

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

**The Marriott Norfolk Waterside
Norfolk, Virginia
October 19, 2017**

Approved February 8, 2018

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2. **Approval of Proceedings of August 2017** by Consent (Page 1).
3. **Main Motion**
On behalf of the Atlantic Herring Section, I move the Commission to send a letter to the New, England Fishery Management Council to establish a Working Group with the goal of improving communication between the two bodies (Page 4). Motion by Ritchie White. Motion Amended.

Motion to Amend
Move to amend to include to provide a permanent non-voting seat to the New England Fishery Management Council on the Atlantic Herring Section (Page 7). Motion by Eric Reid; second by Ritchie White. Motion carried (Page 7).

Main Motion as Amended
On behalf of the Atlantic Herring Section, move the Commission to send a letter to the New England Fishery Management Council to establish a Working Group with the goal of improving communication between the two bodies and to provide a permanent non-voting seat to the New England Fishery Management Council on the Atlantic Herring Section.
4. **Move to approve the recommended changes to the CESS Membership requirements in the ISFMP Charter as modified to reflect the Policy Board discussion today** (Page 30). Motion by John Clark; second by Jim Estes. Motion carried (Page 30).
5. **Motion to Adjourn** by consent (Page 30).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Doug Grout, NH (AA)	David Blazer, MD (AA)
Ritchie White, NH (GA)	Rachel Dean, MD (GA)
Raymond Kane, MA (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
David Pierce, MA (AA)	John Bull, VA (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Rob O'Reilly, VA, Administrative proxy
Jason McNamee, RI, proxy for J. Coit (AA)	Chris Batsavage, NC, proxy for B. Davis (AA)
David Borden, RI (GA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Mark Alexander, CT (AA)	Robert Boyles, SC (AA)
James Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Russ Allen, NJ, proxy for L. Herrighty (AA)	Spud Woodward, GA (AA)
Tom Fote, NJ (GA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Andy Shiels, PA, proxy for J. Arway (AA)	Sherry White, USFWS
Roy Miller, DE (GA)	Lindsay Fullenkamp, NMFS

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

Ex-Officio Members

Staff

Bob Beal
Toni Kerns

Mark Robson

Guests

Heather Corbett, NJ DFW
Dan Crear, VIMS
Michelle Duval, NC DMF
Lynn Fegley, MD DNR
Ryan Jiorle, VMRC

Jack McGovern, NMFS
Brandon Muffley, MAFMC
Derek Orner, NOAA
Chris Wright, NMFS

The ISFMP Management Board of the Atlantic States Marine Fisheries Commission convened in the Hampton Roads Ballroom V of the Marriott Waterside Hotel, Norfolk, Virginia, October 19, 2017, and was called to order at 9:39 o'clock a.m. by Chairman Douglas E. Grout.

CALL TO ORDER

CHAIRMAN DOUGLAS E. GROUT: I think we've got a quorum; so we're going to start the meeting of the Policy Board. I would like to welcome you all. Before we get into the official agenda items of agenda approval and everything, I want to recognize a couple of Commissioners that this may be their last Commission meeting.

First of all there is Russ Allen from New Jersey. We understand he is retiring, and he has been a very long term member of this Commission; both at the Technical Committee level, I can remember sitting on Striped Bass with him back in Amendment 6 and earlier, Amendment 5. He certainly has moved up into the Policy realm with grace and elegance.

I would like to offer a round of recognition and thank you very much for all the work you've done for the Commission; and supporting the Commission process here, Russ. Thank you. (Applause) While we're on the state of New Jersey, unfortunately I think Tom Baum has already left.

But I would like you all, to please extend our appreciation to the many years of work that Tom has also worked on this Commission, both at the technical and policy level. He's done an outstanding job; and he's been another person that I've worked with for a very long time. We all have; if we can please give Tom a round of applause in abstentia here. (Applause)

Then finally Spud Woodward from the great state of Georgia has indicated that this will be his last meeting as Administrative Commissioner. Obviously Spud has been

involved with us for a very long time; he's been a very eloquent and gracious supporter of the Commission process here.

