

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

**Crowne Plaza Hotel
Old Town, Alexandria, Virginia
August 4, 2010**

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of May 6, 2010** by Consent (Page 1).
3. **Move to refer the species of concern, depleted and unknown status to the individual species boards for consideration; comment on actions taken towards stock rebuilding and corrective action** (Page 8). Motion by George Lapointe; second by Douglas Grout. Motion withdrawn (Page 11).
4. **Move for the ISFMP Policy Board to write a letter to the Joint International Commission with a copy going to the Marine Resources Committee of the Maine State Legislature, USFWS and NOAA urging a more aggressive and comprehensive plan for restoring alewife to their historic St. Croix River Watershed. Motion carried on Pagethe North Carolina Proposal** (Page 24). Motion by Malcolm Rhodes representing the Shad and River Herring Management Board ; no second. Motion carried (Page 23).
5. **Move to have the Shad and River Herring Technical Committee notify the states the need to put together sustainable fishery management plans for directed fisheries only** (Page 26). Motion by George Lapointe; second by James Gilmore. Motion carried (Page 27).
6. **Move to adjourn** by consent (Page 16).

ATTENDANCE

Board Members

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|--|--|
| George Lapointe, ME (Chair) (AA) | Craig Shirey, DE, proxy for P. Emory (AA) |
| Sen. Dennis Damon, ME (LA) | William Goldsborough, MD (GA) |
| Pat White, ME (GA) | Tom O'Connell, MD (AA) |
| Douglas Grout (AA) | Russell Dize, MD, proxy for Sen. Colburn (LA) |
| Rep. Dennis Abbott, NH (LA) | Steve Bowman, VA (AA) |
| Ritchie White, NH (GA) | Catherine Davenport, VA (GA) |
| Paul Diodati, MA (AA) | Louis Daniel, NC (AA) |
| William Adler, MA (GA) | Bernie McCants, NC, proxy for W. Cole (GA) |
| Ben Martens, MA, proxy for Rep. Peake (LA) | Mike Johnson, NC, proxy for Rep. Wainwright (LA) |
| Bob Ballou, RI (AA) | John Frampton, SC (AA) |
| David Simpson, CT (AA) | Malcolm Rhodes, SC (GA) |
| Rep. Craig Miner, CT (LA) | Robert Boyles, Jr., SC (LA) |
| James Gilmore, NY (AA) | John Duren, GA (GA) |
| Pat Augustine, NY (GA) | Spud Woodward, GA (AA) |
| Brian Culhane, NY, proxy for Sen. Johnson (LA) | Jessica McCawley, FL (AA) |
| Peter Himchak, NJ, proxy for D. Chanda (AA) | William Orndorf, FL (GA) |
| Tom Fote, NJ (GA) | Sen. Thad Altman, FL (LA) |
| Leroy Young, PA, proxy for J. Arway (AA) | A.C. Carpenter, PRFC |
| Loren Lustig, PA (GA) | Jaime Geiger, USFWS |
| Roy Miller, DE (GA) | Emily Menashes, NMFS |

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

Ex-Officio Members

Bob Beal

Guests

Jack Travelstead, VMRC

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 4, 2010, and was called to order at 1:25 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good afternoon, everybody. I'd like to call to order the ISFMP Policy Board.

APPROVAL OF AGENDA

CHAIRMAN BOYLES The first item on the agenda is to seek your consent for the approval of the agenda. The agenda was sent out in the briefing book, but we've got a request to add about four items that are on the screen. Any additions to the agenda? Bob.

MR. ROBERT BALLOU: Mr. Chairman, the issue of research set-aside has gotten a lot of attention this week, and I'm wondering if perhaps it might be appropriate to add that to the additional agenda items just to see where this board might want to go vis-à-vis that issue. Thank you.

CHAIRMAN BOYLES: Okay, RSA, we'll add that. Anything else, any other additions? All right, seeing none, the agenda will stand approved as amended.

APPROVAL OF PROCEEDINGS

CHAIRMAN BOYLES The second item is approval of the proceedings from May 2010. Again, the proceedings were mailed out in the briefing book. Any additions or corrections to those minutes? Seeing none, those minutes will stand approved as submitted.

PUBLIC COMMENT

CHAIRMAN BOYLES The next item is public comment, an opportunity for members of the public who wish to address the ISFMP Policy Board on items that are not on the agenda. I don't see anybody who has indicated an interest in addressing the Policy Board, so we'll move right on into the Atlantic Coastal Fish Habitat Partnership Update with Emily.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP UPDATE

MS. EMILY GREENE: If you scroll to Page 50 in the Policy Board materials of your briefing book, you will find the Atlantic Coastal Fish Habitat Partnership Update. The first item there you will see is a summary of recently funded projects. In early May the U.S. Fish and Wildlife Service announced National Fish Habitat Action Plan Projects approved to receive funding in fiscal year 2010.

Two projects submitted to the Atlantic Coastal Fish Habitat Partnership were approved for funding. The first is the Alewife Brook, Scoy Pond and Staudinger's Pond Alewife Access and Habitat Enhancement Project in New York; and the second, the Goose Creek Dam Ell Passage Restoration Project in South Carolina.

Just a couple of quick highlights about those two projects – the Alewife Brook, Scoy and Staudinger's Pond Alewife Access Projects; those funds will allow project partners to remove two structural impediments to migrating fish by installing a rock weir in Northwest Creek to allow passage into Staudinger's Pond and installing a larger culvert in Alewife Brook to allow passage into Scoy Pond.

Additionally, overgrown vegetation and invasive Phragmites will be cleared from the previously unmaintained channels and proper tidal flows through the rock weir and new culvert will aid in restoring two pristine habitat complexes. The project will ultimately restore access to approximately 18 acres of diadromous fish spawning habitat and enhance the ecological function of nearly 1,000 acres of estuarine habitat.

It is a cooperative undertaking between the Paconic Estuary Program, the New York State Department of Environmental Conservation, the Town of East Hampton, Department of Natural Resources Volunteers and the Suffolk County Department of Public Works, so a nice partnership there.

The Goose Creek projects, those funds will be used to construct an eel passage facility at the Goose Creek Dam, and that was constructed in 1906 to supply water to the city of Charleston. The construction of the planned eel passage facility will restore to the entire Goose Creek Watershed and adjacent freshwater wetlands that serve as important eel maturation habitat.

Again, the partnership there was between the South Carolina Department of Natural Resources in cooperation with the Charleston Water System, the dam owner, and also with the National Marine Fisheries Service and U.S. Fish and Wildlife Service. The second point in your briefing book update is a snapshot on the second page there of the Atlantic Coastal Fish Habitat Partnership Webpage, which is also up on the screen right now.

That was launched on May 13th. You will find a variety of information on that website, including links to aquatic conservation publications and planning tools, information on funding opportunities and conferences and a chance to sign up for Breaking News. Included on that is a late-breaking news item.

As of last night, the Atlantic Coastal Fish Habitat has put out a release requesting project applications for habitat conservation for the next round of Fish and Wildlife Service, NFHAP funding. We expect plan awards to range between \$10,000 to \$50,000. However, we will consider larger projects. Those applications and associated forms are due on September 17th. If you have any questions or you'd like to receive updates, I would be happy to take them. That's it for the update.

CHAIRMAN BOYLES: Emily, thank you; any questions for Emily. All right, seeing none, we will move on. The next item on the agenda is the review of stock rebuilding performance. Bob.

REVIEW OF STOCK REBUILDING PERFORMANCE

MR. ROBERT E. BEAL: In the briefing materials there is a document that goes stock by stock through all the ASMFC species and has categorized those into five different categories that I'll go into in a minute that essentially is just a review of how the commission is doing. The background on this is this issue of the commissioners wanting to do more frequent reviews of the progress that the commission is making came up in the 2009-2003 strategic planning process.

We went through essentially the same exercise last year at the August meeting. This review for the August meeting was also included in the 2010 Action Plan. The objective of this exercise is to essentially validate the status of the ASMFC-managed species and the rate of progress toward rebuilding those stocks; and if the rate of rebuilding is not acceptable, identify what corrective action should be taken to move it over to the acceptable rate.

The outcome of this discussion that Robert will be seeking from you at the end of my presentation is essentially direction or feedback to the individual species management boards on what action, if any, they should take to correct or improve the rebuilding of the species and also input into the 2011 Action Planning Process. The staff will work on the Draft Action Plan between this meeting and the annual meeting in November.

This year the report was organized a little bit differently from last year. Last year we had three categories; rebuilding, depleted and then the final category was unknown. This year, based on the discussion that took place during this agenda item last year, staff has reorganized this, and we've actually come up with five categories.

These five categories are fairly similar to what North Carolina does when they characterize their fisheries and display to the public how the rebuilding efforts are going in North Carolina. Rebuilt and rebuilding are the good news categories. Rebuilt means where the stuff is above the target. It is where the management plan indicates that it should be.

Rebuilding indicates that the trajectory is in the right direction; all these stocks are above the threshold and on their way to the target, so essentially there is good news there. Concern is a little bit of a catchall category. Some of those species are in fairly good shape, but there are areas that the management board has highlighted as problematic and something the management board should consider addressing.

Depleted is just that; stocks that are at low levels; and unknown is stocks that ASMFC has not been able to put together a quantitative stock assessment. What I'm going to do is – the rebuilt-rebuilding stocks, as I said, these are the good news stocks. American lobster, croaker, herring, menhaden – the board is going to probably discuss menhaden as we did yesterday, but relative to current reference points the stock is not overfished and overfishing is not occurring – striped bass, bluefish, northern shrimp, scup, spiny dogfish, Spanish mackerel, summer flounder and red drum, those are species that are in the good news category, as I call them.

Now moving into the species of concern, American shad is the first species in the concern category. The majority of the rivers are unknown; 64 percent of the 86 rivers that we've tried to access, collectively it's all-time lows for a number of the river systems. Recovery does not appear to be occurring.

Amendment 3 was approved last year, and that has, as everyone knows, a 2012 moratorium. If the fishery is not sustainable, then theoretically the states will have to implement a moratorium. Significant action has been taken on shad; it's just through the implementation process right now. The one thing that's needed for shad, obviously, is improved monitoring.

The next species in the concerned category is coastal sharks. This one is difficult because there are so many species in this group. There are I think 40 individual species, and some are overfished, overfishing is occurring, but it varies by species. The one thing that was of concern is that many of the states were unable to implement their regulations until earlier this year of 2010, and that is about 18 months later than what the FMP called for. The overall goal of this plan is to complement federal HMS regulations.

This is a table out of the document that is on the Briefing CD, and it is just a summary of the status of a number of shark species. The next species in the concerned category is horseshoe crab. The good news with this is last year when we did this, it was in the unknown category and it is moved over to the known category, but the bad news is that it is still in the concern rather than the fully rebuilt.

There was an assessment and peer review in 2009. There are still some concerns about the unknown status of the stock. The Delaware Bay and southeast population segments increased. The New England and New York stocks declined, so the declining in the northern range is what put this into the concerned category. There is a pending addendum that the Horseshoe Crab Management Board is going to deal with tomorrow to talk about the quotas and how horseshoe crab management is going to progress into the future.

Spot, this is also one of the species that was on the unknown last year. There has been a fair amount of work that has gone on by the plan development team, and we have move it from unknown to concern just based on the bit of information that we do have. We don't have a full quantitative stock assessment for spot, but there is a lot of work done by the PDT, and they seem to have a fairly good handle on some of the signals coming out of the landings and the surveys up and down the coast.

The difficulty is there is a mixed signal coming of those surveys that is preventing the PDT and the other folks working on this to give definitive answer

on spot, but they have been able to determine if the age structure is contracting over the last few years. The 2009 JAIs were very low. There is a lot of need for biological samples and the complication of life histories for spot.

The Gulf of Maine winter flounder I think is the final species in the concerned category. The spawning stock biomass is only at 30 percent of the target in the FMP. The peer review did not approve the biological reference points for winter flounder. They gave a lot of indication that overfishing is occurring, and there are a lot of strong signals coming out of that assessment, but the reference points were not upheld through peer review.

The last assessment indicated an 11 percent reduction was needed. The board implemented action to take an 11 percent reduction on the recreational side and a 31 percent reduction on the commercial side, so the board did action to achieve the reductions that were indicated from the latest stock assessment.

This is just a graphic of the winter flounder stock. As you can see, it is pretty low for the Gulf of Maine, so we're trying to rebuild that one, obviously. Since 2005, 2006 and 2007 there has been a bit of an uptick in the stock and hopefully the reductions taken by the management board and the New England Council through the Catch Share Program and a number of other things will show some positive signs for the Gulf of Maine stock.

Moving into the depleted category, Southern New England lobster, obviously, on Monday and two weeks ago the board has talked a lot about the status of the Southern New England lobster stock. Based on the current reference points, that stock is at 73 percent of the threshold, and the threshold is the 25th percentile. There is indication that overfishing is not occurring. The abundance is at the lowest level since the 1980s, so it has been about 30 years since it has been at this level.

