

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

February 10, 2005

Radisson Hotel
Alexandria, Virginia

Approved May 12, 2005

ATTENDANCE

Board Members

John Nelson, New Hampshire F&G
David Pierce, proxy for Paul Diodati, MA
Bill Alder, Massachusetts Gov. Apte.
Eric Smith, Connecticut DMR
Lance Stewart, Connecticut Gov. Apte.
Martin McHugh, New Jersey DFG&W
Bruce Freeman, New Jersey DFG&W
Tom Fote, New Jersey Gov. Apte.
Ed Goldman, Proxy for Robert Smith, NJ
Eugene Kray, proxy for Curt Shroeder, PA
Roy Miller, Delaware DFW

Pete Jensen, Maryland DNR
Bruno Vasta, Maryland Gov. Apte.
John Siemans, Proxy for Ira Palmer, DC
A.C. Carpenter, Potomac River Fisheries Comm.
Jack Travelstead, Virginia MRC
Preston Pate, North Carolina, DMF
Damon Tatem, North Carolina Gov. Apte
Gil McRae, Florida Fish and Wildlife Cons.
Comm.
Bill Cole, USFWS
Anne Lange, NMFS

ASMFC Staff

Ruth Christiansen
Bob Beal
Tina Berger
Vince O'Shea
Julie Nygard
Vince O'Shea

Lydia Munger
Brad Spear
Nancy Wallace
Mike Howard
Toni Kerns

Guests

Douglas Grout, New Hampshire Fish and Game
Tom Meyer, NMFS
John Merriner, NMFS
Marta Nammack, NMFS
Ralph Lopez, NMFS
Richard Christian, USFWS
Michael Doebly, RFA
Peter Eldridge, NMFS
Mary Hope Katsouros, MK and Co.

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Summary of Motions

February 10, 2005

Move to adopt the recommendations of the Stock Assessment Committee regarding stock assessment updates.

Motion made by Mr. Adler, second by Mr. Nelson. Motion carries unanimously.

Move to approve the recommendations of the Stock Assessment Committee regarding resubmission of assessments not approved by the peer review process.

Motion made by Mr. Nelson, seconded by Mr. Smith. Motion carries unanimously.

Move to approve the ASMFC Data and Assessment Framework as presented by the Stock Assessment Committee.

Motion made by Mr. Nelson, second by Mr. Travelstead. Motion carries unanimously.

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, Thursday, February 10, 2005, and was called to order at 1:45 o'clock p.m. by Chairman Preston Pate Jr.

-- Welcome; Introductions --

CHAIRMAN PRESTON PATE, JR.: We'll move immediately into the Policy Board agenda. I have received no requests for changes to the agenda from the version that you were handed out. Pete.

-- Approval of Agenda --

MR. W. PETER JENSEN: I do want to raise a brief summer flounder issue, Mr. Chairman.

CHAIRMAN PATE: Okay, so noted. Any other recommendations for additions to the agenda? Anne.

MS. ANNE LANGE: Just a reminder of the state director's meeting in the other business. If anyone has questions, they can ask me.

CHAIRMAN PATE: Okay, thanks, Anne. Without objection, then with those additions, I'll declare the agenda approved.

-- Approval of Proceedings --

Any recommendations or comments on the minutes from the last meeting? Seeing none and without objection, I'll declare those approved.

-- Public Comment --

Any public comment? Seeing none, we'll move to the first item on the agenda, which is stock assessment committee report from Doug Grout.

-- Stock Assessment Committee Report --

DR. DOUG GROUT: Thank you, Mr. Chairman and Commissioners. I have three items that were left over from last fall's annual meeting in the report to the Policy Board from the stock assessment committee.

The first two items were items that were brought up by the stock assessment committee to address the workload of our stock assessment biologists. We are hoping that if you will approve these as policies of the Commission, it will help make our stock assessment biologists more efficient.

The stock assessment committee recommends to the Policy Board that the Commission use the following guideline when considering whether to conduct annual stock assessment updates. Annual updates are generally not needed for species that are not overfished and overfishing is not occurring.

The timing of updates should be based on life history, management needs, assessment scientist workload and stock status.

Now in the case of benchmark assessments, one of the ideas that we came up with for monitoring the stocks in between these updates would be to include recommendations for the timing of the updates and a forward projection of the stock status at least until the recommended update, and in between those years, until the update occurs, there would be an appropriate matrix to monitor them during the interim years.

The assessment update frequency should be sufficient to ensure that potential biases in the stock projection can be recognized in the updated assessment before substantial damage that can be done to the stock. Are there any questions on this policy?

CHAIRMAN PATE: Yes, Bruno.

MR. BRUNO VASTA: Is there any provision for any emergency situations in having stock -- you know, again, if it doesn't need to be done annually, that's fine, but if we then find out that something drastically has gone wrong?

DR. GROUT: I would think that the board would certainly have the capability of doing emergency actions. If those matrix that we're using to monitor things in between the updates showed, say, a dramatic decline in the stocks, I think the boards could take action on it. We're talking about on a regular basis you don't need

to have an annual assessment if the stock is not overfished and overfishing is not occurring.

