

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

The Westin Alexandria
Alexandria, Virginia
February 4, 2016

Approved May 2016

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of November 2015 by Consent** (Page 1).
3. **Move to accept changes to the ISFMP Charter and Committee Guidance and Assessment Process Document with the amendment made by Dr. Laney** (Page 10). Motion by Dennis Abbott; second by Jim Gilmore. Motion carried (Page 11).
4. **Move to add the Commonwealth of Pennsylvania to the Atlantic Menhaden Board and remove Delaware from the Winter Flounder Board** (Page 13). Motion by Dennis Abbott; second by Dan McKiernan. Motion carried (Page 13).
5. **Motion on behalf of the American Lobster Board; move the ISFMP Policy Board send two letters to NOAA, one which recommends 100% trip level reporting for all federally licensed lobster vessels in order to increase information on fishery locations and catch composition, and another requesting any legal concerns, especially regarding national standards on the legality of the current Jonah crab claw exemption for fishermen in New Jersey through Virginia, given the desire for complementary measures in federal waters** (Page 21). Motion by Dan McKiernan. Motion carried (Page 22).
6. **Motion on behalf of the Spiny Dogfish Board; move to send a letter to NOAA Fisheries recommending an increase in the spiny dogfish trip limit to 6,000 pounds in federal waters** (Page 22). Motion by Dan McKiernan. Motion carries unanimously (Page 22).
7. **Motion to adjourn** by Consent (Page 22).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Tom Moore, PA, proxy for Rep. Vereb (LA)
Steve Train, ME (GA)	Leroy Young, PA, proxy for J. Arway (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Loren Lustig, PA (GA)
Doug Grout, NH (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Ritchie White, NH (GA)	Roy Miller, DE (GA)
Bill Adler, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Pierce, MA (AA)	David Blazer, MD (AA)
Dan McKiernan, MA, Administrative proxy	Bill Goldsborough, MD (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Jason McNamee, RI, proxy for J. Coit (AA)	Malcolm Rhodes, SC (GA)
David Borden, RI (GA)	Robert Boyles, SC (AA)
David Simpson, CT (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Jim Gilmore, NY (AA)	Martin Gary, PRFC
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Wilson Laney, USFWS
Tom Fote, NJ (GA)	Kelly Denit, NMFS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	

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

Ex-Officio Members

Staff

Bob Beal	Katie Drew
Toni Kerns	Lisa Havel
Megan Ware	

Guests

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 4, 2016, and was called to order at 12:50 o'clock p.m. by Chairman Douglas E. Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS E. GROUT: We do have a couple of action items that we have to deal with and also following this we have a business session with an FMP that we need to approve.

APPROVAL OF AGENDA

CHAIRMAN GROUT: We have an agenda here. There are a couple of items that we would like to add at the end under other business. There are a couple of letters coming out on the Lobster Board, as well as an item out of Spiny Dogfish; and we'll take those up under Other Business.

Are there any other changes to the agenda that the Policy Board would like to make at this time? Seeing none; is there any objection to the agenda as amended? Seeing none; I'll take the agenda as approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: Also within our meeting materials we had the proceedings of our November, 2015 meeting. Are there any changes to those proceedings that anybody would like to make? Seeing none; is there any objection to approving those meeting minutes? Seeing none; they are approved.

PUBLIC COMMENT

CHAIRMAN GROUT: The next thing on our agenda is public comment. I don't have anybody listed for public comment. Is there anybody from the public that would like to make comments on things that are not on the agenda right now?

UPDATE FROM THE EXECUTIVE COMMITTEE

CHAIRMAN GROUT: Seeing none; we'll move on to Item Number 4, and I'll provide just a brief update on the Executive Committee meeting that happened on Wednesday morning.

Most of what we discussed was the guidance document, which we'll be considering under Agenda Item 6, so I won't go into any details about that. The other thing that we talked about was a brief discussion on ACCSP governance. We're going to be addressing that at our May meeting, so I won't go into any of those details at this point.

Finally, we also discussed the federal budget line. In NOAA Fisheries there is a council commission funding line and there has been some concern that we've noticed that while that line has been going up by roughly about 30 percent, the ACA portion of this has pretty much flat lined and even gone down.

We do want to discuss this with our congressional delegations. Deke has put together a nice little one page; that if you're ever going up to your delegation that could help to bring some information to your congressional delegation about this, we think it is an issue because obviously ACA funding not only affects this commission process, but also each of our state grants for ACA grants. It has been slowly eroding over the years while the council and commission lines were going up. Those are the major topics, are there any questions?

REVIEW AND DISCUSS 2015 COMMISSIONER SURVEY

CHAIRMAN GROUT: Okay we'll now move to Item Number 5, which is review and discuss the 2015 Commissioner Survey, and Deke is going to give this presentation of the results.

MR. DEKE TOMPKINS: I thank the gentleman from the state of New Hampshire, and also like to thank the 37 commissioners and proxies that

filled out this year's survey. It is the highest number we've had. As a reminder this survey measures the progress that the commissioners feel we are making to meet our goals, and one other note before diving in questions, 7, 8, 14 and 15 are new to the survey last year so there are only two data points in those time series.

I want to start with two highlights, the biggest gains and satisfaction over the last year was in the areas of securing fiscal resources and cooperating with our federal partners. Then I'm going to go in and focus more on the questions with the lowest satisfaction. We start first up with cooperation with our federal partners.

You can see that it is increasing at the second highest rate since last year, but it is still at the bottom overall. The next question that we have is Number 7, is the number of stocks where overfishing is no longer occurring; a clear metric to measure progress. This is one of the questions added last year, which is why there is only two time points.

But this question is up here because it had the biggest drop in satisfaction of all the questions, 0.33. Question 8 has to do with our progress to end overfishing. This is another new one, but it is towards the lower end of satisfaction overall compared to the other questions, which is why it is up here.

The last question is Number 9, the commission's ability to manage rebuilt stocks. This had the second lowest satisfaction of all the questions; and it is down a little bit from last year. Moving into the open ended questions, there were a lot of themes that were sort of throughout all of them. Those big ones were ecosystem management, socioeconomics, climate change, non-fishing factors, enforcement and cooperation with our federal partners.

Going into the individual questions, the most noted obstacles to commission success were habitat, resource availability, factions, and

definitions of rebuilt, rebuilding and depleted; and the scope of the commission's authority and gaining constituent buy-in. These are not all of them, but these are the major ones. I tried to simplify it down a little bit.

The most useful commission products, and there were a lot of these, but the ones that the folks noted mostly were our website, our two online publications, meeting summaries, stock assessments, the commissioner manual press releases, status of the stocks and the public hearing presentations.

There were a couple other products that you would like to see that would make your job easier, and those include summary of annual quotas by species, a risk policy, science training, a summary of different state regulations, reviews of stock status that include management history, and ecosystem components, earlier release of draft agendas and consolidation of regulations for major FMPs into a single document.

Another one we got a lot of feedback on was what issue should the commission focus on more. We heard this one probably most was timeframes between the commission and individual states improving coordination there. Focus on fishing communities, MRIP, stock declines, promoting ourselves to law makers, codifying state survey data such as the river herring standardization workshop. Commission charter policies, de minimis reporting and continuing on to a second slide because there were so many of these, prioritizing stock assessments, seeking more management authority from congress, reallocation, the fact that there are too many issues that we're trying to focus on, and public comments on management actions.

Finally the additional comments, most of those that you listed there also fell in with the four that I've already listed, but you can see there are a couple more here, additional resources for the science program, more creative

management decisions and replacing commercial quotas. Thank you, Mr. Chairman.

CHAIRMAN GROUT: Are there any questions for Deke about the survey?