The technical committee has recommended a five-year moratorium. The FMP includes a rebuilding goal of 2022, so 12 years out from now. This is the Southern New England stock status figure that we've seen I think a number of times this week and probably two weeks ago up in Warwick, Rhode Island. I don't think this is news to everyone, but the red line coincides with about the abundance of 20 million lobsters is the threshold that I was talking about earlier, and we're about 73 percent of that right now.

For tautog, this species was also talked earlier this week. The spawning stock biomass is at about 42 percent of the target based on 2006 assessment. Overfishing is occurring based on what we had at the last assessment. The technical committee recommended an F_{target} of 0.15. The board approved an F_{target} of 0.2, and 0.2 is the current fishing mortality target that is in the FMP.

The board took action earlier this week to initiate an addendum that would not allow the exploitation of the stock to increase as well as it's going to hopefully address some of the illegal poaching activity that is going on for tautog. Given the current rebuilding trajectory, it is unlikely that this stock will meet the 2015 rebuilding target that the commission has set.

This is a graphic of the tautog stock in millions of pounds. As you can see, it has been relatively flat since 1994, a couple bounces up and down. Since 1994, as you can see, kind of the middle of this figure, the stock has been relatively flat and below the threshold. As I said, we're about 42 percent of where we want to be at a fully rebuilt tautog stock.

Weakfish, we talked about that one at length I think over this year. We're about 10 percent of the target as far as SSB goes. We've got a fair amount of rebuilding that needs to take place in the weakfish stock, and that is based on the 2009 assessment. Overfishing is not occurring. The overall harvest for weakfish is relatively low, and that is one of the confounding problems that the board has had to address.

Again, this stock is unlikely – given the current rebuilding or current stock trajectory, it is unlikely to meet the 2015 rebuilding target. The management board implemented a hundred pound trip limit on the commercial side and a one-fish creel limit on the recreational side, so there was some action taken earlier this year to address the status of weakfish. This is the biomass figure for weakfish. Obviously, it's trending down fairly rapidly. It had some bits of good news in the mid to late 1990s, but it has significantly dropped off since then.

The final stock I think in this category is Southern New England and Mid-Atlantic winter flounder. This stock also is at 9 percent of the target based on the 2008 assessment so a lot of rebuilding needs to occur. Overfishing is occurring based on the current F_{target} , which is zero, so any harvest would put this into the overfishing category.

The federal government has completely closed or implemented a moratorium on Southern New England winter flounder. The board approved a limited fishery in 2009 and discouraged directed harvest for this fishery. It's too early to see the results of that effort from the management board. Again, a graphic on the stock, pretty low levels – the dashed line close to the top of the figures is where we hope to be. As you can see, the stock is pretty far down for there. Since 1981, when this figure begins, we actually have not achieved the SSB threshold, so this stock has been low for quite a while and hasn't shown any signs of good news over the last 15 years or so.

The unknown category is American eel, Atlantic sturgeon, hickory shad, river herring and spotted seatrout. American eel and river herring, there are stock assessments that are going on for both of these species right now. All five of these stocks obviously can have a lot more data collected. We need a lot more information on all of these.

Hopefully eel and river herring will have a quantitative assessment in either late 2011 or 2012, so we might be, with any luck at all, be able to move those from the unknown category into one of the other four categories – I don't know which it might be. That is a quick summary. I can go into details on the unknowns and what the technical folks are looking for, but I think we can do that if necessary.

CHAIRMAN BOYLES: Thanks, Bob. Questions or comments for Bob? Doug.

MR. DOUGLAS GROUT: Thank you, Bob, and thank you to the staff for putting all this together. This is obviously I think an important thing that our strategic plan initiated back a couple of years ago and I appreciate that. The one thing I wanted to ask is if we could add a little bit more to Gulf of Maine winter flounder to emphasize the fact that we do have an assessment that has not passed peer review.

There is a lot of uncertainty on where to go. We know we probably have to reduce fishing mortality. We know the direction but we don't know really the amount. I have a couple of suggestions. One, you already put in likely overfished. I think the peer review panel's wording for overfishing was overfishing probably occurring.

The statement that they make in the peer review panel is conflicting trends between catch and indices in the assessment result in high uncertainty in the states of determination. The other part that I think is

important is that analysis should be used to provide management advice. The reason they wanted to have this in here is to emphasize us and the board is we need to get a new stock assessment.

I know the Northeast Fisheries Science Center I believe next year has on their schedule to do all three winter flounder stocks again. It's either 2011 or 2012. But for this, as we're going through and reviewing these things, that is to me a very important part that we don't have a peer-reviewed stock assessment or one that has passed the peer review. It makes management a little bit more challenging and difficult.

MR. STEVEN BOWMAN: I noted, Bob, that you had croaker in the good news category. Is there anything anecdotally or are you hearing anything that would indicate that there might be something on the radar to demonstrate that stock may be experiencing a little problem? The reason I ask is anecdotally we're noting from the buyers as well as the charterboats – and I have received a couple of letters from charterboat captains – that the croaker are nowhere near as prevalent as they have been in past years. I'm wondering if that's just an anomaly down where we are if you had anything that maybe you could share with me to maybe shine a little light on that potential observation. Thank you.

MR. BEAL: Steve, I haven't seen anything in the indices to indicate there is a problem, but I have heard that the landings are dropping off in North Carolina as well as Virginia. I think both of those; you know, the landings dropping off and I don't think the effort has dropped off, so putting those two things together is probably something to pay attention to there, for sure.

The croaker was assessed earlier in 2009. Actually, the South Atlantic Board is going to talk about croaker tomorrow. The technical committee has done some additional analysis, so those analyses might be able to shed some light on that as well tomorrow.

MR. WILLIAM A. ADLER: Bob, on the Winter Flounder New England/Massachusetts spawning stock biomass chart, is there a reason why the target was set way up where it is when even since 1981 it has come nowhere near that? I don't know why those lines are that high. Are they too high, maybe, for expectation to get it up there since it has never been there?

MR. BEAL: Those are the thresholds and targets for a spawning stock biomass that came out of the peer-reviewed assessment, and I think it may have been the GARM Assessment. As you note, the stock has not achieved these levels, either the threshold or the target, through the last 30 years. These are based essentially on a theoretically where the stock could rebuild to based on the life history of the animal and the spawning potential, et cetera, et cetera. These are theoretical and based on the biology of the animal rather than the observations that have occurred. I don't feel comfortable commenting if they're too high or too low.

MR. ADLER: Yes, it just seems to me that the bars are unrealistic, and we could be treading along here for years and years and almost like never get there because it never was there. I just question the relevance of the two bars being as high as they are; that's all. Thank you.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: It's understanding when they do these types of calculations, one of the things they are accounting for is what the removals were over that time period. What you're saying is that we've never seen that amount of fish in the water, but they have taken into account what the pressure was to derive what the capacity of the stock was. I think it's more than just what the history of the fishery has been. It has been what the history of the fishery been under heavy fishing pressure. Thank you.

SENATOR DENNIS DAMON: As I was looking down through here and saw river herring in the unknown category, it reminded that at the recently concluded shad and river herring meeting we voted to request this board to send a letter, and I'm just wondering what the status of that request is and has this board received it. It's on the agenda; thank you very much.

CHAIRMAN BOYLES: Yes, sir, we're going to get to it. Louis.

DR. LOUIS DANIEL: I think this is a great report, Bob, and it looks a lot like the North Carolina stock status report. I think it would be good to have this type of thing as an annually updated report. I don't know if you talked about that earlier or not, but it's helpful to the commissioners to be able to have the commission's opinion on the various stock statuses. I agree with Senator Damon about river herring.

I think we do know a lot about river herring and could probably put them in at least the concerned

category just based on the North Carolina stock assessment much less others when we're talking about a moratorium. That is going to make it difficult when we go to the public and they say, "Well, why are doing a moratorium on an unknown stock?"; if we do that.

I also would like to have the opportunity tomorrow to talk with the South Atlantic Board. I think we could give you a status on speckled trout and get that one out of the unknown category. I think all four of the pertinent South Atlantic states with speckled trout have done stock assessments on those stocks, so we have stock status for all four regions. We've got a stock assessment for North Carolina and Virginia and have that information.

Certainly, we have the information there, and we might want to go with a concern on them, but we'll talk about that tomorrow at the South Atlantic Board just to kind of get as many species out of that unknown category as we can, but good job.

MR. THOMAS FOTE: Bob, could you put the winter flounder thing back up? I think the last time when we basically got into this kind of discussion on where the stock could really be built out to was summer flounder. Because summer flounder was rebuilding and we could see that it was never reaching those projections, we started changing those targets.

With winter flounder we haven't seen any rebuilding, so we don't know theoretically if we could reach those targets. Remember with the first proposal for summer flounder, it was we could build the stock out to many times what we have right now, and that has been taken down over the years. I think in this case we just never had any rebuilding going on that it ever became a question whether that target is too high or not. I think when we start rebuilding the stocks, hopefully one of these days, we will then have to answer that question of where we can build out to.

MR. WILLIAM GOLDSBOROUGH: Bob, I'm looking at the summary table of rebuilt species and I'm trying to understand what the criteria are for being classified as rebuilt. It looks like it's a percent to the biomass target, meeting some minimum percent; is that right?

MR. BEAL: Yes.

MR. GOLDSBOROUGH: Okay, well, if that's it – and I'm looking at Atlantic menhaden, 95 percent of the fecundity target – I think this one example points

up a limitation of this kind of classification system at least from the standpoint of sending the wrong message, I would argue. Atlantic menhaden, as we now know, is at the lowest point in the 53-year time series, and yet we're classifying it as rebuilt.

We're also saying under the notes there that it is stable, stable at the lowest point in 53 years. I'm not sure what to do about that especially given the latest assessment in which the peer review panel called for new reference points. If the criteria here is a minimum percentage of meeting one of the targets, that, too, shows the limited nature of this classification and examples like that. I wonder if there is anything we need to do to refine this so we don't have those kinds of misclassifications, I would say?

MR. BEAL: This is the staff's first cut at this. If there are species – and a number of people made the comment – that the Policy Board feels should be moved into other categories, I think that's fair game for this group. The point of this exercise is to sort of provide a summary of where we are with all of our species to this group and then this group can decide if there is any direction to the species boards.

Anytime you do this binning of species, you're going to end up with a discussion of where things should go. The 95 percent of the fecundity target, my interpretation was it's almost there relative to the current biological references. I understand your point and the action the Menhaden Board took yesterday where they're going to look into the menhaden reference points. I think there is room for discussion there.

REPRESENTATIVE CRAIG A. MINER: When these categories or bins were developed, was there any consideration given to the upper end, what I might classify as overbuilt? It seems like rebuilding and rebuilt are lumped together with that maybe upper tier; once we've achieved certain threshold quantities, that they're not additionally categorized possibly to highlight their impact on some of the others, maybe winter flounder, for example.

MR. BEAL: The short answer is, no, we didn't consider an overbuilt category or too many of a certain animal in the ocean. As you look at the summary table for the rebuilt species, there are a number of those that are at significantly high levels above their targets in the current fishery management plan, and that is a judgment call or a policy call by this group. If there any species that there are too many of in the ocean or there are so many of them

that they're having a negative impact other species, I think that's for the individual boards to consider taking action.

REPRESENTATIVE MINER: And I'm not suggesting that I'm qualified to make that classification or maybe even participate at any level in that conversation, but I do know that there are points at which at least in the freshwater circumstances an over-populated situation can be just as detrimental to the species and the environment as an underpopulated, so I think there may be some value in having that conversation if we could.

MR. GEORGE D. LAPOINTE: I understand that has been brought up and Pat has as well, but, boy, do we need a lot of discussion before that's done. If you look at what some people might say striped bass is overbuilt, not many recreational fishermen in Maine would right now. Some people would say that American lobster is overbuilt in the Gulf of Maine. Not too Maine lobstermen would say it. I think we have to have a lot of discussion because the target is kind of the rebuild category and above that is gravy, and so we have to decide how much gravy there is. I would be reluctant to change this table until we have a lot of discussion about that.

DR. LOREN W. LUSTIG: As a followup to what Bill had said earlier about menhaden, the terms fully rebuilt or successful restoration would suggest to the public that those numbers might be close to or at historic numbers, and that's going to give them a dramatic misconception of what the truth of the matter is. I'm uncomfortable with that misconception that goes out to the public. Certainly, I'd like to see historic numbers of everything from oysters in the Chesapeake to menhaden. I'd be curious to know what those historic numbers would be and have that indicated on our graphs. Thank you.

CHAIRMAN BOYLES: Other questions or comments? Tom.

MR. THOMAS O'CONNELL: I appreciate the summary that staff put together. It has been a good discussion, but I'm trying to figure out, okay, this is a good summary of where we are, but what is the process for assessing for particularly those that are of concern, depleted or unknown to gauge whether or not we believe we're doing enough to move those in a positive direction and whether or not this body needs to have some discussion on that on a species-by-species basis or if staff can provide some guidance on that.