I will tell you a little bird said that he might come back under another hat; as some other Commissioners have done. But I would still like to recognize Spud for the great efforts and works he's put on through the years. Thank you, Spud. (Applause) Okay, now onto the real business.

APPROVAL OF AGENDA

CHAIRMAN GROUT: We have an agenda before us. There is one item that I've been asked to move up a little earlier; to accommodate some flight schedules that people have. Item 7, is Discuss Recommendations from the Atlantic Herring Section; and I would like to move that Number 7 up between Number 5 and 6. Does everybody have that? Are there any objections to doing that? Are there any other changes to the agenda, modifications, additions that anybody would like to provide? Seeing none; is there any objection to approving the agenda as amended? Seeing none; it is approved by unanimous consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN GROUT: We also have in our briefing packets the proceedings from our August meetings. Does anybody have any changes or additions? Seeing none; is there any objection to approving the proceedings of the August meeting? Seeing none; it is approved by unanimous consent.

PUBLIC COMMENT

CHAIRMAN GROUT: Item Number 3 is the opportunity for public comment for items not on the agenda. I don't have anybody on a list. Is there anybody in the public that has something they would like to bring before the Board that is not on the agenda?

UPDATE FROM THE EXECUTIVE COMMITTEE

CHAIRMAN GROUT: Seeing none; we'll move on to an update by myself from the Executive Committee.

The Executive Committee considered and approved the fiscal year audit. I will tell you it was a very, very clean audit. There were no issues and we approved that by unanimous consent. The next item on our agenda was to consider and continue the need for technical committee meeting weeks; which in the past had been a process that we had put in place to try and make our Technical Committee more efficient.

We had put out a survey to see whether the Technical Committee still felt that that was beneficial; and also our Assessment Science Committee provided us with some recommendations. Essentially we agreed that with the Assessment Science Committee that we should go back to having technical committee meeting weeks; but with some modifications.

We normally in the past had scheduled three meetings right at the beginning of the year. We're going to just schedule the first two meetings; and try and provide the Technical Committees with an idea of which committees are going to actually meet during those weeks. Then we will, as the year rolls on, we'll see if there is a need to have a third technical committee week in the fall; and try and populate that.

It's more current; but still trying to get out as far as we can and provide advanced notice to the technical committees when they're going to work. Also, when we have things like stock assessment data workshops and modeling workshops, while we may not be able to give them specific dates, we're going to give them the times of year that those will be; as far in advance as possible, as much as a year.

Hopefully, that will continue to make our technical committee meetings efficient and effective. Also we talked about our meetings; the Board meetings, the quarterly meetings. As you've probably seen there have been times when we've been kind of squeezed for time; and not having enough time to do all the work that we've had, and we've had to shrink down the amount of time for a Board and we've gone over sometimes.

We wanted to look at any changes that we can make that may help alleviate this squeeze that we've been having. What the Executive Committee decided to put forward, and this was brought forward by the staff just to identify and remind Board members of. First of all, an important part of the process is plan coordinators working with Chairs prior to the meeting weeks to try and determine an appropriate time that will be needed for each meeting during a meeting week.

I think that is a key element in trying to make sure we have enough time to stay on schedule; and yet still provide the Board sufficient time for deliberation on the items. We're going to continue to do these meeting management refreshers with Collette; because as you see sometimes, you know after Collette's meetings it's all fresh in our memory, and things like having everybody speak at least once before anybody else gets an opportunity to speak is fresh in our mind. We follow that. It seems like the farther we go out; we begin to forget some of the things that Collette put forward to us to try and make our meetings more efficient on this.

We're going to continue to have that and try and have it as frequently as possible; especially when we have turnover in Commissioners, because they all need to be refreshed; both from the Chair's standpoint and from the general Commissioner and all Commissioners need to be aware of these things. We think that will help move things along.

