

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

**The Harborside Hotel
Bar Harbor, Maine
October 27, 2016**

Approved February 2017

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of August 2016 by Consent** (Page 1).
3. **Motion to approve the Conservation Equivalency Guidance Document as modified today, with editorial discretion to staff** (Page 6). Motion by Dr. Michelle Duval; second by Tom Fote. Motion is approved by consensus (Page 6).
4. **Move to approve the Sciaenid Habitat Source Document, with editorial discretion to staff** (Page 19). Motion by Tom Fote; second by Dr. Wilson Laney. Motion is approved by unanimous consent (Page 19).
5. **Move to approve the draft letter to BOEM regarding seismic testing** (Page 19). Motion by Tom Fote; second by David Blazer. Motion is approved by unanimous consent (Page 21).
6. **Main Motion**
Move to send a letter to NOAA's Office of Law Enforcement asking for lobster to become a higher priority within the northeast region through their Joint Enforcement Agreements Program (Page 26). Motion by David Borden; second by Patrick Keliher.
7. **Motion to Postpone**
Move to postpone the motion until a draft set of priorities is developed for each region within the Commission's range (Page 29). Motion by David Simpson; second by James Gilmore. Motion fails (Page 31).
8. **Move to send a letter to NOAA's Office of Law Enforcement asking for lobster to become a higher priority within the Northeast region through their Joint Enforcement Agreements Program.** Motion carried (Page 31).
9. **Motion to adjourn** by Consent (Page 36).

ATTENDANCE

Board Members

Patrick Keliher, ME (AA)	Loren Lustig, PA (GA)
Sen. Brian Langley, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Doug Grout, NH (AA)	David Blazer, MD (AA)
Ritchie White, NH (GA)	Rachel Dean, MD (GA)
Bill Adler, MA (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	John Bull, VA (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Michelle Duval, NC, proxy for B. Davis (AA)
Jason McNamee, RI, proxy for J. Coit (AA)	David Bush, NC, proxy for Rep. Steinburg (LA)
David Borden, RI (GA)	Robert Boyles, SC (AA)
Rep. Melissa Ziobron, CT, proxy for Rep. Miner (LA)	Malcolm Rhodes, SC (GA)
David Simpson, CT (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Lance Stewart, CT (GA)	Spud Woodward, GA (AA)
James Gilmore, NY (AA)	Sen. Ronnie Cromer, SC (LA)
Emerson Hasbrouck, NY (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Martin Gary, PRFC
Tom Fote, NJ (GA)	Wilson Laney, USFWS
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Kelly Denit, NMFS
Andy Shiels, PA, proxy for J. Arway (AA)	

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

Ex-Officio Members

Staff

Bob Beal
Toni Kerns

Mark Robson

Guests

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Statesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 27, 2016, and was called to order at 8:09 o'clock a.m. by Chairman Douglas E. Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS E. GROUT: Good morning everybody. Welcome to the Policy Board. The first thing I would like to do is turn to our Resolutions Committee Chair, and I do believe we have a resolution that the Policy Board needs to take up; Brandon Muffley.

75TH ANNUAL MEETING RESOLUTION

MR. BRANDON MUFFLEY: It is my pleasure to read in the 75th Annual Meeting Resolution. Whereas the Atlantic States Marine Fisheries Commission celebrated its historical 75th Annual Meeting in the beautiful coastal New England town of Bar Harbor, Maine; which provided an exceptional location for the commissioners, law enforcement, and commission staff to deliberate and discuss fisheries issues of mutual concern.

And whereas the chilly air and beautiful views of the changing leaves reminded us all that another year of successfully managing our fisheries resources is quickly coming to a close. And whereas Jim Long and Bonnie Bick received the Melissa Laser Award for the work in the Mattawoman Creek Watershed Conservation, and whereas the open plenary session brought commissioners together from the ASMFCs past and present; to provide a fantastic overview of the commission's accomplishments and its commitment to cooperative management.

It also brought out the competitive nature of the commissioners. The loosing Jeopardy team is still complaining that the judges were biased, and would not let them use their phone-a-friend lifeline to call on fellow commissioner from Delaware, to help them answer the

biomedical product produced by horseshoe crabs.

And whereas the spouse and guest tour of Acadia National Park and downtown Bar Harbor, by all accounts was a successful gathering; and where the store owners were happy to report robust end-of-season sales shortly after the tour ended. And whereas the annual dinner provided a deliciously prepared, classic Maine feast; including a couple of v-notched lobsters that after some law enforcement investigative work, was determined to be lobsters harvested from the outer Cape.

Whereas the 26th annual David Hart Award recognized Bill Goldsborough for his lifelong commitment to protecting and enhancing fisheries habitat, and his unwavering support to pursue ecological-based reference points in fisheries management, and where Laura Leach was recognized for her 35 years of tireless work for the commission and her never ending love and support to all the commissioners. She truly is the diamond on this 75th Anniversary of the ASMFC. And whereas, due to the constant chill in the meeting room, commissioners were thankful for their new ASMFC vests and history was made when Dr. Duval made the first motion by a commissioner wearing winter gloves. And whereas the various management boards met, and the states came together as they always seem to do, to make the tough and challenging decisions facing our fisheries resources, for cobia and menhaden, southern New England lobster, and tautog; just to name a few.

And now, therefore be it resolved that the Atlantic States Marine Fisheries Commission expressed their deep appreciation to the Maine commissioners, Pat Keliher, Stephen Train, and Senator Brian Langley; as well as Maine DMR staff, Jeff Nichols and Terry Stockwell, and the commission staff for their outstanding support and assistance in making the 75th Annual Meeting a tremendous success. In closing, and

in an eight word sentence to summarize in a terrible Maine accent, a pissah of a good time was had by all.

CHAIRMAN GROUT: Is there any objection to approving this by unanimous consent? Seeing none; thank you very much, Brandon. It is so therefore resolved. This resolution will go into our resolutions.

APPROVAL OF AGENDA

CHAIRMAN GROUT: We have an agenda here. I have a few things already that have already been asked to add to the agenda, so it is going to make it busy.

Under other business we have three items to take up. I just want to make you aware of this. We have a letter from the Coastal Sharks Board that they would like approval for; regarding dusky sharks. There is also a letter from the Fluke, Black Sea Bass and Scup Board regarding black sea bass transit.

Then all of you received an e-mail from Bob Beal regarding the AFS document challenges we face in 2017 and beyond. I'll give you a quick report on what transpired with that. Is there anything else, any other changes to the agenda? Seeing none; is there any objection to approving the agenda as amended? It is approved by unanimous consent.

PUBLIC COMMENT

CHAIRMAN GROUT: This is now the time that we have on the agenda for public comment. I don't have anybody signed up. Is there anybody that wants to make public comment to the Policy Board right now?

EXECUTIVE COMMITTEE REPORT

CHAIRMAN GROUT: Seeing none; we'll go to the next agenda item, which is a report about the Executive Committee meeting we had earlier this week.

We made some final edits and approved the Conservation Equivalency Guidance Document. That is something that's going to be brought up to the Policy Board here under the next agenda item for your consideration and approval. We also reviewed a document that was put together by staff regarding ASMFC standard meeting practices.

This was an outgrowth of our meeting with Colette, where we were talking about Roberts Rules of Order and how we do business. She recommended that the commission do this. Then we went on and staff provided a review and a discussion of performance appraisals and merit increase protocol.

This came about because as the commission is now responsible for APAIS, we now have more employees that are part time, and are located in different state offices; as opposed to in the commission offices. They just want some clarification on how performance appraisals were going to be conducted, and merit increases would be determined. Essentially what the decision was by general consent was that the supervisors in the state offices would do the performance appraisals, and then consult with the commission about any merit increases for those employees. We were also asked to take up a new resolution regarding revisions to the retirement plan. This is again a result of us taking on part-time employees. This was not something that the commission used to have, and we needed to make some modifications to the retirement plan, so that we didn't have to pay retirement fees for people that were part time.

We also reviewed the change to the action plan where we added an ACCSP goal, and we addressed that at the Business Session. Finally, there was concern brought up about MRIP, in the fact that this was a year in which the economic survey is done in the intercept. There was concern brought up by several state commissioners that this being the first year that the states were taking over the process.

There was concern about them having the impression that would be given, where people were going to be asking questions about how much you were spending on trips. Bob Beal is going to be talking with Gordon Colvin about that and bringing that issue up with him, and we'll discuss it at a later date. That is all that I had from the Executive Committee. Are there any questions about any of those items? Bill.

MR WILLIAM A. ADLER: Just a little format. You approved the agenda, and I assume the minutes were in that?

CHAIRMAN GROUT: You're right. I'll do that immediately after this. Thank you for pointing out my missing that. Are there any other questions on the Executive Committee?

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: Okay thank you, Bill, and we have proceedings from our August, 2016 meeting. Are there any changes or edits to those minutes? Seeing none; is there any objection to approving the minutes by unanimous consent? They are approved.

REVIEW REVISIONS TO THE CONSERVATION EQUIVALENCY GUIDANCE DOCUMENT

CHAIRMAN GROUT: Now we'll go to Agenda Item Number 5, Revisions to the Conservation Equivalency Guidance Document; Toni Kerns, and this is a final action.

MS. TONI KERNS: Over the past several months we've been working on making changes to the Conservation Equivalency Guidance Document, to reflect the current practices of the commission; and to put some better guidance on areas where we lacked some guidance for the states. Just to refresh everybody's memory, we started this with the ASC and MSC, brought it to the Executive Committee, made some changes, and are here today to make final changes to the document.

Conservation equivalency allows the states flexibility to develop management, to address state or regional differences, while still achieving the goals of the FMP. It allows us to tailor regulations, really when one-size management doesn't work for the states. For commission document we really use conservation equivalency in two areas.

One is an alternative management process outside of the FMP, and the other is within the fishery management plans. When conservation equivalency is used within the fishery management plan, it is the Plan Development Team that makes the conservation equivalency recommendations of what measures can be used and the guidelines and rules that follow it; and that is all then located within the plan amendment or addendum.

Conservation equivalency plans are not required if a state is making a change that is more restrictive, unless that is combined with a change that is less restrictive. When you're combining more and less restrictive, then we do ask that states submit a conservation equivalency program. For proposals the Plan Review Team is the clearing house, and we request that all states when submitting proposals send them to the Plan Review Team Chair. For the standards and protocols, each state needs to submit a conservation program that has a rationale, so why the alternative management program is needed.

It can be a number of reasons why a state is submitting conservation equivalency for social and economic reasons, fish distribution considerations, fish size in state waters; the number of possibilities is limitless. Then a description of how the alternative management program will meet all the relevant fishery management plan goals and objectives.

Then it also would include a description of the datasets that are used in the analysis, and the data collection method for the conservation equivalency program. The Technical Committee

is the ones that would determine the acceptable level of precision for all landings data, and other data that are used in the programs.

The states are allowed to ask the TC to provide that information ahead of submission of the proposals; but you are not required to. Also included in the program should be the length of time the state is requesting conservational equivalency for, and the review schedule for any measures that are implemented within the plan; as well as if the state does not intend to have an expiration data, then they should make that clear in the proposal.

There should be a justification for any deviations from the conservation equivalency procedures that are detailed in the FMP or in this document, and the plan should describe a monitoring of reporting requirements, as well as documentation of evaluating the impacts of the conservation equivalency measures.

Then further, review process and timing, the conservation equivalency should be approved by the management board and they should be, where possible, implemented at the beginning of the fishing year. A state that submits a proposal outside of the implementation plan process, meaning that it is not a part of a fishery management plan program should follow the following guidelines.

All conservation equivalency plans should be submitted within two months of the next board meeting to be reviewed at that meeting; and that is to ensure that we have enough time to bring that plan forward to the respective committees that need to review it and provide feedback to the board.

If the plan is turned in between two months and two weeks of the next board meeting, it is up to the Chair's discretion as whether or not that conservation equivalency program will be brought forward to the board at the next board meeting. If it is brought forward two weeks

before the next board meeting, it will not be reviewed at the next meeting, but it will have to wait until the following board meeting.

The PRT notifies the state that the plan is complete. If there is anything missing then we would let the state know. The PRT will determine which committees it is necessary to distribute the program to, different conservation equivalency programs are different and sometimes they may not require review by all the committees; but the committees that we would most likely distribute to are the Technical Committee, the Law Enforcement Committee, and SESC. The review includes a description of the impacts on or from adjoining entities, enforcement, economics, as well as other issues. Then the PRT will take all the information that is compiled by the committees, and forward those on to the AP for them to consider and make recommendations to the board.

