting until February is kind of like of asking Santa to come to town, but that's just my own opinion as well, so what do folks think? Doug.

MR. GROUT: Thirty.

CHAIRMAN LAPOINTE: Ask for thirty days; does that make sense to people? I see heads shaking yes, so that's what we'll do, but with the idea that Jim and others may have voiced that we have to plan on maybe not getting it, so the alternate plan would be that the Habitat Committee and the ISTC would provide comments to us.

The Habitat Committee, Karen said the 1st of December, Bob said that's about when the ISTC would meet, and then we will have to – staff will compile those as best we can and then send them out to board members electronically for your submission and submit a letter by the 15th of December, if that's the deadline.

My sense is that in spite of fact that we've got all these volumes of EIS, the central issues haven't changed that much, so I think the concerns that we've voiced before will probably be the concerns we raise now; so even if we don't get the time, we can still do a good job on commenting. Other comments on the issue of the non-native oyster issue?

Seeing none, other comments or questions for Karen before she switches hats? Seeing none, we will, unless there is objection, consider the Habitat Report approved. Now Karen is going to report on the Atlantic Coast Fish Habitat Partnership.

ATLANTIC COAST FISH HABITAT PARTNERSHIP

MS. CHYTALO: Right, which is a meeting that's in progress right now, so a few things have gone so far at the meeting. As some of you know, one of the things we've developed is a memorandum of understanding for folks to sign on to join the partnership. What we've been doing is some outreach to get more signatories to this MOU. One of them was successful one of the Indian tribes up in Maine. The Albemarle/Pamlico National Estuary Program is willing to join on and an Oyster Recovery Partnership – I think it's based in Virginia or Maryland or something like that – is interested in joining on, too.

One of the other things we agreed to – we don't have anybody who has specifically signed just yet the memorandum of understanding, so, therefore, we've set up a process right now to get those started, get everybody started to signed on and on an annual basis update that with more and more signatories.

It's something that we can present to the Policy Board to let the folks know that, you know, the agreement and this partnership is growing and more signatories are interested in participating on this, so we just need to come up with an interim process to move this forward. We also have contractors who are presently doing assessment information on habitats up and down the east coast.

We've been fortunate to have NOS workers doing this project for us and have developed assessment criteria and spatial components, which is all being done by GIS. We expect to have a report completed by January 2009, which will be a very good piece of information that we could all use to be able to promote this project and to build things off of.

We're also in the process of developing the Species Habitat Matrices as to which organisms will be the ones that will be promoted for restoration and how would we do that in a coordinated fashion up and down the east coast. So far a matrix has been developed for New England, the Mid-Atlantic and the South Atlantic. South Florida is almost completed, but it will be done shortly.

Another thing that we have developed recently also was endorsement criteria where the group would be evaluating projects that would come in that people would be seeking for our endorsement that we would support their restoration up and down the east coast. We're working on refining those criteria. We came up with some additional information today, and we plan to proceed with finalizing that.

We agreed that we would be establishing an endorsement subgroup that would evaluate projects, and so we want to get that moving, too. We felt that would get the word out, too, and it would also enhance and expand our partnership. Another important thing that has occurred, last week the National Fish Habitat Program itself has released and finalized and approved a guidance document so that helps us to proceed to develop our formal nomination package that would go to the board for approval so that therefore we would become a certified, you know, partnership.

Another thing that has happened, too, at the national level has been a bill that has been introduced, the Fish Habitat Bill that would authorize \$75 million for implementing these types of programs. In this day and age right now we don't know how well that bill will succeed, but at least it's out there, and that's a possibility for us, if it does get approved, as a

leveraging force that we could use for some funding for this effort.

Some of our members have been invited by the National Board to serve on the Partnership Committee, too, and helping to develop fact-finding and preliminary information for the board, so at least we're getting more integrated with the National Board. They're very accepting of our program and the approach that we have taken, which is excellent.

Another thing that we have done and one thing we agreed to today is to submit two letters for support for some proposals that went out under an RFP for USGS. These are projects that would be working on stream flows and looking at fish information for those areas that would help us in our assessment purposes.

One of them was designed for the Great Lakes, but it would be a tool that we could also use, so we're sending in letters of endorsement for that. We've been submitting proposals, too, to garnish more money because one of the things that we have to look for is funding to continue our coordinator that we have for this effort. By the way, Emily has been doing an excellent and fantastic job, so we definitely want to be able to keep her at ASMFC. That's where we are right now with that effort. Any questions?

CHAIRMAN LAPOINTE: Thank you; questions or comments for Karen? Doug.

MR. GROUT: I just wanted to make other board members aware of the MOU. Our attorney general had a little bit of heartburn with some of the lack of specificity and not binding us to provide money to this and people. After he put his comments on it, we realized that this was going to be something that might be difficult to change.

He agreed that if a letter came from the executive committee stating to the effect of nothing in this MOU shall be construed as binding any signatory to providing funding, staff, resources or any other resource; otherwise, voluntarily allocated, et cetera, et cetera, and I just wanted to make you aware of that in case any your attorney generals have had any difficulty with it. This is a way we were able to work around it, that we'll sign it and there will just be a letter attached to it that gives a little bit more specificity to it, and we'll be glad to sign it then.

MS. CHYTALO: Thank you, Doug, for bringing up that issue because we did have a lively discussion about that. We agree that we don't really want to

change the MOU as is, but we know people are comfortable with it enough at this point, but we will be sending out from the steering committee a letter to New Hampshire and to whomever else requests something like that, that documents that, no, you're not being put on the spot.

We know you can't commit resources, staffing or whatever, but we will still making requests of that. If you can deliver, you can; if you can leverage, fine. If you're willing to partner with us, that's wonderful, but that's where we're more interested is getting the partnership.

CHAIRMAN LAPOINTE: Other questions or comments? Have we seen a copy of the Fish Habitat Bill or whatever it is in Congress? If we could just look for a copy of that, it would be interesting for the states to see that thing.

MS. CHYTALO: Yes, we have copies at our meeting, but we can make sure you get a copy of that.

CHAIRMAN LAPOINTE: That would be great. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Just so you know, come December all bills go away because we'll start into a new congress, but that doesn't mean the same bill won't come back.

CHAIRMAN LAPOINTE: Right. Other questions or comments? Seeing none, thanks very much, Karen. Our next agenda topic is an update on the Federal Recreational Registry Program and the Marine Recreational Information Program, Mr. Colvin.