We're also going to have the consideration, now that we have 27 species that we're managing. We might need to have during our February meeting, an extra half day to help provide us with enough time for all the meetings that we have to have during a year to accomplish everything. We'll look at it ahead of time and see if it's needed; if it's not needed we'll still continue with the three day meeting.

But there may be some times in February where we'll have to come in a half day earlier on Monday. The other thing we've found has been helped with the efficiency of our meetings is the use of working groups. We've been using them a lot more extensively in the past three or four years; and it does seem to be helping move the meetings along at a more efficient pace.

Those are the things that we're going to put forward as suggestions and reminders to all Commissioners when we're going through these meetings; to try and make sure we have enough time for all the work we have to do. We also began initial consideration of our Strategic Plan that we need to adopt for 2019 to 2023.

Our current Strategic Plan goes through 2018. The question we're going to have is whether we just want to do some updates to the current plan, or whether we want to have a full rewrite with a facilitated workshop. I think we're going to have discussions in February at our winter meeting; to see if there is a need to go through a full rewrite, or whether there are just some modifications to the current plan we have, and strategic plan structure.

Start thinking about that between now and February; and take a look at our Strategic Plan, and see if you think we need a full rewrite or whether we just need to make some tweaks to essentially just adjust the course we're moving on. We also had a discussion about the nomination process for officers.

We're going to bring back a white paper to clarify how Commissioners get contacted during

this process; whether it's through each Commissioner being contacted individually by e-mail, or whether we go through the Administrative Commissioners and have the Administrative Commissioners work with their fellow state Commissioners to develop a consensus state recommendation for the nomination process for Chair and Vice-Chair.

Also, a question that has been brought up is who is eligible. The charter is not that clear on it. Clearly any Commissioners are, but are permanent proxies? Are they eligible to be Chair and Vice-Chair? Are ongoing proxies eligible to be Chair and Vice-Chair? The staff is going to bring up a white paper with discussions about that with options on that. We'll discuss it at the Executive Committee; and then bring forward any recommended changes to the current policy that we have for nomination process at our February meeting.

UPDATE ON NON-COMPLIANCE DECISION AND MEETING WITH SECRETARY OF COMMERCE

CHAIRMAN GROUT: Also, we had and finally we have a discussion about our upcoming meeting on Thursday; that the Commission leadership is going to have with Secretary Ross, to talk with him about the impacts of his, for the first time not agreeing with a Commission out-of-compliance finding.

Jim Gilmore, myself, and past Chair Robert Boyles are going to meet with him along with Bob Beal. Our primary purpose there is going to be talking to him about what we can do to protect our process that has been so effective over the past 76 years that we've had this compact; and the 24 years since the Atlantic Coastal Act. That is what was discussed at the Executive Committee. Are there any questions about what I've presented here? Dennis Abbott.

MR. DENNIS ABBOTT: At the end we did discuss reviewing our appeal process and conservation

equivalency, and it would be brought up at the next meeting.

CHAIRMAN GROUT: Yes, you're right. I was negligent in not putting that forward. Thank you very much. Are there any other questions?

**DISCUSS RECOMMENDATION FROM THE
ATLANTIC HERRING SECTION ON
NEW ENGLAND FISHERY MANAGEMENT
COUNCIL PARTICIPATION IN THE
ATLANTIC HERRING MANAGEMENT**

CHAIRMAN GROUT: Okay, thank you very much and we will now move on to the Item 7; Discuss Recommendation from the Atlantic Herring Section on New England Fishery Management Council Participation in the Atlantic Herring Management. Toni, are you going to start us of, and then I believe there will be a motion from the Herring Section that Ritchie White will bring forward?

MS. TONI KERNS: If you recall at the last Policy Board meeting the Policy Board tasked the Atlantic Herring Section to make a recommendation to the Policy Board regarding how we wanted to involve the New England Fishery Management Council in ASMFC Atlantic Herring management. The Council had requested through the Northeast Regional Coordinating Council a seat on the Atlantic Herring Section.