If there are times when we don't have sufficient time to get the committee recommendations to the AP before they're finalized, we may ask the AP to make a recommendation without those committee reports. Then the PRT will forward everything to the board for their consideration and approval.

For the review process, each state should describe and evaluate the programs as part of their state compliance report on an annual basis, and the PRT will evaluate each state's conservation equivalency program within the FMP review and report back to the board, unless a different timeframe had been established. Lastly, the document describes with joint management plans, it could be complimentary.

But any plans that we engage with NOAA Fisheries and Fish and Wildlife Service or the Fishery Management Councils, we would make sure we coordinate with them; whether that is asking to have complementary EEZ regulations or changes in federal regulations. We should

note that the federal agencies have different protocols in terms of process of putting forward regulations, and we should take those into consideration as we make those requests. That is all, I'll take any questions.

CHAIRMAN GROUT: Questions on this for Toni? Adam and then Wilson.

MR. ADAM NOWALSKY: The one question I had was in the memo; it outlined the concern that states may submit proposals that are deemed to be more restrictive. In the past we've just gone ahead and approved those, but the comments from the ASC/MSC were that there may be other implications such as discards, and that all follow-up CE proposals should go through review.

Is that language in the revised document now, as it is, and could you give us an idea how that would actually play out? I know through summer flounder when we've done conservation equivalency in the past we've approved methodologies; and not specific regulations. But I just wanted to get clarification on that all proposals should be reviewed.

MS. KERNS: From what my understanding of what the Executive Committee talked about, Adam, was that any regulation that is more restrictive, a single regulation that is more restrictive, is fine for a state to implement without a conservation equivalency program; but when you combine a more restrictive with a less restrictive.

You do a more restrictive size limit in order to open up your season longer, then that has to come forward to the commission. Even if those two things add up to be more restrictive, it still would need to come back to the board. But anything on its own would not require a conservation equivalency program.

CHAIRMAN GROUT: The Executive Committee, when we were putting this together, took

MSC/ASCs suggestion into consideration and this is what we decided would be a better, more smooth way to deal with conservation equivalency; because things like going from say a 10 fish bag limit to a 5 fish bag limit, because a state decides they want to be more conservative, is pretty straightforward.

But if you're combining it with something that may change a season around, because effort is different through different times of the year, that is something that we were trying to get at that it could potentially be less conservative. If you combined a bag limit and season change, yes that would have to go through it. Wilson, you had a question?

DR. WILSON LANEY: Well, it is a question and a comment, Mr. Chairman. On Page 2 at the top of the page in the first full paragraph there, where it has a list of things that the PDT should consider when they are doing these reviews. The first one is stock status, which we typically think of in terms of whether a stock is overfished or not.

I was wondering if it wouldn't be advisable to add another term after that one, which would be stock structure; which could capture both the age structure of the stock, which I know has been of interest to at least some of the species management boards. Striped bass comes to mind, where Amendment 6 sought to broaden that stock structure.

But also in view of our cobia discussion, if you use the term stock structure, I think that would also capture the genetic component of stocks or perhaps growth differences; such as we see exhibited with black sea bass north and south of Cape Hatteras. To me those are important factors that would merit consideration as well.

When you're trying to decide on conservation equivalency, especially in a case like South Carolina where you have a cobia DPS inshore, which the state has elected to choose some more conservative management measures. If

that could be added, I think that would be a good addition.

CHAIRMAN GROUT: Is there any objection from the board to adding that wording? Seeing none; we'll add that in, any other questions about the document? Seeing none; this is a final action so we need a motion to approve this document for commission use. Michelle Duval.

DR. DUVAL: I move that we approve the Conservation Equivalency Guidance Document as modified.

CHAIRMAN GROUT: Seconded by Tom Fote; any further discussion on the document? This is a final action so this will be a roll call vote, but I am going to check first to see if there is any objection to approving this document as modified today. **Seeing none; the document is approved by consensus.**

UPDATE ON THE CLIMATE CHANGE WORKING GROUP

CHAIRMAN GROUT: The next will be an update on the Climate Change Working Group that we put together. We've had one conference call so far on this. Now that we've approved the action plan, we have a workshop planed too; excuse me, another face-to-face meeting.

MS. KERNS: In your supplemental materials you have the draft notes from the Climate Change Working Group call. I think we had a nice call, where we did some brainstorming on the following questions, where we discuss some science strategies and what are our priorities for the science strategies, and can we establish climate change impacts on terms of reference within ASMFC stock assessments. We talked a lot about the different tools that are out there and the different research and projects that are going on in climate change with different agencies and states; in places that we can work with our partners to get more information.

Then we also talked about how different ASMFC species have started to include climate change terms of reference already in the terms; like species such as lobster where we in the southern New England stock group, we've looked at how temperature is impacting that lobster stock, and that we can continue to add a climate change term of reference as we move forward with ASMFC stock assessments.

When we get together to have our in-person meeting this coming year that we'll do some further strategizing for each of these topics that we brainstormed on at the meeting. Then under policy and management strategies, we're looking for some policy guidance on climate change; including tools that the commission can utilize when resources have impacts that are clearly tied to ocean warming and/or ocean acidification.

How we would manage them differently than what we're doing now, and how will fisheries management adapts to current and future changes in climate and ocean? Some of the specifics that we touched on were species distribution and movement. How can we design and implement flexible allocation strategies?

How we can incorporate a periodic review of state allocations in our FMPs, and how can we change possibly permitting approaches or landings regulations along the coast, to help us be more adaptable and adjust for each of the states and their fishermen; as these species start to move around.

We also discussed recruitment and abundance impacts from climate change, and looking at the precautionary management decisions in anticipation of shifting distributions and productivity. Looking at the different reports that we can use, including Jon Hare's report on the species of vulnerability, there is a social and economic report out that looks at coastal communities and how they're being impacted by climate change.

Then lastly, are there different strategies that we would employ for species that are biologically sensitive; that are just more vulnerable to climate change than others. Do we need to collect more additional data to provide information on how these species are being impacted by climate change?

For example, species like northern shrimp, where management is responding to declining stocks, but the species are not responding to that management very well, and so how do we adjust? The group is, based on our brainstorming sessions, going to pull together some white papers on each of these topics for the Policy Board to look at and review after we meet at our working group meeting this spring.

CHAIRMAN GROUT: Questions about this, Jason.

MR. JASON McNAMEE: Yes, more of a comment than a question. I just think in particular with what you concluded with there, Toni, there is a nexus with this and the stuff we're going to talk about next; the risk and uncertainty stuff. I just wanted to kind of point that out so people are connecting the two, because they are related. Just as a very clear example, you could actually use the work by Jon Hare et al to kind of categorize the species you're dealing with, and adjust that risk you're willing to take with it accordingly. Then one other, I guess this is a question and I'm sorry if you said this. You talked about shifting in allocation and that sort of thing, but what about, I think another important aspect is productivity and productivity regimes.

That would be, I think an important thing to do first is look into; there has been some work on how to identify and quantify whether or not a regime change has occurred. That would be something to look at, and then again this idea of characterizing the stock that you're working with, and whether that has actually happened. I think that's another kind of common thread that comes up.

MR. NOWALSKY: Thank you for both the summary as well as the presentation on it today. Within the summary there are a number of underlined items, which I believe are potential action items. What would the strategy be moving forward for potentially taking action on them? Is it the charge of the working group moving forward to prioritize and select those items; and then come back to this board or another relevant board to task a group to get an answer on them? What would be the step forward with highlighting all of those potential working items?

CHAIRMAN GROUT: I think at our in-person meeting that is one of the things that we're going to try to craft together into the white paper that we would bring to the Policy Board for consideration, and it's some of these action items we would put forward for approval by the board. Now whether it would be an action item that the board would have to take on a general policy nature, or if there is something specific that the Policy Board might task a specific species management board with dealing with.

I think that is what our intent here is to come up with something that we can bring to the full commission here for consideration. Clear? Anything else? We'll be reporting back to you again at a future meeting on this. Hopefully we'll have some action items for you.

RISK AND UNCERTAINTY POLICY WORKING GROUP'S WHITE PAPER

CHAIRMAN GROUT: Next item on the agenda is the Risk and Uncertainty Policy Working Group's white paper. I'm going to turn it over to Jason McNamee.

MR. McNAMEE: Good morning everyone; my name is Jason McNamee from Rhode Island DEMs Marine Fisheries Program. I have a moderately-lengthed presentation here that I'll kind of tick through. I'll try to go through it relatively quickly, but it's an update. Then we

do have a couple of questions at the end for you all.

Back in August the Policy Board approved continuing on with the development of the commission's Risk and Uncertainty Policy, and one of the things we offered you at that last meeting, was our purpose statement that we had kind of built. When I'm saying we, I'm talking about the Risk and Uncertainty Working Group, which has commissioners, ASC and MSC members; it is a good group. I enjoyed the meeting that we had back in September.

But at the August meeting we showed you the purpose statement that we had come up with. I think in general, people were relatively comfortable with it, but wanted some more time to kind of look at it, think about the language. But at that time you all asked us to continue on, keep working on it; so we did that. The working group met in September, and one of the main tasks that we were looking to finish at that meeting was to work through some examples of how to actually apply a risk policy. I'm going to go through a couple of slides with things like goals. But in the meeting materials there was a white paper, and so there is a lot more detail in there. I encourage you to take a look at that if you haven't had the chance to yet.

Here is the first slide on the goals, like why are we doing this? One of the main top reason is a comprehensive risk and uncertainty policy would provide guidance on a range of issues, important issues like choosing biological reference points, where to set the risk levels for those reference points; because there is always going to be uncertainty in that estimated metric that you get.

You could use the policy and apply it when you're setting quotas for data-poor species or even data-rich species; all those kinds of things. If we were to take this and apply it now across the entirety of all of the commission's responsibilities that is a long term goal. That is

going to require some significant time and a lot of work, a lot of resources devoted to it.

That would be more extreme if we were to do so in an omnibus kind of all-at-once fashion. What we're suggesting what we discussed was, we should do this in phases. We shouldn't do it all at once. What we're talking about is kind of stepping through this, going maybe even FMP by FMP. We might be able to hit one or two at a time, but not to try to do it all at once.

I guess what we suggested, a good start would be, and I'm going to talk about this in much more detail further on in the presentation, but we have this decision tree, this structured decision making kind of approach. We think a good kind of first step to take would be to apply this decision tree approach to some data-rich species, species that we have decent stock assessments for; before we try and challenge ourselves with less informed management decisions.

On the next slide here, a couple more goals. What we want to do with this risk policy is adequately account for uncertainty at all levels of the commission's management process. The idea is so that we're maximizing our informed decision making, and we can clearly articulate why we've made decisions on each of these topics.

Another really important goal that came up at our working group meeting, and some of the other discourse we've had on this is, this should be consistent amongst all of the commission species. We don't want to have some where it is being applied and others where it is not. We want this policy to be broad enough and comprehensive enough, to be able to apply to all species, even if they're very different; data rich, data poor, long lived, short lived.

It should be flexible enough to accommodate all of the species, so that we have this very transparent process across species. That's the next very important goal, transparency. What

we want to do is not leave people wondering how we got to that decision; we want to be able to articulate how we got to that decision very specifically.

Another really important one is the incorporation of flexibility. This is a dynamic system that we work in. Conditions change all the time, even without major perturbations like climate change. It was still dynamic before we were talking about that. We don't want to have a system that locks us in, and we're very cognizant of that at the working group. We don't want to be constrained and have our hands tied, we want to have the ability to maintain flexibility. How do we meet those goals? How do we get there from here? In this case I think we can get there from here. The goals of the policy will be achieved through this structured decision making process, so that is kind of how we're envisioning this to work. You could make sure this process is undertaken each time, by developing it as a term of reference that gets put into all ASMFC stock assessments; as one example.

You have this term of reference, and it basically has that technical group assessment committee, whatever it is, requires them to step through a decision tree with a predefined set of questions for that species. I'm going to show you a visualization of this as well, but just to kind of show you some of the questions that would be in this structured decision making process.

They are pretty straightforward. What do we know about stock status? Do we have a stock status determination? Sometimes we don't. That would be really a high level right off the top kind of question to ask. Then we get into more of the stock status type of questions. Is the stock overfished, depleted, is overfishing occurring? Where are we with regard to the reference points for SSB and/or fishing mortality?

What kind of job have we done with characterizing the sources of uncertainty in the assessment? Do we have all of them accounted for, probably not? Do we have a lot of them accounted for, or are we really left in a very uncertain situation? How about the diagnostics of the assessment? Is the assessment something we can really lean on?

