

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

**Radisson Hotel Old Town
Alexandria, Virginia
February 1, 2007**

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ATTENDANCE**Board Members**

George Lapointe, Maine DMR
 Patten White, Maine Gov. Apte.
 John Nelson, New Hampshire F&G
 Ritchie White, New Hampshire Gov. Apte.
 Dennis Abbott, NH Legislative Comm.
 Paul Diodati, Massachusetts DMF
 Bill Alder, Massachusetts Gov. Apte.
 Vito Calomo, Proxy for Anthony Verga, MA
 Gil Pope; Proxy for Eileen Naughton, RI
 Eric Smith, Connecticut DMR
 Lance Stewart, Connecticut Gov. Apte.
 Gordon Colvin, New York DEC
 Pat Augustine, New York Gov. Apte.
 Brian Culhane; Proxy for Owen Johnson, NY
 Tom McCloy, New Jersey DFG&W
 Leroy Young, Proxy for Douglas Austen, PA
 Eugene Kray, proxy for Curt Shroder, PA
 Frank Cozzo, Proxy for Curt Shroder, PA
 Roy Miller, Delaware Div. of Fish and Wildlife

Bernard Pankowski, Proxy for Robert Venables,
 DE
 Howard King, Maryland DNR
 A.C. Carpenter, Potomac River Fisheries Comm.
 Jack Travelstead, Virginia MRC
 Louis Daniel, North Carolina DMF
 Jimmy Johnson, proxy for William Wainwright,
 NC
 John Frampton, South Carolina DNR
 Robert Boyles, Jr. South Carolina Leg. Comm.
 Malcolm Rhodes, South Carolina Gov. Apte.
 Pat Geer, GA DNR
 John Duren, Georgia Gov. Apte.
 Gil McRae, Florida FWCC
 April Price, Florida Gov. Apte.
 Bill Johnson proxy for Mitch Needleman, FL
 Wilson Laney, USFWS
 Chris Moore, NMFS

Bob Beal
 Tina Berger
 Vince O'Shea
 Vince O'Shea
 Erika Robbins

Staff

Brad Spear
 Mike Howard
 Toni Kerns
 Jessie Thomas
 Nichola Meserve
 Chris Vonderweidt

Chris Bohnzek
 Jim Gartland
 Bennie Williams
 Tom Meyer

Guests

Steve Meyers
 Dick Brame
 Jeff Kaelin

The meeting of the ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel Old Town, Alexandria, Virginia, on Thursday, February 1, 2007, and was called to order at 12:00 o'clock, p.m., by Chairman George Lapointe.

CALL TO ORDER

CHAIRMAN GEORGE LAPOINTE: Good afternoon, everybody. This is the Interstate Fisheries Management Policy Board. My name is George Lapointe. We have an agenda that has been presented in our briefing books. Does anybody have any changes to the agenda? Mr. Colvin.

MR. GORDON C. COLVIN: Mr. Chairman, if we have a minute towards the end under other business maybe we could just take a couple of minutes to talk about this coastwide PCB advisory initiative that I've e-mailed many of you about.

CHAIRMAN LAPOINTE: All right. I will tell people that the chair is going to jam out at about 1:45 to catch a flight back to Maine because I love you all but I don't want to spend another night in this hotel so we'll try to keep the agenda moving along. Before we get into the rest of the agenda I want to welcome our newest commissioner, Dr. Louis Daniel. Louis, welcome.

APPROVAL OF AGENDA & PROCEEDINGS

Are there other changes to the agenda? Seeing none and using the rules we used yesterday under general consent I would try to **approve the agenda and the minutes**, the meeting record, at the same time. Is there objection? Seeing none, they stand approved. The next agenda topic is a time for public comment.

PUBLIC COMMENT

If anybody has comments on something that is not on our agenda, now is the time to comment. But we will entertain comment as we get to specific agenda topics.

NON-COMPLIANCE FINDINGS

I see none so we will go to Agenda Topic 4 is review of non-compliance findings. There are none. The next agenda topic is Bob Beal is going to talk about

the discussion paper on public participation. And this was included in our briefing books. Are there other copies for negligent commissioners, which I was almost one of? Bob.

PUBLIC PARTICIPATION IN ASMFC PROCESS

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. The paper that I will be working from is the January 10th, 2007 draft of the public participation discussion paper. The background and the – essentially the whole first page which is the background and the strength of the commission public process has remained relatively unchanged since the last time this was discussed at the Annual Meeting down in North Carolina.

This document, this version of the document reflects the discussion at the Annual Meeting in North Carolina that the Policy Board had regarding public participation at management board meetings, essentially. There was a lot of discussion about when and how we should take public comment at those meetings.

Should there be specific or specified amounts of time? When should it occur on the agenda? Should it be on or how should it be handled on different types of agenda items? So this document essentially goes through that, the discussion of that or a summary of that discussion and presents some options for consideration by the management board.

At the Annual Meeting, the Policy Board noted that there is essentially three different types of public comment that the management board receives during its, or any management board receives, during their deliberations. The first type of public comment is issues that are not on the agenda.

This is typically or traditionally what the commission has taken up-front at the beginning of the meeting. So anything that is not covered on the agenda we ask for public comment or the chairs ask for public comment right at the beginning of the board meeting. The second type of public comment is issues on the agenda which have undergone the public hearing process.

So, as you all are aware, when we go through amendments, addenda, and other management actions we take, we conduct a number of public hearings up and down the coast. I think we had 86 or 88 public

hearings in 2006 up and down the coast. The question here is how do we want to handle that public comment at board meetings. And the third type of public comment is issues on the agenda which have not had public hearings.

So a number of types of management board decisions such as, you know, approval of spiny dogfish quotas each year or trip limits or the summer flounder quota and different things that the boards do, usually sort of in the nature of specification setting each year, those don't go out for public hearings but you know the public is very interested, obviously, in where some of the quotas are set and what opportunities will be available for fishermen to participate in.

So that's the third type of public comment. I'll quickly go through the options under each of those types of public comment and the board can then consider, you know, action if that's what you choose to do. For issues not on the agenda, Option A is status quo, essentially continue to do the way, conduct business the way we've been doing it.

Option B is to set up an allotted amount of time and divide that by the total number of individuals that have expressed interest in speaking. C is to take one, you know, take comments in favor – actually, you know, this isn't on an agenda so it's essentially – Option C and D actually don't apply to this one. But there is different ways of allocating the time at the beginning of the meeting.

For Issue 2, Option or for Public Comment Type 2 which is items that have undergone public hearings, Option A is the status quo, continue to with the sort of informal process that we've been doing and modifying it based on the board chair's discretion. This has caused some differences between board meetings and you know this is one of the issues that the Policy Board wanted to address.

Option B is not to accept any new public comment at board meetings on issues that have gone out to public hearing. And Option C is to accept new comments and then under Option C there are some sub-options on how we can divide up the available time or provide opportunities for the public at meetings.

Issue 3 or Public Comment Option 3, which is items that have not gone out to public hearing, status quo is the informal process we have now. Option B would be divide the allotted time by the total number of individuals. C is take one comment in favor and one opposed when we get to the motion part of this. And

Option D is to allow a fixed amount of time for speakers to address the management board.

You know, these are the options that reflect the discussion at the, like I said, at the Policy Board meeting at the Annual Meeting. There is probably some hybrids of these. And, you know, if one of these options is selected our agendas will be modified and the meeting announcements will reflect the decisions of the Policy Board just to sort of give the public insight and control their expectations as to what they can expect once they get, once they, you know, travel to an ASMFC meeting.

And it will also, you know, highlight the public hearing process and the public hearing deadlines and timelines and opportunities that are available for public comment on different issues. So those are the changes that would occur if one of these options is selected.

CHAIRMAN LAPOINTE: Thank you, Bob. I would suggest we go through them Issue 1, 2, and 3 for comments. Do people have comments on Option 1 or the Issue 1 and that's issues not on the agenda? This will go pretty quick. Oh, A.C. and then Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I think for a –

CHAIRMAN LAPOINTE: Hold on. A.C. and then Pat.

MR. AUGUSTINE: You're tough.

CHAIRMAN LAPOINTE: Mr. Carpenter.

MR. A.C. CARPENTER: I was just going to say that I think for the issues not on the agenda that process that we have had in place for a number of years seems to be familiar with most people and seems to work very well and I wouldn't see any need to change that.

CHAIRMAN LAPOINTE: Thank you. Mr. Augustine.

MR. AUGUSTINE: I agree. And in those instances where we have gotten to a point where the public has reviewed everything and we're now back to the decision-making process like we were today –

UNIDENTIFIED: That's not what we're talking about.

MR. AUGUSTINE: Oh, I'm sorry. I missed a point?

CHAIRMAN LAPOINTE: This is Issue Number 1 on Bob's memo and that is issues not on the agenda, what we commonly call "public comment" on our agenda. Jack Travelstead and then Eric Smith and then John.

MR. JACK TRAVELSTEAD: I agree with A.C. that, you know, status quo pretty much covers it but there are times when you have a very controversial meeting where suddenly you'll have 20 or 30 people that want to speak. Recall the Menhaden Board meetings recently where we've had a lot of people.

And it would seem to me it would be helpful to the chair if you could have some advanced sign-up by those people so that you know when you get to the meeting what to expect. You know how much time you've got allotted on the agenda. And people can be sort of forewarned as to how much time they're going to speak. I just think that would be very helpful.

CHAIRMAN LAPOINTE: Thanks, Jack. Eric Smith.

MR. ERIC SMITH: Thank you, much along the same line. I agree with A.C. that our process in this regard has been working. And I would say normally the status quo, Option A, is fine but as Jack points out, we have those times when there is a large number of people so I would suggest we do Option 1A as our standard rule and our special rule is Option B in the event we need to exercise it.

CHAIRMAN LAPOINTE: Thank you. John, caught you right in dessert.

MR. JOHN FRAMPTON: Jack actually covered the point I was going to make. I think whenever we allow public comment we should have a sign-up sheet in advance of the meeting and the chairman of the meeting should know who wants to speak on whichever subject before this meeting starts. Then the chairman has the option to decide how to divide the time and how to use the time for public comment.

CHAIRMAN LAPOINTE: Should we do that at all meetings or just at the meetings where we expect a fair amount of public participation? Because, I mean, look at today's meeting. I mean, a sign-up sheet might not be that useful but –

MR. FRAMPTON: If you're asking me for an opinion on that I would have a sign-up sheet for all of it just so that we have the record. If it's not – you're right; today we wouldn't, it wouldn't have been an issue but it wouldn't hurt anything either.