MR. PATRICK AUGUSTINE: Deke, outstanding job. Could we go back to the one about, I think the second chart it talked about communication and status report and technical documents and all the rest of that; no further back. Useful commission, I think it was useful. What it talked about was support of the staff.

What we've had through communications through Laura, what the staff has done for us I think those are the areas of most importance to me, in terms of what we're actually providing to the public. I think we as members and the staff should be commended for their efforts. On the following charts, things where we could be more effective, many of those I believe we have no control over or very limited control.

I think it is a matter of whether we put the emphasis on staff reaching out or commissioners reaching out more. That is another subject by itself. But at the end of the day this speaks extremely highly for what our staff is doing for us and what I think we've been able to accomplish. I think they are to be commended.

CHAIRMAN GROUT: I agree with you totally, Pat. Are there any other questions, comments? I think the thing that I've taken out of this is if you look at how we rate ourselves, we're above average in every category, and yes we have some things that clearly things are being improved. Some of our lowest scores used to be the coordinating communication with federal partners.

That since the survey has been instituted has a general trend of improving, which I am very happy to see here, because they are our partners. There are a few things, and one of the things that I think is kind of ironic is one of

our lowest scores, how we manage with fully rebuilt fisheries. We can't stand success can we on these things?

But oftentimes that is when we have most difficult management decisions to make. But it is something I think we need to think about. Is there a better way that we can address these management issues that come up with stocks that we've had success in rebuilding? Are there any other questions, comments on this right now?

MR. DAVID PIERCE: I think this is the first time I've gone through this since I've been back on the commission, so I'm just kind of interested in historically how has this information been used? I mean does the staff use it, look at it and prioritize it? Do we form a subcommittee and try to figure out ways to move forward? Could somebody just tell me how we're going to use them?

CHAIRMAN GROUT: Go ahead, Toni.

MS. TONI KERNS: David, last year was the first year that we asked for what additional information could we be providing you all that would be helpful. We tried to make some of those changes this year, at least the ones that we had the ability to make changes on. Then we looked to the board itself.

In terms of any direction of programmatic changes that you would like to see, based on the results of the survey or you also think about when we're moving forward with the action plan. If there are items on here that you don't think that we're making good progress on, what can we do in the action plan to make changes to that or to help facilitate change? If there are things in the list that you want us to make a priority, let me know and we'll do that.

CHAIRMAN GROUT: Follow up?

MR. PIERCE: I think it would be useful to either have the staff or maybe a small subcommittee

work with the staff or try to take this information and figure out how to respond to it on some things that we should change, and then present some recommendations at the next meeting.

CHAIRMAN GROUT: Are you volunteering?

MR. PIERCE: Reluctantly.

CHAIRMAN GROUT: Is there anybody else that would like to be part of that or just have a small group.

MR. PIERCE: Mr. Chairman, I saw Ritchie White's hand go up.

MR. RITCHIE WHITE: Yes, I think I laughed too hard.

CHAIRMAN GROUT: I think we might need more regional representation from different regions. Go ahead Tom; okay we've got a Mid-Atlantic.

MR. THOMAS P. FOTE: Well, I also wanted to say one thing while we get some volunteers. They say 10 or 15 minutes is what it took you. It took me a lot longer than that because I really think about the answers, I think about my comments in there. The frustrating part of it, we're getting blamed on the rebuild stocks and some of them are completely out of our control. What happens on black sea bass, summer flounder and scup, the black sea bass, and the summer flounder part of that has basically hurt not only the commission but the Mid-Atlantic Council.

Actually the cooperation between the services is overlooked. That I think has been driving why that step has come down over the years. It is a shame that we can't figure out how to solve, how do we rebuild stocks. When the fishermen look at the fact that in the recreational sector, even though we've rebuilt these stocks, we're catching as a number of fish 25 percent of what we basically took home years ago when the

stocks were collapsed, just because the size has gotten so much bigger, the poundage has gotten. On the success rate it drops dramatically and the quotas are much less than when we were in the rebuilding phase. When we rebuilt things we actually went the other direction.

MR. ROY MILLER: Mr. Chairman, it might be helpful for the deliberation of this committee if they knew how many people made a particular comment or responded in a fashion that was similar to the comment that is posted in those bullet points there. I think that might be helpful to know if that represents the opinion of one person or a number of people.

CHAIRMAN GROUT: I agree, I think that would be good. Certainly I think Deke looked at it. There were a number of comments that were repeated by a number of people that took the poll. Okay we have a small subcommittee and I'll let them work with Toni to come back to the commission in May with some recommendations here; anything else on this agenda item?

REVIEW AND CONSIDER REVISIONS TO THE ASMFC GUIDANCE DOCUMENTS

CHAIRMAN GROUT: Okay seeing none; we'll now move to Review and Consider Revisions to the ASMFC guidance documents. This is something that both the AOC and the Executive Committee has been working on for over a year. Toni is going to take that and we'll be looking for some final action on this.

MS. KERNS: There is a memo that was on the supplemental materials dated January 26 that is going to reflect most of my presentation. There are a couple slides where the words will probably be fairly small, but I wanted to make sure that you had in front of you the language changes that were in each of the documents.

There are a few issues where at the Executive Committee meeting this week we got further

guidance from the committees so the language changes are not in the memo, but they will be up on the screen based on that guidance from the Executive Committee on Wednesday morning. The first issue is looking at appealing noncompliance findings.

The appeals process that the commission currently has provides some mechanisms for states and jurisdictions to petition for management decisions to be reconsidered, repealed or altered. It is intended that this process is only used in extraordinary circumstances where all other methods have been exhausted to move forward.

In the current appeals process you can appeal a noncompliance finding. The Executive Committee recommended that the Policy Board remove the state's ability to appeal a noncompliance finding, because there is already built into that process the state's ability to make those appeal requests.

The language in the charter would be deleted that states a state could appeal a compliance finding. Next issue is the definition of a final action. The ISFMP charter and the rules and regulations define what constitutes a final action. The commission has been making some changes to how we do votes, in order to provide as much transparency to the public on what goes on at each of these board meetings.

In reflection of that the Executive Committee recommended that final action be stated as setting fishery specifications, which is including but not limited to quota, trip limits, possession limits, size limits, seasons, area closures, gear requirements, allocation, final approval of FMPs, amendments, addenda, emergency actions, conservation equivalency plans and noncompliance recommendations. This would be a couple of additions to what we're currently doing right now, but would provide as much transparency to the public as we can. The third issue is looking at how we go through

amendment and addenda processes, including the timing of advisory input.

The languages changes here are for the charter. I know this is a lot of words, and this is looking at how we move forward with PIDs. The charter does not have a lot of guidance on the timing of PIDs to how long they're out for and how many days we can accept comment after the last public hearing. But there is guidance in the actual draft amendment.

The draft amendment states that the commission will have the document out for 30 days prior to the first hearing, and then we'll accept comment on the document 14 days after the last public hearing on that document for the draft amendment. We went ahead and mirrored that language for the public information document as well, and that is what is reflected up here.

Secondly is looking at the number of public hearings that we're required to have for the amendment process. Right now it says in the charter that we would have four public hearings. The Executive Committee is recommending that we change this to three public hearings; in reflection of three states is the smallest of our boards or section.

The Northern Shrimp Section only has three states on it, and if we have an addendum then we end up having to have more than one hearing in a state. Then the second is looking at how long addenda are out for public comment. Currently the charter does not have any regulations. The commission by standard practice does our best to have addenda out for 30 days.

This would be solidifying what our current practice is, and changing the language that says addenda to an FMP must provide a minimum of 30 days for public comment in the adaptive management change process. Next under Issue 3 is looking at when advisory panels provide

comments on the addendum and amendment process.

There seems to be a lot of misunderstanding when advisory panels are going to be providing guidance, and so it was asked that we clarify that. The Executive Committee made the following recommendations. In any time the management board or section could ask the advisory panel to provide additional comment outside of what is being proposed.