Due to the fact that it is a section and not a board, the Charter and the Compact do not allow for a voting seat for councils on sections. In order to have a voting seat, you would need to change it to a management board. The council could participate in the section in a nonvoting capacity on the section. That went back to the Herring Section, and they had a discussion and they brought forward a motion that I think Ritchie is prepared to explain to the Board.

MR. G. RITCHIE WHITE: Toni, do we have that motion, so we can put that up on the board?

Following up on what Toni outlined. The Section had lengthy discussions and clearly, we did not take a vote, but there clearly did not seem to be a majority that wanted to change from a section to a board. We presently have a seat that was voted in for a council member as a nonvoting member for the Amendment 3 process in the Council.

There is a representative there at this point. I will read the motion. I understand there is going to be an amendment or a substitute motion to this. I would like to speak to that if that is made. On behalf of the Herring Section, move the Commission to send a letter to the New England Fishery Management Council to establish a working group; with the goal of improving communication between the two bodies.

CHAIRMAN GROUT: That motion is a Section motion so it doesn't need a second. Is there discussion on this motion? Eric Reid.

MR. ERIC REID: I'm in the Section. As a Commissioner this motion doesn't do it for me. As a New England Council member it doesn't do it for me. Frankly, I'm the New England Council liaison to the Mid-Atlantic and I'm a bridge builder; or maybe I'm in bridge maintenance, I'm not really sure.

But it doesn't do it for me in that capacity either. I would like to express my appreciation to the seven members of the Section over the last couple of days for indulging me in my conversations. To the other 12 Board members who are not Section members, I appreciate you all hearing me out too. With that I have a motion to amend.

Thank you, Toni, for helping me out on what it needs to say. **I move to amend to include: To provide a permanent nonvoting seat; and actually it should probably say to the New England Fisheries Management Council, on the Atlantic Herring Section.** I have plenty of rationale. If I get a second I will try to be brief.

CHAIRMAN GROUT: Ritchie White seconded it. Go ahead and provide your rationale, Eric. Then I'll go to the second.

MR. REID: Thank you Mr. Chairman, Chairman White for seconding that. I really appreciate that. We had a lot of discussion at the Section; but I just want to make a couple of points. What this motion does, or what it does not do, it does not dilute the composition of the current voting members of the Section.

What it does not do is it does not alter our management methods and measures and capabilities that we already have in place. What it does do, it brings another informed stakeholder to the table. It does enhance the Section's ability to make educated decisions; and it does promote our involvement with our New England Fisheries Management partner, which in my opinion is sorely lacking.

CHAIRMAN GROUT: Ritchie.

MR. WHITE: I seconded this, because the discussion at the Section concentrated on going from a Section to a Board and having the Council person having voting rights. Also, going to a Board would add seats; National Marine Fisheries Service and U.S. Fish and Wildlife Service.

Since the Section already voted to have a seat on the Section for during Amendment 3, I believe that the Section would support this; because they've already said it was worthwhile having the Council to have some input to the Section during that process. Extending beyond that I think makes sense. That was my reason for seconding.

CHAIRMAN GROUT: I have Adam Nowalsky and then Tom Fote.

MR. ADAM NOWALSKY: Let me begin by stating that I have no objection to either of these. I do want clarity though. With this motion to amend, we would be doing both establishing a

working group to improve communication and simultaneously creating that permanent nonvoting seat. It would seem that if we create that permanent nonvoting seat, by nature of that that would hopefully address a lot of the communication issues that are occurring. I could be wrong on that but I would like to hear clarification about if in fact we're still going ahead with the working group and doing the seat simultaneously; or if we could achieve the needs of the Council and the Section by just adding that seat.

CHAIRMAN GROUT: Eric, do you want to respond to that as the motion maker?