FEDERAL RECREATIONAL REGISTRY PROGRAM AND THE MARINE RECREATIONAL INFORMATION PROGRAM

MR. GORDON C. COLVIN: Good afternoon, Mr. Chairman and members of the board. Thank you for inviting me this afternoon. What I intend to do is to give you a very brief update on the status of the Marine Recreational Information Program; and to the extent that I can, respond to your questions.

I think the first thing is that I wanted to mention – and, hopefully, you're all aware of this because you're all receiving the e-mail newsletter that comes out from our office – the MRIP Program completed its implementation plan for the program and members of the staff are distributing copies of it now to the board members.

Hopefully, I think it's been getting out to the councils and other partners recently as well. The Implementation Plan is an important step and an important milestone in our progress for the MRIP Program. Importantly, it fairly well and thoroughly details the progress that has been made to date, particularly by the operations team element of the program, and describes the many projects that are underway that respond to the technical recommendations of the National Research Council in its review of the Recreational Fishing Surveys; the status of those projects and when we are likely to have results and the kinds of outputs that will come forward.

Recognizing that we are to begin to implement the MRIP Program in 2009, the Implementation Plan lays out in broad terms the strategy and approaches that the Fisheries Service and its partners intend to use as we begin to implement the results of our various activities, our projects and the Registry Program and other things next year.

It's important I think to emphasize that the Implementation Plan is perceived by us as a living document. This is not etched in stone; it's not final. It is a plan that will undergo a series of modifications through a continuous improvement process as we go forward and we add more knowledge to the program that we have through the completion of our various projects and the next round of projects beginning next year.

There is also some content in the plan that describes our current thinking about priorities for our next round of project funding. On all of this, because of the nature of it, we are interested in hearing reactions and comments from stakeholders and partners to the plan, and we will give them very thorough consideration.

We're open to comment and dialogue on all of this going forward and look forward to continued discussion of it. Just coming back to what I said a moment ago, if commissioners are not on our mailing list, if you're not getting our the MRIP newscast e-mail, which comes out about once a month, please let us know and we will make sure that you're added.

Secondly, Mr. Chairman, a brief status report on the Registry Rule. The comment period, of course, closed on the Registry Proposed Rule in late August. We have pretty much completed the internal review of comments and the process of compiling recommendations and recommended content for the

Final Rule. We expect the Final Rule will be issued in November.

One thing I would like to mention I think is that we received a substantial body of comment on the Proposed Rule including a considerable number of comments from states and interstate commissions around the country; comments that were lengthy, detailed, thoughtful and which are getting a great deal of serious consideration in the Fishery Service's review and decision-making process on the Final Rule.

There a few of the state comments that I'd like to mention to you that we are considering in the framework of the Final Rule. I think probably first and foremost, several of the states and at least of one of fishery management councils have asked us to consider delaying implementation of the mandatory federal registration requirement for a period of time while nonetheless adopting a Final Rule, so that the states that have to enact legislation or to otherwise secure approval of their state legislatures to undertake the actions necessary to be designated as exempt have an opportunity to do so with the Final Rule in place that their legislatures have a final federal decision that they can work with in their deliberations.

Similarly, there were some other comments that noted that this Final Rule is going to be in place at the earliest in late 2008 and expects implementation in early 2009, and there is some concern about the amount of time available for NMFS and the states to conclude memoranda of agreement for exempted state designation and therefore have suggested that some interim designation process be applied as an alternative to what is in the proposed rule.

I'll say it again, those comments are getting very serious attention and consideration in our decision-making process on the Final Rule. We also had a number of comments from both the east and west coast on the issue of the applicability of the registration requirement to persons who are fishing for anadromous species.

There was a desire to see the applicability of that requirement standardized – the Proposed Rule had a different approach for salmon than it did for other anadromous species – and also to provide better clarity and more certainty to the applicability of that requirement in state waters and the inland extent of the requirement, so we're trying to address those desires in the Final Rule as well.

We had a number of comments mainly from the Pacific states and commissions on the regional survey exemption proposal and some desires to see some changes made in the language with respect to that; some tweaking of the regional boundaries particularly in the Western Pacific, and more clarity on what we had in mind for qualifying for regional survey based exemptions.

We had some comments suggesting some changes in the approaches we had for subsistence and indigenous fisheries that we're looking at. There were also some comments from some of the states that expressed concern about the ability of states who had licenses to provide all of the information that would be required for them to be exempted and most especially with respect I think to telephone numbers and a couple of other things. The states suggested that perhaps those issues could be identified as not mandatory, but things that we could work on through the MOAs.

Mr. Chairman, that pretty much completes my update. I'm still expecting a Final Rule to be out in November and hopefully we'll get to that point. Everytime my Blackberry vibrates today, I grab it to look and see where we are and see if I have anything more report to you, but so far no luck. That's how close we are.

CHAIRMAN LAPOINTE: Thanks, Gordon. Board members, questions or comments for Gordon? Jack Travelstead.

MR. JACK TRAVELSTEAD: Thanks for the report, Gordon. I think you actually answered my question in your indication of the kinds of changes, particularly with the effective date that you're looking at, but it's now clear in Virginia that we're going to be anywhere near in compliance with this thing in any way, shape or form by January 1st.

There is some reluctance in Richmond to sort of proceed with these things until they see a final rule, and then obviously there is a lag time before you can move. I guess my question would be if there is no delay in the final rule, my anglers are going to be fishing on January 1st for striped bass, and they're going to need to register. I guess there has got to be some kind of educational effort to – I mean, these guys are going to be calling my office wanting to register, and I'd prefer they call your office, so tell me what you're doing to fix that situation.

MR. COLVIN: It's hard to answer your question specifically, Jack, without tell you what is going to be in the final rule, and I think you can appreciate that.

The best advice I can give you today is that we are very much aware of the challenges that the timing imposes on the states both in terms of dealing with their legislatures and the exemption process and in terms of dealing with their fishermen with respect to the activities that will occur in January, February and March while we're all talking. We expect to be able to address that satisfactorily in the final rule, but that's as far as I can go today.

CHAIRMAN LAPOINTE: Other questions or comments for Gordon?

MR. COLVIN: If I can make one more point, Mr. Chairman, briefly before I go; I think once the final rule is out we will be formally corresponding with all of the states, inviting the states to open a dialogue with us on the exemption process and/or whatever the states may do to get to the point where we can have a dialogue on the exemption process.