But during the development of a PID the AP would provide guidance to the PDT before the board reviews the document for public comment, so to make sure that it incorporates all the general issues that the board is thinking about moving forward with. The AP then would not meet during the actual public comment process of the PID; individuals would just need to provide their own personal comment on the document unless the board or section made that request for the AP to meet.

Then during the development of the draft FMP after the board gives the PDT guidance on the issues to be included in the draft, the AP would provide feedback to the PDT on those issues; so that as the document is being developed the AP can actually provide input on things that may be missing from the document on the particular issues that the board is looking for. Then after the document is approved for public comment the AP would then go back and give recommendations on the actual issues themselves that were contained in the public comment draft. Next is Issue 4, which is looking at TC decisions and commission staff participation on committees. The Executive Committee had made a recommendation on TC voting. We have talked about how technical committees come forward with recommendations to the board. There have been a couple of instances where the TC was not able to come to consensus, and so did not provide a solid recommendation to the board on how to move forward with an issue.

The board then decided that the TCs should when they can't come to consensus and that the committee should always try their hardest to work through consensus first, and if they can't then the committee should vote. The current language in the TC guidance document does state that and that the majority opinion would be presented to the board or section as the recommendation defined by a simple majority and that would be recording the number of votes that are in favor and against.

The Executive Committee added this week to say, also to record the number of abstentions from that committee. The reason why we wanted to be able to add abstentions is because Technical Committees are often made up of a variety of individuals that have varying expertise on different issues. We wanted to make sure if a person wasn't comfortable with the knowledge of a proposal of how it worked that they weren't forced to vote on something that they didn't completely understand.

The next issue under the TC decisions and staff participation is looking at how commission staff is involved in these committees. The current language in the guidance document states that commission ISFMP staff is ex officio members of a technical committee. Therefore they cannot vote on issues that are before the TC.

But science staff can be members of technical committees as well as stock assessment committees. The Executive Committee recommended that when a consensus cannot be reached, science staff may vote on issues before the Stock Assessment Subcommittee however, they may not vote on issues before the Technical Committee. The rationale behind that is oftentimes ASMFC staff is the ones that are conducting stock assessments, running the models; and so we want to make sure that their votes are taken on these issues.

But that technical committees are often discussing issues of the states, and so we wanted to keep those consistent with what is

going on in the states. Issue 5 is looking at commissioner attendance. The rules and regulations currently state how the Chair is asked to notify a state if one of the commissioners does not regularly show up for the commission quarterly meetings.

We weren't following that practice, and so we revised this based on the Executive Committee recommendation; that a Chair shall ask the Executive Director to notify the states Executive Committee member of the unexplained absence of any commissioner from two consecutive meetings of the commission, and that the Executive Committee member would then work with the state on why those absences were occurring and how to rectify that.

Issue 6 is looking at the appeal criteria. The guidance documents that the commission follows have specific criteria that a state can use to appeal any decision that has been made by the commission. That criterion is somewhat vague, and the Executive Committee felt that the vagueness of that helps us to move forward in our process and made no recommendations to making changes to the appeal criteria. The next issue is looking at how we define what a two-thirds majority vote is. Sometimes when we move forward with actions they require a two-thirds majority vote. Those votes oftentimes can have abstentions. Those votes are on the full membership of the board, not necessarily who is just present at the meeting; and so the abstention votes will then turn into a no vote on the issue, because you need to have the full membership, and those abstentions count towards that.

The Executive Committee made a recommendation to change the definition in that a two-thirds majority would be defined by the entire voting membership. However, any abstentions from the federal services would not count when determining the total number of votes. Issue 8 is looking at AP, LEC, and TC participation at board meetings.

At times at some board meetings the participation of advisory panel chairs has changed over time. There have been some advisory panel chairs that will come to the board meeting, but the advisory panel has not met, and so therefore they will present information to the board that is their personal opinion and not the opinion of the whole committee.

It can become confusing at times to know if what the advisory panel chair is reporting is their personal opinion or the opinion of the committee. The Executive Committee made recommendations to change the charter to state that AP chairs should present reports to the boards and sections and answer specific questions relevant to the report.

Chairs may not ask questions or present their own viewpoints during board and section deliberations, and if the chair would like to present their own viewpoints they must go before the public microphone during the public comment portion of the meeting in order to do so. The Executive Committee also made a recommendation that advisory panel chairs would only be reimbursed to attend commission meetings if the AP has met between the board or section meetings to provide feedback on an issue.

We would only want to reimburse them when the AP has met. In addition the Technical Support Group Guidance Document would state that committee chairs should present the committee report and answer specific questions relevant to the report at a board or section meeting, and committee chairs should not ask the board questions or present their own viewpoints during the board and section deliberations. That would apply to TC and LEC groups.

Just for clarification, chairs would go to the microphone. That is only for AP chairs on that. For this, if the board asks the LEC or the TC chair their opinion on an issue, then they can stay at

the table. At times the board has asked that of the TC or the LEC when the TC hasn't had a chance to fully vet an issue.

One of the board members may say well what is your opinion on that, and they can stay at the front of the table in order to do so. Issue Number 9 is council participation on management boards. The current charter allows boards or sections to invite any member of a council to participate on that management board.

It doesn't clarify how to move forward when a management board takes up more than one species, whether or not that council can participate on all the species or just the species of interest for that council. The Executive Committee made a recommendation that if the council has been invited as a voting member of a board or section that manages multiple species, the board or section can designate which species can be discussed and voted on by the council representative. The Executive Committee added this last bit that a council staff member or a member of the council may be appointed as the proxy for the executive director or council chair. The charter only allows for the executive director of the council or the council chair to sit on the management board.

This would allow them to appoint a proxy if they are not available. Issue 10 was looking at web-based public hearings and online public comment surveys. The commission has been exploring additional ways to reach out to the public through the public hearing process. At times a state doesn't always want to hold a public hearing, but they are interested in getting some feedback from their state permit holders.

We have extended the ability to pull together surveys for the states to send out to their permit holders to get better feedback on a management document that is out for public comment. We tried it for a Jonah Crab survey.

We didn't get any responses back on it, but we're going to try it again to see how well we do, as well as we have been doing some webinars.

The webinars would not replace a state's public hearing, but just giving the public an additional way to participate in the public hearing process. We did not actually have any participants on that webinar, but I know that the councils and NOAA have used webinars and have been successful, so maybe the more we do it the more successful we'll be.

Last, this is a new issue that the Executive Committee made recommendations to at the meeting this week. At the Policy Board meeting in November there was a request to look at whether or not the commission should give notice of action items on meeting week agendas, in order to take action on those issues.

The Executive Committee noted that many of the states and the councils already do this. The councils do this through the Administrative Procedures Act, and many of the states do it through laws that are regulated in their state law. The Executive Committee is recommending that we do give prior notice to any action.

We would add language to Article 2, Section 1 of the rules and regulations. In order for a board or section to take action there must be prior public meeting notification of the action. Action that occurs during quarterly meeting weeks must be notified four days prior to the first day of the meeting, and action that occurs outside of the quarterly meetings must be notified 48 hours prior to the meeting. Those 48 hours is the minimum amount of time that we can move forward with a meeting call; any questions?

MR. AUGUSTINE: What excellent improvements, excellent improvements. A question on Issue 7, when we talked about advisory chairmen, had you considered the

chairman making a PowerPoint presentation? We had the first one just yesterday or the day before. It was very clear cut, boom it was done. There were no personal comments made by the chair person.

I know we get the copy of, like the LEC we get the copies of the report in our handout. But why not consider them putting up a PowerPoint just like we have the Technical Committee and so on. It would seem to me it might resolve some of the concern of the interjection of personal comments. For what it's worth, I don't know if you thought about it or it is worth considering.