CHAIRMAN BOYLES: I think, Tom, that's the operative question and it's a good segue to if we're done with questions to Bob on the presentation itself, the question is where do we go with this? By my count of the staff's presentation to us, we have nine species that have been preliminarily identified as either species status of concern or depleted and five species in the unknown category.

What are the desires and the wishes of the Policy Board on how to dispose of this and where to go? Certainly, we could take motions to encourage the individual species management boards to consider this information with an encouragement from this body to review the issues and if necessary initiate addenda or addendums to address the issues. In some cases it looks like additional technical review may warranted. Staff will also be drafting an Action Plan for 2011 that will be discussed at our annual meeting in Charleston. Now is a good time, Tom, I think to ask that question and to have those discussions. Pete.

MR. PETER HIMCHAK: Mr. Chairman, to that point, I think what would also be helpful for commissioners to have a ready access to is essentially what Tom I think is looking for where you could take all the species of concern – and essentially American shad we have addendum such and such to Amendment 3 will be implemented and it will do this; coastal sharks, the FMP was – you know, you'd have dates and addenda and amendments specified particularly for the depleted and concerned, so that it would show that you have an aggressive plan for dealing with them. It would make it a lot easier if somebody asked me what addendum are we on with Atlantic menhaden. That's my suggestion.

CHAIRMAN BOYLES: All right, Pete, thank you. I think some of that information is in the individual FMP reviews. Nevertheless, we have a question before us that Tom has put; where do we want to go with this? Comments? George.

MR. LAPOINTE: In following up on your suggestion and the kind of clarification Pete did, if we sent to those individual boards – and I would add the unknown category to that as well just because some of those things we've taken action on and some we haven't – sending it back to the boards and asking that they comment on it.

If I think about winter flounder in the Gulf of Maine, we took action last year and other boards have as well, and so put an asterisk near those saying we've got plans underway to begin rebuilding; and then for those plans that we can't do that, then for the board to

initiate action to rebuild them strikes me as a logical course of action.

CHAIRMAN BOYLES: Is that in the form of a motion, George?

MR. LAPOINTE: Sure.

CHAIRMAN BOYLES: A motion by George Lapointe; second by Doug Grout; and we may need some perfecting, George, as we craft this.

MR. LAPOINTE: Yes, we might.

CHAIRMAN BOYLES: All right, a motion that species that have been presented as of concern, depleted and unknown status be referred to the respective species management boards for consideration, comment and potential action. Is that your motion?

MR. LAPOINTE: Not potential action, “a plan for corrective action” rather just potential action, I think.

MR. GROUT: The other point that has to be in here is that in some of these there is action that has recently been implemented; and when we send that status or whatever to the communication to the board is saying this is what has taken place, this is what is planned. For example, with winter flounder we took action with an addendum last year.

There is an update to the stock assessment that is planned in 2011 or 2012; is there further action that needs to be done? If the case is where we haven't done anything and there isn't anything planned, you'd say there is nothing in the past two years that any action we have taken; what do we need to do to get things moving?

MR. LAPOINTE: And a bit of clarification; comment on actions taken to move towards stock rebuilding or something – towards stock rebuilding; that's consistent with the language in our goal; isn't it?

MR. GROUT: Or in the case of unknown, what are the actions that are taking place to determine the status of the stock.

CHAIRMAN BOYLES: We do have a second and we're perfecting. **The motion on the floor is to refer the species of concern, depleted and unknown status to the individual species boards for consideration; comment on actions taken towards stock rebuilding and corrective action.**

That motion is by Mr. Lapointe and seconded by Mr. Grout. Discussion? Dave.

MR. DAVID SIMPSON: I wonder if we don't really already have all of that and it's just a matter of compiling it in a single location. I know the commission puts together that two- or three-page summary that has the picture of the fish and goes across and there is an increasing or decreasing and that sort of thing I think captures that pretty well.

I think it's more a matter of summarizing where we already know where we are and identifying some of these species that – you know, like sturgeon that there isn't any great likelihood that the status of that resource is going to change in the next decade even. I think all this stuff is here; it's a matter of compiling it – it's available; it's just a matter of compiling it in a readily findable place. I was looking quickly for that status summary sheet and I can't find it on the web, but that's more of a reflection on my search abilities than anything else. I might suggest that it go on the managed species page as a summary of all those things would be kind of handy.

CHAIRMAN BOYLES: Okay, I've got Pat and then Vince.

MR. PATRICK AUGUSTINE: Mr. Chairman, would this document be prepared in such a time or put forward in a different format as Mr. Simpson mentioned in the near future; would we have a date certain for it; would it be the annual report? Those species where we do not have a management board identified; what will we be doing in those cases?

Will there be any action or will it be just we all look at those and say, well, maybe we should do the following? We have that list and it's a particularly long list. When you look at what we're good at and what we've been good at versus what we have unknown, the unknowns far outweigh the knowns. I've been asked questions about, well, you guys aren't doing a very good job, are you? We either need to break it out, come to a conclusion and consensus as to when we will have this updated report and then what action are we going to take. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Pat, if I could step in, my sense of things from Tom's question and the motion was not that this is a data collection exercise. Dave is right, this information is available. I think the question before the Policy Board is are we going to take deliberative actions to deal with this and what are those actions going to be. I'm not going to speak

for the maker of the motion or the seconder, but I think that was the intent there. Vince.

EXECUTIVE DIRECTOR O'SHEA: You just made my point, Mr. Chairman.

MR. GROUT: My comment was just possibly a friendly rewording, if George is okay with this, after the part where it says "comment on actions taken towards determining stock status and/or stock rebuilding".

CHAIRMAN BOYLES: All right, that's a suggested friendly amendment. I think I'm going to look to my parliamentarian and I think that is accepted as a friendly amendment. Further discussion on the motion. Roy Miller.

MR. ROY MILLER: Mr. Chairman, I'm just concerned about the action item in this particular motion that says "refer the species of concern to the appropriate board". Many of us in this room are, of course, on those same boards and are well aware of the status of those species, whether they're depleted or unknown or species of concern. I'm not sure what the action item in this motion accomplishes. With the exception of the few species for which there is no plan, like spotted seatrout, what is the purpose of this, Mr. Chairman?

MR. LAPOINTE: There may be another way to skin this cat, but the intention is – you know, we are graded on what we do, and that becomes abundantly clear and how we present this. If we have a list with these three categories, unknown, depleted and concerned, and if it looks like we're doing nothing on those, it is pretty easy to say that the commission isn't working towards our stated goal of rebuilding or significant progress of rebuilding by 2015.

The idea is to get each of those categories – each one of the species in those categories and say on American shad, yes, it's a concern, there are a lot of questions we don't know, but here is the action we have taken to work towards our goal on each one of those, coastal sharks and horseshoe crabs and winter flounder, et cetera; so that in fact where there is a tough job to be done and we're doing it, we say we're doing it. If there is a tough job to be done that we aren't doing yet, to get started on it. If people think I'm creating a lot of extra work by this or my motion does, if we can go back to staff and have that same discussion, you know, on those three categories, have a yellow light or a red light on it, and come back and then direct the boards as a result of that in November,

I'm find with that, too, but I think that's an important step to take.

MR. HIMCHAK: Yes, Mr. Chairman, this was the point that I was trying to make. Maybe I didn't make it very well, but on the surface just having a list of concerned, depleted and unknown is not a true reflection of the activity that has just been completed or is in progress is on the drawing board like coastal sharks and horseshoe crabs, et cetera, et cetera, so my point was that, yes, there has to be some kind of a description next to these species so that the public – I mean, we know what is going on or we should, but just to be judged on a scorecard like this, it is unfair to have all these species of concern and for the public not to know that there are a number of addenda and amendments already implemented. Thank you.

DR. DANIEL: I agree with what Pete just said. I think having the various categories is helpful. The way we do in North Carolina is the species lead develops the stock status and then it is reviewed by our biological review team, our management review team. In fact, our annual stock status report is going to be presented to our commission next week.

That may be an approach that we would want to take here for future stock status reports is get the feedback from our technical committees to the board and to the policy board before you have a final – then you have the stamp of approval from the entire process on what we believe the status and then we don't run into these problems where one person is saying the stock status is X and somebody else is saying the stock status is Y. We've got all right there. I would suggest considering some kind of a move like that for the future.

EXECUTIVE DIRECTOR O'SHEA: I think I'm going to help George here in a second with this question, but a year ago at this board if you recall there was a discussion about what happened at the Black Sea Bass Board earlier in the week, and the point was made at the Policy Board that action perhaps should have been revisited for purposes of getting a different outcome.

The Policy Board directed the Summer Flounder, Scup and Black Sea Bass Board to hold another meeting and to revisit, re-debate and address the problem that was brought before this board. Now, with that advice they did convene but they decided not to take action. My question is, is that the sort of process or the type of thing that this motion is – is that the mechanics of what is happening here in a sense is that this board, like it did a year ago, is

essentially going back to these boards saying we think you need to take additional action, or this is an issue about getting another report made out with different labels on it so we have something to show the public?

MR. LAPOINTE: I think it's both. I think it's important. I agree with people, I agree with Pete and Louis that if you just look at the list of concerns, they'll look the same; and if we're taking action of three of them and not on two, that is what this list would be intended to do. If we're not taking action on two, we would refer that back to the board. Let me talk for a minute here.

It strikes that if staff can work to do that, because we do annual plan reviews, to take those species and say American shad, we've passed an amendment, we've passed an addendum, the states are going to do this by a certain date, that is significant action being taken towards our goal. If we can do that on coastal sharks, et cetera, I'm happy to do that because then in November we'll have a more refined list that we'll talk about again – I'll just call them yellow lights and red lights and for those species that are in a red light and we're not doing enough to meet the goal, we can then redirect those specific boards rather than asking all the boards to do work. If that's a better course of action, I think it gets to the same thing and it may be a more efficient way than setting up board meetings and whatnot.

CHAIRMAN BOYLES: Are you suggesting an amendment to the motion?

MR. LAPOINTE: Well, maybe I'm suggesting we withdraw the motion and we direct staff to do that and then we put it on the agenda for the November meeting.

MR. O'CONNELL: I think George makes a good suggestion. I'm just looking at this list here, and we have a sense of what these species were classified in 1998. It would be useful to have staff go back and look at has the species management boards followed the recommendations of the technical committee and staff?

For example, tautog was on the list of concern and depleted in 1998 and it's still there twelve years later. It would be interesting to see has the board followed the recommendations of the technical committee or not. It would be interesting to see those species that really haven't moved in 12 years and perhaps we should be reconsidering the advice of the technical committee. For those species that we're following

the advice, maybe we need to reconsider alternative actions. I think it would helpful for staff to go through this exercise and report back some guidance to us.

MR. BEAL: Actually, each of these species' pages within the big report does have a section "Board Adherence to Scientific Advice", and it does summarize if the board recommended the 0.15 reference point for tautog and the board implemented the 0.2. There is a summary of how well or how consistent the management has been with the science advice.

MR. SIMPSON: Unfortunately, I don't have the answer, but I think one of the problems is that we shouldn't be – you know, based on the discussions we've had and the ecosystem management discussion we had this morning and related ones, I don't think we can so simplistically think that we can control the abundance of all these resources.

I think that's one of the things we've learned is that eel are not in the condition they're in solely because of fishing and they can't be brought solely by commission action. Part of me is sitting here saying we need another category that is sort of our excuse category, you know, natural mortality has gone up and this and that. I don't think that would really serve anything..

Certainly, lobster in Southern New England, ten years ago our management was doing great; this stock is at the highest level that we've seen in 50 years. It had nothing to do with management. It was just good recruitment. There are periods of good recruitment and poor recruitment. It is becoming clearer that sources of mortality outside of fishing and therefore outside the control of the commission can play a larger or smaller role.

I think we just have to acknowledge that we're going to have some in the less than good category and we won't be able to do too much about that. On the converse side, I look at scup and I try to very hard to explain that the meteoric recovery of scup was by good sound management because we had gear-restricted areas, 4-1/2 inch mesh, the next year we started getting good recruitment and the stock went to levels not seen before in three years. Very similar to winter flounder, those reference points that are above what we have seen since 1981, scup was the same way, we can't reach that survey index of 2.71 – you know, that was the time series high back in 1968, and we have exceeded that by, what is it, 220 percent or something. Some of this is just acknowledging we

don't have all the control that we would like to think we have.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, as you pointed out, this sort of emerged two years ago that the commission and the board decided that they wanted to review this every year. We gave you a report last year. There were concerns about the format and the information in the report and we attempted to revise the report to essentially meet what we thought were your needs to say where the stock is doing well, the stocks that aren't doing well, and to call your attention to areas that you might consider through self-examination, saying can we do better than this? That is what you have before you right now.