CHAIRMAN PATE: Are there any more questions for Doug? It is noted we do need to formally adopt this. Bill.

MR. WILLIAM A. ADLER: Do you need a motion?

CHAIRMAN PATE: Yes, let's do a motion.

MR. ADLER: I'll move to adopt the document. Is that what you were looking for?

CHAIRMAN PATE: The recommendations.

MR. ADLER: The recommendations.

CHAIRMAN PATE: Motion by Bill Adler.

MR. JOHN I. NELSON: Second.

CHAIRMAN PATE: Any questions on the motion? Any discussion? **All those in favor, please signify by saying aye; all opposed. The motion passes unanimously.** Okay, Doug, move forward.

DR. GROUT: Okay, the second recommendation deals with previously rejected benchmark stock assessments. And, again, the stock assessment committee is recommending to the Policy Board that the Commission use these guidelines for assessments that have been previously rejected at peer review.

Assessments rejected at a peer review should not be brought back to the peer review body until deficiencies identified by the review are addressed or a different model is used that is appropriate for the existing data.

This is intended to match the assessment technique to the available data rather than the management requirements that exceed the available data. It's also intended to ensure that the necessary research is done to improve the data before conducting an assessment and using a method that is inappropriate with the available

data.

As part of the process, we feel that the plan review teams and the technical committees should review and evaluate whether or not the assessment deficiencies have been identified from the previously rejected assessment and whether they have been met;

Also, when the stock assessment committee considers when to do benchmark assessments and peer-review schedule, it would also consider whether those deficiencies have been met or not. If the deficiencies are identified as having been met, then, of course, the assessment would go forward for peer review.

But if the deficiencies remain, then the assessment would not be recommended for review until the deficiencies have been met or the assessment method has been modified to handle the data deficiencies. Are there any questions on that recommendation?

CHAIRMAN PATE: Can I get a motion for approval.

MR. NELSON: So moved.

CHAIRMAN PATE: Motion by John Nelson, seconded by Eric Smith. Without objection, I'll consider the motion approved. Thank you, Doug, keep going.

DR. GROUT: The final item we have is as you know, the Commission has been modifying their stock assessment process so that we now have two separate workshops. One is a data workshop where we collect all the data, we get all the data together, and then a second workshop where the actual assessment is done.

We've had at least one species I know of that has gone through that process, and I think actually a couple, and it seems to be working out very well. In your briefing document, there is a document entitled, "ASFMC Data and Assessment Framework" and what this is, is essentially an outline, a description of how these two workshops should occur. It's a process.

In that document there is a basic background. The document starts out with a basic background and has question and answers about the process. There is also a draft timeline that we've put together that has been put together identifying when specific tasks should be done leading up to a peer-reviewed assessment.

Also on Page 10 there is a data workshop guidelines, the guidelines for these workshops. It outlines the goals. It also has a section concerning confidential data access, access to confidential data that is brought to these workshops, how to address that.

There is a process for participants. We identified that these are working meetings, and there is going to be homework for the participants leading up to these meetings, that the workshop is not going to be a place where you're going to compile your data, your state's data.

That needs to be sent in ahead of time, and they will be reviewing, analyzing and discussing the data sources at the meeting, also who will be the participants.

I would like to take the time now to remind you that in addition to the technical committee and the stock assessment committee and ASMFC staff, at your last meeting you approved that we should invite anywhere from one to three stakeholders to fully participate in these data assessment workshops.

You also approved some guidelines for all the participants that include making note that this meeting is for technical advice and not management advice, that when you come as a participant, you work to achieve the most objective scientific viewpoint.

There will be no tolerance for personal agendas at these meetings. Participants must commit to attend the entire meeting, not just come for a day, and that the results of the assessment may not be broadcast before they have been vetted through the proper channels, i.e., approved by the species management boards.

And if participants choose not to comply with these guidelines, they will not be asked to participate again. These will be things that will be sent out on the invitations and will be on the agenda so that everybody participating knows what is expected of them.

We also have guidelines in case there is late data that comes in after the workshop. Generally, we're saying, well, if it's within two weeks, the workshop participants will consider them and try to incorporate them, but after two weeks, as a general policy, they will not be included in the assessment.

It identifies the data work products, the participant responsibilities, et cetera. There is also in this document some examples of the types of data that should be brought to the workshop. Then there's guidelines for the assessment workshop.

Again, there are goals here on what the outcome of this workshop will be. One thing of note that we are recommending in here is that all the data associated with the assessment and associated documentation, detailed descriptions of the modeling methods used shall be compiled and stored at a database housed at the ASMFC so that we won't lose any of these.

We'll be able to use these data from one assessment in a future assessment. We don't have to worry about trying to recompile the data. And also then the information used will be easily available for review by other people.

The organization and participants of the assessment workshop, in this case we're talking about the species stock assessment committees, the species technical chair and vice chair as well as ASMFC staff.