Is it a solid assessment that we've been running for multiple years that kind of hangs together year to year, or is it one that seems like it's a little bit unstable? Then kind of a concluding questions here, what about the species? Is it a fast-growing, short-lived species? Is it something that takes 30 years, 40 years to reach maturity; these kinds of important questions all factor into the risk we're willing to apply to a species?

Once we step through these questions, we end up with a series of probabilities. The example that we're going to talk about, this would be with regard to being at or below the fishing mortality target. This is probably a good one to start with, it is something we're all familiar with, fishing mortality, and it's something we use a lot.

Right now we have a really broad range, and so this will be one of the questions. Do we want to constrain this range or do you like it? Right now we have probabilities going all the way from 30 percent being at or below the fishing mortality target, all the way up to 75 percent; and so less conservative to more conservative.

The next series of slides, I'm going to kind of step through the example that we worked through and I'll answer the questions. But you can see in each case you can go one direction or the other. The way to think of this as your trickling down the decision tree, you're kind of swinging to the right or to the left; depending on the answer yes or now of your question.

You're heading towards being more risky of being less risky. I've got a better picture. We'll

zoom in on this, so I'm not expecting you, but we wanted to give you a look at what the tree kind of looks like as you bounce down it. Again, this is answered for a specific species; that I'm not supposed to tell you is bluefish. The black line on there is just a page break. It's nothing important about that answer to that question. We're zoomed in, and as I mentioned, what do we know about stock status? Do we know anything about stock status? Our first answer to that question was yes. That drops us down to our next question. It is kind of like; remember the "choose your own adventure" books you read as a kid, so you don't know where you're going to end up at the end. It is all very exciting.

You answer yes, we know stock status and you end up, is the stock overfished or depleted, yes or no? For our example we say no, so that now gets us to our next question. Is overfishing occurring; yes, no? Again, there is always this we don't know aspect too, and so depending on which answer you go right, left or straight down.

Here we're going to say no again. Overfishing is not occurring. Is SSB above the target, yes or no? For this one you actually end up at the same question either way; but it will determine which leg of the decision tree you go down. Is SSB above the target, yes or no? You still end up at is F below the target; your other biological reference point.

In this example we're going to say no. The next question is about F, and for the F target here we said yes. The next question that you then ask yourself is, are major sources of uncertainty captured in the assessment. For our example we thought, yes they did a pretty good job of characterizing uncertainty.

Now we get into these diagnostic questions. Is there a strong negative retrospective bias, yes or no? The answer there was no. You get the idea. You kind of bounce down answer questions, and it pushes you towards being

more risky or less risky. At the end you end up in a box, a flexible box. Don't get worried.

You can see we have that range, 30 percent up to 75 percent for your levels of risk that you choose. Right underneath those there are some multicolored boxes there with some other things. We talked very, kind of mechanistically about stock assessment, but there is all this other stuff; management uncertainty, socioeconomic information, ecosystems, the importance of that species in the ecosystem.

Flexibility, this is where we kind of incorporate flexibility. That was a key element of the risk policy. We talked about that as one of the goals. There are those multicolored boxes. These are these metrics where right now we don't have a good quantification for them; they're qualitative more or less.

That is okay, I think some of these can be quantified, some of them maybe we want to leave them qualitative. We want to have that flexibility built into there, and that's where we incorporate that kind of flexibility. The thing to think about with all of those metrics is, some of them we will, we can assign numbers; as metrics are developed for them.

But at this time they're mainly qualitative, and so what we're asking you to think about with these is, these are areas where you can be flexible. You can kind of say, well our management system is pretty uncertain, and so we want to be less risky for this species. That's how you can do that.

But we could also, management uncertainty can be quantified, and maybe we develop that into a specific metric and move forward with that one as more of a quantitative element; build it right into the decision tree or not. That's something to kind of think about as you're thinking about this is, management uncertainty is one for you. We want you to quantify that one. But the ecosystem information we want you to keep that one qualitative, so that we

have some flexibility in how we think about that. That was just an example.

All right, next steps, we've ticked a couple off the to-do list. We established our working group and we've met a couple times. We developed a policy statement. The board tentatively approved that. We met in September and we started to kind of work through some examples to kind of operationalize the risk policy. Now we're on the red line there presenting some examples to the board during the annual meeting.

Our big ask from this is, do you want us to keep moving forward on this? Do you like what you've seen so far, and if so what we think the best approach would be, is to have a standalone workshop; where we actually work together and kind of step through an example. We're suggesting, we thought about this a little bit, but at first we thought we could be a little bit ambiguous and you guys could tell us what species you want.

But we thought it might be more hopeful if we offered a species that we thought might be a good one, and so we're offering striped bass. That was actually early on in this. That was an example that we had kind of thought about. We moved away from that and now we're back to striped bass, which seems to be where we always end up.

We think it's a good one for a couple of reasons, Number 1, striped bass will be going into a benchmark in a couple years, so you could actually build this with that in mind and you could apply it. It's a data-rich species, so we've got a lot of information to work with. We've got a good solid assessment to work with, so we think it might be a good kind of first example to use.

But again, we've got another example in our back pocket if you hate that. All right, the last slide and I will stop talking; just a set of questions to kind of think about, if and when

we sort of deliberate on this. What do you think about the decision tree process, do you think it's flexible enough? Do you like the idea?

Are there any of those qualitative metrics that you think we can and should quantify and build directly into the decision tree? What do you think about the range of risks? We just tried to be broad to have sort of that again maximum flexibility for you all to think about, but maybe someone offers. We don't ever want to be 70 percent uncertain that we're going to meet our targets.

Maybe that one drops out, but it is completely up to you. Then the most important one, the one that we hope you answer specifically for us today is, would the board be interested in a stand-alone workshop focused on striped bass? We'll sit here and work through the example just like we did at the working group meeting. Thanks for listening to me talk about risk and uncertainty again; and that's it for me, Mr. Chair.

CHAIRMAN GROUT: Are there any questions for Jason about this? Go to John Clark and then Dave Borden.

MR. JOHN CLARK: Thank you, Jason that is really interesting. I'm just curious. Two of the goals are to be consistent, another one is to be flexible; and they seem a little incongruous there. Obviously there is a lot of uncertainty in those extra variables there. Have you thought through what approach that would be taken, so that you have some flexibility, yet we can say we used the uncertainty policy consistently from species to species?

MR. McNAMEE: Excellent question. They seem sort of counterintuitive. When we were talking about consistency, we're talking about it in a very broad context. To put it at the very highest level, you apply some sort of decision tree across species; and so that would be consistency. I think we can get a little more, you know not leave it at that really high level.

I think we can get more consistent in the categories of questions that we're asking as we work down the tree. That's another level of consistency. But in the end what we want to recognize is, a striped bass and northern shrimp are different. You know the questions, the specific questions that you end up going through, they are going to be different species-to-species; but that framework will be consistent. You know we can create different legs for the different types of species that we have to deal with.

CHAIRMAN GROUT: Follow up?

MR. CLARK: Just quickly. I just was concerned about if in different species we start weighting things differently, then certain groups might feel they're being disadvantaged by the way we're considering this aspect for this species as compared to another species.

MR. McNAMEE: I think it's a good point, but I think that exists now as well. What this does is makes us really specify why we're treating them differently.

MR. DAVID V. BORDEN: A couple comments and then a question for Jason, I guess. Comments, I like what I've seen so far, I think we should continue with this. I like the idea of a workshop; especially if it's conducted in conjunction with one of our main meetings; in other words, just take a portion of a day and do a workshop, rather than have separate travel arrangements.

But I guess my question for Jason is, and I realize there is some uncertainty with this, because it hasn't all been worked through. Each of the council's has brisk policies, as I understand it. On joint plans, what is the potential for us to end up with a different risk level than the council, and how do we ensure that that doesn't take place?

MR. McNAMEE: That is an awesome question, and one that we discussed at the meeting. I

think what we basically said was, we would not be duplicating any existing risk policy that is out there. For instance, for summer flounder, Mid-Atlantic Council has a risk policy that they apply to it. We wouldn't duplicate that.

MR. ROY W. MILLER: It seems to me that in the past couple days we've heard about a few species where we had zero risk of exceeding SSB, or something of that nature. The range of 30 to 70, how did you decide on that and not go from say 0 risk to 70 percent, or something of that nature?

MR. McNAMEE: I appreciate your question, because this was probably one of, we were sort of at the bottom of the decision tree and got to this question. We were trying to be less than arbitrary. We ended up being arbitrary, so we just kind of tried to capture a range. I'm being a little facetious.

It wasn't completely without thought, and we just tried to think of examples of other species and the types of uncertainty that people have applied to them at the regional councils or whatever. That is where we kind of got. What we wanted to do was bound the issue. We thought that range was probably the extremes of where the board would probably be comfortable going.

But what we also discussed is, if you are interested, what we would do subsequent to this is begin to do a Meta-analysis. Look at other species that are out there, and that would give us a little better, less arbitrary mechanism for long-lived slow-growing species that are out there. They've never had anything above a 50 percent probability applied to them. That is information that we can use to better characterize the probabilities that we want to end up at.

MR. MUFFLEY: Thanks, Jason. I really like where the group's been going on this and I certainly support it. Maybe my question is a little bit further down the road I guess, in terms

of just thinking that this is going to continue to move forward. I was wondering what roles are being played, in terms of the decision tree itself?

Is this taking place at the Technical Committee level, because some of these are sort of technical questions; in terms of how biased or how uncertain the model is? It's not going to happen, I don't think, at the board. In terms of making those decisions or maybe it is. I'm just trying to think of where the decisions happen and get us to certain places, like the council structure, the SSC has obviously a lot of say in terms of some of the uncertainties. Is that going to happen at the TC level? Just kind of thinking through how the decision tree actually plays itself out.

MR. McNAMEE: Awesome question, Brandon. One of the nice things about the commission is we have a lot more flexibility with regard to this. The way that we've envisioned this is, there is going to be a set of codified questions that are for the TC. The TC is going to go through; we're going to look at those.

We're going to approve them at some point, and they're going to get to a spot. Then it is going to come back to the board, and that is where the flexibility comes in. It is not as if we're suggesting you need to be bound by wherever the TC ends up. What we're suggesting is, now there is going to be these other things.

Let's just use an example, economics. The TC ended up at 50 percent, but now a board member says yes, but there are severe economic consequences for whatever decision is going to be made. We can offer suggestions as to what that buffer, one way or another could or should be. But now the board can take those other pieces of information that are out there, that are qualitative or it could be quantitative as well; and you then apply them to what came from the Technical Committee to adjust.

That gives you flexibility, but the other nice thing it does is makes you say why you're adjusting, very explicitly. I think that is what we're talking about with the transparency of the process. There is flexibility to kind of account for indirect things, things we don't have good quantitative information on, or things we haven't considered in the decision tree. We can adjust, but we have to say why we're adjusting in a very explicit way.

MR. RITCHIE WHITE: Great presentation. Fully support a board workshop, and striped bass I think is the perfect species to pick. I would suggest that it be structured in the meeting week when the full commission is here; so between meetings that everyone would have the ability to be present, not at one end of the meeting week.

CHAIRMAN GROUT: I think that's a good idea.

MR. NOWALSKY: As we've labeled it presently as a policy. That would imply that when constructed for a given species, we shall follow it as opposed to potentially labeling it guidance; whereas that might give us more flexibility to deviate from it as a board? Can you talk a little bit about what the implication of labeling it a policy would be in constructing it, in terms of that constraint versus considering it as guidance instead, and giving us a starting point for discussions?

MR. McNAMEE: Yes. I kind of see it as both. You have this really structured part of it, so that you know what's going to happen as the information comes out. That's kind of the more rigorous part of the policy, where you follow as set of operating procedures that you've built a priori and agreed to. But then it also for the board, it is guidance.

The board has an opportunity to adjust from that. But at the very least, the benefit is, it gives you a solid and well informed starting point; and also forces us, the board, to really characterize why you want to move away from

that predefined guidance very explicitly. I am kind of having trouble answering your question, because I kind of see it living in both worlds.

It has kind of a formal, not a very constraining formal, but a formal process that gets undertaken and then there is more flexibility at the end to adjust. But you've ended up in that first part of the process at a good starting point. You shouldn't be way over on the other side of the decision tree, because of all of the things we talked about. But then there is room to buffer one way or the other.

MR. THOMAS P. FOTE: I feel a lot more comfortable after hearing your explanation how we use it, because we're usually risk averse with black sea bass, summer flounder. The councils have set up and trying to figure out, and spending the last two years trying to figure out how to change that; because the SSC blames the council and the council blames the SSC. I don't want to go through that headache, but I see where this could be very helpful, as long as we understand that it is flexible by the board, because I don't want something that's inflexible.