MR. REID: I think we need to have a conversation with New England. As you all know ASMFC and the Mid-Atlantic, they have these meetings; you know the circus is in town. We have joint meetings; we have meetings of the Committees of a whole. There is a pretty good relationship there.

I don't think the same thing exists between the Commission and New England. I don't know, maybe Bob Beal will help me out on that. But I think that we need to do both. We've got a lot of big issues as councils and commissions coming ahead of us. Other than using a couple of God bless your hearts, and we all have to hang together or hang separately.

I think the more cooperation we have between the three entities the better we're going to be. When we start talking about things that affect us all, climate change, trans-boundary stocks, alternate energy like wind. I really think we need to develop every relationship we can. The working group would help with that. I would rather see this motion pass and then we combine the two and make the main motion something that combines the two.

CHAIRMAN GROUT: Tom Fote, and then I have Pat Keliher and Dave Borden on my list.

MR. THOMAS P. FOTE: Like Adam, I have no problem with either one of these motions; but I really support the top motion. I hope Eric will work with me to find out some solutions; because I think he's right. You know the species that we jointly manage creates all kinds of problems with Mid-Atlantic; but we're at the meetings together.

I mean one of the greatest times I was upset with the New England Council is what they did on winter flounder. Here we have a strict conservation measures in place, and utilizing my boats that fish on the same fish when I get to the ocean, 5,000 pound trip limits when we were basically having 50 pounds for our pound nets and two fish for our recreational sector.

In ten trips they may catch more fish than the guys do in the five years. We need to have somebody from the Commission from the southern areas to basically be on the New England Council to basically express those concerns. They don't have to be voting members. But on boards that we don't, because we don't jointly manage winter flounder, we don't jointly manage herring and things like that.

It's a good place to have people that are outside the area basically looking for the other states that are below; like New York and New Jersey that sit on some of those fisheries. That's what I'm hoping the first part does; opening up that dialogue. As Eric is a bridge builder, maybe we'll be able to get somebody from New York or New Jersey to sit up there when they're doing winter flounder.

CHAIRMAN GROUT: Pat Keliher.

MR. PATRICK C. KELIHER: As the maker of the original Section motion, I certainly support the inclusion of the nonvoting seat language that Eric has brought forward. It's important to remember that the New England Fisheries Management Council has asked for a voting seat. Mr. Chairman you at the last two

meetings have clearly expressed your desire to move in the direction from a Section to a Board; but the tea leaves certainly were not aligning yesterday in that conversation.

I've come a long way in that thinking from the first time we discussed this at the Policy Board, and in yesterday's conversation. I would support, frankly, moving in the direction of creating a Board, an Atlantic Herring Board here at the Commission; after having a lot of thought and talk. Eric is right.

We don't want to be in a situation of further divide between this body and the New England Fisheries Management Council. I think we've got a lot of important work to do. I think having all of our partners around the table understanding what the issues are, is very important. At this time we're not obviously moving in the direction of creating a Board.

I think this is the right direction to go at this time. Hopefully we as members of the New England Fisheries Management Council can clearly articulate why we're doing this now. A working group can further improve the communication; and we're all moving forward with the same goals.

CHAIRMAN GROUT: Dave Borden.

MR. DAVID V. BORDEN: I just want to quickly echo the support for both motions; and just note as an example. Doug Grout appointed me as representative on the New England Council Habitat Committee on Corals. There are a lot of you in the room that I've spoken to about coral's potential impacts on both corals and different fisheries. I've been able to; in that capacity I've been able to take that message back to the New England Council.

That's been a really important linkage between this body and the New England Council. I support the motion to amend. I support the underlying motion; and just would conclude by saying there are major issues we're all going to

confront in the future, not the least of which is wind power and the potential impacts on all of our fisheries. We need to have more of a unified voice on the part of all the different management agencies.

CHAIRMAN GROUT: Further discussion? **I would like to try something first. Is there any objection to the motion to amend at this point? Seeing none; the motion to amend is approved by unanimous consensus.**

CHAIRMAN GROUT: **We now have the main motion on the board. Is there any objection to the main motion as amended? Seeing none; the main motion is approved by unanimous consent.**

MR. FOTE: Doug, do you have to read it in?