CHAIRMAN LAPOINTE: I see heads shaking so on Issue 1 we'll go with the status quo and we'll have staff put sign-up sheets. And when we do get large numbers of people that will help the board chair move that along. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, Mr. Chairman, I think the other thing we can do, when we put out our notice – and we're now talking about that 10-minute period – we'll put a note right in that notice saying a public sign-up is required ahead of time and to help with that.

CHAIRMAN LAPOINTE: Mr. Grout.

MR. DOUG GROUT: And I think it would be important on those sign-up sheets to say that this is specifically for sign-up for general comments, not addressing anything on the menu of because otherwise you may have a, you could have a rather large sign-up and you wouldn't know where to do it.

CHAIRMAN LAPOINTE: Should we, in thinking this through, ask people for sign-up on specific agenda topics, too and so we'll be forewarned about those as well? I mean I don't see that would –

EXECUTIVE DIRECTOR O'SHEA: You might want to just kind of see how that, what you decide on that when you get to those other issues.

CHAIRMAN LAPOINTE: All right. Any further discussion on this? So the idea is status quo and then sign-ups for comments? Issue Number 2 is for those issues on the agenda that have undergone the public hearing process. Comments from board members. Eric Smith.

MR. SMITH: What I think has worked well is the one pro/one con type of thing. And I think that ought to be imbedded in Option 2C. In other words, when we've had a public comment period and we've come back and we have an alternative that was taken to public comment and we're not proposing a change to it, we should accept no public comment.

If we are proposing a change to it, we ought to allow limited comment. And it ought to be the one in favor/one opposed. So that, to me, is 2C2 – Option 2, Number 2, Option C, and Option 2 under Option C.

CHAIRMAN LAPOINTE: Other comments. Pat White.

MR. PATTEN D. WHITE: A question if, because you went a little fast there, Eric. If there is no

substantive change in the motion and we've had a public hearing then you would leave it alone but if there was some change then you would, as Option 2 implies, go have public comment?

MR. SMITH: The one that, it would be somewhat of a deviation from where we've been to date. Most times when we have a final decision to make and we're on a management measure that, you know, it may be contentious and people are fired up about it, but there has been no change to it since the end of the public comment period, then to me that's the time for the board to make its decision, not to do another public hearing.

And in that point I would limit the debate, no public debate on that un-amended alternative; it's the time for us to make a decision. But if we tinker with something, then I think it's fair, you know, my view would be get some limited comment but it might only be one pro/one con, two pro/two con and then is the board ready to decide. We've got to make sure that people understand that just because you're in the audience and you raise your hand doesn't give you an opportunity, the right to speak.

CHAIRMAN LAPOINTE: I'm going to ask – Bob has a comment about a need to change the charter if we went that way so I want to hear that and then I'll go to Jimmy and then Robert.

MR. BEAL: Thank you, Mr. Chairman. On I guess the top third of Page 2 there is some language out of the charter which notes that agendas for meetings of management boards or the Policy Board will have an opportunity for public comment prior to the board, section or commission taking action on a fishery management issue.

So, you know, under the current charter language we are required to allow the opportunity for public comment before taking action at a board meeting. So this would modify that slightly. We would have to go back in and change the charter language.

CHAIRMAN LAPOINTE: Jimmy.

MR. JIMMY JOHNSON: That sort of takes care of what I was going to ask about because if there is a date-certain when public comment has to be in by, how can we receive public comment after that date? But I guess that paragraph sort of takes care of that.

CHAIRMAN LAPOINTE: Robert.

VICE CHAIRMAN ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman. Just this goes back to the discussion, I believe Vince made the point during our training yesterday, what does this do with respect to how prescriptive we develop options that go out to public comment?

I mean I understand certainly the spirit and the intent of we want to be as specific as we can be so that our constituents have something to react to, but I'm wondering if we're going to find ourselves going down this road is it going to make us to be less prescriptive to give us more options to change things when we come together as a management board? And I'd kind of like to get a sense from the Policy Board where we want to go with it.

CHAIRMAN LAPOINTE: In thinking of both the, what Bob said about the charter and what we're trying to do, it strikes me that this may be a time when if we exercise more discipline among ourselves we could use Option 2C2 lock, stock and barrel, and just, and tell people the option or the issue under consideration has been, you know, out to public hearing; the public hearing is closed.

And then just say, "Are there comments that we haven't heard before?" And then get, use the discretion of the chair if we allow a couple people to comment, say, "Those are things we've already heard in the public hearing; and therefore, I'm not going to take any more public comment." We wouldn't have to change the charter but we would tighten up our ranks a little bit. Pat White.

MR. P. WHITE: I guess I still have some degree of discomfort with carrying this even if they have new information for something that we've had a public hearing on, we've had extensive, we have a pretty good network of advisory boards now which we're supposed to put a lot of stock in as an advisory board.

And for somebody – I'm not going to pick any species but for somebody to come to the board, even if it's new information, first of all it baffles me as a commissioner to sit here with new information at the time that we're conducting a final vote on something that we've taken to public hearing. And I'm having a real hard time wrestling with that.

CHAIRMAN LAPOINTE: Vince and then I'm going to take the discretion of the chair. I'll get Doug and then I just said Bob Mahood is an emeritus board member because he had a comment he thought might be helpful.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Actually I have two points when I read over Section 6. You know, the first, it says to, you know, provide comment. And I'm wondering whether the commission is meeting that – it says "prior to the board" and I'm wondering if that requirement is being met by our public comment period. And then the second part is whether that requirement is met by the ten-minute or general open mic comment period that we hold before any board action. It's just a question.

CHAIRMAN LAPOINTE: I think I would answer – I'll jump in – that in fact if I read this, the public hearings, this is outside the public hearing and the specific public comment period is for general comments and not taking action on specific issues so I don't think that helps us in this case. Doug.

MR. GROUT: Mr. Chairman, I would agree with what Eric had stated before, that I think if there hasn't been any substantive changes to the items that we've brought to public hearing that we should not allow further public comment. I think it's only fair because we need to provide equal access to public comment and I'm concerned that if we allow people to come to this meeting that we would not be providing equal access to public comment.

I think every person at a public hearing would love to have this entire board go around the country or up and down the coast making those decisions. But in the cases, as Eric had stated, where we might make modifications to those, that we would be able to allow it under certain circumstances.

CHAIRMAN LAPOINTE: Thanks, Doug. Bob Mahood.

DR. ROBERT K. MAHOOD: Yes, and I think Doug kind of hit on a point. On the council in our process we hold public hearings; we cut off a certain date that public hearing comments have to be in; but also under Magnuson any time the council makes a final decision you have to allow for public input at that point.

Now, it doesn't take too astute a person to realize that the best time to make their pitch is at the final point right before the council is going to make the decision. And the people that – I think Louis and Rob will agree, we have had occasion when that has made a difference of what the council did at that final point.

So that person may, generally they go to public hearing anyway but they come to the council; they

pitch real hard in front of the whole council; and it can make a difference sometimes. So if you can get away from that I certainly think – I'm not in favor of that type of situation, although we're required to do it under Magnuson.

CHAIRMAN LAPOINTE: Eric and then Paul Diodati and then Gordon Colvin.

MR. SMITH: Mr. Chairman, your point was a good one. And the point I – you covered it.

CHAIRMAN LAPOINTE: Paul Diodati.

MR. PAUL DOIDATI: Yes, I think we're all on the same page with the issue here, that it's important to be able to hear public comment and not close the public out. Clearly, the public comes here, however, specifically to lobby for certain agenda items to go in their favor. I think we all probably deal with this one way or another at home in our local or state meetings.

And what we typically do, we have a commission at home that after public hearing and we're about to make an action item or a decision on an action item within our commission, the public, certainly it's, you know, according to the law, are welcome to attend but only a commission member could recognize or ask that someone from the public be recognized.

And I'm wondering, there may be other such conventions around the table that exist in other states and other areas and maybe we just need to – this is not new. So maybe we just need to do a thorough review of the various processes that are out there before we make a decision on this and then maybe adopt what we think is best for our purpose.

CHAIRMAN LAPOINTE: Thanks, Paul. I had Gordon Colvin and then Jack Travelstead.

MR. COLVIN: I'm finding myself in pretty much general agreement with the suggestion that Eric and others have made. I think perhaps that a final policy statement could more clearly and unequivocally articulate the equity, the fairness issue that is the underlying basis of a policy of this nature, that we have literally millions of constituents who have equal opportunity to contribute to our decision-making only if, but they don't have equal opportunity to travel to Alexandria, Virginia, four times a year to try to influence the final thinking of folks before they vote. And I think that point could be emphasized a little bit because it is an equity issue.

There is, however, one little reservation that I have

and I just think we ought to be thinking about it. And that is that this notion of the, of understanding the distinction where action items are what we took out to public hearing and action items have been modified slightly by the motions to adopt them – and I think of what we just did with weakfish, for instance – may well end up precipitating argument and some hairsplitting over whether or not this is what we went to public hearing with. And I can envision some of those arguments and people making them. And it's something we've got to think about as we roll this out.

CHAIRMAN LAPOINTE: Thank you. Jack Travelstead.

MR. TRAVELSTEAD: Gordon just raised precisely the concern that I have at how you define what a “substantive” difference is. You know, if you adopt something that wasn't specifically laid out as an alternative and the only real test there that I can come up with is if it's a substantive difference would be one in which you would have to go back out for public comment.

If you're not, you know, if the staff is saying this is sufficiently discussed in the document that you wouldn't have to go back out to public comment, then the board ought to have the right to make those kinds of changes. And the document that originally goes out to the public should sufficiently inform them that the board reserves the right to look at variations in the options that are presented and adopt, you know, those types of things.

Other than that, I think you're, you know, you get to Gordon's point that you're really splitting hairs and you're placing a lot of burden on the chair to make that call. And if he's not willing to make it then you're going to have an around-the-table debate that just extends the meeting that much longer and you will have done nothing in the way of saving time.

CHAIRMAN LAPOINTE: Thank you, Jack. Is there general concurrence at this point? I did have one person in the audience raise their hand and so that would be to, under Issue 2, use Option 2C so that, modified a little bit so that if there wasn't substantive changes we would not go out for public comment because those have already been to public hearing.

And Gordon's point as well about we're going to have to grow our way into this. You know, if we come to the next meeting and say nobody is talking because we've already discussed this, we have to

make sure we inform people about the change and make a conscious effort to do that so we don't catch people by surprise. Eric.

MR. SMITH: I agree with that but actually I thought the interchange between Bob and you was a good one on the point of Section 6 of the charter. We don't want to have to go through changing the charter but that means we almost have to accept comment on anything we're going to take as a final action at that meeting.