MR. DANIEL McKIERNAN: I understand that attraction of running striped bass through this as a test case, but given what we're facing in southern New England lobster, did you consider that?

MR. McNAMEE: Lobster did not come up. Well, I don't remember talking about lobster. We talked about a couple other species. The broad categories we were thinking about was like data-rich, data-poor, and so on the data-rich side we were talking about bluefish, striped bass. I think we were pretty finfish focused, more or less. I'm looking for some support from over there. The answer is, no. We certainly could. I don't know that we would be able to get through this process in time to make it relevant for what's going on with lobster. But there is no reason why. Obviously we think we

can apply this at some point to all the commission species.

CHAIRMAN GROUT: Any other questions? David.

MR. DAVID BLAZER: Great work, Jay. Sounds like a pretty impressive and thorough job that you guys have done. You may have answered my question, just by your general comments a second ago about data-rich and data-poor. Thinking about menhaden and using a tool like this, and other species in the future. Is there any reference, or did you guys talk about ecological reference points and how to build that in? Just want to hear a little response on that.

MR. McNAMEE: Yes. We definitely did. As it stands now, one of our colored boxes there on that one slide that I had, ecosystem is one of them. In this period of time when we don't have ecological reference points, we can think about ecosystem considerations in a different way, and a kind of general risk types of frames.

But if we ended up with ecological reference points explicit, we can certainly build those in. That might be another leg of the decision tree that would be at least in part, you could branch off if those are like nontraditional reference points. It's certainly something we talked about and have thought about. I'm optimistic we could definitely accommodate that.

MR. ADLER: I want to return for a second to Tom Fote's thing, because I think it's very important. While this would be very helpful, I don't want to get stuck, as Tom said, with the SSC discussion where you can't change anything. As guidance, absolutely, as a policy that we have to trip over, no!

I just did want to reiterate what Tom was saying that we need the flexibility; that is what's actually helped the Atlantic states more so than the federal councils. I think we should maintain that. Use it; I don't know what you call policy,

but guidance absolutely! But I think it is very important that we keep the flexibility.

CHAIRMAN GROUT: I agree with you. I think a good way to use this is to inform our decision making. Any other questions, what are your thoughts on this having a workshop in one of the meeting weeks? Is everybody supportive of that? Is everybody good with striped bass just as a first shot? Okay that sounds good, anything else?

MR. McNAMEE: Just one more clarification, starting to think sort of operationally about this, and that is – and Roy asked the question, you know about those probabilities – that is something else we could potentially look into in a little more detail. We could drop some out right now, maybe it's too heavy a lift.

But maybe the idea could be what I'm looking for clarity on is; do you want us to do a little more research? In particular if we're going to focus on striped bass, we can think about that specific example and come up with the probabilities that work for that species in a more kind of informed way, or do you like this broad range and you want the ability to kind of have them all on the table? That's the clarification I wouldn't mind getting.

CHAIRMAN GROUT: Any comments on that? From my own personal perspective I would like – go ahead – I would appreciate – go ahead, Dave.

MR. SIMPSON: I think the range you're talking about is helpful. Maybe after the workshop we'll feel differently, but I think that's helpful. I would just underscore what Tom and Bill said; that I think at the top of this document we need to be really explicit that this is guidance and that we are free to take less or more risk as we see fit.

In terms of analysis, I don't know that it's available, but it would be great to look at a case study. Summer flounder I think for a long time,

I could be wrong, but we picked that 50 percent probability of doing our job, so to speak; and how has that played out over history? If there's a stock out there, whether it's on this coast or another coast where a management body has stuck with a model-based expected success rate.

How did it actually play out over time? Because there are some stocks where you say, well the tendency is always going to be a problem with unaccounted for catch. That doesn't get incorporated into the risk probability assessment, but it comes home to roost on you after a few years.

Then I think there is other cases where we simply want to be more conservative of we just need flexibility based on the conditions, trends in recruitment or anything to that affect. One, a disclaimer at the top that this is guidance and doesn't lock us in to no less than 30 percent and no more than 70 percent, and if there is a case study out there I think it would be really instructive for how this plays out long term.

CHAIRMAN GROUT: Further input for Jason? I would concur with what Dave was saying, a broader at least a broader suite of things at this point.

HABITAT COMMITTEE REPORT

CHAIRMAN GROUT: We're on to the Habitat Committee report. Our habitat coordinator, Lisa Havel is off getting married, so Toni will be giving her report for her.

MS. KERNS: I'm going to pinch hit for Lisa, as Doug said. I was at the Habitat Committee meeting, but Wilson, I know you were there as well; so if there is anything, details I leave out, please feel free to help me out. For the Habitat Committee there are going to be two documents that we'll need to consider approval of today, just as I go through.

One of those is the Sciaenid Habitat Source Document, and then the other is Consideration of the Letter to BOEM. Both of those documents were in your meeting materials. The Habitat Committee met last week in Portland, at the Gulf of Maine Research Institute, and we're very appreciative of them hosting us.

We had presentations from our new Habitat Committee member, Oliver Cox, on the habitat of Maine; did a great job, as well as a presentation from Riley Young Morse of GMRI, who is doing a data portal of climate change in the Gulf of Maine/Mid-Atlantic area. In that portal, they're still testing it.

But once it's released I think it's going to be something that the states are going to be really interested in seeing and using. There are a lot of interactive uses for that. We also had a discussion with Katie Drew on the feasibility of incorporating habitat into stock assessments, which is a discussion I think the committee would like to have an ongoing process with, as well as an update on ACFHP and their meeting previously, which Pat Campfield will give information on later. The committee reviewed their action plan goals from last year, as well as west the action plan goals for this upcoming year.

REVIEW THE DRAFT LETTER TO BOEM REGARDING SEISMIC TESTING

MS. KERNS: For the letter that is drafted in your meeting materials for BOEM, this is based on the Habitat Committee's request to the Policy Board to consider a letter at the last meeting. They took the board's feedback from August, and drafted the current letter that we have. It is very similar in scope that the South Atlantic and the Mid-Atlantic Councils had drafted previously and sent to BOEM.

In the letter it highlights that fish and other marine resources depend on sound for their vital life functions. There is insufficient

information on how these seismic surveys that is ongoing in ocean waters and their activities affect fisheries and their ecosystems, as well as the structure and function.

It also states that the commission believes it's important to fund the research in order to get a better understanding of how these activities are impacting the fishery resources that we manage, and the consequences of their activities. Then lastly, it offers a seat to BOEM on the Habitat Committee, to have better engagement with the group.

We would hope that this would also help to give us a better heads up of the different activities that are ongoing with BOEM.

REVIEW STATE REPORTS ON CLIMATE CHANGE INITIATIVES

MS. KERNS: In addition, in your meeting materials there was a document that looked at climate change from the committee. Habitat Committee members identified ongoing practices in each of their states for their coastal regulatory planning that addressed climate change impact.

There are still a couple of states that are making edits and changes to their particular sections, so it will be a living document. Then their plan is for next year to identify the gaps in the regulatory planning process, and make recommendations back to each of the states on how to make improvements. Their idea is to create a matrix, so it is a little bit more user friendly of what's available in the resources for each of the states.

REVIEW AND CONSIDER THE SCIAENID HABITAT SOURCE DOCUMENT

Then we also have the completed Sciaenid Habitat Source Document. Alison Dreary finalized this document and made all the edits and recommendations. We're very grateful for her help. The contributions were then

approved by the Habitat Committee, and if approved by the Policy Board, we'll format and make all the changes and publish it on to the commission website.

The Habitat Source Document covers the biology, the habitat needs, the habitat research needs, and habitat stresses for all of the ASMFC managed sciaenids, which include croaker, black drum, red drum, spot, spotted sea trout and weakfish. It also includes the same information for northern kingfish, southern kingfish, and Gulf kingfish.

The document identifies the major threats to sciaenids as beach renourishment, degradation of water quality, coastal development, navigation and dredging, fishing and climate change. The document makes the following recommendations to mitigate these threats. HAPCs should be accompanied by the requirements that limit habitat degradation. States should enhance and coordinate water quality monitoring. That states should minimize wetland loss and the windows of compatibility should be established, especially in regard to avoiding adverse activities during the spawning season for sciaenids. Fishing gear is known to negatively impact HAPCs, and they should be prohibited in those areas. Research on the role of submerged aquatic vegetation and sciaenid productivity should be conducted.

Restoration efforts should be enacted to restore critical habitat, and bio accumulating compounds should be limited to maintain sciaenid health. Dams that threaten freshwater flows to the nursery and spawning areas should be identified and targeted for recommendations during FERC relicensing, and we should continue with education and outreach activities that explain management measures.

Then 2017 is the 20th anniversary of the commission's SAV policy. For 2017 the Habitat Hotline major theme will be submerged aquatic vegetation, and the group is going to look at

reviewing and updating their 1997 SAV Policy Document. Lisa is going to help cosponsor an artificial reef symposium at AFS this coming year, and she'll serve on that steering committee.

Then as I had said before, the committee would like to stay engaged with the Assessment Science Committee, and any other relevant committees or groups to better link habitat and stock productivity for commission managed species; and really just try to continue to advance ways to incorporate habitat information into our stock assessment process.

Then the Habitat Committee itself has two new members, one is Oliver Cox from Maine, and then the other is Denise Sanger, from South Carolina DMR. Then on the Artificial Reef Committee, Michael Malpezzi from Maryland DNR has joined the group. I will take any questions.

MR. FOTE: It seems like they're doing a lot of work. It's a shame that we can't sit in on the committee meetings like we used to. I was sitting here thinking about it. The first meeting of the Habitat Committee, before Bill Goldsborough was the Governor's appointee from Maryland, it was actually Al Goetz; and Al Goetz from Maryland and me started the Habitat Committee, basically pushed for it, with the pushing of Gordon and Phil Coates back then.

The first meeting of the Habitat Committee, we decided to make it big, when we basically reached out to the Mid-Atlantic Council. We were trying to mirror what the Mid-Atlantic Council was doing back then, and basically had a joint meeting with them where we invited all the federal agencies in. We had EPA, we had the Army Corps of Engineer, and we had the Bureau of Land Management.

Maybe it's about time to have a workshop that we do that to bring up a number of issues. I mean I'm just thinking about what we're talking

about. There are two issues there; the other issue is basically because of beach replenishment and sand mining. We are now basically destroying a lot of the lumps, old fishing grounds off the coast.

There are a whole bunch of issues, and maybe it wouldn't be, as I said, a bad idea. When we formed the Habitat Committee, it was actually all the Governors appointee, Legislative appointees and state directors. It was actually one of the most popular committees back then. We've kind of changed the direction of it, which is a good thing. But maybe it's the time, as I said, bring the Habitat Committee, maybe get a joint meeting with the Mid-Atlantic Council Habitat meeting, and try to get all three agencies or four agencies; whatever the federal agency we need to bring in, and talk about these numerous issues that are impacting fisheries like climate change. We've got a lot of problems, and it is not just climate change now. Because of climate change it's causing other problems like sand mining. Just a thought and I would like to ask that the Habitat Committee would think about that.

CHAIRMAN GROUT: Okay, we'll have Lisa bring that to the Habitat Committee again; any other questions for Toni? Loren.

MR. LOREN W. LUSTIG: I was very interested as we discussed habitat to consider the educational component. I believe that topic is of particular interest to that group of people who are our colleagues in the educational field. My question is, is there any evaluation instrument that we have in place to consider the effectiveness of these educational efforts? Perhaps that would lead us to enhancing what we're producing in that regard.

MS. KERNS: Loren, are you referencing in particular to the Sciaenid Source Document or just in general on our efforts to provide education resources on habitat issues?

MR. LUSTIG: It's more of a general question, just to assure ourselves that the efforts that we put into education are actually effective, and try to maximize that effectiveness.

MS. KERNS: I think the only evaluations that we do is that we track the number of people that we send the Habitat Hotline out to, which is a major source of educational material for the Habitat Committee. We may be able to track how many people download the habitat fact sheets off of the website, I'm not 100 percent sure if that is possible or not, at least the number of people that click to that link on the page. But beyond that I don't think that we do any additional evaluations.

DR. LANEY: It is an excellent question, Loren, and we have discussed it at length. As Toni noted, we have limited ability to track some of the educational materials that we put out there through the Habitat Hotline, and also downloads. I think, Toni, we can track downloads of the habitat management series of documents too; I'm not 100 percent sure about that.