MS. KERNS: Pat, I am not sure it is something that we would want to require; so change the charter to reflect that. Because if an AP chair doesn't want to utilize a PowerPoint I don't think we can force them to. But we can definitely encourage AP members to do a PowerPoint presentation. I know that staff often makes the offer, some folks take us upon it and others do not.

MR. AUGUSTINE: That is great, thank you.

MR. FOTE: I was just going to follow up on Pat; some people might not have the skills to do a PowerPoint presentation. But I think the idea of a staff saying, would you like me to put that together after you write it up and put it in a PowerPoint and just help you through this. That would be the way to handle that.

It would take all the pressure off the AP chair. I might not want to become an AP chair, because I don't want to have to put PowerPoint, I don't want to learn it, you know what I'm saying? I don't want to restrict people because of their computer skills, since I'm a guy that still has a flip phone.

MR. DENNIS ABBOTT: You said we had worked on this for a year. It seems to me it has been much longer than that. I think that we should thank Bob, well I'm on the AOC, so we looked at

it first and the Executive Committees had it before them a number of times. Also during that time a number of the other commissioners have sat in at our meetings.

These issues themselves were brought to us by Bob; they were brought to us by members. I think we did a pretty good job in putting this whole thing together. I would like to see it pass. Would a motion be in order to accept the finding or changes to the guidance documents?

CHAIRMAN GROUT: I think a motion would be in order if there are no further questions on the document at this point. Wilson.

DR. WILSON LANEY: Thank you for recognizing me, Mr. Chairman. Just a question on Issue 8, I know I was there for the Executive Committee discussion on this particular one. Toni has clarified things a bit regarding the language that is proposed for addition to Section 7.5 where it says committee chairs may not ask the board questions or present their own viewpoints during board or section deliberations.

Toni clarified that if a member of the board asked a Technical Committee chair they can certainly state their own opinion in response to a question. But I would suggest and ask the board whether or not they don't want Technical Committee chairs and Law Enforcement representatives to be able to ask clarifying questions of the board.

I think Bob made the point during the discussion and presentation to the Executive Committee that generally thinking those sorts of questions had been a productive exercise. As a past Technical Committee chair and present member of many technical committees, I think it would be a good thing if you would at least modify that language to insert that phrase to the extent that TC chairs and law enforcement folks can ask clarifying questions of the board.

CHAIRMAN GROUT: How does the rest of the Policy Board feel about that? Is there any further discussion on it?

MR. FOTE: Yes we've seen it a number of times over the years, well give me a little guidance on this or ask some questions, because I've got to take it back to the Technical Committee. Questions like that I think are fully acceptable, and that is not really, I don't think we should be getting at that list, because that is what it is trying to do.

The same thing with law enforcement, he is going to ask questions to clarify what he's got to bring back to its members for discussion; and that is I think part of the give and take of a Technical Committee or the Law Enforcement Committee. There has got to be some way you do that without the other part of that.

MR. WHITE: Yes I support that change that Wilson suggested. We had that come up at the Herring Section this meeting in that there was a motion coming forward and the Technical Committee needed clarification, so they asked the question about clarifying the intent of the motion, because it was sending work for the Technical Committee so they needed that clarification. I think that is a perfect amendment to it.

CHAIRMAN GROUT: Any objection from the Policy Board to making that minor clarification? Seeing none; can we make sure that that is included? Any further questions go ahead, Tom.

MR. FOTE: Just a comment. I think it is a job well done and I really appreciate all the hard work that has gone into this. I mean this is really the first time I've looked at the final product to go through this. I really appreciate some of the difficult decisions that were made. I think it clarifies it a lot more. I also think with webinar that we webinar all our meetings now that there is a better opportunity for people that aren't on the agenda to attend the

meetings, they can sit home and actually listen in the safety of their house.

CHAIRMAN GROUT: Okay well thank you, I agree that there was some excellent work done. Toni definitely put a lot of time into this as did the AOC and the Full Executive Committee. I want to also extend my appreciation to everybody's work on this. Do we have a motion to approve these?

MR. ABBOTT: **I do make a motion to accept the changes to the commission guidance documents with the amendment provided by Wilson and Ritchie, or however you want to word that change to be put into the document.**

MS. KERNS: Dennis, because the ISFMP Policy Board does not actually approve the changes to the rules and regulations, the rules and regulations can only be changed by the Business Session. Can we state just the Charter and the Committee Guidance and Assessment Process Document?

MR. ABBOTT: You would suggest that I make a recommendation that this be forwarded to the Full Commission for acceptance?

MS. KERNS: You don't have to forward to the Full Commission the rules and regulations.

MR. ABBOTT: Whatever you would like.

MS. KERNS: If you just use your motion but insert the word charter and committee guidance and assessment process document in place of guidance documents.

CHAIRMAN GROUT: Is there a second? Jim. We'll get it up on the board before we vote. Is there any further discussion on this at this point?

MS. KELLY DENIT: I'm going to support the motion that will be up on the screen here momentarily, but just putting on the table the concerns that we expressed in the Executive

Committee with respect to the change in the voting procedures. We certainly understand the frustration that we have heard from many as it relates to that situation.

We appreciate the committee's efforts to focus those changes down. But just remain a little bit concerned that we get potentially on a slippery slope. It has been my understanding that the board and the willingness of the group are to keep this very narrow, and so with that we will be happy to support these changes.

CHAIRMAN GROUT: There it is everybody can see the motion. I'll read it in. The motion is to accept the changes to the ASMFC Charter and Guidance Document with the amendment made by Dr. Laney. Motion by Mr. Abbot and seconded by Mr. Gilmore. Is there any objection? This is a final action, but is there any objection to this motion? Seeing none; the motion passes unanimously.

EXECUTIVE DIRECTOR ROBERT BEAL: When you read the motion you said ASMFC Charter, which was the wording that was originally up there but we modified it to be ISFMP Charter, which is what it is. The guidance documents are the Technical Committee Guidance Documents and what are the other ones, Toni?

MS. KERNS: It should say the Committee Guidance and Assessment Process Document, so ISFMP Charter and Committee Guidance and Assessment Process Document.

CHAIRMAN GROUT: Bob, do we need another vote on this?

CHAIRMAN BEAL: I don't think so, the intent is the same. But I think as we look back at history it will be better if the right words are in there, so I think it is fine.

CHAIRMAN GROUT: Okay the appropriate motion, the corrected motion that we voted on is: **Motion to accept the changes to the ISFMP Charter and Committee Guidance and**

Assessment Process Document with the amendment made by Dr. Laney. Motion by Mr. Abbott and seconded by Mr. Gilmore.

Again the motion passed unanimously. Okay thank you very much on this. Sorry that was a little bit painful there. The next item on the agenda is something that I asked to be put on. Toni just reminded me of 6B; there was another portion of this that we want you to consider.

DECLARED INTEREST BY SPECIES

MS. KERNS: As part of guidance that we follow, we have a listing of declared interest by species for each of the states. The rules and regulations define how a state declares interest into a fishery. The rules and regulations state that a state can show interest in a fishery if it meets any of the following criteria. First such that fish are customarily found in its territorial waters, B, such fish are customarily or periodically in the territorial waters of such state for the purpose of spawning or in transit to and from spawning grounds, or the citizens of the state are recorded as having taken 5 percent or more of the total Atlantic Coast catch of the species in any of the five preceding years.

We made a request that the states and jurisdictions look over the declared interest of all the species. We had two requests for change. The first request was from the state of Delaware, who asked to be removed from the winter flounder board. Sadly Delaware states that winter flounder are no longer commonly found in state waters.