At the present time I expect those letters will probably go to the state directors, either the Fish and Game or Fish and Wildlife Directors and/or the Marine Fisheries Directors, as appropriate. One of the things we will ask for is that you designate a primary point of contact to work with me on that, so just a heads up that those letters will be forthcoming; and if you could be thinking about that and getting ready for it, we'd appreciate it.

CHAIRMAN LAPOINTE: Thank you, Gordon. The other thing worth mentioning is the fish administrators in the northeast have been talking about licensing and how the Recreational Registry juxtaposes with state licensing programs or proposed, planned or submitted bills for licensing programs.

I talked to Paul Diodati today about – and this wouldn't be a commission-sponsored meeting, but those of us around the table in the northeast about getting together just to see how the juxtaposition of the emerging MRIP Program and our efforts in our various states will work. Do board members in the northeast think that's a good idea? I see heads shaking yes. Doug and I had a discussion about reciprocity last night, and we agreed to continue discussing it. That's one issue of many, but I think that might be both a worthwhile and necessary meeting before year's end.

Other issues about MRIP? Gordon, thanks very much. Our next agenda topic is the Law Enforcement Report, Mike Howard.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MIKE HOWARD: I'm sitting in for our chairman today. We talked about several important issues that are upcoming. One was just Gordon's presentation. I think there is a concern among fishermen that somehow they're going to be introduced to a new license or registry in some areas, and that they'll be given tickets.

There was a consensus among our members that certainly there would be an education process in the initial implementation. I don't think it would behoove anybody to start with some sort of enforcement program. The second in the fishery registry was under what authority. Most states have a JEA. That's under discussion. Several JEA administrations were there, and it's unclear, so there are ongoing discussions about how this would be enforced and under what authority since this is a federal rule.

Some old business was finalized. Of course, we presented the Summer Flounder Board's Filleting and Mutilation Regulation Survey. There was a broad discussion on the greater issue of the need for states to have, to the extent possible, regulations that would enable enforcement officers to recognize a legal fish from an illegal fish in the field quickly and easily.

Working with Chris Vonderweidt on the Shark FMP, we proposed regulation wording to him for the FMP on Coastal Sharks to allow transiting areas with sharks while gear stowed. All the species were reviewed for their enforceability, and there were no significant problems with the enforcement of any species at this time.

Major Brett Norton from Florida presented a Laptop Computer Program to our group. Of course, Florida has 700 and some officers, but they have a system that they have laptop computers on boats and cars. It enables a quick response to incidents, safety for officers because it GEO locates the officer, and there is a panic switch, and real-time data to things like VMS, graphic images of the marine protected areas while they're on patrol so they don't have to use lats and longs.

It was a very informative presentation. We encourage all states – I think Maryland sent their IT fellow there, and I think that even small states with a small number of officers could possibly piggyback with larger state contracts and get the officer safety portion of this in the current laptop program.

The U.S Coast Guard continues to do a very good job in the offshore waters from Maine to Florida, and their annual report reflected significant cases targeting the species that we protect here, including ground species, of course, which are Mid-Atlantic; and scallops, but also the striped bass, which has been a priority for us offshore.

There was a round table discussion from each state on the state's law enforcement efforts during these budgetary times. Several states have lost real bodies. Some of them; while we were sitting in the meeting, we got a call and they lost real bodies. However, I think it's important to know that many states have recognized the importance of law enforcement, and I didn't hear from either state that they were faring worse than their fellow workers in management side.

I think in realistic terms law enforcement is making out as well as can be expected in this tight budget process. Bob Hogan from NOAA Counsel was there. For those of you that aren't aware, the IG has issued a second report, a five-year report after the first inspector general's report on NOAA's activities and interaction with states, the JEA Program, et cetera.

Bob wasn't real pleased with that. It is on online; it's public information. We're all working together to improve that interaction. The states agree 100 percent that the JEA Programs in these budgetary times have provided them with real resource enforcement time on the water and the equipment to get the job done.

Some of them say without the JEA money, that their marine enforcement would be dead in the water. Those states with directed funding from fishing licenses, et cetera, seem to be making out better than those with general funds. Florida, as we have talked, has had many cases. You see them on television where there are false species of fish being sold, catfish being sold as grouper.

All kinds of forensic-related and investigation that has to take place to make those kinds of cases, Florida now has a Fish and Wildlife Forensics Lab so they can do all their own work, all their own firearm work, and DNA. One last thing; we continue to take the Atlantic Large Whale Take Reduction and the Harbor Porpoise Take Reduction effort seriously. We had about a one-hour presentation on pinger detection to our units, and we're encouraging our officers to increase enforcement offshore in the MPAs.

The other thing that was discussed was the MPAs and the Islands in the Stream Initiative and what is going to happen with offshore MPAs that we're required in the future to enforce, some of them 60 and 70 miles offshore. It is going to be a challenge for us and we look forward to addressing that in future. Any questions?

CHAIRMAN LAPOINTE: Questions for Mike, comments? Gene Kray.

DR. KRAY: Mike, the President signed that executive order amending the executive order to allow for recreational fishing on any MPA. Did you have an opportunity to discuss that, because that would seem to me to lighten the load a little bit on law enforcement in terms of not fishing in certain areas.

MR. HOWARD: Every MPA will be addressed there. Some of them will be a no fishing at all; some are no anchoring; some are no commercial. The President's letter was mentioned, but distinguishing a commercial hook-and-line fisherman from a recreational would still require some sort of monitoring; even things like a video camera on the corner buoy, a wide variety of assets that we're looking at to minimize running time to an MPA to check on it, including Google Earth.

CHAIRMAN LAPOINTE: I sit on the Federal MPA Panel and enforcement of them is one of the issues that remain one of my highest concerns. A corner buoy for some of Alaska's MPAs that are a quarter million square miles ain't going to help you too much. I think it remains a real issue that we all have to pay attention to because people kind of assume that law enforcement officers, state and federal, are just going to pick it up as part of routine duties; and depending on the constraints within an individual MPA, it could be a lot of work. I certainly think when Florida and the Feds did the Dry Tortugas, that the enforcement effort needed there was pretty extensive.

MR. HOWARD: That is correct, Mr. Chairman.

CHAIRMAN LAPOINTE: One question about VMS; are any of the state partners up to speed and running? I know we've been actually working with NMFS Law Enforcement and we're getting closer, but I don't think we're there yet. Mike, do any of the states have the capability to use the VMS in their routine operations yet?

MR. HOWARD: Two weeks ago your Maine patrol boat and one officer was certified. There is a certification process and a licensing that occurs. That has occurred in Maine as a test program. Our goal last year, as we moved forward with NMFS, their commitment was to have all states online by August. Obviously, that has passed.