And at your annual meeting, you decided to approve a policy not to invite stakeholders to this particular meeting, this type of a meeting. Now, obviously, all our ASMFC meetings are open to the public. We're just talking about invited to be full participants in this.

Then Appendix 1 is some general terms of

reference that you can use for peer reviews, and then Appendix 2 is essentially components of the assessment report, what things should be in the assessment report, each assessment report.

So that is our document that outlines how these two workshops should occur. The intent is that this will be put together with the peer-review document so there will be a single document that will say this is how the Commission handles our stock assessments as well as our peer reviews.

CHAIRMAN PATE: Doug, is there an explanation of how the stakeholders will be chosen?

DR. GROUT: Yes, there is in here. There will be one to three stakeholders to be invited to fully participate in the data workshop. The exact number will be flexible in order to adequately represent the fisheries in the data workshop. We recommended that the ASMFC staff aid in the selection of the stakeholder representatives.

CHAIRMAN PATE: Thank you. Any more questions of Doug? Can we get a motion for approval.

MR. NELSON: So moved.

CHAIRMAN PATE: So moved by John Nelson; second by Jack Travelstead. Without objection I'll consider the motion approved. Does that complete your report?

DR. GROUT: That completes my stock assessment committee report.

**-- Management and Science Committee
Report --**

CHAIRMAN PATE: Thank you, Doug. We'll skip Dr. Hogarth's presentation. Doug is going to sit right where he is and give us the report from the Management and Science Committee.

DR. GROUT: What I bring to you is a subject that seems to, from what I hear, have been discussed extensively at this meeting. It is a document that is an ASMFC multi-species implementation plan.

Now that we are getting very close to have the MSVPA peer reviewed and ready to be used by the Commission, we need to have a plan for how this is going to be integrated into fisheries management.

The Management and Science Committee has had a subcommittee, a multi-species subcommittee that has been working on this for several years. There was a workshop conducted back in 2002 to look into how fisheries management agencies can incorporate advice from multi-species assessments into the single-species management process.

We've also gotten input on this from the boards and various other organizations over the years. Before I start, I wanted to make you aware of something that you already approved a couple of years ago, and it's some general concepts for ASMFC implementation of multi-species management.

And these are that multi-species models should be used as an additional information to single-species management. Number 2, the Commission should work on multi-species issues in a step-wise progression from single species to multi-species, i.e., MSVPA, and then to spatial models, which we're already starting to develop; and then if you choose so, up to the ecosystem models.

And in the long-term, the Commission may need to modify the committee and board structures to effectively deal with multi-species management issues. These were some concepts that you approved a year or two ago.

What I'd like to start off with here, in outlining this document, is there are four functions that we see need to happen as we move forward, the first one being multi-species model development.

This is already ongoing. We're already in this process and about to complete it at least for the MSVPA. Number 2, review species models and structure of the data. That has been done internally; and as of this fall, the MSVPA will go out to the SAW/SARC process for peer review.

Next we will be running multi-species model and develop management advice; and, finally, make multi-species management decisions. What I have up here are preferred options of the committee, just to give you a basis.

I'm going to show you all the options we came up with later, and you, as a Policy Board, will need to make a decision which option to choose to address each of these functions. But these are just the preferred options of our committee right now just to sort of give you an overview.

Next I'm going to give you sort of a strawman process flow if you were to accept these recommendations just so you will get an idea how multi-species management and the stock assessments might occur.

First of all, the species stock assessments that are going to go into the multi-species model would be conducted. Next the species management boards and the Policy Board should develop terms of reference for the multi-species assessment.

Number 3, the Multi-Species Technical Committee, if you would choose to go with that, to develop such a committee, would obtain the species assessments and run a multi-species assessment to address the terms of reference and develop an assessment report to the Policy Board, including a description of alternative management implications.

Number 4, the Policy Board would consider the species tradeoffs and issues with this and provide directions to the single-species management boards to implement. And, finally, the single-species management boards would implement tactical management based on single-species assessment and consideration of the multi-species issues as directed by the Policy Board.

So that's just a basic flow, as we saw it as a management and science committee, multi-species committee saw would occur. What I'd like to next just make you aware that out of the workshop that occurred in 2002, there were a variety of recommendations on how to

implement multi-species assessments into the management process.

They are in this document on Pages 6 through 12. And for every recommendation, there is a suggested ASMFC action, and unless you would like me to, I'm not going to go through every single one of those, but just to outline what the basic topics were that we felt needed to be addressed.

But if you want to look at the specific ASMFC actions, you can look in the document here:

Improve integration of multi-species issues into current management measures; improve coordination and communication among the agencies, researchers, et cetera, to address overlapping jurisdictions and encourage coordinated use of the multi-species model.

There's four recommendations on how to develop basic multi-species and ecosystem models to improve the current single-species management advice; ways to evaluate and peer review the multi-species ecosystem models; develop realistic priorities for multi-species data collection based on clear objectives.