But we have had several lengthy discussions about the fact that we are concerned about how the educational materials are used in trying to maximize the effectiveness of those materials, as well as maximizing the effective use of our time when we consider what to create. One of the things that we haven't done yet, but we did talk about at the last meeting was trying to increase our use of social media.

We discovered that Deke is the designated commission tweeter. We were thinking well, are there things the Habitat Committee might want to tweet out there that would resonate. We were advised that we could send Lisa perspective tweets and that she would work with Deke to maybe get those out there.

We've discussed it a lot, and it's been a concern I think of the committee that we were uncertain about the effectiveness of those materials. I

assure you, we'll continue to discuss that. If you have ideas about things that you think would increase the effectiveness of those materials, please share those with the Habitat Committee. We're very receptive.

CHAIRMAN GROUT: Further questions for Toni on the Habitat Committee report? Okay seeing none; we do have a couple action items here. **We need a motion to approve the Sciaenid Habitat Source Document.** Do we have a motion for that? Tom Fote, are you making that motion?

MR. FOTE: Since it's a committee report do we need a motion? Shouldn't the motion just come from the committee? That's what I'm asking.

MS. KERNS: In the past with the source documents we've approved the document or accepted the source document for use, and then we publish that on the website. It's just for the source document itself.

CHAIRMAN GROUT: I think he's talking about the Habitat Committee made a motion to approve it; do we need a motion and a second at this point? They don't make motions.

MR. FOTE: Then I'll make the motion.

CHAIRMAN GROUT: Thank you, Tom, is there a second to that motion; Wilson.

DR. LANEY: Second, Mr. Chair. Could I ask that the motion reflect the fact that we need to give editorial discretion to staff on that? Because we had a pretty extensive discussion during the meeting about the authorship, which we agreed I believe to change, Toni, if memory serves. We just need editorial discretion on the document.

CHAIRMAN GROUT: Can we have the motion reflect that? Got it, any further discussion on this motion? Is there any objection to approving the motion? **The motion is approved by unanimous consent. The other item that**

we are looking for action on is the draft letter to BOEM regarding seismic testing. That is in your briefing materials. Tom.

MR. FOTE: I so move.

CHAIRMAN GROUT: Is there a second to that? David Blazer. Further discussion on the letter? Thank you, Eric Reid.

MR. ERIC REID: Exactly who is going to get this letter? That's my question. I'm sorry I didn't ask it earlier. How many people are going to get this?

MS. KERNS: Currently it is directed to the Regional Director in the Gulf of Mexico. I believe, and I would have to go back and double check with Lisa, and Wilson, you may know the answer to this. But he is the individual that is dealing with the seismic acoustic research or activities. We can confirm that there isn't a similar person in the Atlantic that gets this as well, or if it's just this one individual.

DR. LANEY: Yes, Toni, that is correct. The unit that deals with all the seismic testing off the east coast and the Gulf of Mexico is based in the Gulf of Mexico. That is to whom the letter is addressed, and I believe, Michelle can help me out here maybe. I think that both the Mid-Atlantic and South Atlantic Council have sent letters to the same entity, I believe.

DR. DUVAL: That's correct. The letter from the South Atlantic Council was sent to Mr. Goeke, I don't know if that's a correct pronunciation, but the same person.

MR. REID: I would strongly suggest that we send it to senators, governors, et cetera; because anybody that has had any experience with BOEM, let's talk about the New York Wind Farm that's my best example. They don't listen and they don't care. I think we need to send these letters out to people who might listen and might care, because it is my opinion BOEM doesn't care. That is my suggestion. We've got

to disseminate this information to people much higher up in the food chain.

MR. FOTE: As soon as we have the commission letter, I will be basically sending it to my senators and my congressmen from the state of New Jersey, and ask what is the government doing about this? They already sent letters already, so it just follows it too. Probably we'll send one to the President under my heading, with a copy of your letter to the President that says, I would like a reply on this as a commissioner.

CHAIRMAN GROUT: I guess my question is whether the commission should be sending it to all senators and governors, or whether the commissioners themselves should be taking this letter that is being sent out and providing it to their governors and senators themselves; just looking for something that might be more effective.

MR. FOTE: I think with letters like this over the years, we have not done that because some of the state agencies sitting around the table, and this is for other topics, didn't feel comfortable signing a letter to go to the senators but they felt sending them to the agencies. I don't know if the feelings have changed.

But I know that is historically why we didn't do it. Also, some of the states didn't want to – on the opposite side of the table on some of these issues – even the other agencies weren't in this state or the governor was. That's why I'm saying that it gets difficult when you do that.

CHAIRMAN GROUT: Any further thoughts? Eric, would that be a way of handling it, or do you think it's important that the commission send it directly to all governors and senators?

MR. REID: I don't have a problem with the individual delegation sending this to their own congressional delegation; so that's fine with me. But I do think it's interesting we're only talking about a process question. Nobody is

disagreeing with me that BOEM is running amuck amongst us. I think it is critical that we put that in check.

If it means each one of us sending these letters to our senators that's fine, you guys have been doing this much longer than I have, and I'm a relatively new kid on the block. Whether or not it is a more powerful statement coming directly from the commission or it is more effective coming from each delegation to congressional delegations. I'll leave that up to the Chair.

CHAIRMAN GROUT: Roy and then Ritchie.

MR. MILLER: Just to follow up on Eric's suggestion. It seems to me that if we have such a letter that come February, or perhaps in the spring when we're in Alexandria for our commission meetings; and many of us avail ourselves of the opportunity of meeting with our congressional delegations while we're in D.C. at that time of year. Having such a letter in hand, and being able to personally place it in the staffers hands, would be an effective way to convey the message.

MR. WHITE: I would think both. I would think that the commission sends a letter out, as Eric has suggested, and then have the individual states follow up with that; and then even follow up as Roy has suggested. The more they hear the same type of consistent input, the more important it is to them.

DR. DUVAL: I am a little uncomfortable with sending a letter like this, I think directly to governors. I work for the governor of North Carolina, and I'm just concerned about how that might be received; given that our agency participates in the coastal zone consistency review for projects from BOEM.

I appreciate that letter, and I think it's consistent with what has been sent by the fishery management councils and sends a correct message, in terms of offering BOEM a seat at the table so that we can increase

communication and information exchange, and ensure that the commission's concerns are being considered. I definitely appreciate what Eric's trying to do. I think just from a state agency perspective, I'm a little bit uncomfortable with that; just being an executive branch agency.

CHAIRMAN GROUT: Further thoughts on this and whether the commission should send letters directly or let the commissioner's forward this to our congressional delegations and governors? David.

MR. SIMPSON: I agree with Michelle. Don't send it to our governor.

CHAIRMAN GROUT: I am getting the sense that there is enough concern my some delegates about the commission sending a letter directly; that it would be best to let the delegation, the commissioners decide when and how to deliver the letter. Does everybody agree with that sense here? Does anybody object to that? All right, I think we've got a good letter here. I think it will be the responsibility of our commissioners to forward this to our governors and speak with our senators about this; because it is an important issue.

MR. FOTE: I would like to have a copy of the South Atlantic letter, and also the Mid-Atlantic letter to basically include in the packet, when I send out from the commission; so I can say it is a whole bigger body than that. If Michelle would send it out to all the commissioners and basically have it, so we can have it in our hands.

CHAIRMAN GROUT: Toni will send that out to all the commissioners when we're sending out this letter. Okay anything else on this agenda item? **All right we need a motion to formally approve this letter. I think we had a motion and a second. Is there any objection to sending this letter? Seeing none; it is approved by unanimous consent.**

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP REPORT

CHAIRMAN GROUT: The next agenda item is Atlantic Coastal Fish Habitat Partnership report by Pat.

MR. PATRICK CAMPFIELD: I'll be providing a quick report from the Atlantic Coastal Fish Habitat Partnership, which also met last week in Portland, Maine. The focus of the partnerships fall meeting was the further development of their new five-year conservation strategic plan. The committee reviewed drafts of several plan sections, including habitat conservation priorities, science and data to inform habitat restoration priorities, outreach and communications, and a section on finance. The overall plan section objectives and strategies were finalized, and the committee intends to finish the specific tasks within those strategies by December, to begin implementing the plan at the beginning of 2017.

This is important because the new plan will guide on-the-ground habitat restoration priorities for the next five years for the partnership. In addition to the strategic planning session, we received presentations from scientists at the Gulf of Maine Research Institute, covering a number of their coastal ecosystem monitoring projects.

Highlights included an inshore sea herring survey, an acoustic survey that they've conducted for the last five years, as well as projects on fish monitoring pre and post monitoring around dam removals in Maine. We also had a presentation covering work by the Great Bay Estuary Partnership, including the Exeter Dam Removal Project, which was endorsed by ACFHP.

The last major item that the partnership covered was to finalize FY 2017 funding recommendations to the Fish and Wildlife Service. We also after the meeting went on field site visits to a couple of fish passage

projects, including the Kennebec River, Edwards Dam Removal, and Coopers Mill Dam.

The next couple of slides are just pictures that we took. I think everyone has heard about the Edwards Dam Removal, but a very impressive project. You can see hopefully on the far side of the project the remnants of the old dam, but I think this was over an 800 foot large dam that was taken out in the Kennebec River. Since then of course fish passage has improved dramatically, and if I understood correctly this now hosts the largest alewife run on the east coast.

Conversely this Coopers Mill Site, there is still a dam at this site. Because of the very low flow this year, we anticipate problems for diadromous fish recruitment. Essentially the low flow has meant that there will be no downstream passage for young-of-year alewife and other stocks. These two site visits really show a juxtaposition of the value of fish passage; which leads into a quick summary of the FY17 funding recommendations from the partnership.

ACFHP received nine proposals for habitat restoration projects. They came from all of the four regions, the northeast, Mid-Atlantic, South Atlantic and south Florida. These are relatively small pots of funds, up to \$50,000.00. The major proposal criteria are to meet ACFHPs conservation priorities that the projects leverage separate funding; that the projects are shovel-ready and that they have a relatively short time to completion.

The committee evaluated and scored these projects and I'll quickly overview the top three, which included one oyster reef and salt marsh restoration project and two dam removals. These are the projects that we're putting forth to the Fish and Wildlife Service. The top ranked project is to remove the Coopers Mill Dam that we just showed a picture of, as well as a partial removal of another dam on the Sheepscott System here in Maine.

If that project moves forward, it would open 71 miles of river habitat to alewife, Atlantic salmon, and other species. Also notable, the Sheepscott is the southernmost river designated as critical Atlantic salmon habitat. The project team requested \$50,000.00 but also had a much larger, substantial amount of match to complete this project. The second ranked proposal is for Oyster Reef and the Estuarine Shoreline Restoration in Bogue Sound, North Carolina, where the project team if funded, would use recycled oyster shells and place them along the shoreline to promote salt marsh accretion. This would provide nursery habitat for sea bass and red drum; as well as feeding grounds for flounder. They requested a slightly smaller amount and about \$38,000.00 and have a similar amount of matching funds.

The last proposal that we'll put forward to the service would be the removal of the upper and lower Sawyer Mill Dams. This would open over five miles of habitat for alewife, eel, and lamprey. They also requested \$50,000.00 and had a much, much larger amount of matching funds from other partners. Again, those funding recommendations will go forward to the Fish and Wildlife Service, and they will make their decisions in the spring. That concludes the ACFHP report.

CHAIRMAN GROUT: Any questions for Pat? Okay thank you, Pat that was excellent. We are now down to Agenda Item Number 11, and this is something that Jim Gilmore brought up, the National Park Service Management Policies. Oops, sorry, I checked off Law Enforcement Committee before it was done. Go ahead, Mark.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MARK ROBSON: The Law Enforcement Committee did meet this week on Monday and Tuesday. I would like to thank all of the staff and members of the commission that attended the meeting at different times, and really contributed to the deliberations; especially Pat

Keliher, Dennis Abbot, Ritchie White, Dan McKiernan, and Dave Borden for your help with the Law Enforcement Committee deliberations.

There is a written meeting summary that we made available. It has more details. I'm just going to try to cover some of the highlights. Dealing with species issues, and of course the first two that I mention here are species that we're going to be talking about later today, American lobster and Jonah crab.

But just to give you a quick summary of some of the issues, we were briefed on the upcoming addition for the southern New England stock and some of the possible management options that may be under consideration. The LEC will certainly keep a close eye on that and be prepared to contribute any recommendations as early as needed.