I guess I'm getting a little confused as to what direction we're – I understand the difficulty in trying to decide what we're going to do about it, but there seems to be tracks of discussion here. One is we're going to revise the report again for a third year, and then the other is decide which problems are really fixable and is there an interaction between the Policy Board and the individual species board that may help up drive things in the correct direction. That's why I'm confused where we are right now based on the train of discussions going around the table.

MR. G. RITCHIE WHITE: Well, to follow up on what Vince is saying, I think this is a positive for us to do even though not an exact – I think we should continue to do it. I think the second piece is I think when something is really not coming along like it should be, that this body could be taking a look at it and you have some – not in all species but in a number you have some fresh eyes.

You have the northern states that would be looking at some species we don't have; and vice versa, you have some southern states that would look at something like winter flounder. I think if there is something that is way out of line, I think this body is a body that could look at it and then maybe refer it back with some new ideas.

MR. LAPOINTE: Again, I think it has got a couple of uses and if we allow staff to take those lists and refine them, it will do in part what Vince says. It will change the list a little bit, but that's not a bad thing because this is only second time we've seen it. I recall when I presented it when I was your chair, Paul said we're doing better than this on some of these, and it will allow us to say that.

For those that we're still – and, again, I'll use my red light for – we'll refer those back to the board, and the board will be able to comment like David said. You know, by the time we get this back to the Lobster Board, we'll have had, God willing, a CIE review and there will be some courses of action already underway.

There may be other species for which we're not doing that, and that is to kind of give the board a little boot and say get started. It will say that we working significantly on those things in the appropriate way. Again, David pointed out for Atlantic sturgeon we've got it closed for a number of human generations, and we've only been through half a generation since we have done that, but we've done as much as we can. I think it will be important in that regard. Again, if we let staff do that work, we won't have to refer it back to thirteen different boards or ten boards. It will maybe be three or four.

CHAIRMAN BOYLES: Are you modifying or are you withdrawing the motion?

MR. LAPOINTE: **I think I can withdraw my motion with the permission of the chair and the board and staff can do that and then again my hope is it would be on the agenda in November and we can then – for those species as we see appropriate, we can refer those to the boards for comments.**

CHAIRMAN BOYLES: Okay, that motion has been to withdraw. This has been, obviously, well discussed on the floor. Any objection to withdrawing that, kicking this back to staff for some further explanation and discussions at the annual meeting in Charleston? I'm seeing heads nod. Okay, good discussion, thank you for that. The next item on the agenda, we will move down to discuss actions items in response to the commissioner survey. Bob.

DISCUSSION OF ACTIONS ITEMS IN RESPONSE TO THE COMMISSIONER SURVEY

MR. BEAL: Just handed around was a document titled "Action Items to Respond to Commissioner Survey Results," dated August 4, 2010. This is a follow-up document to the commissioner survey that was conducted at the end of 2009. The results were talked about in February. A follow-up survey occurred in the spring and then at the spring meeting there was also a discussion on the results of the follow-up survey.

All those discussions have been boiled down to these five suggested action items. Actually some of these action items are consistent with the action items that were talked about at the August meeting last year when we reviewed the stock status as well. There are some common themes that have come up during all those discussions at the last three or four ASMFC meetings when this issue has come up.

I'll just go through those fairly quickly, and I guess the question before the Policy Board will be what action will the Policy Board like to take in response to these suggested action items. The first one, actually, the Policy Board just completed, which is to prioritize the species review, a review of the rebuilding status for all the species managed by ASMFC.

Obviously, this has resulted in follow-up activity at the annual meeting and some input that we can incorporate into the action planning process for 2011. We will work through that with the commission leadership and the staff as we develop the Draft Action Plan for 2011. The second action item is to consider non-decisional meetings of boards between regularly scheduled ASMFC meetings.

This was brought up at the last meeting. The idea is there is a lot of discussion that takes place at these board meetings and it's a discussion leading up to decisions. It is back and forth between states and commissioners and it's not necessarily discussion that frames the decision or leads to a decision.

It is kind of hearing out where the other states are on issues and trying to decide if there is a compromise position that the states and the boards are willing to take. The idea was proposed to have some conference calls to initiate discussions and facilitate compromise between meetings. The third item is to increase dialogue with the federal partners, NMFS, the Fish and Wildlife Service and the councils, to improve alignment of state, interstate and federal FMPS. The commission formed a working group to deal with this in 2009.

The working group met and came up with a number of consensus statements, which are on the back on this document, dated January 12, 2009. The idea there is rather than rehashing all those and reinitiating that discussion, should this list of items be revisited by the Policy Board by a subset of commissioners and a new set of consensus statements and recommendations brought forward.

Item number four is the efficiency of actual face-to-face meetings of the commission, increase the efficiency of those meetings. Obviously, we had the parliamentary training workshop at the last meeting. There are some ideas there, a speakers' list, pre-drafted motions, et cetera. The other theme that came up was sort of preparation for meetings; the board leadership working with staff to generate efficient agendas as well as preparation for the meetings and having documents prepared and reviewed ahead of time by board members so when they're at the meeting they're actually focusing on decisions rather than lengthy presentations.

The fifth item is to take quicker action. A number of commissioners responded that the actions and the pace of decisions by the management boards weren't fast enough. There was a lot of back and forth between advisory panels, technical committees, law enforcement committees, et cetera.

The idea is to have as much of that discussion occur before a meeting and show up at the meeting with everything that a board would need in front of them to actually make a decision rather than defer or ask another question of one of these technical groups and wait three to five months to come back and make another decision. Those are the five suggested action items and I can answer questions or comment on them.

MR. R. WHITE: There is one here that definitely has bothered me for some time, and that would be a piece of number four. When we do an addendum or an amendment and we take public comment, we're very clear about when public comment closes, have a closing date and we're going to accept public comment beyond that.

Then we come here and if it's very contentious, the audience is full of lobbyists and representatives of different groups, and very often we take quite a lot of testimony from them. I think that is not fair to the people that have abided by our date where we said we were shutting down public testimony.

I'm all in favor of getting public input. I think that's extremely important, but I think in that case it slows us down. I think those people have an unfair advantage over trying to influence us at the last minute. It is something I'd like to see us have a much stricter interpretation of that rule that we say public comment closed.

MR. ADLER: Somewhat similar to what Ritchie was saying, what annoys me is when we sit down at a meeting and then we get all this brand new paper coming around, which you don't have time to read. You read everything that was given to you, and then yet at a meeting we have all these latest letters from everybody coming at the last minute and you're expected to read them or something and assimilate that in a minute.

I know there was some comment or action taken about please try to have your material in by a certain time. That was good, but I don't know if it worked because we still are getting these stacks of paper passed around. That's almost like another thing like what Ritchie was saying is everybody shows up and they want to influence everybody. I don't know what you can do other than say nothing is going to be passed out to the board after date, boom.

CHAIRMAN BOYLES: Speaking of that, I know we got a note from staff about new submission deadlines and things so I think we're working along those lines. That's a good comment. Tom and then Pat.

MR. FOTE: The cutoff date for public comment started so the public comments that we get could be put into the documents and sent out for us ahead of time. It was not meant to say there could be no public comment accepted afterwards, because the public can say anything they want to us at any time and any place.

Basically, also, when we get here to a meeting and what has gone out in the public document over the years and what has been actually voted on here half the time is a lot different than what went out with the public document. Basically, when you start making changes in what we're going to implement, it affects people's livelihoods or how they basically do the fishery.

If they're sitting in the audience and said, well, you're changing this from this to that, yes, it was on the agenda, this is the effect of it and we need to know those answers of what those changes will be at that time, and that's why a lot of these people do show up to the meeting. Again, we're affecting the way they operate, we're affecting the way they make their livelihood, and they should be able to give input to us at any time.

I know it's not convenient and it's not what we want, but to cut off public comment has never been to cut off public comment. It's when you basically need to

have the comments basically which we started out many years ago so we had it in preparation for the meeting and this is why you went out there. That's the way it has been and I'd like to keep it that way.

CHAIRMAN BOYLES: These are good suggestions, but I'd like to maybe pull us back in. We have talked at length about public comment guidelines and things. In order to try to increase the efficiency of valuable meeting time, I'd like to suggest we go back to the presentation that Bob made, if we could, and say are there questions for Bob; are there comments for Bob; are these good outcomes; are these actionable items for us and can we adopt these. Are there things that we need to change? Doug Grout.

MR. GROUT: Mr. Chairman, I was looking at these and a lot of these seem to make a lot of sense to me and I agree with them. There was one that has really raised a red flag to me, and it might be something that Bob with an example might alleviate some of my concerns. It gets down to number five where we're talking about quicker action, which I think is definitely a laudable goal, but down to the last two sentences it says, "Boards should consider action even if information is not ideal. Programs may be modified later as more information is available."

The thing that I'm envisioning here and maybe I'm not understanding what this may entail is that result in knee-jerk action. Based on we make quicker action, we get something in place, start to implement – and we all have our regulatory process to implement – and then a meeting or two meetings later we get additional information that may modify what decision we're going to make or adjust it, and suddenly we have to make adjustments within a period of a year. If that is what it is envisioning, particularly if we're talking about implementing management measures, I'm not sure that taking quicker action before you have the full information is appropriate.

MR. JOHN DUREN: I'd certainly like to second Doug's comments. Some of you may not think what you have to say is important, but I learn from everything I hear at these meetings. I feel like our decisions are better because of the dialogue we have, so I would not like to have our process shortened to the point that we don't have this open and careful deliberation of the actions that we're going to take.

MR. PATRICK AUGUSTINE: Mr. Chairman, back to a point that Bill Adler made, there are pieces of paper that are handed out. Most of them are not

dated. Most of them aren't identified by who the group is they represent. I do think that we could clear up that process a little bit. I do think those papers are important, but I think that process should be cleared up a little bit by the chairman at the onset of the board meeting to make a note to the public if they have anything they want to pass out to be to either Tina or someone in the group and the staff will review that and then pass it out; not that they won't pass it out but that it will be identified with a particular source and a particular date on them.

I do agree with Mr. Duren; every comment that is put on the table is worthy of listening to. Often I'm so hell bent on pushing a point forward, I've made it a point to listen to everybody who says something. I do run off amuck at times, but George might throw a comment or Jack might throw a comment, and all of a sudden a light goes on. Every one of those comments around this table are important, and I don't think we should try to stymie that. Thank you.

MR. A.C. CARPENTER: This goes back to Doug's point about taking quick action when the information is not ideal. I think we had a prime example of that in the striped bass a few years ago when we ended up taking a knee-jerk reaction on the age eight and older stock and within a year we were back retracting that.

I think the quality of the information that is missing or maybe the quality – I understand where this is trying to go that there are some things that you're never going to have enough information and it's used as a delaying tactic just because you don't want to do something, but at the same time it is possible to have information presented and a knee-jerk reaction that we have to avoid.

MR. R. WHITE: I would agree with A.C., and I think that's what number five is about is that I think in recent years I think it has been used as a delaying tactic to put off difficult situations and decisions. I think an example of where this worked correctly is menhaden. I think the board was close to getting more information from the technical committee and not taking action, and it take action and it did the right thing. I think that could have been an example of where we're talking about number five, if we hadn't taken that action.

MR. PATTEN D. WHITE: I think maybe it's just a poor choice of words; the word being "ideal". I don't know where you draw the line on when you can have more information to make a better decision, and I think there are times that we need to get off the dime and do something. Maybe you can just have

information is more complete or something. "Ideal" is kind of a funny word to have in there.

REPRESENTATIVE DENNIS ABBOTT: I have two things. Regarding the submitted written comments that get passed around during a meeting, I personally think it's wrong for two reasons. The meeting is usually started. Our focus is supposed to be on the subject matter, and someone has quickly the added advantage of putting something in front of us at the last minute.

You know that the last word can be most influential. I think those types of input maybe should be put on table and available to us, but I don't think they should be effectively put in our face when we're trying to pay attention and expect us to do two things at the same time, as Bill Adler indicated and also Pat is looking at it the same way.

Again, I don't think that we should have stuff passed out. If they happen to be testifying, it does change things a little bit. The second thing is in number four where we talked about applying the lessons learned at parliamentary training. A.C. Carpenter worked very hard to get us in line on parliamentary procedures, and we paid money to learn that.

We've already heard at this meeting, well, it's not the way to do business and we're all friendly and whatever and it works, but I think we should adhere to the parliamentary procedure that we decided that we work under. It's better for all us and it probably makes things go faster in the long run; make a motion, amend the motion, act on it, and so on and so forth.

DR. JAIME GEIGER: Over the years I have observed two things about this commission. Number one, one of the real strengths is the transparency and openness to public comment. I think many people cannot get to the public hearings, but they have an opportunity to present those comments here at the meeting. I think that is a very important step and not only maintains transparency, but it also maintains the credibility of this group.