And, what I think is an important part is to develop a plan for implementing new data collection programs to support multi-species and ecosystem assessments. These are very data-hungry models.

We chose four species where there was a lot of data on and relatively good quality data, but for other species this information is lacking right now, and it's going to take some programs being developed to get this information, and so we need a plan for this.

And then, finally, modifying the existing management structure to more fully address multi-species issues and to address overlapping jurisdictions. So, there are a series of recommendations on how and ways that ASMFC can address those recommendations in this process.

Now we sort of get to the meat of things. This is in Appendix A on Page 14. It's entitled, "The

ASMFC Structure Options to Incorporate Multi-Species Assessments and Information into the Management Process.”

There’s basically four things that we’ve identified that need to be done, and we have options that you can choose from on how to address this at each level of the Commission’s process.

Number 1 here, I’ll tell you we’re already in that process right now, which is the oversight of multi-species model development. We’re there; we’re doing it. This is what the MSC’s Multi-Species Committee is already in the process of doing. So you really don’t have to make a decision on that. There is only one option here, anyway.

Number 2, we’re going to need to come up with who is going to be responsible for the technical review of multi-species assessment models. We have a short-term preferred solution which is what is ongoing right now. The short-term option is to have the stock assessment committee perform this function.

The management and science committee’s preferred option is Option Number 2, and that is that a multi-species technical committee be appointed by this Policy Board to conduct this task.

We also had a third option that you can consider, and that is to use the current management and science committee’s Multi-Species Subcommittee. And, Number 4, a fourth option would be to use the individual species technical committees.

And under each of these options in this document, there are pros and cons, advantages and disadvantages that we’ve identified that help you make your decision on this. And just to be clear about this, I’m going to go through all four before I request action on each individual one, because it is going to be something the Policy Board will need to make a decision on.

The third thing we have to deal with is who is going to be responsible for actually performing

the multi-species assessments and development of a management advice based on those model results?

Option 1, again, this is the short-term preferred option by the management and science committee, and that is that the stock assessment committee be the committee that would address this. But in the long term, we would prefer that a separate multi-species technical committee be appointed to conduct this task.

Option 3 for addressing this would be, again, to use the individual species technical committees. And Option 4, if you felt that this was going to be a short-term process into multi-species assessments, would be just to appoint an ad hoc multi-species model committee.

And, Number 4, we’re going to have to decide who is going to be responsible for actually making those management decisions based on the advice from the multi-species model. Our preferred option as a management and science committee is for the Policy Board to make these decision.

A second option that we came up with would be to develop a separate board called the “multi-species management board” to make these decisions or to merge the four species management boards into one board.

Finally, Option 3 under this is to use individual species management boards by themselves to make decisions on management of individual species as the multi-species management assessment comes out.

And, as I said, in making these decisions here, please consider where each of these committees fits into the ASMFC structure. Who reports to whom in these cases? If you choose to implement our recommendation of a multi-species technical committee, who is that multi-species technical committee going to report to?

If you choose other committees to address Items 2 and 3, then you’ll have to look at where those existing committees report to right now. Right now technical committees report to the

management boards. The management and science committee and stock assessment committee report to the Policy Board.

And also look closely at those advantages and disadvantages because there's costs involved with each of those options as well as staff time involved with each of those options, as well as board member time involved with each of those options. So, I'll be glad to take any questions on this.

CHAIRMAN PATE: Jack.

MR. JACK TRAVELSTEAD: Doug, I noted in a couple of the previous ones you had "short-term" and "long-term" preferences. How are you defining short and long term?

DR. GROUT: Well, the reason we came up with the short term was essentially to have something that -- there were some tasks that needed to be done before this actual document was ready for approval.

I mean, multi-species management was moving - - with the development of the MSVPA was moving forward, so as you can see on the short-term preference, we already had the stock assessment committee signed up. We needed to have certain tasks start to move forward before you approved this, so that's where we were looking at short term, and that's a minimum.

It would all depend and if you decided to go with an alternative, something other than the stock assessment committee, then it would be long term, starting anywhere from today, if you make your decisions that quickly, or you could wait to see how much farther this multi-species management progresses.

MR. TRAVELSTEAD: So your real preference is the long-term option?

DR. GROUT: Yes, absolutely.

MR. TRAVELSTEAD: One other question, Mr. Chairman. On the Number 4 issue, just a question, under Option 1, which is preferred, which is to use the Policy Board to make multi-

species decisions, are there any implications relative to the appeals process if we use the Policy Board rather than appoint a multi-species management board?

CHAIRMAN PATE: Could be.

MR. TRAVELSTEAD: It just seems to me -- I mean, I personally would prefer that we appoint a multi-species management board, and, of course, that's in keeping with the recommendations of the Menhaden Board. That came out of the workshop we held last October. I'm not sure if you're looking for a motion on this yet, Mr. Chairman, or you want more discussion.

CHAIRMAN PATE: My intent was to take a motion on each one of these four areas separately since there are some short-term and long-term options that need to be considered in a couple of those. Let's see if there are any more questions to Doug before we move forward with a motion. Pete.