If the state sees that the winter flounder have come back to Delaware waters, they will be asked to be put back on the board. But until then they are asking to be removed. The second request came from the state of Pennsylvania, which has requested to be declared interest into Atlantic menhaden. Menhaden were historically inhabited in Pennsylvania waters off the Delaware Estuary.

Historical records indicate that at one time menhaden were abundant in these waters. While Pennsylvania surveys do not target menhaden, they have been documented in the past. Looking at a series of surveys from 1981 to 1992 there are positive intercepts of menhaden catch that range from 1 to 70 fish, with an average of 7 fish over the timeframe.

They are periodically seen in the striped bass sampling efforts, and appearance of menhaden in Pennsylvania seems to be associated with low spring flows and the salt line moving upstream. In addition, reports related to state permitting of power plants in the Delaware Estuary of Pennsylvania, as well as other non-Pennsylvania fishery boat commission studies document menhaden are not uncommon in Pennsylvania waters of the estuary, and at times they are relatively abundant.

There are a couple of examples that were provided. There were some historical examples, and these three reflect examples from 1985 of sampling from the permitting of power plants. In 2008 New Jersey DEP collected juvenile menhaden. The fish were caught both upstream and downstream of the Delaware/Pennsylvania Line in New Jersey, but nearby the state border.

In 2007 menhaden was caught in a hoop net from the Old Man's Point Commodore Barry Bridge, which is in New Jersey but upstream of the Delaware/Pennsylvania Line, and then in 2012 using electric fishing, 100 fish in two different schools were caught at the Linden Avenue Dredge Harbor and I'm not going to say this correctly, but Poquessing Creek.

These are in New Jersey but there are two other sites where they were caught in Pennsylvania, and the sample also indicated that close to 1,000 Clupeids were seen but not caught that could have been menhaden, river herring or shad. Those are the two requests being brought forward, which would need to be approved by the Policy Board.

MR. MILLER: Mr. Chairman, I wonder if you would indulge me for just a second with regard to winter flounder. Although I fully understand my colleagues request to have Delaware dropped from the list of states under the management purview of the winter flounder. We still have winter flounder, and John will certainly agree with that. We have juveniles and we have a few adults.

MR. JOHN CLARK: We had six pounds landed in 2012.

MR. MILLER: We no longer have a fishery for them. They've disappeared from our fishery and have been gone a long time. I guess my question is, assuming this action is approved is Delaware obligated to report its winter flounder takes in trawl surveys, state sponsored surveys for instance where they typically report numbers of juveniles, numbers of adults taken? Two, what is the process if a miracle happens and winter flounder extend back to its former range someday? How do we get back on the board, if you could help me with those I would appreciate it?

MS. KERNS: It would no longer be a compliance requirement for Delaware to report your survey information, but the survey information could be shared with the Technical Committee when they're doing the assessments in particular to get that information to be included in the assessment, if it is currently being used.

I'm not sure if the survey data is being used in the assessment at this time or not, so we would have to look into that. Then remind me of your second question, Roy. Oh then if the state wanted to come back and declare an interest in, you would make a request of the Policy Board and use the criteria that were established in the rules and regulations to determine if you would meet the requirements.

MR. CLARK: Roy is obviously very sensitive about this issue, but I told him that it has been

40 years, Roy. Mommy and Daddy will get you another flounder to take its place.

MR. FOTE: I would truly miss the three esteemed gentlemen from Delaware not being on the Winter Flounder Board. It kind of holds our feet to the fire saying you had them, they are no longer there, we need to rebuild so you get them. Without that presence there you will be sorely missed. I'm really being torn here, John. I understand Roy he has held my feet to the fire on winter flounder over the years, and I would hate to see him off the board.

MR. CLARK: Well now I'm really feeling bad about this, gees. I just that like I said, over the past 15 years we've had two years where we really had any landings. But as Roy said, we still do have juveniles and if things do change, which I hope they do, we'll be glad to get back on. But at this time there just doesn't seem to be a lot of purpose for us being on that board. Thanks.

CHAIRMAN GROUT: Follow up; Tom.

MR. FOTE: Yes like one of the decisions that was made in the last year was to not consider the Delaware River as far as the regulations as far as dredging in New Jersey. We've relaxed those regulations where people allowed in the south Jersey part, now the dredge when we historically wouldn't do it for winter flounder. It does have implications when you do something like that. I am just looking at it from that point of view.

MR. CLARK: We'll try it for one year and see what happens.

CHAIRMAN GROUT: All right we need a motion either for each request here, the request of Delaware to be removed from winter flounder board and the request by the Commonwealth of Pennsylvania to get on the Menhaden Board. We could do it combined or we could do it separate, whichever.

MR. ABBOTT: Yes, Mr. Chairman, **I would make a motion that we add the Commonwealth of Pennsylvania to the Menhaden Board and remove the state of Delaware from the Winter Flounder Board.**

CHAIRMAN GROUT: Is there a second? Dan. Any further discussion on this motion, seeing none; is there any objection to the motion? **Seeing none; the motion passes unanimously.**

DISCUSSION ABOUT DIRECTION OF MANAGEMENT WHEN STOCKS ARE NOT RESPONDING TO MANAGEMENT DUE TO CLIMATE IMPACTS OR OTHER REASONS

CHAIRMAN GROUT: Okay the next item on the agenda I had asked to be put on to start a discussion about direction of management when stocks are not responding to management due to climate impacts or other reasons.

This is just an initial discussion, because we're going to have Jon Hare come to our meeting in May to give a presentation on stocks that are being impacted by climate change. But there have been a lot of thoughts that I've had about the impacts and how we're going to deal with this, because things are changing here in the Atlantic.

You know we have several managed species that have been overfished or depleted for a number of years and are not responding to management actions, even when we've ended overfishing. Some of the examples I think you all know, southern New England winter flounder, northern shrimp, southern New England lobster and even weakfish for that matter.

It doesn't seem to be responding to ending overfishing. In other species such as black sea bass and fluke we've seen changes in their distribution patterns in recent years that are making management under the current FMP framework challenging at best. There has been

a loss of historical harvest levels by some states, while other states are struggling to stay within their harvest quotas that are based in part on past harvest levels and species distributions.

I think these are some of the things we've got to start addressing. There was a conference about a year and a half ago or two years ago, where the councils and the commission got together to talk about the impacts of climate change on fisheries management, and we made some recommendations but we really haven't gone too far in trying to address some of those recommendations.

I'm hoping that with Jon Hare's presentation we can use this as a springboard for this commission to start looking at how we handle these things. What happens if a species isn't going to come back? We may have endangered species actions based on something that you could have climate change and they're just not going to come back, and the impacts that would come with that.

Those are things that we've got to address. I'm also planning on bringing similar questions to the state director and NOAA Fisheries conference here, meeting that we're going to have at the beginning of May. My intent is that after the meeting in May to either delegate this to a staff white paper, or maybe the management science committee or maybe this is important enough that we need to create a subcommittee of the Policy Board to actually address it and have policy on that. This as I said, it is an initial discussion right now; we've got ten minutes for it. I know I had Ritchie White and then Tom Fote want to discuss this. But the bigger conversation will be in the spring, and I just wanted you all to be thinking about this. Go ahead, Ritchie.

MR. WHITE: Thank you for bringing this up to begin this discussion. Clearly those of us in shrimp management have been dealing with this for a few years and thinking about this. We are in our third year of a moratorium, and the

stock looks like it is clearly at least two more years, maybe three more years what is in the stock right now of a moratorium. We're dealing with a five to six year minimum moratorium, and in all likelihood with the warm winter we had this year that the temperatures are not going to be conducive for a year class this year.

At what point does it make sense to continue to spend money on doing stock assessments, having the meetings, on a species that looks like it will not restore, and then how does this commission make that decision? Is it eight years; is it five years, how many years a moratorium with no recruitment? When do you define that the stock is no longer able to come back? These are probably going to be obviously difficult decisions, but we're going to have to start looking at this.