There is a change of software that is occurring in it and there are money issues, but we are moving forward and Maine does have a pilot program with one officer certified. He has a laptop and we look forward to our winter meeting maybe having an update.

EXECUTIVE DIRECTOR O'SHEA: Do we have a sense of whether the time issue is being driven by the states or is it being driven by the National Marine Fisheries Service enforcement guys?

CHAIRMAN LAPOINTE: My sense is that like many of the processes we get involved in we thought it would be easy and it wasn't. I don't think it has been recalcitrance. I think it's just this stepwise process that like most new processes, it just takes a lot more time than people thought it would. Other questions or comments for Mike? Thanks so much for the report.

MR. HOWARD: Thank you, Mr. Chair, just one last comment on the VMS. There are several states that have all the engineering and the tooling and are ready to accept it, but it is a logistics issue from the federal issue.

CHAIRMAN LAPOINTE: Thank. Our next agenda topic is a NEAMAP Update, Jim Gartland.

NEAMAP UPDATE

MR. JIM GARTLAND: Thank you, Mr. Chairman. I want to thank the rest of you for having me up here today to talk to you about our progress with the NEAMAP Nearshore Trawl Survey. For today's presentation, I'm basically going to be giving you a very brief overview of our work with the NEAMAP Survey since we have taken really to the full-scale stage, which would be since about mid-2007.

For today's presentation, I am going to start off by talking a little bit about our field sampling and laboratory processing efforts for the fall 2007 and spring 2008 cruises. I'm also going to talk a little bit about the fall 2008 survey as well; however, I don't really have any hard numbers off of that cruise just yet, because it only finished up this past Friday, so all

of the data is still in the error-checking phase and are not quite available yet.

After we talk about our field sampling and lab processing efforts, I'm going to show some data today, but please keep mind, as Harley noted, NEAMAP is kind of like an awkward teenager right now. We're not brand new anymore so just coming into a presentation and saying, yea, we did it doesn't really cut it, but we haven't really been around long enough yet to have established enough of a time series to be incorporated into stock assessments.

We're getting there; we're getting really close; we're just not quite there yet. Because of that, for today's data section I plan on presenting what I think are some of the more interesting findings that we've come across to this point for some of the ASMFC species of interest. Following the data section, I want to talk a little bit about our NEAMAP outreach efforts.

We have developed a very extensive outreach program for this survey, where we have been involving a number of commercial and recreational fishermen, other scientists, managers, politicians and members of the media in demonstration tows that we have running out of a variety of ports throughout our survey area. Again, I'll talk more about that in a very little bit.

After talking about outreach, I'd like to finish the presentation by just talking a very little bit about our survey funding. I'm going to identify our funding sources from our work in '07 and '08. I'm going to update you guys regarding our funding news for this upcoming year, 2009, and then I'm going to talk a little bit about our long-term plan that would be 2010 and beyond.

There is a rough outline of today's presentation. Before we jump right into the field sampling and lab processing efforts, I wanted to do just a very brief review of the survey itself, just as kind of a refresher. Now, remember with respect to survey area, the NEAMAP Nearshore Trawl Survey samples from the western shores of Martha's Vineyard here in the north down to Cape Hatteras, North Carolina, in the south.

As you can see, we have stratified our survey area both by latitude over here – I know that's longitude, but we call it all latitude for consistency's sake. We also stratified by depth. This ensures that we get a good north to south as well as inshore/offshore

coverage, respectively, for each one of our survey cruises.

Our sampling sites for each survey are selected using a random stratified design. We sample 150 sites per survey. That gives us a sampling intensity of about one station every 30 square nautical miles, which if you were to compare that with other fishery-independent trawl survey operating along the Atlantic coast, would give NEAMAP a sampling intensity that would be somewhere in the moderate to moderate high end of the range, so we have a pretty decent sampling intensity for this survey. I covered the survey area.

Next, I just want to talk a very little bit about boat. The vessel that we used for our work in 2007 and 2008 was the same boat that we used for our pilot survey in '06, and that's this boat here. This is Fishing Vessel Darana R. She is a 90-foot steel stern dragger owned and operating by Captain Jimmie Ruhle from Wanchese, North Carolina.

The way our cooperative arrangement works with Captain Ruhle and his guys is that basically in the field Captain Ruhle and his crew are responsible for the vessel and the fishing operations. Myself and my crew are responsible for all the sample processing and data collection aspects of each survey.

I did want to point that this cooperative arrangement we have set up has been working out fantastically. The groups get along really well. We have all become pretty good friends, but more importantly I think our skill sets complement each other very well also. I do think that the cooperative arrangement we have set up here with Captain Ruhle and his crew really has been responsible for a lot of the successes we have seen on NEAMAP up to this point. That covers our vessel.

The next thing I want to touch on briefly is just our survey gear. Remember, the NEAMAP Survey uses a three-bridle, four-seam bottom trawl with a set of Tiberon Type IV 66-inch doors. This is the gear package that was recommended by the NMFS Trawl Advisory Panel for use by the Northeast Fishery Science Center Bottom Trawl Survey when fishing off of the Biglow.

This gear, this net/door combination was designed to be pulled between 3 and 3.3 knots. When you're towing at those speeds, you're supposed to get a door spread somewhere between 32 and 34 meters, wing spread between 13 and 14 meters, and a head rope height somewhere between 5 and 5.5 meters.

This graph up here shows you the performance of our survey trawl during the fall of '07 and spring 2008 cruises. The data up here on the graph are station averages for each one of these parameters. You can see they're all color-coded. The numbers you see up here are the overall survey averages for each parameter for each of the survey cruises. The dotted lines up here for each parameter give you the accepted ranges of tolerance for each.

So, for example, I said the doors were supposed to be between 32 and 34 meters, your green dotted lines up here for the doors cover the 32 to 34 meter range. In terms of what we saw for both the fall '07 and spring '08 surveys, for our overall survey averages we were right on the money. For the fall '07 cruise we had an average door spread of 32.6 meters; average wing spread of 13.1 meters and a head rope height on average of 5.3 meters.

For the spring '08 cruise we had an average door spread of 33.2 meters; 13.5 on the wings; and 5.6 meters on the head rope. I'd also like you notice that for both survey cruises, for the all the parameters, for the vast majority of the tows, we were right within the accepted range as a tolerance.