MR. JENSEN: I don't know that I'm prepared to vote on this today. Perhaps my thinking has not evolved as fast as others, but I thought what we were going to be thinking about was including multi-species considerations into single-species management plans for a while.

It seems to me it's a long time before we can leap to full multi-species ecosystem management, and so my thinking was that we would set up a process where at least for a while the individual species boards would have the advantage of technical advice from people that are oriented to multi-species management.

And so, like I say, perhaps my thinking hasn't evolved quickly as others, but I'm not prepared to vote on this kind of a comprehensive pretty dramatic change in the way we do business at this point in time.

CHAIRMAN PATE: Thank you, Pete. Actually I had some of the same thoughts, and I'll ask Doug if there is anything that is pressing on the committee or this board to adopt these recommendations today or if this is something

that we could have an opportunity to review and think on more thoroughly and bring it back at the next meeting?

DR. GROUT: I think that's certainly an option. I think the timing that I see as a stock assessment committee member and as a management and science committee member is once that MSVPA is peer reviewed, it will be ready for use.

We should be prepared at that time, which will be this fall when we first are going to fully use it, to have a process in place, at least from my own personal opinion, for dealing with this.

I think in any of what is in here is all talking about providing advice, both technical advice and then going to management advice to the species management boards on how to incorporate this new piece of information you are going to have for assessments into your species management board process.

CHAIRMAN PATE: So delaying it for at least one meeting won't complicate the meshing with the MSVPA approval next fall?

DR. GROUT: I don't see any problem with that.

CHAIRMAN PATE: Okay, thank you. Bruce.

MR. BRUCE FREEMAN: Thank you. As I understand this issue, it's going to be very different than what we've been dealing with in that the product that the model will come up with will probably be an overall maximum catch or maximum MSY.

The issue is going to be, well, how do you partition that; for example, if we deal with striped bass, summer flounder or bluefish or weakfish, the discussions we've gotten into through the board meetings.

For example, do we really want more weakfish; and if so, we're going to have to reduce the population of striped bass to do it. So there is going to be tradeoffs here if you really want to get the best out of this.

And there is going to be -- depending on what you want to do, which fishery you have a favorite in, it's going to be quite complicated. It appears to me in order to make those decisions, you're going to need quite a bit more economic and social information because your decision is going to really impact a constituency.

That's where it's going to get complicated. I think you could say, well, we could decrease this one 10 percent to get a 20 percent increase in that one, but the real impact is going to be on the people who catch that fish, be they commercial or recreational fishermen.

So, in my eyes, looking at this, this is going to be a very different process than what we have, and there are going to be tradeoffs. It's going to get very sticky.

I agree with Doug, there needs to be a process, but quite frankly, I think that's going to be the easy part. It's when you're going to get this information and finally make the decision it's going to get quite complicated.

CHAIRMAN PATE: Matt Cieri made the same observations in the Menhaden Board meeting this week and noted that there were going to have to be some tough choices made by the board in balancing out those allocations among the species.

I couldn't help but think back to the agony we experienced in Amendment 6 to the Striped Bass Plan in just trying to decide what the age structure reference is in that plan, and that's going to be very difficult.

MR. FREEMAN: What I see is we need to have a process to include everyone, and that's what I think is important. I'm not sure how best to do it, but since there is going to be so many impacts, we need to make sure everyone is at the table, we don't exclude people. I think that's really the best way to approach it. And whatever best way to do that, choosing these various options, I think that's critical.

CHAIRMAN PATE: Okay, thank you. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman, but the issue, as I understand what Doug has presented to us today, is sort of what is the sort of best framework to put together.

My question to both Doug and maybe Bob Beal is one way to look at these things is to sort of run some scenarios of how they would be combined and match that against our governing system now and say, well, if we had to do these things under these different arrangements, I'm wondering if that would make some of the issues that Jack Travelstead, for example, pointed out where is your appeal process if it's in the ISFMP Board.

I'm wondering if we wanted to run some scenarios who would be the appropriate group to sort of do that to help focus our decision-making here, whether it would be the Commission staff here or whether it would be the group that Doug is working with, the technical guys.

MR. ROBERT E. BEAL: Well, I guess Doug's answer is Commission staff. My answer is Doug's group. I think in reality the Management and Science Committee, which is the group that Doug is reporting for now, has probably taken this to the end of their charge, which is structurally what groups should be formed and what will be the best flow of information.

Probably the impacts on the charter and all of our other guiding documents and the appeals process probably should appropriately be done at the staff level to start anyway and bring it back to the Policy Board for consideration.

CHAIRMAN PATE: A.C., did you have a comment?

MR. A.C. CARPENTER: I think one of the things that may help give some at least guidance to me is has the management and science committee put together a list of species that would fit within multi-species as opposed to species that won't?

For example, I can see striped bass and weakfish and bluefish and menhaden belonging to a multi-species group. I really can't see tautog or scup thrown in that same mix. It may belong there, but that may be my ignorance.