Secondly, one of the guiding principles of this organization from the get-go has been adaptive management. We learn by doing. Very seldom do I see that we have deliberately taken a stalling or a postponing view. We all have a chance to weigh in with comments. It is a board made up of individual states and representatives. At the end of the day I think we have a better decision and better information to do our business. Thank you.

CHAIRMAN BOYLES: Thanks, Jaime. Further questions of comments on this? I think there has been good discussion and I appreciate everybody's comments. What I gather then from the discussion is that these five outcomes are good and reasonable actionable items that we should follow up with; most notably, parliamentary procedure and efficiency of meeting time, perhaps. Any objection to adopting these as outcomes? All right, I'm seeing none. Dave.

MR. SIMPSON: I guess I'm just asking what it means to adopt them; to accept them as, okay, those are good ideas, good thoughts, we've generated a good discussion, but I don't see any formal changes coming about due to this, because I do think there is a range of opinions about balancing efficiency with trying to do the right thing. For example, I thought Jaime made really good points. I'll just leave it at that; we'll take it as a reminder to try to do our jobs a little better and a little more efficiently, but I'm not seeing anything specific in terms of changing policies or procedures.

CHAIRMAN BOYLES: No, David, and you're right, it's a good suggestion. I think it's as much as anything else a touchstone for all of us to remember. Again, the genesis of this was the survey that we completed. I think it's good direction to staff as well. With that understand – George.

MR. LAPOINTE: One thing that I think Colleen did mention was letting people know that we should limit them to two minutes for discussion because of us can get our point across in two minutes and then we ramble – I've been there. If there is some way to remind people in the role as chair or all of us that in fact trying to limit time; and then, again, if members come back and are making the same point again, it's kind of hard to say you're off base, but I think that will help as well. Small measures, but I think it will help the discipline of our process without endangering the important things other people have said about making that we have adequate debate, et cetera.

MR. R. WHITE: And once we have a motion and the general discussion has finished, that we go to the pro and con. That can really save us some time.

CHAIRMAN BOYLES: That's good discussion; any other comments? Okay, thank you, we'll move on. Gordon Colvin, do you want to come up and join us. Gordon, while you're coming up, I'm going to recognize Emily Menashes. Emily, I'm not sure, maybe you have been and I've not been paying

attention, but welcome. I'm not sure that that you've sat at the table with us in a while; so Emily Menashes, Acting Director, Office of Sustainable Fisheries from NOAA Fisheries.

MS. EMILY H. MENASHES: Thank you. Yes, it has been a couple of years. I think I was here once or twice before, but it's good to be back.

MR. GORDON D. COLVIN: Good afternoon, everyone. As I've said before, it's always a pleasure to come back and meet with my friends and colleagues at the commission. I'm delighted to be here today to give you a status report on the Marine Recreational Information Program.

STATUS REPORT ON THE MARINE RECREATIONAL INFORMATION PROGRAM (MRIP)

I'm going to spend a little bit of time this afternoon, kind of starting at the beginning and briefing you perhaps more comprehensively than you might have expected, but I think a thorough kind of run-through of where we started and what we're up to and what we expect to be doing in the next six months or so is in order. There are certainly many folks here who have not had an opportunity to hear these briefings in the past.

I'm hopeful that you will all find this informative and that we will have ample opportunities for questions as we go through, but it is my intention to kind of give you a pretty thorough MRIP 101 and what is next. How did MRIP come about, how did we get where we are and what are we doing?

The system or the group or the collection of surveys that collect recreational fisheries catch-and-effort data around the country are numerous. They are actually considerably more than the gathering of the largest cluster of surveys that are displayed on this slide. They differ in methodology, they differ in coverage, they differ in the precision and the timing of the delivery of data that result in them. When the National Marine Fisheries Service asked the National Research Council to review recreational survey methods a few years back, that review did look at all of the surveys around the country.

That wasn't part of their original scope. The scope of the study expanded to look at all of the major surveys. The review did recommend improvements that would cover all of the surveys and suggested that

there was a need for a better coordination and more standardization of survey methods nationwide.

This led to the creation of the Marine Recreational Information Program, the program that the Fishery Service instituted and that really began in late 2006 to address the recommendations that the National Research Council had made. It got further fueled by the Magnuson Reauthorization Act. The reauthorization amendments that were enacted in January of 2007 contained a specific requirement for the Fishery Service to implement a new enhanced program of recreational data collection that would examine the recommendations of the NRC review; and to the extent feasible, implement them wherever possible.

The MRIP Program was originally organized as indicated here, under the auspices of an Executive Steering Committee that provided overall guidance and leadership and support for decision-making by the Service and a system of teams and technical workgroups under it. From the outset, the design of the program was intended to be collaborative and to particularly emphasize the inclusion of our partners in the groups that were making decisions, conducting technical reviews and developing recommendations for us.

The Executive Steering Committee, as originally convened, was chaired by Dr. John Boreman, who was at that time the Director of the Office and Science and Technology, and included representatives from the NMFS regions, the fishery science centers, the fishery management councils, all three interstate fisheries commission executive directors – and Vince is a charter member and continuing member of the ESC – as well as our Marine Fisheries Advisory Committee. We've also had some oversight from our key stakeholder groups.

The three primary business organizations within MRIP have been the operations team, the registry team and the communications and education team. The operations team has been chaired by Preston Pate. The former marine fisheries director for the state of North Carolina has been with us since the beginning. It is the operations team to which the primary role in development of new survey methodologies, improved survey methodologies and the decisions on their implementation has been assigned.

The registry team, which I've led from the beginning, is responsible for establishment of the National Saltwater Angler Registry Program and the

associated program for exempting those states that can provide registry data to the Fishery Service. The communications and education team is chaired by Forbes Darby, who has joined me today. Forbes is with us at the meeting and handles our outreach communications effort for MRIP, which was a key part of the recommendations of the NRC Panel.

Many representatives of the Atlantic coast states and the Atlantic coast stakeholder groups have been involved in the MRIP Executive Steering Committee, the teams, the working groups. And as I have said before, we couldn't have done this without that support, and we are greatly appreciative of that continuing support that so many of you have provided.

A number of faces around this table have served as members of our teams. I'm not going to mention everybody because I'll probably forget somebody and get myself in a lot of hot water by George and Spud and everybody else. You all know who you are and we thank you once again for your help for sending your staff to work with us, most of all on the technical teams where they are doing such great work and making such a great contribution.

In the last year we've started to make some changes in our governance structure. We have added a new information management team to take on that aspect of the role Lauren Dolinger Few from our Office of Science and Technology in Silver Spring is heading that team up. We have restructured and reconfigured the technical workgroups under the operations team to more specifically reflect the areas of survey development and enhancement that have emerged in our first couple of years of work.

The teams that you see there are now the workgroups that are working on survey methods and enhancements that we will talk about in a few minutes. MRIP is a national program that is intended to provide regional flexibility in recreational fisheries data collection programs. In a sense MRIP is going to be a certification program whereby survey methods will be developed that stand up to peer review, that are deemed appropriate and that come with guidance on their application and go into, if you will, a toolbox and become available for use.

Basically, what we're doing is developing and certifying a suite of methodologies that can be implemented to address data needs. One of the things I wanted to mention is that we've talked a little bit more, since we're getting fairly close now, to putting stuff into the toolbox and making changes in

survey methodology, the decision-making process within the Fishery Service that will follow for that.

Essentially the process that we envision is fairly simple and straightforward in that we anticipate that as the workgroups complete their work, as the peer review supports, hopefully, the implementation of the methods that they develop, that the operations team will review recommendations from the workgroups to proceed with these new methods, that that recommendation will go forward to the Executive Steering Committee for its review; and if it supports implementation of the method or making the method available through placement in the toolbox, their recommendation will go forward to the Assistant Administrator for Fisheries for final decision and action to make the tool available for implementation.

Now, as I said, we can't make decisions and ought not to be making decisions for all survey implementation from Silver Spring. We recognize that recreational data collection is and needs to continue to be conducted in a series of regional survey around the country; so that once we have identified the appropriate methods, the partners who are engaged in data collection in the various regions will need to make some decisions themselves based on what works best in their region and what can be afforded, what is affordable for things such as basic survey design choices, for coverage and resolution of survey data collection beyond standard minimums.

For-hire data collection approach methods, as we will discuss later, there is more than one method currently available for for-hire data that have different pros and cons and biological sampling requirements and other elements of regional choice. The vision is that MRIP would satisfy the needs that we have for accuracy, resolution, coverage and data access, recognizing our initial focus is on accuracy and access to information and key elements of the NRC recommendations.

As these improved methods are developed, our focus and our funding will shift towards addressing improve resolution and coverage of the surveys. Ultimately the expectation is that when we've made that shift and that investment, we will be able to satisfy stakeholder needs for accuracy, resolution coverage and data access in all of the regions.

So what are some of the NRC recommendations that we are specifically addressing with the various studies and the efforts of the operations team? The next couple of slides are going to focus on NRC recommendations that are the focusing turn of our work. The first, which is probably the most

conspicuous part of MRIP, is the development of a comprehensive universal sampling frame with national coverage; i.e. the National Saltwater Angler Registry as provided for in the Magnuson Reauthorization.

The NRC also recommended that dual-frame procedures should be used whenever possible to reduce sample bias, and in particular you'll see that dual-frame usage is appropriate as we begin to phase in the use of registries and begin to phase out the use of telephone directories as the basis of our effort surveys, but we will be moving through a dual-frame mode as we do that, and again consistent with the NRC advice, until we're confident that a single frame is a good, complete, unbiased way to collect data.

The third bullet relates to the finding that our estimation method, the actual calculations that we perform to compute catch, is based on a method that is not appropriately matched our actual sample design and therefore has the potential to produce biased estimates. In other words, we're doing our math wrong and that has been a big and probably the highest priority after the registry for MRIP to tackle.

Our on-site intercept methods generally in most of the surveys around the country don't intercept anglers who have private access to marine waters and have the potential to produce bias as a result of only sampling anglers at public access sites. Additional recommendations include the recommendations that for-hire fisheries be treated as commercial fisheries and generally transition to mandatory electronic trip reporting with independent validation of the self-reported data.

Also, there is concern that the methods by which we obtain estimates of the numbers of fish released may not produce valid results and that we try to develop better methods for released fish. The recommendation that we pursue the use of panel surveys, which contact individual anglers repeatedly over time to supplement and validate other survey findings; and lastly that there is a need for a central data warehouse and some overall consistency in the nation-wide repository of recreational angler data in the country.

Last fall the operations team met in Woods Hole to look at what had been accomplished in the first two years of the program and to reassess priorities as against those NRC panel findings and our progress. They identified the priorities as indicated here and recommended that the next round of work funded with our FY-10 appropriation focus on the top eight

of these priorities, which I'll read, develop registry-based surveys, coverage area of on-site surveys, sampling and estimation methods, cost to support management, develop new methods for discards, implement for-hire improvements, sampling rare event or pulse fisheries, and expanding registry-based surveys. Those became the focus priorities for the FY-10 work plan.

I'm going to now spend a little bit of time kind of reviewing the various projects that the various groups have been working on since the outset of the program. Generally in this next group of slides what you'll see are those items which appear in bold are projects that have been completed; those in regular-faced type, which are not bold, are projects that are underway; and those that are italicized are projects that are FY-10 projects that are getting started now.

In the license frame survey group, the group that has been working on that – and I didn't make this slide up; Rob Andrews did. If I had made it up, the first item would actually be bold, and that is that the Federal Saltwater Angler Registry Program has been implemented. It was implemented and rolled out in January of this year.

The second phase of that will be to conclude agreements with the states that will be designated as exempted states under the program and to begin to receive their data this fall. The work that is being done by the operations team studies includes dual-frame surveys in Louisiana, North Carolina and Washington.

Once we've concluded pilots of those studies, we will have enough operational information on how they're working to scale them up in all of the states in which we have sufficient registry data beginning probably around midyear of 2011. We're also looking at methods that use mail instead of telephone, piloting that work in North Carolina.

Actually, the early results of that work suggest that the mail surveys may ultimately be a preferable vehicle to telephone. We may actually be working to move away from telephone and towards mail surveys and perhaps eventually to e-mail or some combination thereof. Work being done this year is looking to enhance the survey response rates from the initial pilot, and also we're looking at assessing the effects of recall length on the data quality for fishing effort, using both the mail and telephone.

I'd like to just spend a little bit more time on the registry update because this is the only slide that

really gets into the registry in this presentation, just because so many of you have been working with me on this and I've had a number of questions and anticipate some more today. First, relative to the state memorandum of agreement, before I leave today, if I haven't already talked to you to tell you where your MOA is I will before I leave. I think I've gotten almost everybody except Bob so far, but I will touch base with you before I leave and let you know what's up.