That's where we should limit it, though, maybe one pro/one con and then take our action. So I think that's the place where – I think you used the word “discipline” and if we do that we don't create a long lobbying opportunity but we've satisfied the need to get a choice comment pro and con.

CHAIRMAN LAPOINTE: Vince.

EXECUTIVE DIRECTOR O'SHEA: And I'm trying to envision how a member of the public is going to decide before they come down here whether it's worth their trip to come down here to be that one person that's going to be included. And I'm not arguing one way or the other. But the issue we're going to get is somebody came from Florida or Maine at great expense and we picked the other person.

CHAIRMAN LAPOINTE: My sense is that we should put the change, use the newsletter, use our e-mail list, put it up on the Website. And if it takes us three meetings to move into it, that, you know, to let people know that we're going to make the change, institutionalize it more, that's smart business.

EXECUTIVE DIRECTOR O'SHEA: And I guess it would be a “heads-up” that it may only be, just put it up front there, it would be a very limited amount that you would be taking.

CHAIRMAN LAPOINTE: Other board comment. Richard Brame, did you want to do public comment on public participation? You had your hand up, didn't you?

MR. RICHARD BRAME: Dick Brame with the Coastal Conservation Association. Since I am part of the public, I thought it would be nice to have a little something to say about this. I actually agree with what you all are saying. I've always thought it unfair that the half-dozen or so of us who get paid to come here have more access than other folks. And that's really what you're talking about.

So, I agree with exactly what you all have said. If something has gone to public hearing, everybody should have equal access and equal say or else you'll get into the situation where – I go to South Atlantic Council meetings that Bob was talking about where whoever can afford the most for a plane ticket can have the biggest impact on the final decision. And that's not fair. So I applaud you all for doing this. I think it will make it a much better process.

CHAIRMAN LAPOINTE: Thank you. Anybody else? Issue Number 3 is those issues on the agenda that have not had public hearings. We had four options that Bob gave us. Any board comment? Doug.

MR. GROUT: I would like to suggest we go with status quo with these and allow public comment on agenda items that have not had public hearings.

CHAIRMAN LAPOINTE: Other comments. Any disagreement? Oh, A.C.

MR. CARPENTER: Not necessarily disagreement but I do think a refinement of an order of one opposed and one in favor may shorten that period of time. I think that's a very effective tool that we could use.

CHAIRMAN LAPOINTE: Is there any objection to that refinement? I'm sorry. I pushed the button off. We'll close the discussion on this. Staff will tune those up and we'll work in notifying folks through our various means about the changes. And we'll see how this works and adapt as we need to. Great. I'm going to break the agenda a little bit because my ISFMP emeritus board member wants to talk for a couple of minutes.

DR. MAHOOD: Thank you, Mr. Chairman. Yes, I just wanted to take a couple of minutes today to talk about our ACCSP program. I'm not going to go way back into the history, as far back as I think Salt Lake City when this all started. But we have had a long history of development of this program.

Early on in the process the Coordinating Council was very involved in development of the ACCSP program, especially back when we were starting to look at how the program would be shaped, what the standard would be and this type of thing. And I think we are probably going to end up engaging the Coordinating Council a little bit more here as we move into the future.

Currently, I think most of you know that Maury has

tended her resignation. She has been here five years. And when the, when Maury was hired and we increased the size of our Operations Committee the, by design the Coordinating Council kind of divested themselves and backed away from the program to let it be run by the director and by the Operations Committee.

Maury has done an excellent job during those five years and she has moved the program to a point I think where now she says almost a critical mass. I think we lack the legacy data from the northeast and we will have a database up and running that many of the states already are using but that everybody will be able to use in their stock assessments, their management activities and so forth.

Maury has done a wonderful job ramrod-ding this. I think the SAFIS program is one that we can all be proud of. As a matter of fact, when we began to talk about this back in Salt Lake City and then consequently further on Bill Hogarth and others were involved – Jack Dunnigan, Bill Foxx, Jack Travelstead; a number of people moved this thing along early-on. I think we can be very proud of what we've accomplished and what Maury and her staff have done.

I was over at the office yesterday and I think one of the things I've suffered from is the lack of knowledge of what really has been accomplished. And I think a lot of time what happens is I know our staff uses the ACCSP program and from what I saw yesterday a number of the states are very much involved, their statistics staff, in the use of that program and the data that's available there.

I think we probably need to, like I say, re-engage the Coordinating Council as Maury's replacement, as we go forward to look for Maury's replacement we will look to the future and the future of the program and the direction of the program. But I did want to call Maury here today. If you would come forward, Maury.

I think we owe her a great debt of gratitude for the last five years and what she has been able to accomplish. I can tell you myself as being the chairman of the Coordinating Council that she works very well without much direction because, as with most of us, I've been kind of busy and the direction probably should have been a little heavier from my point but knowing that Maury was working with the staff and accomplishing what they have accomplished, I was very confident with that. So, Maury, on behalf of the Coordinating Council I

would like to present you with this gift of our appreciation and thank you for all the time you've given us.

MS. MAURY OSBORN: Thank you.

DR. MAHOOD: While she's opening that, for those of you that don't know, Maury and her husband are going to do something we probably all would like to do if we ever had the time. They're going to pack it up. They've got a truck and a trailer and they're going to just kind of hit the road and see the country and take a little time off.

And it was interesting, Maury told me last night that as she approaches their actual retirement she's a little bit worried that maybe she's going to miss the day-to-day activity of the ACCSP. And I've told her she was crazy but, then.

MS. OSBORN: Thank you. I think Gordon commented one other time that they finally found a way to shut me up. And that was when they gave me a plaque for my service on the Ops Committee. But I'm pretty much surprised by this. I really appreciate it. It's been a privilege to serve as the director of ACCSP.

It's, you know, I worked in state setting with statistics and then I worked in the federal government with statistics and then to end up kind of with the state-federal program was a great fit for me and something I really enjoyed. I've really enjoyed the last five years. I think we've accomplished a great deal and that's due to the time and attention that the Coordinating Council put into establishing standards.

It took a lot of work to get the thing off the ground and I think the gang of four deserves a lot of credit for that. And I think Gordon was one that was not mentioned. He was one of those. I've really enjoyed working with the Coordinating Council. I've – working with the Operations Committee, with all of your staff that have been making the “rubber meet the road,” getting programs in place, has been a privilege and they're a wonderful bunch of people.

I want to thank Laura Leach and her staff for the logistical meeting support and administrative support that they've given us. She's been wonderful to work with as have her staff. And finally I want to thank my staff. They are just, they are very exceptional people and I've been very fortunate to have a great staff to help me look good so thank you very much. I'm going to miss you.

CHAIRMAN LAPOINTE: I want to thank you on behalf of the commission as well. And if you ever think you're going to miss work call Lew Flagg up. He'll tell you you're wrong.

MS. OSBORN: I think a month or two will take care of that.

CHAIRMAN LAPOINTE: And then my other advice is when you're driving that big truck don't do like my former governor did. He bought a mobile home and driving it from Maine to New Hampshire, not to New Hampshire, to Virginia, it arrived with no mirrors on either side because of tunnels on the way down so be careful.

MS. OSBORN: We'll keep that in mind.

CHAIRMAN LAPOINTE: Our next agenda topic, Bob Beal is going to give us an update on the Allocation Subcommittee.

ALLOCATION SUBCOMMITTEE DISCUSSION PAPER

MR. BEAL: Thank you, Mr. Chairman. All of you should have a copy of a paper titled “Allocation Subcommittee Discussion Paper.” It provides a little bit of background on the Allocation Subcommittee. This group was originally formed by the Policy Board in February of 2006.

The Summer Flounder, Scup and Black Sea Bass Management Board was dealing with some allocation issues. They were concerned that some of the actions they were contemplating taking at that management board may result, may actually be resulting in setting a precedent that had the potential to impact other species' management boards.

So the Summer Flounder Board recommended that the Policy Board form this subcommittee and look into allocation issues a little bit more in depth. This discussion paper goes on to spell out a problem statement that precipitated this group being formed. And it notes that the growing number of allocation issues that are facing the management boards and that reallocation of finite resources, you know, obviously creates essentially winners and losers.

If one sector, one state, one region gets more of a resource it obviously has to come from somewhere since this is essentially a zero-sum game. And it also notes that these allocation issues span across recreational and commercial fisheries. They're not limited to just one sector of the fisheries that you

folks manage.

There is a draft charge included in this document and I'll read those. Recommend criteria to be used by management boards when addressing allocation issues to create consistency across species boards and to recommend a forum for discussion and resolution of allocation issues.

These are the two items that the Policy Board discussed when they initially came up with the idea of putting together this subcommittee. And that's where that charge was developed from, from the discussions that took place back in February of last year.

The next section of the document is just a number of criteria that staff has come up with, things that have been discussed in previous board meetings and in the past as ways that, you know, in the future we might allocate some of the resources that are out there. Obviously, a majority of the allocation plans we have right now are based on historic data.

And that historic data, you know, as time goes on that data is getting older and the newer data is all modified or essentially controlled by the allocation programs that we have in place right now. So use of the newer data becomes more and more difficult the longer some of the allocation systems stay in place.

So there is a series of notions under the criteria. Those are reallocation should only occur on stocks that are not overfished. And these, to back up, these are not things the staff is recommending as the way to go in the future. These are just ideas of kind of seed the subcommittee and initiate some of their discussions and help them move forward.

Looking at information other than historic landings, possibly number of license holders, miles of coastline, numbers of trips. You know there is a lot of – that list can go on and on but there is a lot of other discreet numbers that are out there that may be able to be plugged into the allocation system.

The idea of rewarding states for low bycatch rates has come up. I think it came up in striped bass most recently. But it has been around for a while. So, if a state or a region is operating a clean fishery they should possibly be rewarded for that. The consideration for accuracy and completeness of the reporting programs. So if a state is collecting exceptional data or a region or if one fishery has exceptional data maybe they should be rewarded for that activity.

Economic impacts are obvious how that could be considered. Some states have increased and regions have increased the MRFSS sampling and, you know, maybe there should be a reward or some consideration for that increase in sampling. State recreational licenses, mandatory reporting, effort, license limitations or reductions.

One thing that has been discussed in the past under that last bullet is, you know, if a state is going to be allocated more of a resource is that, you know, what is the impact of that additional allocation going to be? You know, if more people are allowed to enter the fishery and partake in this or harvest this new allocation, then, you know, the effort or the result to the existing fishermen really isn't that great if it's diluted over additional participants.

So, these are all, you know, through my comments here I've been using "state" a lot because that's what some of our allocation systems are based on, state-by-state allocations. And, frankly, those create the, you know, the largest difficulties for the management boards at this point. So, that's just a list of ideas that could be considered by this subcommittee.