Can the management and science committee put together a list of which species would probably fit within a management species? You may have five or six multi-species groups that would be different.

That would help, I think, get partly to Vince's point there of where does this fit with the existing ones. If we could see which boards need to be combined and which don't need to be combined, that may help with Jack's question about who is going to be the appeal process here.

So, it's a suggestion that I think may get us a little more concrete than what we've got right now. I'm not criticizing what we've got. I think that's a tremendous start, but it may flesh it out a little bit for people like me to understand a little better.

CHAIRMAN PATE: Thank you, A.C. Any more comments? Anne.

MS. LANGE: Well, I think we might be looking at this in two timeframes as Doug has presented, a short term and a long term, not only in identifying which bodies or entities should have the lead at any given time, again for the short term or the long term, but also in what the Commission can actually accomplish, going back to Pete's comment.

I think to start off with for individual species boards to take into consideration the information that the models come up with on the impacts of their management measures on the other stocks involved in a multi-species grouping, but I don't see that it would be -- in the short term that we would have the abilities to actually go to the full implementation of multi-species -- you know, balancing the quotas and that type of thing in the very near future.

I mean, I think this is a progression that would take certainly several iterations before it got to

the point where we were managing completely in a multi-species basis. Doug, do you disagree with that?

DR. GROUT: No, in fact, I think this concept of a total allowable catch is only -- for multiple species combined is a very, very long-term potential use of this. I don't see this as certainly occurring in the near future at all.

I see this as there is certain information coming out of the MSVPA and hopefully in the spatial models that can help management boards look at other items other than just the single species, you know, look at predation, look at natural mortality.

That's one of the things that the Menhaden Technical Committee has used, has used age-specific M values which they didn't have as a tool before. That helps improve the single-species stock assessment and provide better management information to the board.

The concept of one big total allowable catch I think is a very long ways away. There's a variety of recommendations for ASMFC action in this document on how to get us all up to speed on how we're going to use this information in here. And as I said, I really recommend that you take a good hard, long look at this, because I think there has been a lot of thought gone into this.

CHAIRMAN PATE: John Nelson had a comment.

MR. NELSON: Yes, thanks, Pres, and, Doug, thanks for your presentation. I can see where as usual a lot of thought has gone into it. You guys seem to volunteer for Item Number 1, committee responsible oversight of multi-species model development.

Did you look at any other entity? Like you suggested on Item Number 2, one of your options was setting up another multi-species technical committee, and I guess that's versus using your multi-species subcommittee. Just a little thought on why you ultimately had just that one option under Item 1.

DR. GROUT: Because it has already occurred. It's done; it has been developed. It's going to the SARC for peer review in a few months. And so, Number 1 is actually probably not going to be used any more.

Item Number 2 will be used for -- if say we go to the spatial model development, which we already are in that process, there really isn't -- as I said, this has ready been done. It has been in place.

CHAIRMAN PATE: Jack, did you have a comment?

MR. TRAVELSTEAD: Just a little editorial comment. It bothers me. It's apparent that we're not going to do anything on this today and that we're going to put it off. It bothers me that the same people sitting around the table today so eagerly moved toward a regulatory process on menhaden on a single-species basis because they did not have the kinds of multi-species information they need, and yet here today are so reluctant to develop the framework that we will need to address these kind of things in a multi-species context.

That is worrisome to me. But if people want to put this off for a couple more months to study it, you know, that's fine, I won't object. But, it seems to me we've made a commitment in menhaden yesterday to start to look at these things in a multi-species concept to the point that we're willing to regulate the fishery until we have it, that we ought to proceed as quickly as we can to get these kinds of things in place so that we can make the tough decisions or at least have the framework in place to make those decisions.

-- Consideration of Menhaden Motion --

Just the last thing while I have the mike, Mr. Chairman, the motion that would have been made under Item 8 from the Atlantic Menhaden Board deals with that committee's request that a multi-species management board be established; and in light of the fact that Dr. Grout's report is so much more comprehensive in this area, I think we would simply put off that motion and

fold it into the consideration of this report at our next meeting.

CHAIRMAN PATE: All right, thank you, Jack, and thanks for your editorial comment. I'm not implying that adoption of the recommendations today would be reckless, but there have been some points brought up that I think have some clear implications to other aspects of our program that need to be more carefully thought out. Anne Lange.

MS. LANGE: Just a quick clarification from Doug. When you say that Number 1 is pretty well done, you're talking about the current model with the menhaden, striped bass, bluefish, weakfish, and that model framework, at any point other species combinations could be fed into that, so it's the basic model with that as the test case?

DR. GROUT: Yes.

CHAIRMAN PATE: Good answer. Any more questions to Doug on this? We will do some more analysis on the issues and questions that have been raised today and bring this back to the board at the next meeting with the allocation of ample time to thoroughly review and discuss this with the complete board, hopefully, and move forward expediently to satisfy the intent of certainly the Menhaden Board as they expressed it yesterday. Thanks, Doug. Thanks to the committee for that hard work. It's a good direction that we've started on.