The first round of approved MOAs were signed by Eric Schwaab Monday night and are going to be mailed out hopefully tomorrow, if I can get them signed by Ned and on their way. Those states who have new licenses or registration programs going into effect in January, Maine, New Hampshire, Massachusetts, Maryland and Virginia, I want to say that we need to be getting going on those right after Labor Day, as soon as possible after Labor Day, if we haven't before then, so expect to hear from me around the end of this month to get started to make sure you have what you need to submit your proposal and we can get going.

I know that the Grants Program is underway and that the commission has solicited state grant proposals due this month. If there are questions that I can help with this afternoon, I'll be happy to entertain them, although I suspect that probably Pat can handle most of the questions that you might have on the program.

Lastly, I do have some information with me on the number of federal registrations in those states where federal registration is required. I'm not going to go through it now, but I'll drop off copies of that with those states on my way out. I think it's fair to say that the rate of federal registrations had slowed down dramatically really since May but certainly since June.

We're not necessarily satisfied that we're doing a sufficient job yet in getting everybody registered who ought to be, and we'll be talking to you all about that, as we have been, and I appreciate the assistance and support I've had from many of the states and your staff to help us get the word out. I think we've got to keep at it, and we're going to have to start thinking about bringing some compliance tools to bear looking forward as well, it appears.

The coverage group, so far the primary thing they're working on is a new project to look at this question of how the catch may differ on private access and night fishing trips between private and public access and night-and-day fishing trips. That work is a new

project this year going on in North Carolina and Florida. There is also underway in California a project not funded by MRIP, but supported by MRIP, to look at the private access issue as well.

The sampling and estimation group, this group has more to do than any of them, and it has been tackling its highest priority stuff. It has got a lot more to do. We have been fortunate to have an extremely high-powered group of consultants working with us on this group, including three of the NRC Panel members, so we're very confident that we're getting good quality stuff, but we're also working with very busy people, so it has been a little slower than we might like.

The initial effort was to do a pretty thorough documentation of sampling and estimation designs for the MRFSS Surveys and also to do some documentation of Recreational Survey Designs generally nationwide. The big project is this one that addresses that NRC finding about the mismatch of the estimation method and the sample design.

The group has completed a final report and the development of a new method for estimating catch from our angler intercept data, which is now in peer review. Assuming the peer review is supportive of the deployment of that method, it will become possible for us to recalculate all of the estimates that were undertaken for the Atlantic and Gulf coasts and Puerto Rico from 2003-2010 and to begin using that method as the method in those locations and probably also in Hawaii hereafter, beginning in 2011 and hereafter.

Watch out this fall for our rollout of that program and in particular our response to the questions that you will have and have obviously right now about so what happens when they recalculate to the numbers. I can't answer that question at this point pending peer review in a detailed way. but in a general way what I can tell you is that the general results of the method are that there are changes and in some strata substantial changes to the estimates that result from the new method.

However, they are not all universally or even predominantly in one direction, so different strata will go up, different strata will go down, so we can't predict that kind of change. The one consistent pattern that we see is a general increase in the proportionate standard errors, so the results are less precise and suggest that we will need to increase sample collection to achieve our current PSEs even before we make investments that we want to make to improve the PSEs.

Along side that project done at the same time by the same group is another very important supporting project that will result in changes in the manner in which we design the angler intercept surveys and the way the assignments are made both in terms of the duration of the assignments and the sites to which the surveyors are assigned to go.

That is now piloted also in North Carolina; and assuming that peer review continues to support all of this and we don't run into major problems with the logistics in North Carolina, in the pilot, we're going to also expect to start making those changes in 2011 throughout the areas where we're doing the angler intercept surveys. Again, there will be a rollout communication associated with that probably after the rollout of the re-estimation project, but this is no less important and it's a part of the same effort.

Other projects that this group is doing is a comprehensive evaluation in two phases of our participation methods. The first phase will review the current method that we use to estimate the numbers of anglers; and then having completed that review and made any changes in that participation method that review suggests appropriate, the next phase will be to look at a variety of manners in which angler participation is estimated and ascertain whether there are methods that are preferable or that produce less bias.

The first phase will be done this year; the second phase will be done next year. This new estimation method that we're developing needs to be considered and evaluated for other areas of the country in which angler intercept surveys are done, and we'll be doing that in Washington and Oregon this year and presumably continuing in other parts of the country thereafter.

The discard group; this is probably the group that is having the toughest time because the development of new methods, as you can well expect for independently observing and verifying angler discards or angler releases, is very difficult. There are just only so many ways to do it and most of them don't work well for shore-based or private boat-based anglers.

There is a project this year that they're going to try to look at a video-based way to sample on smaller charterboats and private boats, and we'll see how that works out, but this is a real toughie. If anybody has got some real good experts who want to volunteer to be part of that workgroup, I'd be glad to hear it from you.

For-hire; an awful lot of our effort is going into the for-hire workgroup. Their early products included a very comprehensive and detailed documentation of for-hire data collection programs around the country and then a separate expert panel independent review of those various methods that led to a final report that included best practices for for-hire surveys and evaluation and specific recommendations for enhancement of each of the individual surveys that they reviewed.

It's an excellent work product and probably one of our best investments to date. We're also beginning to look at how those methods might play out in different regions, including Puerto Rico, the southeast region's headboat survey that has been going on there for over 20 years, and addressing some special problems that we have in Hawaii.

As the NRC Panel had done before them, the new expert panel continued to recommend moving away from a sample-based program towards a census-based universal logbook approach for the for-hire fisheries. What they said in effect was the gold standard survey approach for this industry ought to be electronic trip-based reporting mandatory with universal coverage within the region in which it is being conducted and independent validation of the self-reported data.

Last year we funded a project to design a pilot of such an approach for the Gulf of Mexico. This year we are funding implementation of the pilot, which will be done in three ports in the Gulf of Mexico, Port Aransas, Texas; Destin and Panama City, Florida, beginning September 1st for a year. The vessels that will be participating will be the federally permitted vessels in those ports.

They are being required to participate pursuant to authority that already is on paper for the Southeast Fishery Science Center Director. They have been notified. We've had our first rollout meeting with the captains, and we will see how that goes. There is a huge amount of interest in the Gulf of Mexico in moving to mandatory electronic trip reporting in the for-hire industry.

In fact, the Gulf of Mexico Fishery Management Council has passed a motion already that says we don't care about the pilot; we want logbooks beginning in January of 2011. There is a lot of pressure on us to move in that direction down there.

Rare event species; this group started out as the Highly Migratory Species Group, and their initial

studies were focused on looking at the possibility of improving and expanding the methods of our current large pelagic survey to a larger area. The LPS now operates basically from Virginia to Maine and with kind of some supporting catch-card programs in Maryland and North Carolina.

The expectation was that we might need to expand that survey into the rest of the southeast, the Gulf of Mexico and the Caribbean, so the early studies are focusing on that. It was also recognized that the methods being looked at by this group might well apply to non-HMS rare event fisheries; fisheries that are important but in which the amount of fish caught is too small to be accurately surveyed through the kinds of sample surveys that we conduct in other fisheries.

Candidates might be some of the South Atlantic Snapper Grouper Complex where the landings are important but individual species landings are never large, or the Hawaiian bottom fish. The methods being developed by this group will also be evaluated for application in other rare event fisheries.

The information management team initially developed a data management program for the entire program, what we refer to now as the MDMS, and has done a documentation of ongoing data collection programs and has looked at kind of standardized the nature of that data as against what we can accommodate and store in MDMS, and they working this year to develop the final MRIP Information Management System. They expect to complete it this year.

Lastly, the data quality group is doing an assessment of QAQC procedures for surveys. Their initial effort, ongoing now, is the complete documentation of QAQC requirements for the existing surveys. Once that documentation is complete, they will turn to having an independent evaluation and recommendations for QAQC enhancements and for standards for the surveys.

So where are we and what is next? Those italicized projects in the foregoing slides that are the FY-10 projects are getting underway now. The project teams have completed their project plans and they're being implemented. We have a whole bunch of contracts that have to get put in place between now and September 30th, which basically means before the end of this month in order to get the money moved out.

There is one other project that has not been put on that list because it's not an operations team project, but it is one that is important to a lot of people, and that is a project that we are operating out of the Office of Science and Technology under a project team that is being led by Dr. Ron Sauls to look at survey methods and data collection approaches that will enable us to get preliminary estimates of catch earlier than we get them now.

That is motivated by an underlying concern about the implementation of the catch limit requirements by the councils and the associated accountability requirements and the concerns that people have of trying to keep better track of catches during a fishing year to prevent significant overages if possible or to be better informed about the progress of recreational fisheries over the course of an open fishing season.

That project is being conducted in coordination with an independent effort being conducted by a number of national environmental and sportfishing organizations who have used grant funds to engage a group of academic experts that they refer to as a Blue Ribbon Panel who are looking at recreational survey methods, including methods to enhance timeliness and will be making recommendations to NOAA by the end of this month.

Their recommendations on timeliness will be added to our internal assessment of the alternatives that will then be presented to and assessed at a workshop that this project team will lead probably early October at which we will be looking to have assistance and support from our partners in the councils and states and commission as well as these key stakeholder groups.

Some of you look ahead to that. I think we will be reaching out through the commission staff to get some input and involvement in that workshop upcoming. As we develop new methods, as I've alluded to several times throughout, we will need to have peer reviews done before we actually put them in the toolbox and start to use them.

There will be an ongoing process to engage peer review in these methods. As I said, the first example of that is the current peer review underway for the new estimation method. Implementation; I think I've already covered this, but the estimation method we expect to be deploying by the end of this year for the 2003-2010 results and continuously thereafter.

Registry-based effort surveys will phase in next year and revised intercept survey design next year as well.

Where we will end up with the Gulf of Mexico for-hire fishery, I'm not sure because it is going to depend on funding and what the Gulf Council viewpoint is, but before next year is over there will need to be some kind of a decision on moving forward or not on electronic trip reporting in the Gulf fishery and then to begin to look at and interpret those results in other geographic context, and I would certainly include Atlantic coast in that.

I think there will be some discussion there through ACCSP and the councils about additional logbook programs. I'll stop for a breath and to take your questions at this point. I thank you very much for giving us the time and opportunity to over this information with you. Mr. Chairman and Mr. Executive Director, I appreciate that, and I hope I can help with questions or anything else you might need after today.

CHAIRMAN BOYLES: Questions for Gordon? George and then Vince.

MR. LAPOINTE: Gordon, you spoke about for we states who are implementing the registry, you mentioned some kind of schedule that you need something by; what was that?

MR. COLVIN: I would like to get proposals from the states as soon as possible after Labor Day, George. I'm looking ahead and I'd really like to get those MOAs signed and done by Thanksgiving at the latest. That will give us a little bit of time for that.

EXECUTIVE DIRECTOR O'SHEA: Gordon, I was interested in the Gulf for-hire logbook thing, and I got the part where you said the gold standard was independently verifiable, and I was just wondering what the details might be, because there has always been the big lift on self-reported data is the credibility of it. Is there a way that you can address what the thinking is on that?

MR. COLVIN: Yes, there has been some discussion. During that year in which we had folks working on designing the pilot, they looked at some different ways of validating the reporting. It appeared that perhaps the best way to do it would something similar to what at least I'm familiar with is the setup with the Northeast Logbook Program where a captain is required to complete the logbook before landing and even ideally to electronically transmit it at sea to the receptor before landing.

And then a random sample of trips are intercepted at the dock by compliance officers who are in a position

to be able to compare what comes off the boat with what has already been transmitted. That's what we would like to do, but that's not what we're piloting because the pilot needed to rely on existing regulatory authority that we had. It is kind of unique. I had never heard of this before, but as it turns out under the Gulf Reef Fish FMP and under the Gulf Coastal Pelagics FMP there is a rule under which the director of the Southeast Fishery Science Center can require federal permit holders to submit logbooks, but the rule is worded such that the director cannot require logbooks to be submitted in less than a week after the trip occurs. It's written right into the rule.

Now, we had no choice but to rely on that rule for the pilot because it was the only – otherwise, we would have had to go through rulemaking before we could do the pilot and we would have never gotten it done. The method that is being used in the pilot will be do enhanced intercepts of charterboat trips generally and then using that enhanced sample to compare what is observed to what is reported collectively. If there are substantial differences, then that will point out a problem with that validation method.

EXECUTIVE DIRECTOR O'SHEA: And, of course, other regions – and I'm thinking of the North Pacific Council had mandatory logbooks in the commercial fleet for at least ten years, probably 15 or 20 years. They have an observer program and they have pretty good enforcement, but they still don't use those logbooks because they're not considered reliable for management decisions. It's not an easy problem.

MR. COLVIN: And there is another validation method in use in the Alaska Charterboat Fishery. These are state regulations, but by and large they support the federal system; but they're based on the fact that unlike most of the Atlantic and Gulf states, anglers who fish on a charterboat in Alaska are required to have a state license. So what happens is that the logbook for each trip reports not just what was caught but also each angler's name and license number, and through that Alaska Fish and Game collects a sample and sends a follow-up mail survey to the anglers, so the validation is by the anglers. It suffers from long recall, but what the folks in Alaska have told me is that actually the numbers reported by the anglers do tend to be very close to what is reported by the logbooks.