CHAIRMAN GROUT: Okay, I'll be glad to read it in. We'll take back that approval by unanimous consensus. Oh, is there going to be a change to it? Is it okay? **On behalf of the Herring Section, move the Commission to send a letter to the New England Fisheries Management Council to establish a working group; with the goal of improving communication between the two bodies, and to provide a permanent nonvoting seat on the Herring Section. I'll try it again.** Yes. Eric Reid.

MR. REID: And provide a permanent nonvoting seat to the New England Fisheries Management Council, thank you.

CHAIRMAN GROUT: I bet I've got to read it all over again. On behalf of the Herring Section, move the Commission to send a letter to the New England Fisheries Management Council to establish a working group; with the goal of improving communication between the two bodies, and to provide a permanent nonvoting seat to the New England Fisheries Management Council on the Atlantic Herring Section.

Is there any objection to this motion? Seeing none; the motion is approved by unanimous consent.

REVIEW OF THE RISK AND UNCERTAINTY WORKGROUP PROGRESS

CHAIRMAN GROUT: We will now move on to Item Number 6; Review of the Risk and Uncertainty Workgroup progress. Jason McNamee.

MR. JASON McNAMEE: Thank you for giving us a little time. Sorry, my name is Jason McNamee; I work for the Rhode Island Division of Marine Fisheries. Bob had mentioned earlier, we were originally hoping to have a workshop during this annual meeting. But as the agenda sort of evolved, we were getting more and more crunched for time.

What we decided was we would punt it until February; so that we could do it justice, give it enough time. But we wanted to still talk a little bit about you and remind you that we're out there in the ether, working away; so I've got a quick presentation for you. Since spring of 2016, the working group has been developing a Commission Risk and Uncertainty Policy.

At the annual meeting last year, you reviewed a white paper that had a policy statement in it. It had a set of goals; and then some potential decision tree questions and the decision tree concept I will talk a little bit more about in subsequent slides. But what you saw at that time was a bluefish example; and you have that white paper I think is in your meeting materials, if you want to go back and check that out.

What you had asked at that time was for us to go back and develop a more comprehensive example. You thought striped bass might be a good one to work on. We went ahead and did that. We met as a working group, and also brought it before the Assessment and Science Committee a few months ago, or maybe a month or two ago.

As I noted, we have rescheduled that workshop for February of next year. Quickly, I'll tick through the goals again so you can remember why we're doing this. The idea is to adequately account for uncertainty at all levels of the Commission's management process. The idea with doing that is to maximize our informed decision making. We want to consistently manage Commission species. We want to treat all of the species that we manage consistently; to the extent possible.

We want to provide transparency in the Commission's risk management process; and there was a lot of talk about flexibility. We have been very cognizant of that and have incorporated flexibility into the Commission's version of a risk management process. One highlight from the workshop the Risk and Uncertainty Working Group from our last workshop. This was seen, it was Lynn Fegley who highlighted this. Adam Nowalsky also highlighted this as an important characteristic of the Risk Policy. But they saw it as a good tool for communicating what we're doing and how we're making decisions to constituents. Not only is it a valuable tool for us as we're making decisions at the board level; but also for going back home and talking about what exactly it was that we did, and why we did it.

A comprehensive risk and uncertainty policy would provide guidance on a range of issues; and that would be from choosing biological reference points. It sort of came up in that context this morning. Setting quotas for data-poor species, all of those sorts of things this can be applied to. These are long-term goals. They would require a lot of time and effort to develop in this full comprehensive manner.

What we recommended is that this policy development and deployment be implemented in phases. Our first step has been to use it to set acceptable risk levels when determining quotas for data-rich species. How are we meeting these goals? The goals of the policy will be achieved through a structured decision

making process. This is that decision tree I was referring to earlier.