The current membership of the subcommittee is Bruno Vasta from Maryland, Pat Augustine from New York, Gene Kray from Pennsylvania, and our chairman, George Lapointe from Maine. So that is a background of where we are with this committee. I think the idea of the subcommittee has come up at least two different times this week during board meetings. And there is some interest by the species boards of this group moving forward and starting to handle some of these issues.

CHAIRMAN LAPOINTE: I will selfishly tell you that I want to get the last guy off the committee as long as I'm chair, but. Board members, comments. Kelly.

MR. KELLY PLACE: Yes, Mr. Chairman, I was under the impression that I had volunteered and was accepted for membership on this subcommittee. I believe it was at the Annual Meeting's Policy Board. I may have been excised for some reason; I'm not sure. But, just I did have a couple comments that I'll make at a later time on the various items that you've considered as criteria. But I would like some clarification on that.

CHAIRMAN LAPOINTE: I don't think, to be completely honest, we don't want to, it's not a subcommittee of the full ISFMP. What we want to do is figure out what the membership is and how to

get them started and not to get into the criteria. When they come up with products we will then get into substantive discussion. Otherwise, we'll be here for a long time.

MR. PLACE: Sure. I understand that but my original question, is the membership of the committee as stated here? Is that?

CHAIRMAN LAPOINTE: No, Bob said, whispered to me. I apologize. That was an omission. And then we'll make the change.

MR. PLACE: Okay, thank you.

CHAIRMAN LAPOINTE: Do we have other volunteers? I will work with staff to probably try to set up a time at the next meeting on when this subcommittee can get together, or a conference call to get that process started. Does that make sense to people? That's what Bob was suggesting, a conference call, so that's good. Other board comment. Arnold, did you have a comment? Come over to the mic and turn it on, please.

MR. ARNOLD LEO: Yes, thanks, Arnold Leo. Since I have to leave in about 10 minutes I wanted very much to express my deep concern that under the criteria for consideration you would even consider reallocation as a possibility.

I mean I know you're not controlled by the Magnuson-Stevens Act but one of their standards says there shall be no reallocation of the fisheries. And I think that's an incredibly important principle in fisheries management. And this obviously, even to consider reallocation under any circumstances I think is a really inappropriate and wrong direction to go. Thanks.

CHAIRMAN LAPOINTE: Again, I think it came up on the list of issues that members gave for the subcommittee. And we want them to look through it. And if they come to the same conclusion, that's what will come forward. And if they come forward with something else, it will certainly give us something to talk about.

MR. LEO: Thanks.

CHAIRMAN LAPOINTE: You bet. Other comments. Seeing none, we will move to the next agenda topic which is the discussion – oh, Gordon. I'm just like John Nelson; I don't look left.

MR. COLVIN: I'm not sure what that means but

that's okay. There was some discussion at the Summer Flounder Board about a motion that passed to pursue an addendum to the Summer Flounder Management Plan to develop and evaluate options to the current basis of allocation of the recreational TAL and whether or not that addendum should be coupled to the work of the Allocation Subcommittee or be held pending the work of the Allocation Subcommittee.

Now that I've seen the Allocation Subcommittee discussion paper and the discussion, it seems to me that, as I suspected, the work of that committee is barely underway, has a very long way to go, and I don't think that holding off on the fluke addendum would be consistent with the intent of the board's motion.

So, you know, we kind of put this discussion off until now during the fluke board, I think. And I guess, you know, I'm not sure what the Policy Board can do at this point other than acknowledge that that's out there and there are likely to be other boards confronting allocation issues while this subcommittee is working and perhaps suggest some process of coordination.

But I think we have to make decisions in the interim. This subcommittee may or may not be more successful than its predecessors. But in the meantime, decisions need to be made. And I think the boards that have to make them ought to go forward and establish whatever processes of subcommittees, discussion, processes, plan development teams or what have you consistent with our normal approach.

CHAIRMAN LAPOINTE: It would make sense – first of all, it makes sense that they do go forward but that staff would provide to those various groups just the charge to the subcommittee and then with the direction that we should examine their products for both their effectiveness within an FMP but their precedent-setting, their potential precedence for the commission as a whole. Does that make sense?

MR. COLVIN: It does. It does, Mr. Chairman. Thank you. I guess the other question I have is that I assume that those of us who would have comments or suggestions regarding the criteria could make them to Bob for inclusion in the, before the committee next meets.

CHAIRMAN LAPOINTE: Absolutely. Bob.

MR. BEAL: Quickly on summer flounder issues, specifically. I think, you know, Toni and I have

talked offline and, you know, we'll be able to pull something together for the May meeting, a draft of that. And we can start reviewing that.

We will likely call on a number of states for some help and ideas when we're, you know, when that document is being pulled together. There are a lot of ideas that have bounced around. And, frankly, probably infinite options and different ways of allocating the finite summer flounder resource. So, we'll need to probably pare down the options rather than get more options.

CHAIRMAN LAPOINTE: Other comment. Seeing none, our next agenda topic is the discussion on the script to approve meeting efficiency and consistency and I believe Bob is going to use the document in your, that was provided in the briefing CD called, titled "Proxy and Advisory Panel Chair Participation."

MR. BEAL: Yes, thank you, Mr. Chairman. This paper is dated January 2nd, 2007. This issue has come before the Policy Board I think twice. It originally was combined with the white paper or discussion paper on public comment during board meetings. These two items were essentially separated out because the Policy Board felt they were, frankly, easier to deal with than the item you addressed two agenda items ago.

This document goes through and provides script or boilerplate language that management board chairs can use during their meetings to address two different issues. The first one is a statement on voting at management board meetings.

As you all will recall, the ISFMP charter was modified to provide guidance on proxy voting at management board meetings. And the charter now reads that meeting-specific proxies for legislative and governor's appointees are not able to vote on final actions that are before management boards.

So at the bottom of the first page there is draft language that a board chair could use either at the outset of the meeting or prior to a final action being taken by the management, by a management board. I'll just quickly read it. "The commission policy is that meeting-specific proxies for legislative and governor's appointees are not permitted to vote on final action." So, pretty straight-forward there. That language was reviewed by the Policy Board and seemed to be okay last time.

The second issue addressed in this paper is the guidance for advisory panel chair participation in board meetings. There has been some concern in the past that advisory panels sometimes are commenting based upon their own opinion; sometimes they're commenting from the perspective or feedback from the entire advisory panel.

So, there is some script language here today that is aimed at, you know, directing that participation of advisory panel chairs. I'll quickly read that. "During today's meeting the board will hear a presentation from the advisory panel. This presentation will reflect the comments and recommendations of the AP rather than the personal opinions of the AP chair. If the AP chair would like to make a personal comment or like to make personal comments, I will ask him or her to note that before speaking."

So just, you know, it just puts the advisory panel chair sort of on notice that they're speaking for the committee unless they note otherwise that they're speaking for themselves. So those are the quick two issues that are included in this document.

CHAIRMAN LAPOINTE: Thank you, Bob. A.C. had his hand up.

MR. CARPENTER: I'd like to address both of the issues. One is the first one about the vote, assuming that it's only one state or one vote per state, if the state is represented by a board at that particular board meeting by a meeting-specific proxy who is the only person here, then that means that state does not have a vote. Is that how this would be interpreted?

CHAIRMAN LAPOINTE: On a final action I believe that's correct.

MR. CARPENTER: Thank you. And on the AP chair, I would suggest the last sentence, "If the AP chair would like to make a personal comment, we'll ask him to make it from the public comment microphone". That's a visual as well as a, because normally the chair sits at the head of the table. And I think that's a visual as well as a, to get our point across that I'm now speaking for myself.

CHAIRMAN LAPOINTE: Other comments. Is there – I, frankly, like that idea that A.C. brought forward. Does the board like the change? I see heads nodding yes. Is there objection to accepting both these with the modification? Done. Thank you. Our next agenda topic is Megan Caldwell will give us an update on non-native oyster activities.

UPDATE ON NON-NATIVE OYSTER ACTIVITIES

MS. MEGAN CALDWELL: Staff should be handing out a press release from, it was released on behalf of Virginia, Maryland and the Army Corps of Engineers. And it summarizes the latest activities regarding the non-native oyster environmental impact statement. Since we last met at the Annual Meeting, the Project Delivery Team has held a conference call as well as a meeting.

And we're still progressing forward with the target deadline for the draft EIS of May or June. Most notable that the Executive Committee meeting was held on December 11th and that Executive Committee consists of the secretary of Maryland's DNR, the secretary of Virginia's Natural Resources, Army Corps of Engineers, and then the cooperating agencies of U.S. Fish and Wildlife, EPA and NOAA.

So that press release just summarizes the reaffirmed commitment to that target deadline of May or June for the draft EIS. Once that draft EIS is released they are then going to evaluate when the final EIS will be delivered. They also established an independent Oyster Advisory Panel to review the draft EIS and provide advice on the sufficiency of the research contained within the draft EIS. This panel is in addition to the federal government's peer review requirements.

At our PDT meeting that we just held last week it was announced that the PDT should be reviewing some pre-draft sections of the EIS very shortly so progress is certainly being made. And particularly pertinent to this group, we plan to get the Interstate Shellfish Transport Committee together, probably in March when the Oyster Advisory Panel gets together, to take a look at the demographic modeling scenarios and some of the sections of the pre-draft EIS. And that's basically the latest with non-native oysters.

CHAIRMAN LAPOINTE: Thank you, Megan. Questions. Questions for Megan. Seeing none, we will move to the next agenda topic which is approval of nominations to the Multi-species Technical Committee.

MS. CALDWELL: This is a one-page handout that there was a copy on the briefing CD. I think I updated it with one more name which staff will be handing out and unfortunately I have – the latest version actually adds two more nominations. We've gotten quite a few names. I'm pleased to see that there is interest in having people serve on this

committee.

The board agreed at a meeting last year that we would have ten slots for state and federal biologists and in addition to those ten slots the chair of the technical committees for menhaden, striped bass, bluefish and weakfish would also serve on this committee.

As of right now the nominations are Matt Cieri from Maine's DMR, Vic Crecco from Connecticut, Stephan Munch from Stony Brook University of New York, Brandon Muffley from New Jersey, Desmond Kahn from Delaware, Jim Uphoff from Maryland, Doug Vaughn from NMFS, Howard Townsend from NMFS, Behzad Mahmoudi from Florida, Helen Takade from North Carolina, and Rob Latour from VIMS, from Virginia, and then the current chairs are Alexei Sharov for menhaden, Doug Grout for striped bass, Paul Caruso for bluefish and Russ Allen for weakfish.