We also talked a lot about the current work of the enforcement subcommittee. As you know, we've been working now for a little while on developing recommendations for enhancing enforcement of the American lobster fishery offshore and inshore as well. You will recall that we had recommended a letter that was drafted for NOAA Law Enforcement to consider in reevaluating their prioritization process for American lobster.

The feeling of the subcommittee and supported by the LEC, of course, was that this letter would help to draw attention to the need for American lobster being a higher priority in the NOAA enforcement ranking system or process. There were some questions, I guess about that letter as to the timing, and what impact it might have.

We revisited that in our meeting this week, and the LEC reconfirmed with some input from NOAA Law Enforcement that the timing is good for going ahead and submitting that letter. NOAA Law Enforcement will be going through their reprioritization process for their next five-year cycle, which is going to be from 2018 to 2023. But we were advised that this is a good

time to go ahead and start providing input to NOAA as to what we see as needs for priority issues for the Atlantic States Marine Fisheries Commission. The letter would be timely if we go ahead and submit it.

If there were also concerns about, you know when you make these changes in prioritizing species work, which has a bearing on NOAA Law Enforcement funding to the states through the joint enforcement agreements. Are you in danger of robbing Peter to pay Paul? To some extent that is covered through their process, because they have overarching national priorities, but there are also regional priorities that are established.

For example, there is a whole suite of northeastern district priorities that NOAA sets, and these help to inform the specific needs of a particular part of the coastline; and then even within that NOAA works on a state-by-state basis to make sure that priorities are met that also address state needs in dealing with federal supported species.

We also talked a little bit about the next steps for recommendations for enhancing enforcement work on American lobster, and there was a strong sense that one of the next best hanging fruit might be to endorse the development or the expansion of a VMS requirement or system for that lobster fishery.

There are lots of constraints on the ultimate ability of vessels through vessel size or trap-hauling capabilities to work in some of these more remote areas where the fishery is occurring now. But it was felt that this is the next best step in addition to trying to get increased funding and priorities from NOAA to improve and enhance our ability to enforce. We'll talk more about that I guess today during the lobster committee meeting.

The next species, I believe is Jonah crab, and again we'll talk about that later today. We've kind of reiterated support for a whole crab only

harvest; even though we do recognize that the commission is desiring to move towards a claw harvest as well. We supported a five-gallon volume allowance. We have a real concern about a bycatch definition that's based on percent catch composition, which appears to be part of the management options.

We'll skip over that for now and talk more about that with the Lobster Board. With regard to the previous discussions that were held on the North Carolina aquaculture permit for glass eels. I know there were some questions about the removal of the provision in the updated application for warrantless search.

The Law Enforcement Committee took another look at that, discussed it at length really with our colleagues from North Carolina, and we continue to support that revised proposal. It was felt that there are tight permit conditions overall; that because of reporting and the limited application of this permit to a single Permittee, that we feel that those overcome any concerns about not being able to conduct a warrantless search.

As it was pointed out, it's really in the best interest of the Permittee, when asked to be inspected, or if an officer asks to take a look at their gear or their facilities or their catch. It is in their best interest to accede to that request and to do that. There are still mechanisms in place for reasonable cause or probable cause to conduct searches. In this particular circumstance we felt that there was really no concern with the loss of that warrantless search provision. However, in discussing this in a general way, there was concern expressed by the members of the LEC about any possible trend that states or other jurisdictions might have in moving in the direction of prohibiting warrantless searches, particularly in cases where they apply to somebody who has been issued a permit or a special license.

It was pointed out that this is really a very fundamental part of the enforceability of

permits and licenses, the ability to go ahead when you place a condition that that Permittee is agreeing to be searched or inspected at any time. That is really a very strong component of permit conditions, and in fact when we go back and look at the enforceability guidelines that we presented, permits in general are among the highest ranked of the management measures that you all can employ.

The primary reason for that is because of that typical condition that allows for warrantless search. Again, another species issue that we took up, we did have a pretty busy meeting this week. We also talked about summer flounder. The staff updated the LEC on upcoming amendment, the comprehensive amendment to address summer flounder; with the expectation that there will be some discussion of safe harbor or dual or multi state landings or landings flexibility in that amendment.

There have been a number of times when the LEC has discussed this issue, particularly for summer flounder in the last year or two, and the increasing use of safe harbor request by members of the summer flounder fleet. There is some concern about that increasing amount of safe harbor requests, particularly for that one individual fishery.

When we talked about this concern, we had to be clear that safe harbor requests are a very fundamental tool that you have to be able to employ. It is a safety-at-sea issue many times. You want to make sure that people in the fishing community are able to come to port when they need to, and you can't just turn them away obviously.

Some of the states have policies now addressing how to handle safe harbor requests, and there was a lot of discussion about the desirability of having a standardized policy in place among all the states; so that it takes away some of the confusion as to how you address a request for safe harbor, what conditions those can be accepted, and how those are managed.

We certainly endorse developing such a standardized safe harbor policy. The issue of using safe harbor request, and then perhaps using that as a mechanism for offloading or handling of a catch from another state, if you should take safe harbor landing in a state different from where you have a catch from.

That is a little different, and we have some concerns about how that may be being mixed up in terms of safe harbor requests and at the same time, particularly with the summer flounder fleet, coming to ports and either offloading or creating difficulties in quota transfers and coordination in that regard.

There is some concern among the LEC members that safe harbor can be abused, potentially abused for business or convenience purposes. We need to be vigilant about that and in general that as you consider landings flexibility, and as you increase landings flexibility, whether it is aggregate landings, multi or dual state landings flexibility or other provisions like that; you are inevitably increasing the cost or the difficulty of enforcement. I don't mean monetary cost, but there is an enforcement cost to having that increased flexibility; either on the water or particularly at the docks, in terms of monitoring and keeping track of all those landings. That is just something to be aware of from the enforcement perspective.

Just real quickly, I'm just going to cover a few other issues that we talked about. We went through our 2017 action plan review, particularly for Goal 3, which are all the enforcement standards that we want to take a look at. Just to reemphasize how important those action plan tasks are to the LEC, we try to make sure that we address those in the course of the year.

Even though we only meet twice a year, we do try to address those throughout the year, either through teleconference calls or other work. We also had a really healthy discussion about the interstate wildlife violator's compact; this is

something that's been in place for many years. But there is a lot of variability in how it's applied, either to fish or particularly to marine fish and also whether or not it is applied to commercial versus recreational activity.

Essentially this is a compact that allows someone, if someone has a license suspension or other type of penalty imposed on them that the cooperating state or the member state of the compact would also recognize that license suspension in another state. There is a lot of variability in how that works. We're going to continue to develop the information on what's out there, in terms of individual states and a national policy; and look at that in more depth in the next year.

We also had a request from the state of Massachusetts, the Commonwealth of Massachusetts to take a look at regulations throughout the Atlantic states area regarding how we deal with the combination of recreational and commercial landings in a single trip or on a single vessel. As with other types of regulations, we found that there is a lot of variation also in how states deal with this.

We are in the process of pulling together the various statutory or regulatory-language from the states on how they address or even no allow at all, the mixing of recreational and commercial landings; and provide that to the Commonwealth. We also have an Aerial Subcommittee that had been formed, mainly a result of some questions that were raised about our enforceability guidelines and the seemingly low rankings for aerial enforcement.

We're taking another hard look at that; possibly recommending that we revisit the enforcement matrix that we provided, and we actually were recommending that we remove the aerial enforcement component as a stand-alone feature. The argument being that it is basically one of the tools in a suite of tools, like vessels, vehicles and other types of equipment that are

part of how enforcement does either at-sea or dockside enforcement.

It affects those rankings, but it doesn't really fit as a stand-alone rating. We are probably going to be reevaluating that matrix, and perhaps updating the summary survey that we did with the current LEC staff or LEC members, and provide that back to you for another review and look to see if you would approve that revised guideline. I think that's it.

CHAIRMAN GROUT: Any questions for Mark? Loren.

MR. LUSTIG: Mark, thank you for that report. I was especially interested in your dialogue regarding safe harbor. You alluded to cost thereof, perhaps some of those costs being actually monetary cost. Is it possible to pass those monetary costs, if they exist, to the vessels that indeed avail themselves of safe harbor?

MR. ROBSON: Well, that was a poor choice of a word. When I meant enforcement cost, I meant the actual loss of enforceability, as you increase flexibility of landings. That is the cost that I was referring to. As to monetary cost, I don't have enough information to be able to tell you what that cost is. Obviously if you have someone who comes to port with a large number of fish that are perhaps legal to land in one state, but not legal in the state they've come to safe harbor in, or if it's an amount that's over the quota of the state where they've sought safe harbor.

There is an amount of monitoring that has to go on to make sure that those fish either stay onboard, or if there is a process of quota transfer that all that gets tracked. In terms of monetary cost, it is part of the cost of the enforcement officers having to keep track and monitor those vessels while they're in safe harbor to continually keep tabs on that.

But I don't know that that is an excessive monetary amount. I can't answer that right now. I don't know how you would pass that along to the individual vessels. Again, in many cases they are making a request under a safety consideration. Obviously the enforcement branches are very sensitive to that. We're sensitive to safety-at-sea, and so you try to be as accommodating as possible.

MR. BORDEN: A couple of comments. I attended the session on Tuesday, as Mark indicated. I just wanted to go on the record and complement both Mark and the Committee for a lot of fine work. I thought the discussion at the LEC meeting was excellent. I liked the dynamic there, and how they're all working together to try to standardize things.

The other comment I would make, and these are all brief points, and we're going to get into this in the lobster discussion that is going to follow, is there is a discussion about having a line at the 70 degree line in the next addendum. I think we should try to integrate the recommendation about VMS, as far as an option in the public hearing document.

I would also make the observation that what I would envision for the Lobster Board meeting is that there is going to be a continuing discussion about adding other options to that document. I think it is important to get the LEC to review those options before we take it out to public hearing.

My final point is that both the LEC and the Lobster Board recommended formalized positions recommending that we raise the priority of lobster enforcement, in terms of the JEA agreement. The NOAA officials at the meeting the other day, basically provided very clear guidance to all of us that now is the time to finalize those recommendations.

I think that since we've had both the LEC and the Lobster Board make this recommendation, **I think the Policy Board should endorse that**

recommendation and send a letter to NOAA, asking that the priority of lobster trap enforcement be raised. I would defer to you, Mr. Chairman. Do you want a motion on that or could we resurrect the motion that the Lobster Board dealt with and discussed, or I'll give you another alternative, Mr. Chairman. If we need time to craft a motion then we could resurrect it a little bit later in the session.

CHAIRMAN GROUT: I would suggest you craft a motion, it could be very simple.

MR. BORDEN: Megan, do you have a motion?

CHAIRMAN GROUT: Go ahead, Dan, while you're at it.

MR. MCKIERNAN: While we're waiting for the motion to come up. I just want to make a comment, and I appreciate Mark Robson's insights into the so called safe-harbor problem. I just want to point out to my Mid-Atlantic colleagues that this is really a manifestation of the fluke quota system being kind of outdated and awkward now.

We have summer flounder in the winter, which are predominantly more north and more east than they have been in the past. We have a migration of not just fluke, but of fluke permits. Permits for North Carolina landings, for Virginia landings are finding themselves in the possession of New Bedford vessels, for instance.

Guys are making business decisions to fish on the North Carolina quota six miles off Nantucket. On a windy, January day they can't get back to where the fish are supposed to go, and it puts all kinds of pressure on the enforcement folks, the permitting folks, and then we get these doctors notes about the injury and the Coast Guard reports. I think the solution is to readdress the winter fluke fishery in a more comprehensive way. It isn't necessarily to solve the down-in-the-weeds issue about safe-harbor.

CHAIRMAN GROUT: Is that a motion you would like to make, Mr. Borden?

MR. BORDEN: **That's the motion, Mr. Chairman.**

CHAIRMAN GROUT: Is there a second to this motion, Pat. We have a modification, hold on. Okay we have a motion and a second. Just to give the board sort of a process of this we'll go through, since we don't have a letter in front of us right now is, once staff crafts this letter they'll bring it to the LEC Chair and the Lobster Board Chair for them to review it. Then we will send it out to the Policy Board once it's been approved by those two Chairs for consideration, and we'll have probably an e-mail vote on it, on whether to actually send it out.

MS. KERNS: We need the motion on the record.

CHAIRMAN GROUT: I'll be glad to. I'm going to read the motion and I'm going to take comment on it. **Move to send a letter to NOAAs Office of Law Enforcement asking for lobster to become a high priority through their Joint Enforcement Agreements Program. Motion by Mr. Borden, seconded by Mr. Keliher;** do you want to have first shot at any further discussion on this?