What this graph is showing you is that basically the gear fishes the way it is supposed to and it's very consistent. These are obviously highly desirable qualities for a survey trawl. You want something that is going to fish the way it's supposed to so that it samples correctly, and you want it to fish that way from tow to tow and from survey to survey so that you can compare your data across tows and among surveys, so very nice gear for the NEAMAP Program.

All right, that covers our survey overview and brings us to our field sampling efforts. Again, as Harley mentioned, since our last update, which would be since we have gone full scale, we've completed 450 NEAMAP tows. That would be 150 on each of the three full-scale cruises that we have completed, Fall '07, Spring '08 and Fall '08. The Fall '07 Survey started last year on September 24th and ended on October 20th.

This year's spring trip ran from April 22nd to May 17th, and, again, the most recent survey, Fall '08, began on September 22nd and ended up, as I said, this past Friday, October 17th. With respect to the diversity that we've been seeing, these numbers here only include Fall '07 and Spring '08.

To this point we have sampled, between those two cruises, 160 species of fishes and invertebrates. You can see here diversity was greater on the Fall '07 cruise relative to Spring '08, which makes sense. Common knowledge is that the diversity of your fishes and invertebrates in inshore waters of the Mid-Atlantic Bight and Southern New England are typically greater in the fall months than spring months, so it makes sense you'd see a greater diversity in your fall catches relative to the spring.

Again, while the Fall '08 data aren't quite ready yet, I think when all is said and done and those data have been error checked and incorporated, I think you'll see the total number of species increased by about five about ten just based on what I saw on the boat over about the past month. With respect to abundances between the Fall '07 and Spring '08 cruises, we've sampled about 1.4 million fishes and invertebrates.

You see here about three and a half times the number on Fall '07 as we had in Spring '08. For the Fall '07 cruise the most abundant species in our collections were scup, striped anchovy, butterfish and loligo squid; whereas in the Spring '08 survey the top four most abundant were scup, butters, weakfish and whiting. So you see a little bit of a difference in our catch compositions between the Fall '07 and Spring '08 cruises.

With respect to biomass between those two surveys, we ended up sampling about 82,000 kilograms of fishes and invertebrates; 50,000 last fall, 32,000 this past spring. And, again, remember the NEAMAP Survey will record individual length measurements for all species of fishes it collects, as well as a large number of invertebrate species.

We recorded 128,000 individual length measures for the Fall '07 and Spring '08 cruises; about 73,000 last fall and 55,000 this past spring. And, again, while the Fall '08 data aren't quite ready yet, just based on what I saw on the boat over the past month, I think our diversities and abundances from that cruise will look more like Fall '07 than they will compared to Spring '08.

All right, lab processing efforts, remember, the NEAMAP Nearshore Trawl Survey quantifies age composition, diet composition, sex and maturity stage for a variety of species of management interest. With respect to our aging effort between Fall '07 and Spring '08, we wound up taking hard parts for aging, which would be otoliths, vertebrates, things like that from over 11,000 specimens representing 43 species.

I see here we have a pretty good jump processing our Fall '07 age samples. We haven't done any yet for Spring '08 and that's on purpose. The reason for that is in our group we like to finish for a given year all field collections for that year before we start to age anything. The reason we do that is let's say you want to look at Year 2008 summer flounder. We take all otoliths of summer flounder and we collect it from '08, put them together, assign them random numbers. That way when they're being read the reader doesn't know when or where they were collected. It's a double-blind read. It's supposed to minimize bias in your aging estimates so that's why we haven't done anything from Spring '08 yet. We're waiting for Fall '08 to finish. Now that it's finished I will probably start processing all of those in the next week or two.

With respect to stomach analysis, we wound on the Fall '07 and Spring '08 cruise taking stomachs from over 8,700 specimens. The difference between the 11,000 we took for aging and 8,700 we took for diet is due in part to empty stomachs. If we get a fish with an empty stomach in the field, we just make a note and pitch it overboard; we don't bring it back to VIMS.

Also, if you notice there are two species that we aged that we don't look their stomach contents. We have 43 that we aged; 41 for diet. We don't do stomachs of butterfish and spot only because we've looked at a few hundred of their stomachs already. We have yet to find anything identifiable in any of them, so just to basically save time and resources we cut those two away because we weren't getting any information out of them anyway.

That covers lab processing efforts and brings us to our data section for today; again, just a few slides, just some things I thought were interesting and hopefully you will, too. Starting out with black sea bass, I have heard over the past year that there were concerns regarding the numbers and sizes of black sea bass collected by this survey, so I wanted to show these length frequency distributions here today.

This one is Fall '07; here you have Spring '08. Both graphs are set up the same way. You have black sea bass total length in centimeters here on the X-axis; the number collected at each length on the Y. You see for the Fall '07 cruise we wound up collected 138 black sea bass. Most ranged in size from 13 to 25 centimeters total length, so about five and a half to about eightish inches.

But if you notice, we did have 11 specimens here that were 40 centimeters total length, 16 inches or greater,

so we did have a few larger sea bass mixed in. For the Spring '08 survey you can see we caught a much greater number of sea bass, 637 in all, much wider or broader length frequency distribution. Most of these ranged in size from 14 to 32 centimeters total length, which would be like 5 to like 13 inches.

This time we had nearly 30 fish that were 16 inches or greater, and in fact the biggest one that we collected was 59 centimeters total length, or about 24 inches, so you can on a NEAMAP Survey we do collect a fair decent number of black sea bass covering a wide range of sizes.

The next thing I wanted to talk about was scup. Similar to sea bass, I haven't heard many issues regarding the numbers of scup we've collected, but I have some concerns regarding the sizes, so I wanted to show these length frequencies as well. It's similar to the black sea bass graph except now you have length on the X-axis as centimeters fork length, numbers on the Y.

You can see for the Fall '07 cruise we wound up collecting over a quarter million scup. Most of them ranged in size from 3 to about 17 centimeters fork length, so about 1 to 7 inches. We had two dominant modal groups here; the zeroes and the ones. We found those pretty much everywhere in our survey area during that fall cruise. Every time you set your net, you come back with a bag full of little scup and it was really starting to be a pain in the neck toward the end.

For Spring '08, you see we had a little bit of a difference. This time we caught fewer scup, just over 51,000. You see the two modal groups again, the zeroes and the ones, shifted slightly to the right relative to Fall '07 because they grew a little bit between Fall '07 and Spring '08. But for this graph I really want to call your attention here to the right-hand portion of the graph.