Also, at the last meeting of the Policy Board you approved the charge for this Multi-Species Technical Committee. They'll begin to start work at their first meeting during the Technical Committee Meeting Week. So at this point I'm just looking for approval of these nominations from the Policy Board.

CHAIRMAN LAPOINTE: Board members, questions or comments. Jack.

MR. TRAVELSTEAD: **Move to approve the nominations.**

CHAIRMAN LAPOINTE: I have a motion; seconded by Gordon Colvin. Any discussion on the motion? Is there objection to the motion? Seeing none, the motion carries. Our next agenda topic, Jessie Thomas is going to talk about the shellfish habitat source document.

SHELLFISH HABITAT SOURCE DOCUMENT

MS. JESSIE THOMAS: Thank you, Mr. Chairman. I actually wanted to go through a couple of just habitat-related things before I do that. Is that okay?

CHAIRMAN LAPOINTE: As long as they're quick.

MS. THOMAS: They're quick. I wanted to remind all of the administrative commissioners that your nominations to the Habitat Committee are due next Friday, February 9th. I also wanted to encourage any commissioners if you are interested in what the

habitat program is doing and you're interested in attending meetings and that type of a thing, please let me know that you're interested and I will create sort of a list of commissioners that want to be involved to maybe be updated monthly or something like that on our activities so that you can still be involved if you're interested. So let me know.

The other thing is that we're, as far as the Atlantic Coastal Fish Habitat Partnership goes, you'll have received one of these fliers probably back at home but they're in the hallway. We're having listening sessions that are information sessions along the Atlantic Coast in lieu of a larger workshop to provide information to potential partners for our partnership along the coast.

And we invite you all to attend whatever one is closest to you if you're available. The sessions will be in Florida on February 20th, South Carolina on February 21st, New Jersey on February 22nd, Virginia on February 26th, and New Hampshire on February 28th. And the specific locations are on this bright green flier. Can't miss it.

So, on to the shellfish source document. I'm not entirely sure if you all have seen this in some version at some point or not. Yes, you have? Okay. This will be the final version provided that it's approved today by the Policy Board. And it will go to publication. It will be the Habitat Management Series Number 8 document.

And it's called – it was on your briefing book – called “The Importance of Habitat Created by Mollusk and Shellfish to Manage Species along the Atlantic Coast of the United States.” And we're requesting approval of that document today.

CHAIRMAN LAPOINTE: Board members, comments, questions. Gordon.

MR. COLVIN: **Move approval**, Mr. Chairman.

CHAIRMAN LAPOINTE: I have a motion and a second by Doug Grout. I missed you Pat, sorry. Before we take action, I won't tell you I read the whole thing but I skimmed through it and it's incredibly extensive. My hat is off to the folks who put it together. Are there questions or comments on the motion? We have a motion for approval. No other questions or comments. Is there objection to its approval? It is approved. Thanks, Jessie. Our next agenda topic is the habitat strategic plan, also Ms. Thomas.

HABITAT STRATEGIC PLAN

MS. THOMAS: Thank you, again. This, the entire strategic plan is about seven pages, was also included on the briefing book. I'm going to go through a brief presentation just to highlight sort of the main ideas behind what we're doing so that you all have an idea of what our plan is so that you can be able to consider it for approval.

I'm just going to go through primarily the goals and the objectives behind it; and all of the background information you can kind of go through yourself. The mission that we've proposed for this document is, if you're at all familiar with the previous version of the habitat program strategic plan, there was no mission or vision included in that so these are new.

The mission that we've proposed is to work through the commission in cooperation with appropriate agencies and organizations to enhance and cooperatively manage vital fish habitat for conservation, restoration and protection, and to support the cooperative management of commission-managed species.

The vision that we've proposed is for protected, revitalized habitat for all Atlantic coastal fish species or successful habitat restoration well in progress by 2015. The first goal that we have to accomplish this mission is to effectively protect, restore, enhance and research Atlantic coastal fish habitat through fisheries policy and management program.

This includes provisions or strategies that include the habitat sections of the FMP, development of those sections, development of policy, resolutions and recommendations in concert with the Policy Board, development of or review of potential habitat compliance requirements and recommendations.

The Artificial Reef Subcommittee will continue to work with artificial reef managers along the coast. Comment on projects and permits along the coast and identification of priority habitat impacts that are occurring throughout the range of the Atlantic states.

The second goal will be to build partnership opportunities among agency fishery managers and non-fishery resource management agencies, researchers and like-minded non-governmental organizations to promote the use of habitat information in decision-making.

This includes the formation of the Atlantic Coastal Fish Habitat Partnership, fostering relationships with

non-governmental organizations, participation in regional and national habitat meetings and scientific conferences, promotion of integrated management of fish, fish habitat and water quality among the state agencies, and engaging with the South Atlantic Fishery Management Council Habitat Advisory Panel and the Northeast Essential Fish Habitat Steering Committee in their activities.

The third goal will be to educate ASMFC commissioners, fishermen, and the general public about the importance of protecting, restoring, and enhancing habitat to achieve successful fisheries management.

This includes development of our habitat source documents, the Habitat Hotline Atlantic, conducting workshops for commissioners and the public, providing educational materials for public use, maintaining the habitat program website which we're going to be currently updating this year, and promotion of the development of monitoring programs and surveys in the states.

The fourth goal is to implement measures of effectiveness for habitat program activities to focus efforts and monitor progress of the habitat program. This is a completely new goal but we felt that it was necessary to figure out if what the habitat program is doing is working. So we are going to develop effectiveness criteria for the habitat program and annually review program goals and strategies to make sure that we're on track.

Finally, this is also a new goal, would be to identify additional sources of funding for habitat program activities including investigating supplemental funding sources, increasing Congressional understanding and long-term funding for habitat-related activities, promotion of the use of penalty and/or compensatory mitigation funds to conduct research, and the facilitation of funding and/or partnership opportunities to promote research. And that's sort of a very quick summary of our plan.

CHAIRMAN LAPOINTE: I have a comment before I take questions. Under Goal 5 when we look at additional funding it's critical that we do that in the context of the other things the commission is trying to seek funding for as well so we don't end up at cross purposes. Other questions or comments. Are we ready for a motion to approve the habitat strategic plan? Pat White.

MR. P. WHITE: I would move that we approve the management and strategic plan of 2007

through 2011.

CHAIRMAN LAPOINTE: Moved by Pat White. Do we have a second? Wilson Laney, all kind of seconds. Questions, other questions or comments on the motion, which is approval of the strategic plan? Seeing none, is there objection to approval of the strategic plan? The plan is approved. Thank you, Jessie.

MS. THOMAS: Thank you.

CHAIRMAN LAPOINTE: Our next agenda topic is a NEAMAP report and who is – Chris.

NEAMAP REPORT

DR. CHRIS BONZEK: Good afternoon. My name is Chris Bonzek, B-o-n-z-e-k. Unfortunately for me as opposed to what it says on your agenda I am neither Megan Caldwell nor David Pierce but we'll try to get through this anyway. And I know that everyone is in a hurry to get through so I'll try to be quick.

I will just also say that I know at least some small number of you have seen a version of this presentation before. And those of you who sit on the New England Council and Mid-Atlantic Council will see versions of it presented by my partner in crime Jim Gartland, who is in the back, over the next couple of weeks as well so get used to us.

Before I get started on the field program that we conducted this past fall I wanted to just remind you a little bit of the background of what the NEAMAP program is and how it got started and why it exists and what the goals are. It started in about 1998 and there were several sort of simultaneous events coming together at the same time.

The Gloria Michelle, which is the vessel that, which Massachusetts uses to conduct their trawl survey, is a federal vessel but it was rumored that that vessel was going to be going out of service soon. The commission became concerned with that for obvious reasons and sort of put it in a general context.

There was also always considered a good idea to try to improve coordination among state surveys. The commission seems to be in a good position to provide that sort of coordination at all levels of what that might be in terms of comparability of surveys, collecting indices all together in one place, all of those kinds of things.

And, again, I am going fairly fast here. But the NEAMAP program chose to concentrate, as its first program, on the fact that there was a perceived and real lack of survey coverage in the near-shore waters of the Mid-Atlantic Bight. And so that became the first major element of what NEAMAP was trying to accomplish.

And I just want to reiterate that or give the evidence for that sort of lack of coverage. The map that you see on the screen now is, the blue lines are the strata which are used by the Northeast Center in conducting their groundfish surveys. And if we – oops, I went too far too fast.

If we overlay that with a typical cruise's worth of stations that NMFS uses, that's what they would look like. And their overall survey average is one station for every 90 square miles which is fairly slim but they cover an awful lot of area, concentrated, if you will, on sort of those inshore strata because that's what we're talking about for the NEAMAP program.

And then if we overlay area defined by NEAMAP as its area of coverage, which is approximately the 90-foot contour, you see where those NMFS stations are. And if you count those little blue dots that are overlaid by the pink or under laid by the pink there is about 75 stations in there. So NMFS, the current coverage is about 75 stations to cover all of those state waters.

The NEAMAP program decided that within that area as a first cut probably a coverage of about 200 stations would be most appropriate which would get that coverage down to about one station for every 30 square miles which is more or less comparable with what most of the states do in their state surveys, whether they know it or not, but that's sort of how the arithmetic works out.

And then if you concentrate, you can't really probably see it with all these overlays now but about the second blue line, which defines the Northeast Center's strata, beginning in about 2008 those strata will not be sampled at all, primarily, well, totally due to the fact that the Bigelow when it comes online is going to have a draft of about 30 to 40 feet, depending on what they put down in the water, so they're going to be very unwilling to get into waters very much less than 50 or 60 feet. So in those fairly shallow waters or very shallow waters there won't be any coverage at all from the NMFS surveys beginning next year.

So the field work that we did, a very brief timeline of

how it came about. In 2005 ACFACMA plus-up money was acquired by the commission. And I believe you defined five major priority areas, NEAMAP pilot survey being one of those. Later in that same year ASMFC issued an RFP. We submitted the, we at VIMS, submitted the only full proposal and, luckily enough, we were chosen to conduct the survey.

Last year, at about this time the NEAMAP Ops Committee, which is sort of the second-level committee in that organization, chose an autumn survey as being preferable to conduct the pilot survey work because that was perceived as being the time during which both maximum diversity of species and maximum abundance would be seen, thereby sort of providing the most heavily worked scenario for us to concentrate on.

Importantly, the Ops Committee chose to, chose for us to use the full-size new net which has been developed for use by the Northeast Center in their surveys. Many of you or all of you are probably sort at least peripherally aware of the process that has gone on in developing that. It started as a result of the trawl gate issue and has developed into a rather positive process going on.