Next on the agenda, skipping over the matter that Jack Travelstead noted has already been satisfied, report from Bob Beal on the update of the non-native oyster activities.

MR. JENSEN: Mr. Chairman, Number 8 has been dispensed with?

CHAIRMAN PATE: Number 8 has been folded into the intended action at the next meeting of the recommendations that just came from management and science committee.

MR. JENSEN: I understand what Jack said, but I don't know that's a light option. The board

sent forward a motion for policy committee consideration. Thank you, Mr. Chairman.

CHAIRMAN PATE: Okay. Yes, Bob.

-- Non-Native Oysters Update --

MR. BEAL: Okay, briefly on the non-native oyster activity since the last update at the annual meeting, the majority of the work that has gone on has been sort of behind the scenes, I guess you call it.

The scientists continue to work on the projects in support of development of the EIS. The modelers are doing the same thing. The contractor that has been contracted to do the modeling has continued to update the model, incorporating some of the early findings from some of the scientific projects that are ongoing.

The one main activity, as you all will remember, Delaware and New Jersey expressed a number of concerns at the annual meeting regarding the development of the EIS for non-native oysters. The states of Maryland and Virginia, Delaware and New Jersey got together a couple weeks ago in Delaware and had a day-long meeting where all the states discussed their concerns and the progress on this project.

One of the resounding things that came out of that meeting was that the Commission's Interstate Shellfish Committee needs to get together soon, sooner rather than later, start providing more of a coast-wide perspective and input on the development of this EIS and reviewing some of the scientific work that is coming out of the projects.

And to that end, I have started scheduling a meeting of our shellfish committee for the end of March, depending on availability of the committee members. We'll get everyone up to speed on the committee.

There was a previous meeting of the shellfish committee, but that was, that meeting just focused on the demographic modeling and the modeling efforts that are going on to support the EIS.

So, not all the members of the Interstate Shellfish Transport Committee are up to speed on the development of the EIS, the options that are included, the scientific work that's out there being conducted right now to support the development of the EIS.

So, we'll get that group together hopefully at the end of March, have them -- you know, get everyone on that group up to speed as to what is going on, update them on the timeline and start providing more of a coast-wide perspective and feedback to the project delivery team, I think it's called, which is the group that is developing the EIS.

So that's a brief update there. I think Pete is willing to update on the timeline. The other quick thing that I'll say is that about a couple weeks ago a petition came forward from the Ecosystem Initiative Advisory Services, which petitions Bill Hogarth to list Eastern Oyster as an endangered species under the Endangered Species Act.

I'm not sure of the fate of this petition at this point, but I just wanted to let everyone know this petition is out there. I think everyone at the table was given a copy of this petition, and we'll keep you informed on the progress and response to this petition.

CHAIRMAN PATE: Thank you, Bob. Pete, is there anything you wanted to add to the non-native matter?

MR. JENSEN: Yes, a couple of things. One, I want to publicly thank Roy and Bruce and their associates from Delaware and New Jersey for taking the time to meet with us. I thought it was a very productive session.

I appreciate their willingness to put out a public statement that they are willing to wait until the EIS process is finished until conclusions are reached, because the public perception of their position before was that they were opposed and so this clarified it for the public's purposes.

Two things. One, we have extended our timeline for a couple of reasons. One, the

development of the hydrodynamic and risk assessment models has taken a little more time than we anticipated, plus we have now appointed -- a group has agreed to be an independent advisory panel.

So we have built time into our schedule now to allow that group to be the first ones to look at the draft EIS, when it's ready, in order to give us advice on do we have an adequate data base in order to make a decision, have we missed any essential research, and, third, what would the risk be involved if we made a decision based on what we have at that time.

That group, I think we probably gave you information before, but just to remind you is Dr. Brian Rothchild is the chair of that group. Dr. Maurice Harral, who is the director of the French National Biological Laboratory, is a member of that group.

There are two members from the original NRC panel, Dr. Anderson from Rhode Island and Mark Garrigan from Florida, plus a representative from the University of Maryland, Eric Powell from Rutgers University, and a representative of VIMS.

So, we believe that's a very well-qualified panel, and we're going to rely on that very heavily to give us the kind of advice we think we need once we get our information together.

On the issue of the Commission's committee getting together, we are now getting the reports from a lot of the research that we have funded, and so I think it's important that the committee get together and we be able to present to them where we are, what the researchers are beginning to tell us, so they can have a real feel for the way this thing is going.

CHAIRMAN PATE: Thank you, Pete. Tom.

MR. THOMAS FOTE: I know Maryland and Delaware put out a press release, but New Jersey was not part of that press release. We're willing to look at the EIS, but our position has not changed.

CHAIRMAN PATE: Thank you. Roy.

MR. MILLER: One note of clarification. Maryland put out the press release; Delaware did not. However, Delaware commented on the press release. Maryland and Virginia were kind enough to give us that opportunity, and I thank them for that. I also thank them for providing us with the review a few weeks ago. It was very helpful.