MR. PATRICK C. KELIHER: I just want it to be clear for the record, when we're talking about increasing this as a priority that we're talking about offshore enforcement in offshore Area 1 and Area 3; just so that it is clear for the record.

CHAIRMAN GROUT: That is true. Is there other discussion on this motion? Dave.

MR. SIMPSON: Law enforcement is important for every species, and when we say making lobster a high priority that necessarily means it pushes something else down. Given the great deal of work and effort we've made on, for example quota managed species; summer flounder, black sea bass, striped bass.

Which of those are we suggesting become a lower priority so that lobsters can become a higher one? I can appreciate in the Gulf of Maine lobster is probably their Number 1 and their Number 2 and their Number 3 and their Number 4 concern. But in southern New England where we're taking really less – there isn't a lot of conservation going on with lobsters that require law enforcement.

We have a mandatory v-notch program that in some areas can't be enforced, it can't be checked, and it can't be verified. I am concerned that we're going to ask for something that is going to hurt us in another area. If the Striped Bass Board were meeting, how would they feel about that becoming a lower priority than lobster? I just think we have to look at a list and say, where does lobster fall in our priorities as a full commission? I don't support the motion.

MR. KELIHER: I appreciate David's concerns. When I think of this as a high priority issue, lobster is Number 4 in our state of Maine JEA agreement right now, Number 4. Groundfish and herring are still one of the highest priorities within that document. From the state of Maine's perspective, what we're looking for is a shift upward.

We should be offshore doing the lobster work, and while we're doing lobster work a byproduct of that enforcement work would be checking herring, checking groundfish boats. I really think it becomes, at the end of the day OLEs prerogative on how they're going to shift that priority within each states agreement; because it is not a single agreement across states. Each state has a little bit different agreement. For Maine, New Hampshire and Mass, lobster might rise up but something else may go down; but it may not impact Connecticut's agreement at all.

MR. BORDEN: I'll make this really fast. That is really an important point. In other words, my response to David would have been when Connecticut writes their JEA Agreement, they

don't have to have lobster enforcement to be a high priority. They have the flexibility to tailor make that to put the emphasis on other species.

MR. SIMPSON: Then I guess it begs why the Full Commission is making this motion, if this is an individual state preference, then why is the Full Commission saying to OLE, make lobster a high priority? I'm even more confused now. I guess I would say from a commission perspective, if lobster is doing so well in the Gulf of Maine and groundfish are doing so poorly, why would we take law enforcement attention away from the most troubled stocks and put them on the healthiest stock?

Again, I think if it's an individual state thing then we shouldn't be talking about it. I shouldn't bring up Gulf of Maine and lobster sitting here in Maine. Again, for southern New England, we just have much higher priorities than lobster, clearly. We've worked much more diligently and suffer much more with things like black sea bass than lobster right now.

MR. ROBSON: I will try to shed a little light on it. I'm not fully aware of how the process works, but as it was described in the LEC meeting, the NOAA Office of Law Enforcement through this planning process, develops sort of an overarching national set of priorities that they want to address.

But the real meat of it is in; I think their district or their regional priorities that are established. For example, Tim Donovan, who is the NOAA representative on the LEC, provided us with a copy of the current enforcement priorities for the Northeast Division. It is broken down by a variety of very specific activities, high priority, medium priority, low priority.

The concern about, particularly in the northeast division, was that American lobster really wasn't in that picture for the region, hardly at all as a priority. They do also work beyond the regional enforcement priorities, or the district.

They do work with each individual state through the development of those specific joint enforcement agreements.

I don't know to what level they modify or tailor the priorities for the states. The states may have capabilities or limitations that dictate what they can do for meeting these NOAA priorities, but they still have to sort of fall back to those regional and those overarching national requirements to address key species.

In the case of one of the caveats in the NOAA document, is that high priority items include those items that have low rates of compliance or areas, where there could be significant impact to the resources for noncompliance. Part of the concern with American lobster is this growing potential for lack of compliance with trap tagging and so forth; that it seems to be warranting more of a high priority rating.

NOAA does say in their caveat here, NOAA will enforce any and all violations of the laws we are able to, and all of these items are a priority for us, even the low priority items. The other factor in this that was important to the LEC was that the NOAA Office of Law Enforcement through their new director, they are starting to reevaluate how they focus NOAA funding through joint enforcement agreements on these priorities.

They are going to be paying more attention to directing funds or directing reimbursement to activities that specifically target the higher priority or the mid priority items that is in their list. I don't know if that helps or not. I'm not completely privy to the NOAA process for their priority ratings.

MS. KELLY DENIT: I think between Pat and Mark you've hit it. Essentially there are three tiers, if you will. There is the national prioritization, then there are regional priorities that are identified based on conversations and inputs from the states and the councils; and then there

is the mechanism through the JEAs by which priorities are even further refined.

The board may wish to think about how they want to frame that in the sense of, where are you really looking to provide your input as it relates to lobster specifically; into each of those three tiers or is it in one or only one or two?

CHAIRMAN GROUT: Dan.

MR. McKIERNAN: Yes, I would just like to comment that the draft addendum that we're going to review later this morning shows that in southern New England for the first time in 2012, the majority of lobsters were caught in federal waters. I think that trend is only become more exacerbated over the last four years. We all are feeling this void of rules that need to be enforced in some capacity, and it's increasingly in the federal domain. That's why we think it's appropriate to bring this up, since it's the Joint Enforcement Agreement between the states and NMFS.

MS. KERNS: If this motion was to pass and we could draft this letter more specific, what it sounds like to me is the regions that you would like us to put that higher priority on. But from my understanding of what Dan just said is that we're seeking higher priorities in the offshore areas in particular. We're going to be moving forward with regulations in southern New England, which would cover portions of Area 3, which we would want offshore enforcement in.

That would be the New England region as well as, I don't know what the middle region is called, if it's called the Mid-Atlantic or whatever that central region would be. That's where we would be looking to put a higher priority on lobster for in the offshore waters. Is that correct? Would we want Area 3 as well though, based on what Dan just suggested?

MR. BORDEN: With the indulgence of the Chair, can I ask Mark a question? My understanding from the discussion the other day was that the

LEC was going to review all of the priorities at some point. Is that going to take place? Then offer comments on those priorities, is that going to take place before the next commission meeting?

MR. ROBSON: In the past, we have had that opportunity to review the NOAA priorities documents. We actually provide recommendations on either adding or modifying those priorities back to the ASMFC Policy Board as official input from the ASMFC on what those NOAA priorities are. That's how it has been done in past efforts.

This upcoming iteration is going to be a five-year NOAA planning process. As we understood it, they are already in a mode of taking in input. But I don't know when through our official ASMFC commenting process we would be able to look at that whole thing. But certainly the LEC is the group that could offer the first set of recommendations on any priorities as a total list.

MR. BORDEN: I guess my suggestion, Mr. Chairman is to pass the motion and then check on the specific deadline that NOAA requires input. If in fact the period of time that we have available coincides with our next meeting, then the Policy Board could actually look at a recommendation from the LEC and then look at the actual priorities and try to do a more comprehensive recommendation on this. But in the event that they need this input prior to that time, we would at least have one recommendation into them.

MR. ROBSON: In thinking about this, and certainly we can check with the NOAA staff. They are at sort of the early stages of gathering up ideas and suggestions for priorities, and I don't know when. It may be a longer period before they actually have a draft document for that 2018-2022. Maybe towards the end of 2017 before there is an actual draft document that we would officially review and comment on.

MS. DENIT: As far as I know this process hasn't even officially started. I think we're at the very early stages. I think there is going to be plenty of opportunity to have the process that Mark outlined. As far as I understand it we're going to pursue a similar process as we have in the past, where we would produce somewhat of a draft, come and get input from the commission, the councils, state partners et cetera.

I think this would be an opportunity for the commission, if it wanted to, to get in on the earlier side of that of identifying what it considers to be at least one of its priorities to start. You could include as part of your letter, if you wanted to, acknowledging that the board might want to have more extensive conversations across all of its species; as Dave was alluding to, and provide further feedback to OLE in the future.

CHAIRMAN GROUT: That sounds like a process that I think we can move forward with. Is there further discussion on this motion? Dave.

MR. SIMPSON: Based on what Kelly said and the time that we have. I would move to postpone action on this motion until the Full Commission has an opportunity to look at the priorities and weigh in on the relative priorities for the whole commission by species. At this point I look at it and I don't know necessarily if lobster moves to high then something moves out of high. I think the commission wants to know what drops. **I think we need to take a step back and look at our commission species, and make a more holistic motion; in terms of the commission's view on priorities, so I move to postpone.**

CHAIRMAN GROUT: To what time? You need a time certain.

MR. SIMPSON: **Until a draft set of priorities is developed for each region in the commission's range.**

CHAIRMAN GROUT: Is there a second to this motion? Jim Gilmore.

MS. KERNS: Kelly, question. Then that would mean, because what I think you were just suggesting is that we could send some early comments to try to influence the process at the beginning, in the early stages, and then come back and recommend once the priorities have been published; I'm assuming in the Federal Register. This would preclude us from doing so, not preclude us, but we would have to wait until everything is published for official public comment, not going in on the early side.

MS. DENIT: I don't think historically we have done the process through the Federal Register. I think it has been a document that has been circulated and shared with the commissions and councils. I guess the one comment I would offer is I just don't know when that draft set of priorities would be available.

It's possible that it is up to a year from now. It could be shorter than that. I just have no idea, so I don't want to provide any wrong expectations, in terms of what postponing it would mean. But I'm trying to see if I can get a hold of Tim right now, to see if I can get a better sense of that.

CHAIRMAN GROUT: Pat and Ritchie.

MR. KELIHER: I just feel like we're tying the hands of the commission to not be able to comment on an issue with OLE. It is a recommendation to make it a higher priority. There will be a lot of time for input for other issues and other species, as Dave suggested. Why everything looks tranquil right here in Bar Harbor.

While everybody has been sitting around this table, I've been dealing with the biggest trap war in the history of the state of Maine. With more than a half a million dollars in gear loss; and we're getting ready to announce a

\$15,000.00 reward associated with this. As Dan McKiernan said, everything is shifting offshore.

The need for more dollars and more support for lobster enforcement, we're at a critical stage. If it helps to craft this to make it more specific towards the northeast, I'm fine with that. But I would hate to postpone this and wait for OLE to react. Then we're reacting to what they have. I think it's better to get in early and comment early. If it means we need to get ahead of the game with other species over the next few meetings, then we should do that.

MR. WHITE: I agree with Pat. When I attended the meeting there was a lot of discussion about the problems, both Area 3 and offshore Area 1. I have heard from a lot of lobstermen in southern Maine and New Hampshire and northern Mass that call the outside of Area 1 the Wild West. Maine law enforcement talked about hauling ghost gear with 40 trap trawls with no tags on it, and that that type of fishing is commonplace out there now.

The ability of the states right now to enforce that area is very difficult, almost nonexistent; due to the size of vessels needed. I think this is critical. I think that we can always adjust this going forward. But I think being in early to the service, showing how important this is for the northern states. I think it is worthwhile going ahead, so I am going to oppose the motion to postpone.

MR. STEPHEN TRAIN: I think for me this isn't about the lobster so much, even though I'm a lobsterman. This is about priorities. I think everyone is familiar with Suttons Law, even if they didn't know what it was. When they asked Willie Sutton why he robbed banks, he says because it is where the money is.

The cheating is going to go on in the fishery that has the money in it. We may have other priorities in a region, but right now this is a lucrative fishery, and this is the fishery that needs a priority on enforcement. I oppose

delaying anything on this, and I would say the same thing if it was sea bass that we were delaying, and that's where the money was. Right now we need to get on this and we need to get on it quickly.

MR. GILMORE: I completely support you guys, but that first motion is very generic. If you modify that to include the areas of maybe northern Mass, New Hampshire, you know whatever offshore areas, I could be more supportive of it. Right now in the world of law enforcement that I understand, you say something simple like that it means everywhere.

I agree 100 percent with Dave; lobster off of New York is not a big priority as other things. I was just trying to postpone it to perfect it more, so that we understand where the priority is. Again, if you wanted to go back and limit that to a specific area, I could support that and we could vote on that today.

MR. BORDEN: Just a quick point, Mr. Chairman that I'm opposed to the motion to postpone. One of the principal reasons is, I don't want to wait until the end of this process and then evaluate the priorities. The enforcement personnel at that meeting the other day have already been sent from the Office of Enforcement, documents outlining the existing priorities. There is no reason that we can't look at that same document and formalize a position.