MR. GROUT: First, a specific question and then a very general question that I might put you on the spot. The first specific question, the pilot study that's talking about electronic logbooks, mandatory

electronic logbooks with validation, which I think is a great way to go and possibly implementation of this up and down the Atlantic coast; there are certainly some for-hire boats that you're not going to be able to put some kind of electronic logbook on. There are, within this survey, abilities for that to take place, correct, to be used?

MR. COLVIN: Yes, I'm glad you asked that because I was actually at those meetings in Destin and Panama City so I was able to see the demonstration that the folks did. This program is actually being run through the Gulf States Commission, and their contractor has developed the electronic reporting mechanism.

It's essentially a form, if you will, an electronic form that you can either download onto your PC or you can access from their website from your PC. You'll also be able to access it via Iphone on September 1st, and they'll have a Blackberry and ADROIT application within a month or so thereafter. The captains can pretty easily do this with kind of existing commonly held technology. They don't need to have a VMS or anything that is highly sophisticated or expensive.

MR. GROUT: Good! The big question is there is a lot of very methodical series of studies to see what we need to do to change our recreational data collection methods that are going to produce the best possible estimates. Does the MRIP team have a long-term goal of when they would like to have all of these in place?

I hate to use "all of them" because I understand this may be dynamically fluid, but where we get most of these changes in place to the point that we're thinking, okay, now we've got a better system in place. That's what I'm looking for; is there a goal on the MRIP team to shoot for on that timeframe?

MR. COLVIN: I think it would be fair to say, Doug, with respect to shore and private boat anglers, that the completion of the re-estimation process and the new intercept survey sample design and the implementation of registry-based surveys are the big three that will enable us, once they're done, to say this is MRIP; and if this is what we're going to go with, we can implement it and now we can begin to address coverage, temporal/spatial resolution and precision as early next year, but probably more likely in 2012.

MR. MILLER: Gordon, two quick questions and maybe you can answer them with a yes or not; for the

first one, a concern that has been brought forward to me as a member of ASMFC regarding possible duplication in the federal registry. I'll give you a quick example. A Maryland fisherman enters the federal registry because he is a Maryland resident, comes to Delaware and fishes and gets a Delaware FIN number; how is duplication avoided or is it avoided? My second one is do you have fee structure in mind for the registry in 2011?

MR. COLVIN: I think the answer to the first question, Roy, is that the data base managers tell me they're able to weed out duplicates so long as they're obviously duplicates; but if there are slight difference in the address or the spelling of the name, it's going to show up as two people, as you might expect.

On the other hand, they do employ some data clean-up stuff that standardizes the addresses and so on and so forth, so we try to minimize that. The short answer to your second question is not yet; probably September, the latest, October. Part of the reason for that is that I'm sure you can appreciate we need to feel pretty confident that we have a good estimate of how many registrations we can expect to issue next year because that's a key component of the math that goes into calculating it. I don't think we're there yet. We need a little bit more effort to try to sign people up.

CHAIRMAN BOYLES: All right, Gordon, thanks for that good retrospective and prospect of where we're going. I appreciate your being here. It's always nice to have alumnus around, so welcome back anytime. Folks, we have eaten 15 minutes off of the Weakfish Management Board. This comes to the end of our published agenda. We've got five items for other business.

OTHER BUSINESS

We can dispense of these this afternoon or we can come back tomorrow; what is the pleasure of the board? Do you want to plow on through? I think we can get the rest of business done in about ten minutes, perhaps. All right, we'll go on to other business; Dr. Rhodes.

SHAD AND RIVER HERRING MANAGEMENT BOARD REPORT

DR. MALCOLM RHODES: **I'm going to wait for the motion to come up, but the Shad and River Herring Management Board made a motion to bring to the ISFMP Policy Board that we write a**

letter to the Joint International Commission with a copy going to the Marine Resources Committee of the Maine State Legislature, USFWS and NOAA urging a more aggressive and comprehensive plan for restoring alewife to their historic St. Croix River Watershed.

CHAIRMAN BOYLES: Okay, and that is a motion from the Shad and River Herring Board and does not require a second. Any discussion on the motion? Any opposition to that motion? **Seeing none, that motion carries.** Malcolm, have you got something else?

DR. RHODES: Yes, thank you very much. Also at the meeting yesterday, we were going through the Fishery Management Plan for River Herring, Amendment 2 to the Interstate Fishery Management Plan. At the meeting the technical committee has already passed several states' fishery management plan. Two states were sent back for revision.

At this point, three or four jurisdictions have submitted no fishery management plan. Under Amendment 2's rulings, fisheries that do not have an approved management plan in place or not covered by an approved management plan by January 1, 2012, will be closed. There were concerns brought up by members of the management board that jurisdictions without fishery management plans in place might still allow river herring to be kept as bycatch. It was the feeling that we're fairly clear that this would be a total moratorium and closure and that would be an enforcement issue at that point. After discussion it was felt like this was the appropriate board for that concern to be brought to.

CHAIRMAN BOYLES: So the question is when is it; I mean, what constitutes a moratorium?

DR. RHODES: Correct; is a moratorium a complete disallowance of removal of that resource if you do not have an FMP or is some degree of bycatch allowed to be retained, and that was the question that was brought to the board.

MR. FOTE: Last year there were two meetings. One was winter flounder and the other one was weakfish. Both of these addendums to the plan called for – it went out to public hearings with a moratorium or allow a limited fishery. In both of those incidents I didn't think a moratorium was appropriate because in my mind the moratorium means no fish can be taken and that no fish can be taken for profit or for pleasure.

In both of those plans I made motions to allow for exceptions, which in winter flounder was a two-fish recreational catch and allowed for a 50-pound bycatch in pound net fisheries. The reason I did that was because, first of all, it gives us an opportunity to get fisheries-dependent data.

In both situations since there was only about 4 or 5 percent in winter flounder, since it was only 4 or 5 percent of the total catch, the rest of it was being offshore, I felt that was appropriate because I didn't want to put a moratorium. Because that's when we go out to public hearings and moratoriums to people, it basically means shut the fishery down. There were a lot of people in New Jersey that thought maybe we should shut the winter flounder fishery down.

The same thing happened when we went out for weakfish. If you look at certain areas, probably from even now, it used to be New York north, but now it's from Delaware north. When we went to public hearings most of comments was that we should put a moratorium because the fish weren't there. I knew that was going to put hardships on my friends in the south, especially Florida, Georgia, South Carolina and North Carolina, because they would have to do all kinds of crazy regulations.

In the case of South Carolina, Georgia and Florida, it wasn't a fish that they had a big thing and a moratorium would be difficult. So again I made the motion to allow for a bycatch and for a one-fish retention by the recreational. I was trying to be fair and equitable to both; because if I put a moratorium on one and didn't put a moratorium on them, then it would be difficult to explain that to the community.

That is what I figured a moratorium; so when we came to shad and river herring there was no thought in my mind that I was going back to my pound net fishermen and everything else and allow them to have a bycatch because I voted against the plan to begin with when we did the shad and river herring because I suggested that we allow for maybe some kind of discard, but that was not what the board wanted to do, so I accepted that fully.

My predicament is now that if I basically inform my pound net fishermen and my recreational community that they will not have any opportunity to land because that's the way I figured a moratorium and other states are landing fish, then it puts New Jersey in a difficult situation with our fishermen. Also, if you allow for bycatch that is described in some fisheries, it makes up more than what the legal recreational fisheries were landing, and so again this

puts a real difficult situation. It is easy to understand moratorium and when it's you get into it.

Now, that's different than allowing for – if a law enforcement officer walks in and there are some fish that are sublegal and weren't supposed to be there with these huge fisheries, we understand that and that is what is called law enforcement discretionary. That's what I'm looking for clarification. After listening to the comments yesterday, my interpretation with a moratorium is different than other people's interpretation, and I think we need to be consistent. I think I've spoken long enough, but that's what I was trying to make clear.

MR. LAPOINTE: I guess I'm a little confused, Mr. Chairman. I was sitting in the back in the back of the room and so I wasn't paying attention like other board members. The discussion I heard about bycatch was – and I guess my question to the chair of the board is, is this just for states who do not submit plans because Maine is going to submit a plan, but I kind of tag along with Paul's idea that it wasn't our intention that every fishery that has a chance for bycatch would be put under either a restoration plan or moratorium under the action we have in place.

I think it would be impossible in Maine's case; it would be onerous. The burden of proof would be too high, and so there has got to be some selective grading. If there is a fishery that we know has a bycatch, let's deal with it, but for a lot it would be very minor. It strikes me that the bar would be too high for our states to implement without just a blanket moratorium on fisheries that don't deserve it. I guess that's a question to Malcolm.

DR. RHODES: I'll try and answer that. The question, as I understood it, was states that had not presented any fishery management plan – if Maine has a fishery management plan, it may not specifically discuss bycatch, but you're showing in your juvenile indices or some indices that you have a sustainable fishery and bycatch happens. The states or the areas or jurisdictions that were concerned were ones who are not presenting any fishery management plan, as I understood the question. Therefore, there would be no way of judging any indices for the fish in those waters.

CHAIRMAN BOYLES: My understanding on the question of moratorium is no directed harvest and no retention of the species in question. That is my understanding. Dave.

MR. SIMPSON: Jim has the definition up on the electronic dictionary, but I think for us in practical terms it has to be considered in the context of each species and each fishery. For one species it is very easy to separate out and release bycatch, unintentional catch; and for other fisheries it is not so easy.

I think each plan needs to do – each board needs to do the best job it can of defining what they mean. Certainly, my understanding during the entire shad and river herring discussion, both Amendment 2 and 3, was we were talking about directed fisheries. That was my understanding. Again, in the context of shad and river herring, I would just encourage states that plan some kind of directed fishery, to include it in their sustainable fisheries plan and request that the board get a chance to look at it.

I wasn't going to bring this up, but I'm going to now. I think we have to be careful that the technical committee provides advice and guidance for us but doesn't have veto power over these plans in particular. If a board member feels like it is ready to be seen by the board, it needs to be seen by the board, and I think that will help resolve a lot of this so we can deal with the particular nuances. I cannot envision where I need to write a plan for the river herring that might end up in a 5-1/2 inch mesh trawl for our summer flounder fishery and absent an approved plan not be able to prosecute that fishery.

MR. CARPENTER: Mr. Chairman, this is an issue brought to you courtesy of the Potomac River Fisheries. The river herring fishery on the Potomac traditionally was one of the largest – I guess it was the largest by weight of any fishery that we ever had. It has dwindled dramatically over the last couple of centuries to the point where it is a minor part of the total fishery today.

Our fishery for river herring is strictly a pound net fishery; 99.9 percent of them are caught with pound nets. Working with the industry, we have developed a cull panel for pound nets. It was initially developed for weakfish and summer flounder, and we have figured out that it will also work for herring.

We put in place as a result of the actions of Amendment 2; the commission voted this year to establish a requirement that all pound nets actually use six of these panels, four of them designed to take care of the primary species of weakfish and summer flounder. The other two are designed and placed in the net to accommodate escapement of river herring.

It was our intention not to submit a plan because we have totally closed the recreational fishery, which we have none of to start with, so that one wasn't very hard. For the commercial fishery we intended to declare the moratorium on the fishery, but as an enforcement and a practical matter to allow a 50-pound daily retention.

These fish are going to be mixed with the menhaden, they're going to be mixed with everything else, and it's virtually impossible to separate every fish at the net or even at the dock. It's not really a physical thing to do. That's we have opted for this 50-pound limit. After the discussions yesterday, it really boils down to this is an issue larger than the river herring bycatch issue in a fishery, and that's why I think it was elevated to the Policy Board.

I think it's an issue that the Policy Board needs to deal with on a very broad basis and not necessarily limited to my one example. What I think we are going to do is we are now going to submit a plan to the board through the technical committee; and if it is not accepted by the technical committee based on what I think is a lot of good common sense, then we do want the opportunity to appeal that decision to the full board at a later time.

MR. ADLER: Mr. Chairman, having to do with the bycatch issue itself and a moratorium, does that apply if it's a federal fishery for, let's say, sea herring and they happen to land in our state with a few river herring; are they under the moratorium as well or is it just the state operations?

CHAIRMAN BOYLES: Dr. Rhodes, to that point.

DR. RHODES: Well, I think that's board discussion, also. I think it's going to be with the individual species that you are caught with that. We were having some discussions earlier about those landings and were going to see where boats are fishing out of the state in the EEZ and then having to come back in with species that may be prohibited in your state, and I think that's again one of those broader pictures that we're going to have to look at not just in the context of the one species but overall species because there are going to be some management issues between the EEZ and the states.