If you were to get rid of those two big modal groups and just plot what you have left, you'd see that on that survey we had nearly a thousand scup that were 20 centimeters fork length, 8 eight inches or greater. In fact, we had fish all the way out to 37 centimeters for length, which is about as big as scup get. Most of these bigger scup were collected in Block Island and Rhode Island Sounds, which basically tells you that when large scup are available, which would be in the sounds in the springtime, the NEAMAP Survey and its gear are able to collect them.

There are only a couple more species that I want to talk about just very briefly. Spiny dogfish, I know there have been some issues recently regarding spiny dogs, in particular the status of the female spiny dogs, and there has been some speculation that maybe they're found inshore, so I wanted to show this graph. This is spiny dog sex ratio by size.

You have size categories down here on the X-axis, centimeters pre-caudal length. Females are given in red; males are in blue. It's pretty obvious from this graph for the Fall '07 and Spring '08 cruises, for all size categories our collections were far and away dominated by females, 90 to 100 percent females for each size category.

So your main take-home message off of this graph is basically for Fall '07 and Spring '08, in the inshore waters wherever we were catching spiny dogs and no matter what size they were, were predominantly girls.

The last graph I wanted to show was this one here for summer flounder. I have shown this one in other presentations already, but I just thought it would be worth presenting here again today; another sex ratio by size graph. Down here you have summer flounder lengths, centimeters total length on the X-axis; again, females in red, males in blue, green is unknown.

The main take-home message off of this one is between 25 and 45 centimeters total length in our collections; that would be 10 to 18 inches. You have about a 50/50 split between the males and the females. Once you're up over 45 centimeters total length, which is 18 inches, our collections are dominated by females. Again, just something we thought was interesting and worth presenting here today.

Last but not least for the data; again, Fall '08 isn't ready yet. Really, the main point I want to make off of this slide is based on my general observations of what came across the deck over the past month, I think that the trends I just showed you for black sea bass, scup, spiny dogs and flounder will be shown again in the Fall '08 data.

With respect to our outreach efforts, NEAMAP really started developing its outreach program in earnest in the spring of 2008. Basically, the way it works is we go into a few different ports each cruise, including New Bedford, Point Judith, Montauk, Cape May and Hampton. Once we get into these ports, we'll put a bunch of people on board, including commercial and recreational fishermen, scientists from other state agencies and academic institutions. We would also

have managers from the state and federal levels. We would also have politicians from the local, state and federal level come along with us.

Because we're brand new, one of the main goals of the outreach was just to let people know we're out there and show them what we're doing. Also, because we're new, we want to get people on board and let them see what we were doing and let them comment; so that if they had ideas of how we could do things better or other data we could be collecting, we could incorporate that, which we have done.

With respect to other researchers, one of our main goals was to try to develop some collaborative projects with other institutes, which again we've implement from Spring '08. With respect to the politicians, you have them out there and it's kind of a captive audience, so it never really hurts to talk about long-term funding. Again, we had members of the media come with us, both the print media and television media, to try to get the word out.

Overall we wound up running five demonstration tows in the Spring '08 cruise. The word definitely got out. We ran twelve of them on this past fall survey. We had a total of 115 people come out with us on that trip, and the different organizations represented on those trips are given up here. You can see we had a pretty array.

I do think that the outreach efforts have been to this point very successful. We haven't received any negative comments about the survey yet; plenty of helpful suggestions but no negative comments. With that, I wanted to extend the invitation to all of you. If any of you would like to come with us next year just for a short time, we'd love to have you.

Basically, the way it works is the demonstration tows only last about two or three hours maximum. Just give me your contact information and we'll take you along for a boat ride next year. We're going to do it in the spring and fall.

Last but not least the funding; as we were taking the survey full scale, the NEAMAP Operations Committee and NEAMAP Board spent a lot of time trying to come up with a budget for this survey. They guesstimated about \$900,000 a year to run full scale spring and fall. That's almost exactly what it costs. They hit it right on the money.

For our Fall '07 cruise we were funded by a combination of ASMFC/ACFCMA money and Northeast Center Cooperative Research funds. The

Spring '08 survey was funded again by ACFCMA money, and this past fall cruise was funded the Mid-Atlantic Council Research Set Aside Program money.

In terms of our news for '09, we found out about a month and a half ago that the council is going to give us another allocation under set aside for 2009. The amount of that allocation should be enough to cover all of our sampling efforts for next year, so good news for the survey. It looks like we're in business once again.

Also, with respect to funding, I did want to mention that the state of New York has also promised some funds for the survey for 2009, as well, so we're also getting some support there. Last but not least, long-term plan, 2010 and beyond, we don't really have a very solid plan in place just yet. We don't have any funding beyond '09. I did want to mention, however, the NEAMAP Survey is up for a peer review this winter, December 10th and 11th of this year.

We're hoping that when we get on the other side of the peer review, assuming it's successful, that we will be able to use that as maybe some leverage for some long-term funding, but, again, right now beyond '09 we don't have anything lined up yet. And with that, that's what I had for NEAMAP today. It's an extremely short overview.

Normally some of you guys on the council know I give two-and-a-half hour versions of this, but I gave a short one today, so I left a lot out. If you have any questions, comments or criticisms, please feel free to fire away. If you want to come fishing next year, please let me know, we'd love to have you along. Thank you.

CHAIRMAN LAPOINTE: Thank you, Jim, and thanks for not giving us a two-and-a-hour presentation. You've got a chair of the Policy Board with a short attention span. Board members, questions or comments? It was short but it was a great presentation. Paul Diodati.

MR. PAUL DIODATI: Can you tell us more about the striped bass catch in the picture.

MR. GARTLAND: Yes, sure, no problem. That was actually taken off of Sandy Hook, New Jersey, on October 5th or 6th, somewhere in there. The days all run together. That was the second tow of the morning. We made that tow and at the very end of it we got into the birds, catch-center trip, right at about 18-1/2 minutes.

We hauled back; we had 1,061 striped bass. We took 30 of them I think for individual length measurements, another 10 for the diet, otoliths and all that, and everybody else was discarded by count. The vast majority of them swam away; the ones toward the end, maybe not as much.

MR. DIODATI: Was that in state waters?

MR. GARTLAND: Yes, New Jersey state waters. We had another tow about six tows later right off of Manasquan Inlet that was smaller in terms of numbers of stripers, but bigger fish, and that tow was probably around 3,500 pounds.

MR. DIODATI: Because there is information circulating on a blog right now about that picture that is stating that was a research trawl taken next to a mid-water trawler offshore.

MR. GARTLAND: Really!

MR. DIODATI: Yes.