**-- Maryland's Request Regarding Summer
Flounder --**

CHAIRMAN PATE: Okay, any more questions of Pete or Bob on oyster matters? Pete, you had said under other business you wanted to bring up something relevant to summer flounder?

MR. JENSEN: Mr. Chairman, this is really I guess in the nature of full disclosure on summer flounder. One of the 18 options that was approved for us by the technical committee and endorsed by the board was to go to a 15-inch minimum size with a creel of four.

One of the things that has happened to us over the years is that because of the need to go to high size limits, 16 and above, virtually eliminated a fishery for us in Chesapeake Bay.

One of the consequences of that has been that because nobody is catching any fish, we can't get any samples of what is being caught, and so we're caught in a catch-22 where as long as we had those high size limits, we weren't able to get data to justify that we wanted to have a different size limit in Chesapeake Bay.

So, the way we want to implement this, which I think is all according to the rules, but I want to make sure that we're correct, is we would select that one option that has been approved for 15 inches and a four-fish creel limit.

We would then be more conservative, which I think is our option, but imposing a higher size limit on the ocean side where the bulk of our catch occurs. Now the net result of that is it's a split season, but it's totally in line with the options that we've been given to choose from.

CHAIRMAN PATE: Tom.

MR. FOTE: Pete, I'm very sympathetic with you, and I realize that this is two entirely different fisheries; and unlike I think our situation in the Raritan Bay and the Delaware Bay, you have enough of a difference that people are not going to be running from one end of the state to the other and the mixing is not going to be there.

So if I could do it sympathetically, I would do that. I'm not sure if the plan allows that. I think it's a good move to be forward. I mean, I would have a problem I guess if New Jersey came forward with this or New York came forward, even maybe Virginia since they couldn't move and mix and match, but where you're located, your ocean fishery is a long distance away from your bay fishery, and I understand that.

MR. JENSEN: Well, I think we're simply using the argument you all used the other day that you have the right to be more conservative, and that's what we're choosing to do.

CHAIRMAN PATE: Jack.

MR. TRAVELSTEAD: Pete, I just want to make sure I understand it. Did you say 15 or 15.5?

MR. JENSEN: The size limit in the bay then would be 15 based on that option of 15 and with a creel limit up to four.

MR. TRAVELSTEAD: Fifteen. So the state-wide option that was approved was 15 and four, and all you're doing is raising the size limit higher on the coast?

MR. JENSEN: On the ocean side, yes.

MR. TRAVELSTEAD: Yes, I don't see how that could be a violation of anything in the management plan. It's obviously more conservative.

CHAIRMAN PATE: Bruce.

MR. FREEMAN: Pete, relative to the MRFSS

sample, does it come both from the bay and the coast or are they separate?

MR. JENSEN: It does come from the bay, but the trouble is nobody has been catching any keeper flounder, and so there hasn't been any sample or at least not enough of a sample to draw any conclusion from.

MR. FREEMAN: I understand that, but the data you have is a combination of both bay catches and ocean catches?

MR. JENSEN: Yes.

MR. FREEMAN: They combine the state regardless of where the fish are taken?

MR. JENSEN: Yes. And in addition to that, we have our charter boat logbooks which are required to be filed for every trip, so we do have a supplemental database.

CHAIRMAN PATE: Pete, when do you plan to implement this?

MR. JENSEN: In 2005.

CHAIRMAN PATE: When in 2005?

MR. JENSEN: When? I think we are required to send in our choice by, what was it, March, the end of March, I believe. I think we're required by the end of March to notify what our choice is.

CHAIRMAN PATE: And you would do it immediately upon approval?

MR. JENSEN: Yes.

CHAIRMAN PATE: Thank you. Eric.

MR. SMITH: I was only going to agree with Jack that the argument about split modes and split rules and so forth is when you're trying to just hit your target and then it's hard to analyze, but they've got a plan that's approved. The technical committee and we approved it, and part of their state will be more conservative. I think that's in bounds.

CHAIRMAN PATE: Okay, good, thank you, Pete. Anne Lange, you had to go over a request.

-- Other Business; Adjourn --

MS. LANGE: Thank you, Mr. Chairman. I just want to remind the state directors of our NMFS state directors meeting in April in St. Pete. And if you've had an opportunity or not yet to provide comments on the draft agenda topics, if you could do that when you get back to the office, that would be great.

One other thing is that the packets were sent out by the Gulf States Commission last week, so they should be at your office when you get back to the office. And if not, please send me an e-mail and I'll make sure you get the travel packets.

CHAIRMAN PATE: Thank you, Anne. Any more business to come before the board today? Can I get a motion to adjourn?

MR. NELSON: So moved.

CHAIRMAN PATE: So moved. Thank you very much. It's been a long week, but we did some good work.

(Whereupon, the meeting was adjourned at 2:50 o'clock p.m., February 10, 2005.)