Because it certainly seems to me that southern New England flounder is close behind that and certainly southern New England lobster, there is no sign of that seeming to come around. We do have a number of species we're going to have to deal with this. There is clearly not an easy answer, but we're going to have to tackle it.

MR. FOTE: Yes when you talk about northern shrimp, when you talk about lobsters, and I'll just point it at the biggest one I've seen in New Jersey is surf clams, where we used to have an inshore surf clam fishery that was unbelievable and now it has moved offshore, basically in deeper water and further north.

But there are other species like winter flounder, which I don't know is responsible of global warming. When we look at when this fishery collapsed, it collapsed in New England before it basically did it at the southern end of the range. I mean New Jersey was the last one that was still landing recreationally a million pounds when the other states were getting no landings.

I was trying to figure out what was going on, because it did not fit the mold. It might be another species like weakfish. Weakfish is not

because of global warming, there are other factors involved. Whether it is being used as forage species, I saw this fall and December where schools of bluefish they started spitting up and I looked, I thought there were schools of peanut butter, because they turned out to be schools of weakfish. They were all small, 6 inches and they were all cut in half and being spit out by the bluefish.

There are other factors that are getting involved, so I don't want to blame it all on global warming. The ones like northern shrimp, lobsters we can do that. But on winter flounder I think it is more an environmental reason. It is not for lack of us putting regulations in place. I want to make sure when we do this we clearly look at all the outliers when we do that and let's put the blame, if we can, where it belongs. Yes, we all know, I'm getting more red fish than I used to do and I'm waiting for the famous cobia to come into Vonnegut Bay.

CHAIRMAN GROUT: Thank you Tom, and that is true that while our Technical Committee has shown or at least indicated some links to climate change and warming ocean temperatures for shrimp and southern New England lobster, that connection has not been made for winter flounder or weakfish for that matter.

MR. DAN MCKIERNAN: I think in order to do this topic justice, we shouldn't just dwell on those stocks that aren't responding, but I think those stocks that have also proliferated and changed their distribution. I would just make that recommendation.

CHAIRMAN GROUT: I agree totally with you.

MR. CLARK: I was going to bring up weakfish as Tom did and you just mentioned. The other reasons part of that I think is very important too, because I think we should look at whether our management for one species or group or species is one of the reasons that some of these other species are not recovering.

MR. ABBOTT: Ritchie brought up the point to start that conversation about what we do, or should we be managing species that we're not seeing any results on. Northern shrimp again makes a classic example. I think the commission, I don't know how many thousands of dollars are spent by the commission, but we spend a lot, we do the summer survey and the whole thing comes to around \$100,000.00. We are now paying some fisherman to go out and do sampling this winter. We're paying them \$500.00 a trip to go out and do samples.

As a side note to that the price of shrimp that we are allowing them to land, 1,800 pounds in five trips or five trips of 1,800 pounds and the price of shrimp at the Portland Fish Exchange last weekend was close to \$8.00 a pound. Normally it is between \$0.40 and \$1.00 or more. As we wrestle with this, I have a newspaper article in front of me from the Portland Press Herald yesterday, talking about climate change threatening food fish.

NOAA has said that there are 82 species of northeastern fish and shellfish species that are vulnerable to climate change. Climate change is affecting and is going to affect to a greater degree, our efforts in fish management. I can see the point, maybe not while I'm sitting here but where the states of Maine, New Hampshire and Massachusetts have all the summer flounder and we're fighting with Tom Fote to get some quota from him. It is funny, but who knows what will happen down the line as the temperatures of the ocean change.

MR. JASON McNAMEE: I think the discussion about management and policy is important. I appreciate you kind of kicking this off. Underpinning all of that though will be the need to have another module, and so I'm really excited that Dr. Hare is going to come to give a presentation. Because there are analytical techniques that exist to begin to incorporate these affects into stock assessments or all kinds of analyses so that we can identify where these affects are significant so that we have more

guidance as to where we can identify the climate change issues and quantify those.

Just one other comment that is related along with this, and we talk about this a lot. Developing ways to identify regime shifts, so we talk about regime shifts a lot. I think it is connected to this discussion as well, and to begin to look at ways to identify what a regime shift is, how it is defined, and when we should be accommodating those in our analyses I think is also important.

CHAIRMAN GROUT: Any other thoughts? Go ahead, Brandon.

MR. BRANDON MUFFLEY: I think we all can agree that we are seeing impacts from climate change on fisheries. We have lots of examples. As you mentioned we met, I think it was nearly two years ago, to talk about this with all of the councils and the ASMFC. I think we just need to be, once we're all done with the discussions and you want to form committees. To me that is where it is important I think is, what are we going to do to actually do something?

We do a lot of talking, which is good and getting information is good. But ensuring that we're going to set up a process that is going to come back with some specific tasks and ideas of what we're actually going to do to implement the issues that we are seeing. I think we just need to go beyond talking and understanding what's going on, but actually doing something to begin to implement and how we're going to deal with the issues that we do see.

CHAIRMAN GROUT: That was a good discussion. Toni wanted me to ask you all if you had any ideas right now off the top of your heads of anything outside of what John Hare's presentation is that you would like the staff to bring in preparation for kicking off this discussion?

MR. DAVID G. SIMPSON: Yes I think that part will be very helpful. The 82 species that Dennis

referenced was in the article that Tina forwarded us yesterday; very interesting, got a chance to read that some last night. But the other part I would like to know, how much NOAA has thought about this on a national scale.

Not just on the science but on the implications and when you sort of concede the stock is going to diminish and go away in an area, and fishing doesn't have a role any more, and how you manage that fishery as it declines towards zero. The flip side is making sure that we don't use some of these changes in productivity as an excuse not to manage in an appropriately aggressive manner.

MS. KERNS: Jon is going to come and present on two parts, one is the vulnerability and risks, so the 82 species, I believe that is what it is. Then the second half is looking at the regional, it is a Regional Action Plan towards climate change and I'm looking at Kelly. I think it is the Northeast Region, but I'll let her follow up. That would be the second part. I can talk to Jon a little bit, and if it is within what they're doing to ask them to focus a little bit on that issue in particular in his presentation.

MS. DENIT: Yes, Dave, we've been thinking about it a lot. Right now we have out our NOAA Climate Science Strategy that has then led to regional plans that I can't remember if they're out now or will be; that is focused on the science aspects, which I think is what Toni is referring to that John will also present to the board to get your feedback.

We have had some initial kind of just pulling together background information on what's out there as it relates to different management approaches and what's been done, could be done, for thought and consideration. Certainly we could come and talk to the board about that. We might want to circle back together after the State Director's meeting, I think and see what comes of that. The other aspect that comes to my mind that I think the board would

be interested in is, our social scientists have taken the results of the climate vulnerability assessment that Jon is going to present to you, and applied it to fishing communities to kind of assess fishing community vulnerability to climate change, as it relates to fisheries. I certainly think if I think back to the commissioner's survey that was one of the areas that you all had flagged as an area of interest. That might be another topic area that we might want to consider discussing further.

MR. WHITE: If management and science is going to meet prior to our next meeting, two tasks might be to take a look at shrimp, and for them to start to wrestle with how do we declare a stock that is not going to recover? In other words, how do they look at coming up with a definition? How do we get there?

Then secondly, how might we redefine some of our stocks that now are listed as depleted and not recovering. How do we list that in relation to our other stocks, as far as accomplishments go for the commission? Because we have stocks now that looks like we're not doing a proper job, because they are not recovering. It is nothing to do with the commission or the managers, so how might we redefine those in our documents and in our descriptions?