CHAIRMAN BOYLES: Before I go down the list, my question is to Bob is what is critical right now that's got to be determined? What is hanging on this discussion? Is this something that we can kick back to staff and have a more thorough discussion at the annual meeting? Dr. Rhodes.

DR. RHODES: At this point there is nothing that is going to change until January of 2012, but it's an issue that was brought up, and it seemed like an issue larger than that one board, so I think, as you're saying, to further define and discuss this at the next meeting may be appropriate.

CHAIRMAN BOYLES: We can down my speakers' list or we can kick this to staff; what is the pleasure of the board? Tom.

MR. O'CONNELL: I think the clarity that the states need is whether or not we need to develop a sustainable fisheries management plan or not. We heard from the technical committee that they need plenty of notice to review these plans. If we put this off for another three months, we probably can do it, but I guess the question is do we need to develop a sustainable fisheries plan for a bycatch fishery?

MR. LAPOINTE: The Shad and River Herring Board asked for direction; **and if we need a motion, it would be to direct or notify the Shad and River Herring Board that in fact these plans and the moratorium was for directed fisheries** and not bycatch fisheries and to have the states who need to put plans together be notified of that so they could in fact then put the plans together, and we'll give the direction to the technical committee because they asked the question.

CHAIRMAN BOYLES: Is that a motion? Motion by George Lapointe; second by Jim Gilmore.

MR. FOTE: That was not my interpretation of what this plan does. My interpretation was unless you put in a sustainable fisheries management plan, you had a moratorium. That means that all my fyke nets which have a bycatch – now, when I hear that if you have bycatch and you can't sort out river herring, that means you can't sort out weakfish with a closed season.

We require our pound nets not to bring in weakfish. They have to sort them out before they bring them to the dock. I mean, they basically have to discard them and other species. They do that already on other species when there are closed seasons. If you basically allow this, that means I have no bycatch – I'm allowed a bycatch without a fishery management plan, then we can go ahead and figure on those pound nets or those fisheries that I don't know are sustainable, because we haven't done the research, will be allowed to have a bycatch in their pound nets.

That's not what I assumed the plan meant. The plan meant that if you can prove your range is sustainable, if it's down at a low level but it's consistent with the low level, that's the way of the plan. This is a really important point to move forward with. I don't know what to do in New Jersey and that's why I'm asking the question.

MR. HIMCHAK: My dilemma is – and these are issues that Dave Simpson just brought up a little while ago – we know of a couple of directed fishery efforts on some runs that we feel that we cannot demonstrate as being sustainable. I guess my question to David – since he said that if there was bycatch of river herring, he is under the impression that he would not have to submit a plan, so my question is, well, at what magnitude of bycatch is he making this basis and can they sell the bycatch? That's the dilemma I'm facing because I would go back and look at bycatch fisheries.

MR. SIMPSON: I think the whole intent here was to focus on in-river fisheries, certainly, and on directed fisheries in particular. I guess if a state has a fishery that occurs in a river system that retains river herring, we should see a plan. I know I'm going to show a great deal of latitude and make every effort I can to approve that plan if that state is comfortable with it and its adjacent states that share that system are comfortable with it.

CHAIRMAN BOYLES: Other discussion on the motion? We've got a motion on the floor. The motion is move to have the Shad and River Herring Technical Committee notify the states the need to put together sustainable fishery management plans for directed fisheries. Motion by Mr. Lapointe; seconded by Mr. Gilmore. Further discussion? Dr. Rhodes, I will ask you will this give you the clarity that the Shad and River Herring Board needs?

DR. RHODES: This will be a start. I don't think it's going to answer all the issues, but I think it will be a point that we can move forward. Looking at all the wording of the amendment, the amendment itself does not deal with I believe just directed fisheries but fisheries in general. Again, that's a matter of looking through the whole document and seeing where that comes, but I believe that's a great start.

CHAIRMAN BOYLES: The motion is on the floor; further discussion? Tom.

MR. O'CONNELL: If I understand the intent of the motion is for only states to have to submit these plans for directed fisheries; I would offer a friendly

amendment to after “fisheries” put “only” so it says “for directed fisheries only”, because otherwise this seems pretty silent on the issue we’re trying to clarify.

CHAIRMAN BOYLES: I think that’s a perfecting – it certainly gathers the intent. I’m going to look to George and Jim and acknowledge them. Okay, we’ve got that as a friendly amendment. Any opposition to this motion? Bob Ballou, is that in opposition?

MR. ROBERT BALLOU: I believe I am in opposition. I believe I feel strongly that if a bycatch fishery, particularly if it’s one that might involve the sale of the fish, should be subject to a plan, so I plan to vote in opposition to this motion.

CHAIRMAN BOYLES: All those in favor signify by raising your right hand; all those opposed; null votes; abstentions. **That motion carries 12, four, zero, zero.** All right, the next item on the agenda, research set-asides. Bob, you suggested you would benefit from a discussion on research set-asides.

DISCUSSION ON RESEARCH SET-ASIDES

MR. BALLOU: Mr. Chairman, since making that suggestion, you and I have chatted and you offered the thought of perhaps some sort of presentation or workshop at the Charleston meeting, and that’s fine. I just wanted to pick up on I think it was Paul Diodati this morning in his questioning or our discussions with Eric Schwaab indicated a continuing interest on the part of many states to further pursue this issue. I think Paul mentioned a workshop. Whether it be a workshop or some sort of follow-through I think is necessary given the interest on the part of a number of states on this issue. I’m comfortable with whatever mechanism the board and the chair deems appropriate. I just want see the discussion continue on this issue. Thank you.

CHAIRMAN BOYLES: Bob, I think the suggestion is maybe we have a presentation on the RSA Program at the annual meeting, at the Policy Board, history, purpose and intent. I think it would be very beneficial, so if that is a good course of action we will do that. Vince.

EXECUTIVE DIRECTOR O’SHEA: Since RSA is a term used by both the New England Council and the Mid-Atlantic Council, I’m assuming then the connection point is going to be from the National Marine Fisheries Service to put together this briefing

where they would cover both councils as opposed to getting somebody from the Mid or the New England Council. My recommendation is we get either John Hoey or Earl Meredith here from the Service.

CHAIRMAN BOYLES: That would certainly be intention. Bob, is that –

MR. BALLOU: Well, I think the irony is that a lot of us aren’t sure exactly where this program lives, who really has the reins on it, so I certainly defer to Vince and other people’s judgments on who would be the best people. Perhaps that makes sense that it would be NMFS; but if there are others involved and they can speak knowledgeably on the issue, I would welcome their input as well.

CHAIRMAN BOYLES: Okay, very good. Bob Beal.

DISCUSSION OF SPINY DOGFISH AND COASTAL SHARK LETTER FROM THE POLICY BOARD

MR. BEAL: At the Spiny Dogfish and Coastal Shark Management Board earlier this week, the board requested that the Policy Board approve that a letter is sent from ASMFC to Mid-Atlantic Fishery Management Council on Amendment 3. The letter would highlight issues associated with Amendment 3, which is dealing with spiny dogfish, and would likely include issues such as the state impacts of limited entry and some of the allocation issues and allocation options that the board would like to see included in that amendment as it moves forward.

The chairman of the Coastal Shark Board agreed to work with Mark Gibson, David Pierce, Pete Himchak, Tom O’Connell and Jack Travelstead to come up with the items that they’d like to have included in that letter and then staff would craft that into a letter and send that to the Mid-Atlantic Council. The question for the Policy Board is, is the Policy Board comfortable with sending that letter to the Mid-Atlantic.

CHAIRMAN BOYLES: Shall we proceed with that, along those lines as Bob outlined? I’m seeing heads nodding yes. The last item on the agenda is a question that came up. Mark Gibson I think asked the question about what triggered a peer review.

DISCUSSION OF PEER REVIEW TRIGGERS

MR. BEAL: Actually, at the American Lobster Board, when they met on July 22nd, there were questions regarding what triggers a peer review. Their concern was directly related to the technical committee's document on recruitment failure in the Southern New England area. There was some suggestion or discussion whether that should or should not be peer reviewed prior going to the management board, et cetera, et cetera.

The Lobster Board asked that the Policy Board have a discussion or at least a consideration of what triggers a peer review at ASMFC. The commission has a series of triggers in its benchmark stock assessment document that Pat Campfield will go over, and the question are those adequate or should other situations trigger peer reviews prior to technical committee documents or other documents going to management boards.

MR. PATRICK A. CAMPFIELD: The commission's benchmark framework has several triggers in it for initiating a new benchmark assessment. I'm going to quickly run down through those. These triggers were developed by the commission's Assessment and Science Committee and approved by the Policy Board.

One of the triggers could be a change in management strategy or regulations – an example of that would be tautog – also changes in the data that are available for a given species; for example, a new survey that comes on line and it would improve the information for evaluating the stock like the Scup Rhode Island Trap Survey would be an example.

Also, changes in the type of model that will be used to evaluate a stock can trigger a new benchmark assessment, and the fallback or default trigger is simply a five-year time period where if the stock hasn't been evaluated in the last five years a new benchmark is initiated. The last element to keep in mind is the life history of each individual species.

Sturgeon, for example, we've reviewed the status of the stock and it is a long-lived species and there is no need to do an assessment very frequently. On the other hand, we have species like shrimp, a short-lived species, that require an assessment or an assessment update every year.

CHAIRMAN BOYLES: Questions or comments? I think where we are with this one is are those the right triggers for peer review? I think it's implied that the board may ask for a peer review on items as they deem appropriate; is that the sense of the –

MR. BEAL: In addition to those.

CHAIRMAN BOYLES: In addition to these triggers. I think it's implied but do we need to be explicit about that; are those the right triggers? Jim.

MR. JAMES GILMORE: So, Pat, a closure of a fishery is probably what this was all about, so that's not on the list; and I think that's where we maybe got tripped up here is that if this was on the list, it wouldn't have gotten to the board. A closure of a fishery, which is about as a significant action as you can get, I think is what Mark was maybe looking at is that should have gone for a peer review automatically.

EXECUTIVE DIRECTOR O'SHEA: Well, we have another fishery where we've got a one-fish possession limit if you inadvertently catch one and 50 pounds down from almost no trip limits that has been out there as a discussion item for almost three years now, and that did have discussions about – you know, the board did consider more stringent action on two different times; when they first got the stock assessment and then one of the options was to totally close the fishery in an emergency action, so this is not the first time that a board has looked at drastic management action without having a peer review of that action.

MR. PAUL DIODATI: I think it's important that the decision for peer reviews remain within the boards and not triggered by a technical committee action, in this case a report that they may have generated. I think regardless of what the technical committee generates, that report is given to the board and the board decides whether this has triggered the need for a peer review; or, if it didn't meet one of these explicit triggers, we can for whatever reason call for a review. I don't think that we went astray with Southern New England lobster in this case.

MR. FOTE: I agree with Paul. It's the same problem we're running with the – when we ran in with the SSC last year is we have no choice but to accept what the technical part of that committee recommends for whatever reasons. At least here we make some decisions looking at all the factors.

CHAIRMAN BOYLES: Okay, I think we have got clarity with Paul's clarifying statement. The board can ask for a peer review on whatever comes from the technical committee. Is that where the board wants to go? Okay, I'm seeing heads nodding there in the affirmative. Terrific! Any other business to come before the Policy Board? Pete.

(Whereupon, the meeting was adjourned at 4:12 o'clock p.m., August 4, 2010.)

MR. HIMCHAK: Yes, Mr. Chairman, you have to indulge me here. Boy, we jumped from that motion to the RSA, and I had my hand up because I have two important questions. We passed that motion. Now does that mean that states with a bycatch fishery don't have to submit a plan and who is going to determine the magnitude of the bycatch?

Then the next question is are we going to get more clarification and decide at the annual meeting how we're going to handle bycatch versus a moratorium? In other words, the motion painted part of the picture, filled it in, but there are still a lot of questions for me.

CHAIRMAN BOYLES: I think, Pete, that is going to have to be a Shad and River Herring Board call. Paul.

MR. DIODATI: Yes, I agree, too. I think what has been accomplished here is you definitely have to submit a sustainable fisheries management plan if you're conducting a directed fishery on these fish, but I think between now and the annual meeting the board perhaps could work – I can certainly draft something that justifies why I won't be providing a sustainable fisheries plan and send it to the board for our bycatch fishery, which isn't very large, but I think I could demonstrate that. I think it's something that we would have to define better within the board, and then I'm not sure and I would look to staff for advice on whether or not it would require an addendum to put the final touch on that if we need to clarify anything that's in the existing amendment.

MR. BEAL: Paul, staff will go back and look at the exact wording in the amendment and compare that to the discussion that has taken place here and at the Shad and River Herring Board earlier in the week and we can report out the Shad and River Herring Board in the interim, between the meetings.

ADJOURNMENT

CHAIRMAN BOYLES: Any further business to come before the Policy Board? Seeing none, the Policy Board will adjourn. I don't think that there will be a reason for us to convene tomorrow, so thank you for the good discussion.