But the fact that we're using the exact same net, though off of a different vessel, obviously, means that hopefully the survey data will be very comparable if we're lucky enough to be able to go into the future with this.

About mid-year last year we were lucky enough, again, to contract with Captain Jimmy Rule who is home ported, technically, in North Carolina but actually fishes out of Hampton, Virginia, so that was very convenient for us and a lot of advantages to being with Captain Rule, obviously. And I'll speak about a few of those in a couple of minutes.

And then late last year, September 25th to October 15th, we actually went out and conducted the pilot survey program. I want to give you just some very brief summaries, data summaries of what we did. Based on the funding that we had and our perception of how many stations we could do per day and what our manpower was and what our manpower requirements were, we estimated going into the survey that we could probably conduct about a hundred, that we could probably sample at about 100 stations given the field time that we had.

In fact, we sampled at 98 stations and so we think we did pretty good. The red dots that are on the map

here represent the stations which the computer told us at which we should sample. The blue dots are the stations at which we actually sampled and so you see a lot of those overlaid. There are a lot of, there are several examples where there are red dots with no blues and those were untrawlable locations. Then there are a few locations where there is blue dots without red and those would be the substitutes that we did.

But you can see that our coverage was pretty good. Specifically, just off the coast of Long Island it was difficult to get into some of the shallow stations and so you see a lot of red dots without blues there but there were just so many obstructions there that we couldn't sample. And in the southern area that's the same figure. And I won't leave it up for too long because I know that we want to go.

Overall catch, this is just summing everything that we caught. These are the top 24 species by weight that showed up in our net. And I'll read the important ones from left to right: weakfish, butterfish, croaker, scup, spot, one-two-skip-a-few, smooth dogs, silver perch, bluefish, summer flounder, kingfish and so on.

That doesn't mean that these are the only species from which we can get valuable data. These just happen to be the top 24. And I didn't pick 24 for any particular number other than the fact that those are the ones over 100 kilograms and they fit conveniently on a graph.

These are the top species by number which we caught, many of which are the same. The reason that this is split into two graphs is that all of those bars on the right would have to fit into the little bar underneath bluefish on the left and so you wouldn't be seeing very much information there but a lot of the same species by number as by weight, though the order changes a little bit.

I want to speak for just a minute about the procedures that we used onboard once the catch got there. The Ops Committee had defined for us what they called priority species. These would be the species which would receive, from which the specimens would receive full processing once the fish came onboard. And I'll speak about what the full processing means in a minute.

A-list species, we were under instruction – and obviously it's what we wanted to do – to whenever those fish came onboard we would take the full processing samples for those. The B-list, we would do those species if time allowed after doing the As.

And the C-list, a third priority, the same definition, if there was time to do them we would do them.

For those species that were going through the full processing, these are the parameters that we took: length, whole weight, eviscerated weight, sex, maturity stage, and then we brought home otolith samples and stomach samples. And overall these are the numbers of those full processing fish that we worked up, about 2,000 of the A-list species, about 1,500 of the B-list species and a very small number of the C-list species.

And the C-list species just also happened to be ones which we didn't catch very much and so it didn't matter whether we never got to them or whether we never caught them. We never had them in the first place. So pretty big numbers. And then for all the other species we recorded aggregate weight and then took measurements, individual measurements on either all the specimens or a significant sub-sample of those.

And I want to go through just the, I want to go through the data products very quickly for what is in our final report. And, actually, we sent our final report in just yesterday so I think that will probably be distributed fairly soon. And as I was listening to the discussions this morning I was of two minds as to whether I chose the species smartly or not so smartly but it's what is in here so that's what we'll present.

The figure on your left with the red dots is just a bubble plot of the stations which we, at which we sampled and the numbers of weakfish which showed up. The bigger the dot, the more the fish. And the same figure on the right in blue but that's in terms of biomass.

Note just quickly and maybe you see this, maybe you don't, but off the coast of Virginia and North Carolina there are several of the biggest dots there when you're looking at the numbers and not quite the biggest dots at those same stations in terms of biomass. And I just want to make that point because in a couple figures later it figures in.

This figure represents our estimates of what we call minimum trawlable abundance either in terms of numbers or biomass. And I won't go through the calculations for what that means but will just briefly say that if we knew the efficiency of our net, meaning how many of the fish that were in front of the net did we actually end up with in the caught end, if we knew that then those estimates would be estimates of the total stock size within the survey area.

And the red figures here are minimum trawlable number. The blues are minimum trawlable biomass. And the picture in the upper left-hand corner is the net or the same net set up in the, in a warehouse. And it just sort of gives you a quick idea of the scale. Those are full-sized people looking at it so it's a fairly large piece of gear.

Obviously, we can get sex ratio data from these and for this particular species generally about a 50/50 sex ratio. But this is why I wanted to point out that difference between numbers and biomass on the map figure. When we got down into the Virginia and North Carolina areas you see a lot of unknowns which would tend to be the smaller fish. You just can't identify the sex yet. And so the data there sort of correspond to one another.

Length frequency data, annotated with the fact that we captured about 31,000 weakfish during the survey, measured almost 5,000 of those individuals. Age frequency data and the numbers here on top of each bar are the numbers which would be in our data if we had taken otoliths from every single individual. So these are our sample expanded out to the whole, basically. And as you can see the age structure on this stock is fairly truncated.

Length-weight regressions by sex here. Maturity schedule, 50 percent maturity of these fish at about 18 centimeters so it's at about 9 inches or thereabouts. Ninety-nine percent maturity at about 28 centimeters which is maybe, what, 13 inches, thereabouts? And the diet data which we've worked up already and in the fish that we saw for weakfish chowing down pretty well on shrimp, bay anchovies and other fish species.

So what did we learn by doing all this? Well, the survey costs and our ability to work up the fish and our number of stations that we could accomplish per day was about in line with what we expected. Any number of advantages with working with Captain Rule and with any experienced commercial fisherman. I could probably go on for a good half hour about how well that worked and how much, how important it was, how important Captain Rule and his crew were to the success that we were able to achieve.

As you saw in the abundance figure, in our catch figures, several important commission-managed species were abundant in the survey. And by doing this we get sort of those estimates of variability so that we can run a critical analysis as to whether our perception or the NEAMAP Board and Ops

Committee's perception that 200 stations is a good number to shoot for, we can now sort of test whether that's a good number or whether it's a little low or a little high.

What would be the advantages? So we've done a pilot survey. What would be the advantages of implementing this program fulltime? And fulltime at this point is defined as running spring and fall surveys at about 200 stations per cruise or per survey. Obviously – and these sort of stick out without me having to say them, I imagine, but – we get reliable estimates of abundance and other stock assessment parameters.

I would think fairly importantly from your point of view we can develop state or region-specific data for helping you set regulations. As I made all those sort of abundance maps for our report you see an awful lot of examples where you would have a lot of juvenile fish in one area but the larger adult fish, you know, north to south, south to north, vice versa, and I would think that's fairly important in helping you decide on how to manage species.

I think it's probably a fair statement to say that it's far more efficient to have a single coastwide survey or Mid-Atlantic Bight-wide survey than it is for each of the several states to develop their own staffs, vessels, the whole infrastructure that goes along with developing this kind of thing. And, fairly importantly, I think this fills what is going to be a significant gap in NMFS' surveys in the very near future.

What might be upcoming? Well, we did the 2006 survey for a rock-bottom price of \$250,000. Our estimate of sort of the true cost of doing what we did is about \$430,000; the difference being that we did this without any additional personnel. We had probably about \$50,000 of our own equipment onboard. It just costs a lot more to do it than what was actually spent.

The allocated funds for 2007 are equal to \$278,000. And so we've expressed a little reluctance to try to repeat our efforts for the same level of funding. Our estimated cost for a full, the 200 station, fall-only survey, is about 600K and the other numbers are for the full spring and fall surveys, what it would cost on an ongoing basis to develop those.

So what can, what might we be able to do with the 278K that's available for this year? One idea that has been tossed around is for NEAMAP and the Northeast Center to conduct some side-by-side

comparison tows. If the NEAMAP survey is going to continue into the future, then obviously even though they're using the same net, we're fishing the same net off of different vessels and so we need to make sure that we have comparability estimates. So it's required at some point.

Some number of comparison tows could be done within that budget, not an adequate number, not by any stretch, but some could be done. That's the first negative. It would be a very difficult logistical dance to do that in the fall because the center is going to be running two full surveys running side-by-side with the Bigelow and the Albatross during their fall sampling this year.

So they're going to be sampling at 300 identical locations and to try to join in that dance with a third vessel just adds an awful lot of complications. Downside as well, there wouldn't be any assessment related data collection in 2007.

Another possibility that we've tossed around is to have what we call an "investment year." Spend that 278,000 to hire a project manager so that all the project documentation can all be done ahead of time. We can invest in all that equipment that is going to be necessary if this work is going to continue into the future.

The advantages, that it gets us ready, more or less "off the shelf" ready to conduct future work if funding becomes available. It can be made to fit the budget. The downside is there is no data collection in 2007 and of course there is no guarantee of future funding so we might invest all that money and then end up with a lot of nice shiny equipment in our offices.

A possibility, perhaps, of doing a geographically-reduced survey. It has the advantage of keeping the field program alive. It keeps our relationship with Captain Rule going. It could be made to fit the funds that are allocated. On the other hand, the biological value is fairly limited and we wouldn't really learn a whole lot more in terms of we've done the pilot survey; we've learned what we need to learn as far as processing the work, how much effort is involved. So it's of limited value in that regard.

Or, to repeat the full pilot survey, that could be the start of a baseline for a time series going into the future. Doing the full pilot survey again we probably would become more efficient in what we're doing so we'd refine our techniques. Is that refinement worth the cost? I don't know. A big downside, of course, it

doesn't fit the currently available funds.

And we would be concerned that if you start a time series of 100 stations that all of a sudden that would become the standard and that's probably not quite adequate. And then with that I'm done and I just have a few pretty pictures to dance by in the background if anyone has any questions.

(Whereupon, Vice Chairman Robert H. Boyles, Jr., assumed the chair.)

VICE CHAIRMAN BOYLES: Okay, questions. Howard and then Wilson.

MR. HOWARD KING: Yes, a great presentation, Chris. Do the costs you put up there include the bench work for aging and diet?

DR. BONZEK: Yes, because the costs for going into the future include the personnel, which would be both field personnel and lab personnel.

VICE CHAIRMAN BOYLES: Wilson.

DR. WILSON LANEY: Thank you, Mr. Chairman. Chris, you indicated that the pilot study allows you to run the numbers and look at your PSEs and determine what the actual number of stations should be to give you the desired degree of confidence. Have you done that yet? And if so, what's that number?