MR. GARTLAND: No, we were probably about a mile and a half from the beach. In fact, we have several headboat witnesses of that tow.

CHAIRMAN LAPOINTE: Other questions or comments? Thanks very much, Jim. We have ten minutes until we have to leave. Arnold Leo, comment on NEAMAP.

MR. ARNOLD LEO: No, other business.

CHAIRMAN LAPOINTE: Well, we have some other business items, so hold on. Pat White, you had another business item.

MR. P. WHITE: I just had a policy question, I guess, for the commission. There are a number of states that have multiple employees that are involved in the commission process, and there are times like this, although this isn't a management board, where one of the state members is sitting as the Chair and it leaves a chair vacant at the table.

I'll use what is going on now as an example. If this were a management board, it would be helpful to me sometimes to have the other state employee to sit at the table. We only have one vote so I don't think it interrupts that, but I also don't want to get around the proxy situation that we do for our legislative and governors' appointees.

I just was trying to get people's thoughts on that. I think it still should be restricted to three people at the table, but there are times that I think it would assist to have the other member at the table if it was possible. We have been criticized for a couple of times and so we don't do it anymore.

CHAIRMAN LAPOINTE: Board members' views. Dennis.

REPRESENTATIVE DENNIS ABBOTT: I don't have a problem with, we'll say using Maine as an example, having Terry Stockwell sitting there. I think in my mind that if you have a chair, we'll say, who still has a voice, I don't think that added person should also be a voice. They can surely talk to you or whatever, but I don't think they should participate in the management board discussion. That's my view.

MR. AUGUSTINE: I have to put in my two cents, Mr. Chairman. I think the difficulty with most of our chairmen – Dr. Daniel, if you don't mind I'll use you as a perfect example, very, very brilliant on the subject of spiny dogfish and other animals. But to serve as a Chair, no matter whether it's that committee or not, I think it makes it awful difficult having the knowledge that he has to respond and run a meeting as the chairman – I'm not being disrespectful; I think you're great; you did a great job.

But I think it is difficult to separate either folks in the audience or other board members who don't know Dr. Daniel or any of us, for that matter, from running a meeting and following the agenda; whereas, having the knowledge that they have, if they want to interject or expand upon or respond to a question, I do think somehow that takes away from the process.

My sense is that if you're a chairman of any board you have one responsibility, and that's to direct that agenda and start with a goal, work through the objectives, the whole agenda, and complete your business in a timely fashion without ever giving the perception, if you will, that there could be something askew. I have heard that from some of our folks back home.

So, for what it's worth, it just seems to me that it puts the director under I think an intense look -see. As objective as you want to continue to be, it gives the wrong impression. That's my personal opinion.

CHAIRMAN LAPOINTE: The issue Pat raises is slightly different, I think. It's not how the board chair conducts themselves. It's we have times when

state delegations have more than three members sitting at the table or they would like to have more members. It was just a discussion about how you can do that in a manner that's fair to our process.

I think what I'm hearing is that it's okay to rely on other people, but that they should be there to be consulted with but not actively engaging in the board so you don't have four people raising their hands. That's a pretty fair characterization, isn't it? Do we need more discussion or should we just go with that premise and readdress it if we need to in the future? Excellent. Arnold has an issue; we'll take Arnold and then we'll pull the plug.

MR. LEO: Arnold Leo, consultant for commercial fisheries, Town of East Hampton. I'm looking at the minutes, and it reminded me of the August Policy Board meeting. It reminded me, Mr. Chairman, that we were going to prepare – I should say the Policy Board was going to prepare a letter by the September 22nd deadline commenting on ACLs and AMs as set up in National Standard 1 of the Reauthorized Magnuson-Stevens Act.

There were many, many objections and questions brought up about these ACLs and AMs – Dr. Daniel, Dr. Pierce, myself and others and I think yourself – after Bob's presentation. Was a letter written?

MEETING RECESS

CHAIRMAN LAPOINTE: A letter was written and we'll make sure you get a copy of that letter. One of the difficulties staff had was that there – and I'll let them jump in in a minute – there wasn't consensus on how to move forward; so by the time they came to common elements from the people who commented, it was not as extensive as other people's letters. We'll make sure you get a copy. That will conclude the Policy Board for this afternoon.

(Whereupon, the meeting was recessed at 4:15 o'clock p.m., October 22, 2008.)

OCTOBER 23, 2008

THURSDAY AFTERNOON SESSION

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in the Swan Ballroom of the Atlantic Sands Hotel, Rehoboth Beach, Delaware, Thursday afternoon,

October 23, 2008, and was called to order at 1:45 o'clock p.m. by Chairman George D. Lapointe.

CALL TO ORDER

CHAIRMAN LAPOINTE: All right, you have the agenda in your briefing materials. There are two items on it right now; that is consideration and approval of board meeting public comment timelines – Bob Beal is going to talk to us about that – and then an update on state/federal alignment activities. Are there any other issues to be brought before the Policy Board?

APPROVAL OF AGENDA

There is a striped bass letter. Are there other agenda topics? Seeing none, is there objection to approval of the agenda? Okay, our agendas have a place for public comment for items not on the agenda. Are there any members of the public who want to address the Policy Board? Seeing none, we'll move to the next agenda topic. There are no non-compliance findings, so Bob Beal will talk about consideration and approval and board meeting public comments.

DISCUSSION OF BOARD MEETING PUBLIC COMMENTS

MR. BEAL: On the CD there is a document titled "Timeline for Submission of Public Comments for Commission Consideration". At the August meeting of the Policy Board, the Policy Board initiated a discussion of how the board receives comments prior to meetings. Sometimes we get letters the week of a meeting and the public may have the expectation that those will be copied and handed out or we receive letters months ahead of time that it is unclear what the public would like us to do with those public comment letters.

The idea is that comments that are received by the commission that are outside of our normal public comment process for an FMP amendment/addendum, something along those lines that we go out for public comment and have a specific opportunity; the document that was distributed has three different kind of time periods for letter consideration.

The first idea is that if comments are received by commission staff three weeks prior to the start of a scheduled meeting week, we would be able to get those comments onto the CD for distribution prior to the meeting. For letters that we receive before 5:00 p.m. the Tuesday immediately before a scheduled meeting week begins, we would be able to

electronically distribute those to the commissioners prior to the meeting, and a limited number of those documents would be brought to the meeting so that the board would have maximum time to look those over.

Anything following the Tuesday before a meeting week, if the public would like to have something distributed to the management board, they would be obligated to make the copies of those documents, bring them to the meeting and hand those out at the meeting or ask staff to hand them out at the meeting.