MR. MCKIERNAN: Just to follow up on Dennis Abbott's forecast of the future and that scenario of fluke. It is already happening. There were boats fishing just below Nantucket during January, and I'm getting calls from Captains with North Carolina accents that can't make it back to North Carolina in the wind, and they are asking for either safe harbor or asking us to get quota allocation from the southern states.

It is really difficult. I think it is here now. The other thing I think we really should be talking about is those species for which there were state shares in the management plans, bluefish, fluke, black sea bass that were based on fishing performance of the eighties and nineties, which

really aren't as relevant today as they were then.

I know it is kind of scary to reallocate quota shares, but maybe there is a solution like the fluke fishery can become a federally managed winter fishery, and maybe the summer fisheries could be done by the states like scup, something less painful than a fish grab. But bluefish comes to mind. Jim Gilmore and I are making calls every August, desperately seeking more bluefish from North Carolina and Florida.

I think staff should be looking at why this abundance of quota that some states simply don't use, and we should readdress that. That would be my suggestion, and that I think was your question, what we want staff to bring forward. I would say let's look at any of the quota managed species that appear to be in need of updating, because there appears to be underutilization in one part of the range that may be related to climate change.

DR. LANEY: The Fish and Wildlife Service also have a climate change adaptation strategy, which is online. I'll send that link out so it can be sent out to everyone. I think most of you have heard me talk about the fact that each winter when we're out there seeking striped bass to tag, they seem to keep moving further north and further offshore. Whether that is related to ocean warming or not, I don't know, we do have a graduate student at East Carolina University.

He is looking at our entire time series and looking at the environmental variables associated with our catches. Hopefully we'll be able to shed some light on that in a future meeting. I'm pretty sure if Dr. Daniel was here, he would note that with regard to the whole allocation discussion, you know North Carolina hasn't landed a striped bass from the ocean for the last three years, I'm pretty sure and possibly for the last four. Certainly those shifts in distribution affect allocation formulas when you put a state-by-state quota system in place. That

is always going to be something of interest to all of our constituents, be they commercial or recreational I think.

MR. ROB O'REILLY: I still have my reflexes if anyone saw that. I maintain skepticism about climate variability and climate change; and by that I have enough of a scientific background that science is meant to be with some skepticism that you never have the answer. I hope when Jon Hare is here, and there are others who also are working pretty diligently on climate variability and climate change that that be the issue that we concentrate on.

That maybe there is a vehicle such as the Management Science Committee, which was used a few years ago for the summer flounder issue that we start to think about the forecast a little more seriously, and aren't so willing to just have a quick answer. Because I don't think it is a quick answer. I asked Jon Hare how long he has been working on these issues, and he said well really altogether it has been about 10 years, and that was two years ago.

There is a concerted effort on the part of NOAA there is no doubt. I think the type of information we receive, and I'm not sure if Brandon was sort of along these lines or not, but we need to start to figure out how to use that information for more than just what we want right now, because a lot of the climate predictions are just that.

They are projections and they have some error in them. But everyone knows that there have been changes. Everyone wouldn't doubt that. I'm not skeptical on that. I am just skeptical on having the answer right away, because I saw the summer flounder issue. We had the answer, which was summer flounder have shifted east and north, essentially.

That was based just on the NMFS Trawl Survey and just on spring and fall. Then more information came out. Then the Mid-Atlantic Council had to say well, wait a minute there are

some indications that that is not exactly the way things are working. I just encourage everyone not to be – it is not about allocation – it should be about understanding and learning what we're facing, and we are facing a lot of problems.

The one thing that I had asked Jon Hare about, which doesn't concern us as an interstate species, but when it comes down to shellfish, I mean you can imagine there is going to be some major changes involved with shellfish resources with acidification and with PH rises and with water levels rise and everything else.

To me it is a huge issue that I hope we make the most of it and try and funnel it somehow towards analytical approach. The assessments of old may need to have some changes. Some of the environmental data may have to become more part of assessments as we go forward. I mean those are the kinds of thing that I'm thinking about. I'm thinking about how do we cope with what is definitely a change afoot, but let's be careful and get all the information first and I'm glad to hear that Jon Hare is going to make the start of that here.

CHAIRMAN GROUT: Okay I think we've had a good discussion on this. I appreciate all your thoughts, and please keep thinking about this in preparation for our meeting in May.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP REPORT

CHAIRMAN GROUT: We'll move on to our next agenda item, which is an ACFHP presentation report by Lisa.

MS. LISA HAVEL: This will be just a brief update over the last six months with the Atlantic Coastal Fish Habitat Partnership. We weren't able to provide an update during the fall meeting, because we were in session at the time of the Policy Board meeting. The first item that I would like to update you on is we were awarded \$250,000.00 from the Mid-Atlantic

Council back in August, to manage restoration and research projects on black sea bass habitat in the Mid-Atlantic.

Our subcommittee that we put together released an RFP back in December, and the deadline for projects closed on Monday, February 1st. We received seven projects and we're currently evaluating and linking those projects. For the seventh consecutive year we solicited projects for National Fish Habitat Partnership U.S. Fish and Wildlife funding.

We received nine applications this year, eight of which were eligible for funding. We recommended the top five on the ground projects to U.S. Fish and Wildlife. These projects can request up to \$50,000.00 and the main criteria that we look at are that they meet ACFHP goals; that they have good leverage, the time to completion is brief, and also their readiness.

These are the top six projects that we recommended, the first one being ACFHP operational funding and the following five being on-the-ground restoration. The top three were dam removal projects in New England, followed by a mangrove restoration project in the Indian River Lagoon in Florida, and a living shoreline project in Long Island, New York.

Going into more detail, the first project was a dam removal project on Pawcatuck River, Rhode Island. They requested \$50,000.00 and the total project cost was 1.2 million almost. It will open 32 miles of spawning and nursery habitat and benefit species such as shad and river herring. The second project was a dam removal on Third Herring Brook in Massachusetts.

They also requested \$50,000.00 and the total project cost was \$413,000.00. It will open 1,000 feet with potential access for a spawning pond once this dam is removed, and also benefits shad and river herring. The third dam and river was on Coonamessett River in Massachusetts,

requesting \$50,000.00. The total project cost is \$290,000.00. It will improve over 0.28 river miles and restore 17 acres of lower bog and benefit shad and river herring among other species.

The mangrove restoration project in the Indian River Lagoon requested \$49,960.00 and the total project cost was a little over \$100,000.00. They will remove invasive Brazilian pepper plants and plant 10,000 native species that will provide fish habitat and benefit species such as red drum and spotted sea trout among others.

The last project that we recommended for funding to U.S. Fish and Wildlife was a living shoreline project on Long Island requesting \$49,799.00 with a total project cost of almost \$100,000.00. This will stabilize shoreline with bio logs containing natural marsh plants, benefit species such as scup, striped bass, Tautog and others.

We've also been working on a conservation mooring project in Narragansett Bay, and this was from \$20,000.00 of funding that we received from NOAA Atlantic Coastal Act. This is replacing regular moorings for boats with conservation moorings that include a bungee instead of the regular chain sweep that occurs with regular moorings. This will improve sea grass quality and allow the sea grass to grow below where boats are usually anchored. This project has been completed except for the sign placement and post installation monitoring. Here is an image of the sign that will be put in place along Narragansett Bay so that people can see and learn about these conservation moorings and hopefully they will be used in other areas of Narragansett Bay and along the Atlantic Coast as well. We also recently completed a fish habitat decision support tool. This was an effort by the North Atlantic LCC, Downstream Strategies, U.S. Fish and Wildlife, The Nature Conservancy and ACFHP.

The ACFHP portion of this tool included winter flounder modeling in Long Island Sound and

Narragansett Bay, and shad and river herring modeling along the Atlantic Coast. We are currently working on outreach. The tool can be found at www.fishhabitattool.org and this is the landing page for the website.