DR. BONZEK: I'm sorry. I haven't and I knew that that question was going to come up. And I've just been concentrating on getting all that other data out and I haven't done it yet. But it shouldn't be a very complex problem to look at and I can pass that on to staff once we do it.

VICE CHAIRMAN BOYLES: Pat.

MR. PATRICK GEER: Chris, has NMFS looked at what the ramifications are of their estimates for negating the inshore strata?

DR. BONZEK: Let me give an answer that doesn't necessarily directly answer your question so ask it again if you don't like what I say. What the NMFS people are telling us is that they are viewing this right now as one element of their coordinated monitoring strategy going into the future. So they know that they are not going to be able to sample in these areas; here is an off-the-shelf survey ready to go so that they can continue that part of their data series.

As I, again, as I was developing those map figures it

was apparent there, and it was also very apparent in the field, that our highest catches were by far those that were closest to shore as a general rule. It's not an absolute truth but as a general rule. So if no sampling is done there, there is going to be a lot of information not being taken.

VICE CHAIRMAN BOYLES: Any other questions for the board? Vince and then Roy – Roy.

MR. ROY MILLER: Thank you, Mr. Vice Chair. I just want to express my enthusiasm for this work, Chris. And I'm appreciative of the efforts and of the report you generated. And I wish I had the magic formula to fund this survey but I'm certainly supportive.

I also, it occurred to me that maybe some of the state partners, if this program were to be funded on an ongoing basis perhaps some of the state partners might be able to scale back or perhaps even eliminate their own in-shore surveys within their state boundaries and, thereby, perhaps make some of those resources available for this coastwide effort. Thank you.

DR. BONZEK: I did neglect to say that in the area that were defined here, from Montauk to Hatteras, New Jersey is the only state that currently runs their own survey in the ocean waters. Every state has surveys in the estuaries. And I shouldn't speak for NMFS but I have heard a couple of different NMFS people say that they sort of expect requests for this. I don't think, they're certainly not willing to fund everything but I think they can see themselves as a partner.

VICE CHAIRMAN BOYLES: Vince.

EXECUTIVE DIRECTOR O'SHEA: Yes, these aren't questions, Mr. Chairman, but sort of a couple of different observations. Number 1, I think the number of species that this trawl survey interacted with should really be exciting to us given the challenges that we have with these species.

The second is that 278 – and this may be a question – my sort of sense is just sort of spending the 278 to do a side-by-side comparison is, if you really had your druthers, that would be secondary to doing a full-blown survey next year or this year. Is that – am I picking up the right sense on that? And then I want to follow up, Mr. Chairman.

DR. BONZEK: Yes, the, when we made this presentation to the NEAMAP Board back in

November their preference, absent of a lot of information, was that that should be the first priority for spending the 278 in 2007.

As we learned a little bit more and then we made similar presentations to the Ops Committee a couple of weeks ago and it became apparent that we couldn't by any stretch come close to doing an adequate number of comparison tows, and then the logistical problems as well, that became a secondary option for the Ops Committee. Their first option was to do some combination of the investment year and some field work.

We have the concern – Captain Rule, as I said several times, has been terrific to work with and he's very committed to this program, as I think some of you probably know, but it's important for us to keep him involved and to get him out there and to be able to pay him a little bit of money, to be frank.

VICE CHAIRMAN BOYLES: A follow-on, Vince.

EXECUTIVE DIRECTOR O'SHEA: Yes, it sounds like you know one option that was not up there, and I have Laura here, is – and this in my mind might be the second option, but one option that's not listed for us all is to defer doing anything this year. And I'm told we can hold the 278 and roll it a year. And that may be a better option than just sort of spending it to get it out the door.

But the second is this issue of the overlap between the Northeast Trawl Survey and the good work that you've done. And I'm just wondering if this is such a good thing and given things like what Mr. Miller said, if maybe the decision, an option here is to try to stretch and see if we can't cobble together enough money with the help of the service and maybe some other sources and try to go after it and see if we can put the full survey on.

So I would kind of offer that, Mr. Chairman, as another option that you have there. But it would require a substantial commitment, I think, from this Policy Board and the members around it to be willing to dig into our pockets and find it. And we were, quite frankly, we have ACFACMA money that's out there that we're concerned about and we may be able to cobble little piles of money together. So I would offer that sort of as another option to think about, Mr. Chairman.

DR. BONZEK: And I would just add, again, that I think NMFS is waiting to be asked, to a certain extent, and I'll leave it at that for now.

VICE CHAIRMAN BOYLES: Okay, thank you, Vince. Is there any more comments or questions from the board? Gordon.

MR. COLVIN: I'd just like to speak in support of the concept that Vince laid out. I think, I mean, I obviously can only speak for New York. You know we are committed to moving forward under the recently initiated Ocean and Great Lakes Ecosystem Conservation Initiative that was enacted last year to enhance fishery-independent survey work in the marine district, including an ocean trawl component.

Now, we have had a couple of different options under consideration and having a little bit of time to strategize and to figure out what funding we can come up with, which will largely be a result of the current budget deliberations in the legislative session this year and how to most effectively make use of that, makes sense to us, I know.

And obviously other states in the region have, you know, each a unique situation to look at. And I think, you know, I can't speak for New Jersey but I should think that they would like some time to think this through in terms of what makes the most long-term sense for them. They're really kind of in the most difficult situation I think with a very long-standing investment and time series of information to be thought through.

So I like that idea, Vince. And I think rather than rush into something that commits resources that may or may not really produce much "bang for the buck," why don't we think through and come up with a really good game plan, negotiate with the service, try to put together a funding plan and a strategic plan that will get the job done to the best of everybody's benefit.

VICE CHAIRMAN BOYLES: Thank you, Gordon. Any other questions or comments?

DR. BONZEK: Just thank you all.

VICE CHAIRMAN BOYLES: Chris, while you're up here I'd like to, on behalf of the Policy Board, thank you and Jim Gartland for all the work and the effort that you all did to make this work. We really appreciate it. And we'll see if we can get a solution here, as well. You all have, the board has five alternatives – you add what Vince has suggested in terms of just kind of a "wait and see." What's the sense of the board on how to proceed here? Vince.

EXECUTIVE DIRECTOR O'SHEA: I mean, one of

the options may be for us to try to cobble together a funding committee of a couple of interested commissioners to work with me and sort of see if we can't figure out a way to come up with the money.

And I think the other sort of decision point here may be just sort of as your fallback position is to roll over the 278, sort of make a conscious decision not to deploy the 278. That may be one thing. But you may need to hear the report of the subgroup but have a subgroup to work with me on trying to come up with the money might be one way.

VICE CHAIRMAN BOYLES: Great. Roy, you had something.

MR. MILLER: It's probably premature of me to strategize about potential funding sources but I couldn't help but think about potential power company funds. Looking at the species list that was generated by this survey, several of those species are very important, for instance, in our local power plant impact 316A and B studies.

And I wonder in lieu of recent compliance guidelines with the Phase 1, 2 and 3 of the Clean Water Act if there might be some power company available, power company money available to support this kind of research. Thanks.

VICE CHAIRMAN BOYLES: Roy, it sounds to this individual, at least like you might be a good person to just sit and perhaps lead that effort with Vince and the staff. So, I think that sounds reasonable. Are we working by consensus here?

I think what I'm hearing us that we do sit with a subgroup of this group working with staff to see if we can cobble together the funds necessary to do what really needs to be done and with, as Vince pointed out, the fallback of just not committing to do, to spend that 278 just yet. Do we need a motion or is this by consensus? Vince.

EXECUTIVE DIRECTOR O'SHEA: Maybe not a motion but I just, I mean we should have done this before Mr. Colvin came back into the room but we were talking about maybe one of the reactions here is to put together a small working group, a funding committee, if you will, to go after this. And I think Mr. Miller volunteered. And I'm just wondering what your interest would, through the chair what your interest might be. I think the two of us, unless there is somebody else, that would be fine, Mr. Chair.

VICE CHAIRMAN BOYLES: That sounds

reasonable to me, I think. I'm, do I see any objection to this line of, this course of action? Okay, great. Fantastic. Again, Chris, Jim, thank you very much. Thanks for all your efforts here. We certainly do appreciate it. Moving on down the agenda we have the energy seminar write-up and recommendations from Megan.

ENERGY SEMINAR WRITE UP & RECOMMENDATIONS

MS. CALDWELL: At the Annual Meeting in October our Habitat Committee and the Management and Science Committee jointly held a seminar on the impacts of LNG and alternative energy development on fishery resources. The primary goal of this seminar was to determine the most effective role for the commission to assist the states in energy policy development permitting and monitoring process.

We had five speakers on several different topics. The first was fish and energy policy. That presentation was put together by Tom Bigford of NMFS and was presented by Jessie Thomas. Another presentation, by Michael Ludwig of Ocean and Coastal Consultants, and that was on energy impacts on fish.

Another presentation on federal energy, permitting, and regulation by Medhar Kochar of the, of FERC. The fourth presentation was on state energy, and permitting, and regulation by Vin Malkowski of Massachusetts. And then the final was an industry perspective presented by Doug Dixon of the Electric Power Research Institute.

There was a lengthy discussion after each of these presentations and through that discussion as well as follow up meetings of the Habitat Committee alone as well as the MSC alone and additional e-mails back and forth they developed a set of a few recommendations. So we're bringing those before you for your thoughts and approval.

And I guess I would start off before I mention what the recommendations are to say that all of these recommendations were crafted to be accomplished within the budget that we currently have because these recommendations were made after the 2007 Action Plan was put together. So, these are all things that we think we can accomplish given the current budget and action plan and maybe expanding upon that and building it into the 2008 Action Plan.

So the first recommendation would be to use one of our current commission staff members to serve as an energy contact. And basically they would be an

information conduit for energy issues, facilitating communication between states on projects that may be happening and may be of interest to other states along the coast.

This individual would also track requirements, status impacts and results of energy projects and developments along the coast, and would basically be a point of contact for the energy industry should they want to talk to the Atlantic States. That being said, it's not meant to circumvent or prevent any communication between the states and the industry or with FERC or any of the other regulatory agencies. This is merely an additional way to facilitate communication.

The second recommendation, and this is the more immediate recommendation – it's going to require quite a bit of work – is an energy source document. And the name of this document that has been thrown around is "Guidance on Proposed Energy Projects in the Atlantic Coast State Waters."

And basically this would be similar to our habitat source documents but it would be a joint effort between our Habitat Committee and Management and Science Committee and it, the intent would be to assist the states when having to comment on proposed energy projects.