The problem that we have run into in the past is these are week-long meetings; and today, for example, you had the eel meeting and if somebody had e-mailed us or sent a letter to the office Monday of this week, then the entire staff or a lot of the staff is over here, we probably would not have received that letter; and if we did, we would have difficulty getting copies of that letter and everything else for the eel meeting.

This is just something to sort of generally control public expectations and get everybody on the same page as to how comments received by the commission staff will be handled for the management boards and the policy board.

CHAIRMAN LAPOINTE: Thanks, Bob. I think this is a great start. My question would be how do we let people know – if this is a policy that we want to adopt, how do we distribute the information so that people know the rules up front?

MR. BEAL: I think the idea would be that we'd two different things. One would be, obviously, put it on our website under the public comment opportunities. The second would be in the preliminary meeting notice and the final meeting notice for each of our quarterly meetings, the three categories of comments would be spelled out there so that the public knows what to expect.

MR. CARPENTER: I was presented just before the Eel Board meeting a few moments ago with a gentleman who wanted to make a presentation. He has got apparently some pictures that he wanted to show. I didn't use this specifically, but I did use our published guideline with regard to public hearings. The gentleman fully understood and was not upset with not being able to comment.

I think that this is an improvement on the existing policy that we've got, and we may want to incorporate the future question of somebody that's got a powerpoint presentation that they want to

present or they want to include in addition to the usual written text that we're accustomed to receiving. We may need to broaden this to take advantage of what is coming in the future.

CHAIRMAN LAPOINTE: And in response to that specifically – and it may take an addition – because our schedules are pretty tight and because most people, when they give a powerpoint presentation, take a fair amount of time, we might want to say that's going to have to be built into a future agenda so that in fact you can account for the time.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, in terms of the transition one of the other options we would have as well, since it would be a change, is that in a short period of time, as people come in, if we accommodate them – if the board wanted to, we could always send back the letter with the revised policy and say, "This time we'll let you do it, but be on notice that the next time this is what the policy is", if you wanted to do that.

MR. P. WHITE: I guess I still have a problem with somebody coming forward with – even if it's preprinted and prepared as a handout to us when we are at the board meeting, we sit up there as the chair and say that we won't accept any further public comment on the issues that we have on the agenda and yet we're accepting a written public comment that is distracting from our time to focus on what we're supposed to be focusing on, and I still have a problem with that.

DR. JAIME GEIGER: Mr. Chairman, I share Pat's comments as well, and, again, certainly, recent episodes with the Horseshoe Crab Board and some of the shorebird advocacy groups presenting scientific information without formally submitted it to the technical committee and this kind of activity I think is not necessarily good nor appropriate, but certainly having a good, sound written policy on how and where you submit that kind of information would be very valuable to ensure the public trust. Thank you.

MR. VITO CALOMO: I also agree. I have been asked to pass that along. I heard the two prior to me and I also agree on that. Thank you.

CHAIRMAN LAPOINTE: It strikes me with regard to that, we won't look open if we turn things down, so I think we need at the beginning of meetings, when we tell people about public comment and whatnot, giving ourselves the option to say if material is handed out at this meeting, particularly if it's lengthy, it's within the board's prerogative not to pay

attention to it, you know, to take it back and send it to the appropriate body before we deal with it. I am concerned that if we just said they can't hand it out, it would look like we weren't as open as we're trying to be.

MR. P. WHITE: Just to follow up to that, I have no objection to receiving it. I just think if they are told that it won't be addressed at this immediate meeting and it would be a subsequent meeting, then I'm comfortable with that.

CHAIRMAN LAPOINTE: Fair enough. Other comments? Do I see heads shaking yes that this is a great start? Excellent; any objection to its being incorporated in our business? No. Thank you. The next issue is an update on state/federal alignment activities, Bob Beal.

UPDATE ON STATE/FEDERAL ALIGNMENT ACTIVITIES

MR. BEAL: I have updated the Policy Board a couple of times on activities involving state/federal alignment. In association with the Northeast Region Coordinating Council, the ASMFC has, as most folks around here will remember, put together a working group that was addressing state/federal alignment issues and looking at different ways to improve the alignment between the state agencies, federal agencies and the ASMFC.

The NRCC, the Northeast Region Coordinating Council, is going to meet next Tuesday and Wednesday. One of the items on their agenda is discussing state/federal alignment. Previously that group had indicated that they're interested in moving forward with this and forming a working group of ASMFC, the Mid-Atlantic Fishery Management Council, the New England Fishery Management Council and the Northeast Regional Office of NMFS – not the entire groups, obviously, but representative from those groups.

That small group would then move forward and look at different ways for improving alignment. I think the question before the Policy Board today is what is the appropriate representation for ASMFC to have on the working group that will be formed by the NRCC to work on state/federal alignment issues?

CHAIRMAN LAPOINTE: Thank you, Bob. I have talked to staff about this and my suggestion at this point would be to use the chair of the commission, the executive director and the chair of the working group that we had on the state/federal alignment

issue, and that person is Paul Diodati. Does that make sense to folks? I see heads shaking yes, so we'll proceed in that regard.

We don't expect all these people to be available next Tuesday, do we?

MR. BEAL: Not at all; I think the idea is whenever the group does meet, we'll survey their ability to do that.

CHAIRMAN LAPOINTE: I don't see Paul in the room, so we'll check with Paul to make sure that's okay with him as well. The next agenda topic is the striped bass letter.

MR. BEAL: The Striped Bass Technical Committee has met a couple of times and talked about data issues. This came up in particular reviewing some of the proposals from Delaware and Pennsylvania. The Striped Bass Technical Committee is recommending sending forward a letter to the National Marine Fisheries Service, in particular the folks working on the MRIP Project, asking them to pay special attention and give special consideration for sampling shad and river herring, striped bass, eels, potentially sturgeon down the road in the river systems.

I think the Delaware River and the Hudson River are mentioned in the letter in particular. They have drafted a letter, and it's up to the Policy Board if they feel comfortable sending this letter forward to the National Marine Fisheries Service. It's in the briefing materials for the Striped Bass Management Board meeting. It's on the CD that went around before the meeting.

ADJOURN

CHAIRMAN LAPOINTE: Board members, are we comfortable with sending it forward? I see heads shaking yes so we will do that. Are there anymore items of business to come before the Policy Board? There none so we will stand adjourned.

(Whereupon, the meeting was adjourned at 2:00 o'clock p.m., October 23, 2008.)