A brief update on the species habitat matrix that ACFHP has been working on for a couple of years now, this is a matrix and analysis that looked at habitat use of over 100 species along the Atlantic Coast; and broke down species used by egg, larval, juvenile, adult and spawning stages. From this analysis we were able to prioritize habitats along the Atlantic Coast.

The summary report is available on our website and this paper was just accepted into Bioscience and will be published in the April, 2016 journal, and the website is in the works for this matrix. Last, ACFHP would like to thank ASMFC for your continued operational support throughout all of these years, and with that I will take any questions.

CHAIRMAN GROUT: Questions for Lisa? Okay thank you that was an excellent report.

SOUTH ATLANTIC BOARD REPORT

CHAIRMAN GROUT: Next on our agenda is the South Atlantic Board, Jim Estes, a possible action.

MR. JIM ESTES: The South Atlantic Board had intended to come to the Policy Board today to request some action taken on the spotted sea trout FMP, but after the deliberations yesterday we decided to postpone that; so we have no request of the Policy Board at this time.

WEAKFISH STOCK ASSESSMENT TIMELINE UPDATE

CHAIRMAN GROUT: Okay thank you, Jim, next on the agenda is the weakfish stock assessment timeline update.

MS. KATIE DREW: Very quick update. We have scheduled the peer review for the last week of

March. We're in the process of lining up the last members of the Peer Review Panel right now. The Stock Assessment Subcommittee is finalizing the draft of the report this week, and intends to get it to the Technical Committee at the beginning of next week for their review and final approval before the whole thing goes to the Peer Review.

CHAIRMAN GROUT: Any questions for Katie? Go ahead, Rob.

MR. O'REILLY: Not a question, but I've been following the progress and I commend all the efforts of both the ASMFC staff and the scientists that have been involved and the Technical Committee. Quite a few years back there was an opportunity in Virginia through the Saltwater License Fund to have a funding of Dr. Jiao, Yan Jiao, from Virginia Tech. If you can imagine at that time the thought in Virginia was, how is this going to benefit Virginia anglers, which was a tough sell, because as you know everyone is wondering.

This is a coast wide stock, coast wide assessment. Almost miraculously I thought at the time, years ago, the funding was provided. I can't help but being really pleased that the whole funding process and the ability to get Dr. Jiao involved and others, quite a few others has led to this point. I am very aware that weakfish still remain a troubled species, to say the least. We've heard about it a couple times today. But as you remember from the 2009 assessment, no reference points exist. I think that will be important and sort of this different way of looking at weakfish will help as well, so thanks to all.

CHAIRMAN GROUT: Any other questions, comments? Okay we'll move on to our next.

OTHER BUSINESS

CHAIRMAN GROUT: We have a couple items under other business. We have a couple of

requests from the Lobster Board. You're going to handle it, Dan? Okay.

MR. McKIERNAN: On behalf of David Borden, who had to leave, I want to present these motions which came out of the Lobster Board discussion on Tuesday. Two issues came up. The first one, which was a recommendation from the board to NOAA Fisheries to require the filling out of VTRs by federal lobster permit holders.

Currently the reporting requirements are not extended to lobstermen unless those vessels have another permit, such as a scallop permit or a groundfish permit. There is a really incomplete data collection that goes on, and in my recent experience I know there are four big needs for better reporting.

The lobster assessment has been asking for this for a long time. The Jonah Crab management plan suffered when we didn't have complete reporting. The Large Whale Take Reduction Plan suffers when we don't have complete reporting, when the plan tries to estimate vertical lines in terms of total and also densities.

Then this newest one, the protection of the deep sea corals, you recall that Tom Nies, the Executive Director of the New England Council wrote a letter to Bob Beal, asking for this board, the commission and the states to furnish data about lobster fishing out in the EEZ. All of this can be solved if NOAA Fisheries were to, or much of it can be solved, if they would simply take the action to require that remaining population of the lobster fishermen who aren't reporting to fill out VTRs, and so that is the reason for the request.

CHAIRMAN GROUT: Okay this is a motion from the board. It doesn't require a second. Is there any discussion on this motion?

MR. McKIERNAN: Well actually that is the first issue. The complete motion is a second request

for a letter. Do you want me to go into that now, or do you want to talk about the first one?

CHAIRMAN GROUT: Sounds good. Do it together.

MR. McKIERNAN: All right the second issue has to do with the Jonah Crab Management Plan and one aspect of it that was approved back in August when the plan was enacted. That had to do with exemptions to the requirement that only whole crabs be landed and there were allowances for fishermen from a few states.

Provided they could prove a history of claw landings, and we're asking NMFS to review that. Because we are going to be asking NMFS to enact complementary rules, and because much of this fishing takes place in the federal zone, a lot of us on the board are uncomfortable with that aspect of the plan.

We seek NOAAs guidance on any legal concerns where just a few states fishermen could get this exemption, especially in light of the weakness of some of the data. We want NMFS to address some of the National Standards in their review of this as we decide how to go forward with a future addendum.

CHAIRMAN GROUT: Dan could you do me a favor, and read that motion into the record?

MR. McKIERNAN: I will, thank you Doug. **On behalf of the Lobster Board, move to send two letters to NOAA, one which recommends 100 percent trip level reporting for all federally licensed lobster vessels, in order to increase information on fishery locations and catch composition; and another requesting any legal concerns, especially regarding National Standards on the legality of the current Jonah Crab claw exemption for fishermen in New Jersey through Virginia, given the desire for complementary measures in federal waters; motion by Mr. McKiernan.**

CHAIRMAN GROUT: Okay as I said this is a motion from the board so it doesn't require a second. Is there any discussion from the board?

MR. PIERCE: Regarding the second part, it seems to me as I said during the board meeting; we're in this awkward situation of the commission managing a fishery that is almost exclusively in federal waters. I would want NOAAs input on the broader Jonah Crab FMP and all the elements of it, in terms of NOAAs review of how well the plan comports with the National Standards. The non-trap limits that don't apply to lobster trap limits, the non-lobster trap limits and so forth, so I think we would benefit from a broader review of the plan than just this one small issue.

CHAIRMAN GROUT: Any other thoughts on this, discussion from the board? **Okay seeing none; all those in favor of the motion raise your hand; all those opposed, abstentions, motion carries 14 to 0 to 1.** Next item under **other business**, Dan were you going to handle the spiny dogfish or this was a Dave Borden?

MR. MCKIERNAN: Yes, I think there is a motion that Megan may have. As you know, the Spiny Dogfish Board recommended an increase from the 5,000 to 6,000 pound limit in federal waters. I believe the original motion actually had a contingency based on approval by NMFS as well. **I'll read the motion; on behalf of the Spiny Dogfish Board, move to send a letter to NOAA Fisheries recommending an increase in the spiny dogfish trip limit to 6,000 pounds in federal waters.**

CHAIRMAN GROUT: It's a board motion so it doesn't need a second. Is there any discussion on the motion? Seeing none; is there any objection to approving the motion? **The motion carries unanimously.** Okay I have one other thing under other business here. It has come to my attention that one of our administrative commissioners, this is his last meeting. Leroy Young has decided to retire and I would like to thank Leroy. He has been

working with us for about 10 years now as Pennsylvania's Administrative Commissioner. Leroy and I started just about the same time in this process, so we've been partners in crime here throughout there. I just want to express my appreciation to Leroy. We do have a little gift for you, Leroy, this being your last meeting. I'll bring it down to you, okay. But I want to give Leroy a little round of applause, thank you. (Standing Ovation).

ADJOURNMENT

CHAIRMAN GROUT: Okay is there any other business to come before the Policy Board? Seeing none; I'll take a motion to adjourn, so moved.

(Whereupon the meeting was adjourned at 2:35 o'clock p.m. on February 4, 2016)