And the topics that would be covered – these are all proposed topics that would be covered by the document – is general information on different types of energy projects, general permitting process, potential impacts, ecological, social and economic impacts, minimum monitoring requirements to think about for proposed projects, and methods for evaluating and mitigating cumulative impacts.

So, while this is quite an undertaking, this document would be, so our proposal is that the MSC and Habitat Committee would work with our energy staff person to develop an outline in this current year and then to, and the scope of the document in 2007, and then we'll build into the budget for 2008 to sort of flesh that document out.

The last recommendation has to do with advocacy and lobbying. Both the Habitat Committee and the MSC brought up several issues related to this. One was lobbying for changes to the current permitting process, lobbying for funds to support the research that's needed for these, the monitoring requirements for these energy projects, to advocate on behalf of the states with the energy industry and advocate that states spend more time on energy issues.

The recommendation that came out of this discussion was that we refer each of these issues to the commission's Legislative Committee and have them consider these issues among all of the commission's legislative priorities and let them take those up. And those are the recommendations that came out of the joint seminar.

VICE CHAIRMAN BOYLES: Megan, thank you for that. Any questions for Megan? Comments?

MS. CALDWELL: I was hoping to get some sort of sense that this is an appropriate course of action to develop. Is there truly an interest for the commission to delve into this arena? It's a new set of workload for the staff but there seemed to be quite a bit of interest at our seminar so we just need direction from the Policy Board and understanding that this is, indeed, worthwhile.

VICE CHAIRMAN BOYLES: Agreed? Any objections to moving along these lines? Paul.

MR. DIODATI: Not an objection but it's not clear to me what the advocacy lobbying recommendation will really entail. I have a little bit of concern about that, changing the permitting process. I don't want us to or I don't want to agree to that in general without knowing what the specifics are.

VICE CHAIRMAN BOYLES: Megan.

MS. CALDWELL: That, there was some shared concern about that as well. And that's why staff recommended that we refer that to the Legislative Committee to actually decide whether or not that's an issue that we want to take up in light of other commission priorities as well.

VICE CHAIRMAN BOYLES: Paul, does that get you?

MR. DIODATI: Yes.

VICE CHAIRMAN BOYLES: What's the sense of the Policy Board? Is this a good avenue to pursue? Okay, fantastic. Megan, have you got what you need?

MS. CALDWELL: Yes.

VICE CHAIRMAN BOYLES: Okay, fantastic. Thank you, Megan, for that. Next up, a Committee on Economics and Social Sciences report, Melissa Paine.

CESS REPORT

MS. MELISSA PAINE: Thank you, Mr. Chairman. This committee met earlier this week with the main task of reviewing proposals submitted by contractors to perform an economic study on the impacts of management actions of horseshoe crab fishery closures. And that was under Addendum IV to the Horseshoe Crab Fishery Management Plan. And that went into effect on October 1st of last year.

The committee decided to recommend that this Policy Board approve the proposal submitted by Industrial Economics Incorporated. And their proposal entailed analyzing trip ticket data from the previous five years for those affected states of New Jersey, Delaware, Maryland, Virginia, and, additionally, New York.

The committee further recommended more discussion with the contractor to see the feasibility of performing some extra work to determine effects of closures on the local economy and that would be done with input/output models. And that would, of course, as long as it fell within budgetary constraints.

And then, finally, the committee also worked on submitting nominations to update appointments to the TCs and PDTs. And so I've got a list of names to go on and so that should be up-to-date. And the committee agreed that this is the most important way that social and economic considerations can be incorporated into FMPs and amendments. And that's all I've got.

VICE CHAIRMAN BOYLES: Okay, thank you, Melissa. Tom, you have a question?

MR. THOMAS McCLOY: Thank you, Mr. Chairman, a comment more so. As far as the horseshoe crab survey is concerned, New Jersey doesn't have a trip ticket, per se, system in place. We do have monthly reporting forms which have been in place for quite some time. So I'm going to assume that that would be adequate for the survey?

MS. PAINE: Yes, the contractor was just going to work with what data was available and with the assumption that data would not be available across the board in every state. And in that case then the best available data from a certain state could be extrapolated to nearby states.

VICE CHAIRMAN BOYLES: Gordon.

MR. COLVIN: Thank you, Mr. Chairman. Over the

last couple of months all of us have received a fairly, I believe, extensive amount of mail, e-mail, and inquiries associated with a recent report commissioned by the group, I think it's, Stripers Forever, evaluating the economic benefits and comparing the economic benefits as perceived by the consultant of the commercial and recreational striped bass fisheries.

A lot of those e-mails and the related correspondence went not to us but to our commissioners, secretaries, governors, etcetera, as well. And that has precipitated a lot of inquires from the public about what are you going to do with all of this. I have been, over the years, become a little bit wary of particularly of un-reviewed economic studies that are advocating a point of view.

And because I know so little about economic and social sciences it seemed to me that it might be helpful to suggest that our Committee on Economics and Social Sciences to be asked to take a look at this report and provide some advice to us, perhaps to the Striped Bass Board in this instance although I think the Policy Board would be interested in the advice.

And I can't really call it a peer review but at least it would be helpful to me to have the benefit of their thinking and advice on the report and to be able to say to the many people who are asking us what we think of this that we have through the commission asked our expert advisors on economics and social sciences to give us the benefit of their thinking before I respond and reveal my ignorance of those sciences to those folks.

So if, I think the committee may have actually had an opportunity to discuss this at least briefly but perhaps if there isn't objection we could ask them to take a look at this report and perhaps confer by conference call and e-mail and tell us what they think when we next get together.

VICE CHAIRMAN BOYLES: Gordon, I think that's a great idea. Melissa, any comments or reaction? Is that something the CESS could do?

MS. PAINE: Yes, we actually did discuss it just minimally because we just were made aware of this last week. But the committee was definitely interested in pursuing this further and coming up with some sort of a response paper.

VICE CHAIRMAN BOYLES: So you could report back in May, perhaps, to the Policy Board?

MS. PAINE: I think, hopefully, yes. And, additionally, the Striped Bass Management Board as well? Okay.

VICE CHAIRMAN BOYLES: That's my sense of the board. Any objection to that line? Okay, consider that to be a request, then, please, of the Committee on Economics and Social Sciences. Any other questions or comments on the report? **We do need approval for the, to pursue the contract with Industrial Economics.**

OTHER BUSINESS

Any comments along those lines? Any objections to that? Melissa, I think, seeing none I think you've got the tacit approval of the Policy Board along those lines. Okay, any other questions? Melissa, thank you. Next, we're up to other business and Gordon, recall, had made a request to have a discussion under other business, so, Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I will be very brief. I have forwarded I believe to most of the state director members of the Policy Board the draft report of a group that had been initiated by some folks with the Maine Department of Health sometime back to attempt to develop a standard consensus-based, single advisory on consumption of bluefish and striped bass along the East Coast of the United States with respect to PCB contamination.

And I have subsequently, I think, also forwarded to you the comments submitted on that draft report, both by my agency and the New York State Department of Health. I am of the opinion based on informal communication I have had with the folks on our health department that it is likely that efforts will continue on the part of the initiators of this program to try to bring it to closure around the first of April, although that date may, hopefully, slip to allow some more substantive re-writes of some chapters.

The single standard advisory that is being proposed is that women and girls that are or who may become pregnant eat none of these fish and that all other segments of the population eat no more than a meal a month. Current advisories up and down the coast vary on either side of that level of advice.

It seems that the advice may be predicated on concerns about PCB contamination as low as 2/10ths to 5/10ths of a part per million or an order of magnitude less than the current U.S. Food and Drug Administration regulatory tolerance for fish in the commercial marketplace.

It seems to me that basing a coastwide advice on concentrations in that level are going to raise questions about consumption of fish and perhaps other species of fish besides bluefish and striped bass that have not been raised in recent years and will also likely raise questions from consumers, consumer advocacy groups and the press about commercial utilization of fish, even though those levels of, those concentrations are an order of magnitude below the FDA regulatory levels.

And I just wanted to make board members aware of this and the prospect for those issues. At the present time it is unlikely that New York State, and from what I understand Massachusetts, although no others states are presently on that list, will endorse and join in the announcement of the advice as it stands with the current draft of the report.

Now, the report could be changed and modified in the continuing discussion in ways that may help to satisfy the concerns of New York and Massachusetts and that's still very much up in the air, as I understand it. But, other than that, that seems to be where it is headed. And I just wanted to throw that out there and make sure that folks were aware of it. And if there is anybody that would like to discuss it with me further I will be happy to.

VICE CHAIRMAN BOYLES: Gordon, thank you for that. Does anyone have questions for Gordon for the benefit of the entire board? Okay, Gordon, thank you for that heads-up. Is there any more business, any other business to come before the Policy Board? Okay, Bob has got something.

MR. BEAL: Just a, two comments relating to spiny dogfish. First is, during this meeting everyone was handed a memo noting the management board's action and allowing the states to essentially re-open their fishery to harvest the remainder of the quota that's available to fish up to the 6 million pounds that was authorized by the management board earlier this week. And that, that memo was also e-mailed to everyone so you've got that in your e-mail I think.

And relating to spiny dogfish, also, during the Spiny Dogfish Board meeting there was a request that everyone be provided a copy of a letter that David Pierce drafted or has written regarding the CITES considerations for spiny dogfish. That letter was also e-mailed to everyone so you should have that as well. So I think we've caught up to date on all the spiny dogfish documentation.

ADJOURN

VICE CHAIRMAN BOYLES: Thank you, Bob. Any questions for Bob? Any other business to come before the ISFMP Policy Board? Seeing none, may we adjourn? I'd like to adjourn and move directly into the – we don't need a business session? Vince.

EXECUTIVE DIRECTOR O'SHEA: I don't think we'll need a business session. We can deal with approving the minutes and so forth at the next meeting. But, Mr. Chairman, one thing I would like to call attention to is this week really marked the first time out for about three-quarters of our staff who are brand-new. Now they've been joining us periodically but I think you've seen sort of our whole new staff this week.

And I think just to publicly say I think they did a terrific job which is, frankly, a reflection on our seasoned staff: Toni, Bob, Megan, and Brad and the staff members that we had already. So I know most of them are down there at the end of the table but I'd just publicly like to thank them for helping us with a very great week. Thank you, Mr. Chairman.

VICE CHAIRMAN BOYLES: Vince, I'd just like to echo that on behalf of the Policy Board and the commission as well. So, we will not have a business session. We will deal with approval of the minutes from the Annual Meeting at our May meeting. We will look forward to seeing everybody in May. Thanks for a great meeting week and travel safely. Thank you.

(Whereupon, the ISFMP Policy Board meeting adjourned on Thursday, February 1, 2007, at 2:00 o'clock, p.m.)

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