CHAIRMAN GROUT: Obviously we're at a point where we can't amend that motion, because we have a motion to postpone on the board. Yes sir, Dave.

MR. SIMPSON: Just as a point of order, is a motion to postpone debatable?

CHAIRMAN GROUT: Just the time in which you postpone to, so at this point I would love to have more discussion on this, but called it. We're going to have to take a vote on this. Do

you need time to caucus? Does anybody need time to caucus on this? I see some people caucusing so I'll give you 30 seconds to caucus.

Okay on the motion to postpone; move to postpone the motion until a draft set of priorities is developed for each region within the commission's range. Motion by Mr. Simpson and seconded by Mr. Gilmore. All states and jurisdictions in favor raise your hand. All opposed. Are there any abstentions, any null votes; one null vote. The motion fails 6 to 8 to 1. We're now back to the motion, the underlying motion here.

MR. BORDEN: With the agreement of the seconder, I would suggest it would be more appropriate if we added after make high, instead of high, higher. I think that is more consistent with the NOAA standards. In other words they don't have the, in fact I think the LEC looked at that language and recommended higher originally.

CHAIRMAN GROUT: Is the seconder okay with that?

MR. KELIHER: I would be okay with that; but based on comments from Mr. Gilmore, do you think we should also at the same time, since we're trying to perfect this, include within the northeast region? Does that get to what you were looking at, Jim?

CHAIRMAN GROUT: I see an agreement between the maker and seconder. Is there any objection to making this change from the board? Seeing none; we now have a motion. Is there further discussion on this motion? Do you need time to caucus on this? I am not seeing anybody saying yes so we'll go right into it. **All those in favor of this motion as written raise your hand. All those opposed same sign. Any abstentions, two abstentions. Any null votes? The motion carries 11 to 3 to 2 to 0.** Any other discussion on this item? Dave.

MR. BORDEN: I apologize for continuing to bring up points. Recognizing Jim and David's concerns, I think the staff should get whatever information is currently available on the priorities and circulate it to all parties.

CHAIRMAN GROUT: Sounds like a good suggestion.

CONSIDER COMMENT ON THE NATIONAL PARK SERVICE MANAGEMENT POLICIES

CHAIRMAN GROUT: All right, we are now onto Item Number 11, Consider Comment on the National Park Service Management Policies. Jim Gilmore.

MR. GILMORE: I'll try to compress this down so we can catch up a little bit. There is a Director's Order from the National Park Service on fishing, which includes marine surface waters. There are 88 of the 409 National Parks actually have marine waters. This order is derived from a 2006 Park Service Management Policy, so it's not entirely new.

But there seems to be a lot of interpretation as to what some of the information is, and actually there is a lot of discretion from the individual park superintendants. There was a call on October 12th, and I had one of my staff sit on it with the Association of Fish and Wildlife Agencies; which went into a little bit of details on the slide show that is at the end of the supplemental material goes into some of what was presented at this meeting.

The intent of the Director's Order is to make park policies on fishing more consistent. However, there are some things that raise some flags with me, and I think some other folks maybe with the agency. First off, recreational fishing is generally allowed. However, commercial fishing is generally prohibited.

The flag during the meeting that came up was they consider for-hire, party and charterboats are considered commercial fishing under the

NPS regulations. But just a note, this morning I got an e-mail that was updating that a little bit, and they're saying that charterboats may not be considered commercial, but they may require a commercial youth authority permit from the National Park Service.

They are going to be fishing within the waters of the National Park System. Now I have two in my region, I have Fire Island and I have Gateway. The boundaries for those parks extend 4,000 feet into the Bay, the Great South Bay, and 1,000 feet into the ocean. If those recreational fisheries are excluded, then essentially those boats cannot go in there.

Some of the good news is the park superintendants are required to work with the state and local representatives when setting regulations, because they can set their own regulations. I'm not exactly sure how they would do that. John suggested during the call that they also engage both the commission and NOAA Fisheries, because some of their interpretations may be inconsistent with what we and the federal government have defined, particularly for recreational fisheries.

The parks can take action if they determine unacceptable impacts from fishing are occurring. But what impacts are not well defined, but in New York they actually shut the horseshoe crab harvest down within Fire Island National Seashore a couple years ago, or at least got it shut down; which really caused a great deal of consternation in New York.

The DO states that they must do monitoring, which they're not doing, so there is a whole lot of weird things with this thing that they can only do some of these requirements if they do due diligence on their part. But again, the superintendants can set their own limits. Right now this just simply boils down to; I guess we were contacted by AFWA.

I think maybe Bob Beal talked with them, and the suggestion is that right now the commission

provides feedback through AFWA, or at least commenting on what their policies are in this new Director's Order, just to get clarification that we're not at odds with some of the things they're suggesting. The crunch point on this though is that comments are due back by October 31st. I had talked to Ryan Roberts and see if there is an extension on that. I mean the other option is we can also respond back directly to the Park Service. They are representatives too, but I think if we get a communication back to AFWA would be the most efficient way to do it. Just additionally, each one of the states obviously can comment back, and if you've got a national park in your backyard, you may want to review this a little bit more in more detail.

Regardless of what we do today, you should be talking directly to the park superintendants, and meeting with them; because they may be coming up with things that maybe are inconsistent with your state fishing practices. On that I'll take any questions if there is, Mr. Chairman.

MR. KELIHER: You are basically surrounded by a national park right here. There is one right across the Bay, as far to the lands is part of Acadia. The state of Maine has been embroiled in a pretty heated conversation that has been tempered as of late, regarding access to shellfish and marine worms; where Mr. Gilmore is correct, rules prohibit commercial take and commercial harvest.

We have agreed that they're not going to work on those rules. Representative Poliquin, the second district Congressman from this area has submitted a bill on that fact. Maine and Massachusetts are in a little different place; because of colonial law regarding fishing, fouling and navigation; which is I think a cornerstone of that particular piece of legislation.

In conversations with the superintendent here, these superintendants don't want to butt heads

with the states. They don't want to see federal legislation on this to change these rules. I don't think we want to see it, frankly, because I'm not sure when Friends of Acadia and Friends of everyplace, Yellowstone and everyplace else comes up, I think commercial extraction loses.

However, I'm not really comfortable with commenting on this through AFWA. I think the commission, if this is a real issue, which it is a real issue. I think the commission should be contacted directly and we not use AFWA as a vehicle for our voice. While some people here may engage with AFWA, I think they are going to be much more focused on the need for protecting recreational access than commercial access. I think it is going to be a much different conversation going through them than commenting directly.

MR. ROBERT H. BOYLES, JR.: Jim, thank you for bringing this up. I was not able to participate in the AFWA call. Mr. Chairman, I would suggest this is an issue of great importance to the commission. Along with Pat Keliher's comment, I might phrase it in the sense of sovereignty and states authority and sovereignty to manage these resources.

I will suggest to you that we have issues in my state with another interior department bureau, with Fish and Wildlife Service over these very kinds of issues. It grieves me to suggest that the various properties approaches tend to vacillate over time, depending on who the superintendent is, who the manager is.

Mr. Chairman, I might suggest, rather than try to get into another letter writing exercise. You might consider appointing a small group of us to look at this issue, the various aspects of it with respect to sovereignty, access and insuring that we have a very transparent and inclusive process to deal with these issues.

CHAIRMAN GROUT: Obviously we're not going to be able to have any comment particularly on the rules, because of the timeframe. Do we

have people that would like to participate in this workgroup? Jim, all right keep your hands up; Dan McKiernan, Jim Gilmore, Jim Estes, Robert Boyles, David Blazer, and Patrick Keliher. We have a workgroup. I'm sure we'll have staff try and organize a conference call to start off with.

I think you have some basic information, Jim that you can provide to start it. I'll put you in charge, Jim. All right thank you very much for a good discussion on this.

OTHER BUSINESS

OVERVIEW OF EFFECT OF AFS DOCUMENT SUBMITTED FOR COMMENT

We have a few other items under Other Business. First what I would like to do is just give people a very brief overview of what transpired with the AFS document that the Executive Director submitted via e-mail for comment.

We did receive comment back from a few of the commissioners that had concern about the commission signing on. When we go those comments I asked the Executive Director to check with AFWA to see if we can have a delay in when we needed to sign on, because I felt given the issues that were brought up by a few of the commissioners that we needed to have a full discussion at the Policy Board.

They responded that no, they didn't have the time to wait another four days. At that point I said, I don't think without a full and thorough discussion that the commission should be signing on to this at this point. We are not going to be signing on, and that's my report on that. Yes, go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: AFS did say you know if the commission would like to send a letter of support about that document on the elements that we could agree on, we can do that. But I am not sure if it lends a whole lot

to that document. That option is still out there, but I'm not sure we necessarily need to go down that road.

CHAIRMAN GROUT: Does anybody have any thoughts on that whether we should take the time to put some comments in on that document? Again, probably at this point would have to take a little bit of a working group. Not seeing a lot of people raising their hands for this. I think we'll just move forward with no signing onto it. Okay the next one will be a letter from the Coastal Sharks Board regarding dusky sharks. Okay go ahead, Toni, and then John Clark.

RECOMMENDATION FROM THE COASTAL SHARKS BOARD

MS. KERNS: There is a recommendation from the Coastal Sharks Board to submit comments to NOAA Fisheries on Dusky Sharks Amendment 5B. Those comments would be based on information that the states send to Ashton by November 15th. If we don't get any comments then we would not send a letter. It's strictly based on the states sending in comments to us.

CHAIRMAN GROUT: We would still need a motion from this board to consider sending a letter. What Toni is suggesting is that as long as there is no opposition to the staff drafting this letter based on comments that would be provided by the states. She will go ahead and do that and then send that out to the Policy Board via e-mail for an e-mail vote.

Is there any objection to moving forward with that process for this letter? Okay seeing none; that is how we'll move forward with this.

LETTER FROM THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS BOARD REGARDING BLACK SEA BASS

CHAIRMAN GROUT: Finally we have a letter from the fluke, black sea bass and scup board

regarding black sea bass, and Jim Gilmore is going to handle that.

MR. GILMORE: If I can do this quickly, and just the map that is up on the board. Pay attention to the green area. The mustard on the right was actually a New York Congressman trying to redefine the EEZ that didn't go anywhere. Right now, essentially the green areas if you're fishing in Long Island Sound or Block Island Sound and you have striped bass.

You can't fish in that area, but you can transit the area between the water bodies. If you're going to Montauk to Block Island Sound or back to Connecticut, you essentially have free passage. However, we've gotten reports now that the same situation with black sea bass. Boats are being pulled over for having black sea bass illegally in our transit zone.

Since this is a NOAA rule or whatever in terms of that. The suggestion was that we would ask them to add black sea bass for a similar situation in the transit zone; that they would be able to go back and forth with their not fishing there, but have fish onboard so that they would not get ticketed or even pulled over.

CHAIRMAN GROUT: Okay so the Black Sea Bass Board is requesting that this letter be crafted. This would be again another situation where staff would craft the letter and then we would send it out to the Policy Board for approval via e-mail vote. Adam.

MR. NOWALSKY: I understand that it's particularly an issue with black sea bass right now, due to the federal waters closure. But should we be considering a more general policy that would also cover summer flounder, scup. Should we potentially have issues there? I mean with the significant cuts we're facing with summer flounder this year,

I don't know what the outcome is going to be there. But the issue in question is transiting closed state waters with recreational harvest

taken from legally opened state waters, when federal waters are closed. Should we be considering this in a more general sense, would be my question.

MR. SIMPSON: Thanks for that comment, Adam, because I think that is looking down the road at what may be coming this year; if I get my wish that someday the federal government will actually engage in some conservation of summer flounder in federal waters. It could happen here and they could have a closed season.

Closing the waters that is perfectly fine, but allow transit, otherwise Rhode Island is in a fix for having waters that are only open to the couple hundred residents of Block Island. I think it really does make a lot of sense. They cannot fish in there, but they have to be able to transit.

CHAIRMAN GROUT: Is there any objection to moving forward with a broader letter that would reflect being able to transit that zone with fish that are legally caught in state waters, any species that are legally caught in state waters? Seeing no objection to that is there any objection to the process that I laid out here that a letter will be drafted and then forwarded to the Policy Board for approval via e-mail vote. Seeing no objection to that; we'll move forward with that process.

ADJOURNMENT

CHAIRMAN GROUT: I believe that brings us to the end of the Policy Board here. Any other items to come before the board, seeing none; this meeting is adjourned.

(Whereupon the meeting adjourned at 11:03 a.m. on October 27, 2016.)