The way we would implement this is to add stepping through our decision tree as a term of reference; and this would be both for benchmark and update assessments. Then projections for quota setting will be developed using the final results from that exercise. One nice little tool that gets developed along with this is this matrix.

It's a species matrix. What it has in it is all of this information. It is quite dense. You can't read that but you see that. There is in fact a spreadsheet that exists with words on it; so you can go back and check that out as to what those words actually say. But it's kind of one-stop shopping for all of the information for that species.

It's probably valuable beyond just this risk policy exercise; but your staff can also use it as a quick reference to remind them. I'm sure they all work on multiple species. How will we do this? The tree, the decision tree will be broken into segments. Using that matrix we just showed you, the Technical Committee will work through quantitative decisions; things like is stock status known, is overfishing occurring.

There are these tiers within the decision tree; and that top one are these more quantitative decisions, and then the Board will also be a part of this. You will work through the qualitative decisions. These are things like socioeconomic concerns, is the management uncertainty accounted for? A lot of these currently are qualitative; but could evolve to be quantitative.

But these would still be within the purview of the Board. This is where the Board gets that flexibility to kind of move the ball up or down; as you think is warranted. The Technical Committee, as we do this, we'll have the Technical Committee go through the whole thing; so you can sort of see it. You'll have a template to work from.

But in the end those final decisions come down to the Board and that is where you get to include that flexibility. We're going to have a workshop in February. The Board workshop will be set up to work through an actual example; it will be like a role playing game. We want it to be interactive. The Technical Committee, in this case when we say Technical Committee we're talking about me, Shanna, Max, Katie, I think will probably be the folks that kind of work through the template version. Then we'll have the Commissioners deliberate on the qualitative portion. Then you'll have something that you can kind of compare and contrast in the end. If that wasn't enticing enough, and for those of you who are fans of daytime T.V.; you might remember the Price is Right and the game Plinko; it kind of works like that. You know you kind of balance right and left as you're going down the questions.

For those who don't know what that is and have questions; Adam Nowalsky is now our resident expert on Plinko, so you can ask him afterwards. Just some parting questions for you all. Do you have any input on the workshop structure? We were thinking about having you kind of set up with either an online, like a Survey Monkey poll or something; where you can actually hit a button and cast a vote for a risk level.

That way we could put it up on a board and we can kind of see where we end up. That would make it really interactive. But if someone has a different idea we would like to hear that. Are there any visual representations that would be useful? What else would you like to see during that workshop, and any other questions that you might have that we've not thought of yet. With that I will take any questions.

CHAIRMAN GROUT: Okay are there any questions for Jay or any suggestions, answers to the questions that he has for you? Ray.

MR. RAYMOND W. KANE: I'm new to the Commission, and for years what I heard at this

table was we're about managing sustainability of species. I like the direction that this workshop wants to go; when you start talking about socioeconomic impacts. I think for too many years management has disregarded that element; including harvesters and processors. It's just a comment, I like the direction.

CHAIRMAN GROUT: Are there any other questions or feedback for Jay? David.

DR. DAVID PIERCE: Jason, to what extent will this endeavor be influenced by what the federal management councils have done regarding their risk procedures? It seems that in most cases those procedures would tend to override whatever we come up with. I am trying to better understand the degree to which we're going to have the ability to perhaps go in some different directions. Will we be constrained by what the federal government requires, what the Magnuson Act requires, and what National Standard Guidelines require?

CHAIRMAN GROUT: Jay.

MR. McNAMEE: Yes excellent question. In fact that question came up at the last Board meeting as well. We discussed it explicitly. I'll say two things about that. The first is I think that's one of the reasons that we migrated to striped bass; as it's a Commission managed species as our first example, while we continue to kind of sort that out, because it is complicated.

But in the end, if I remember the workshop discussion correctly, we talked about this. There are still aspects that aren't necessarily directly controlled by that federal process; that we could still look at and tinker with. The first one that pops into my head is management uncertainty; in particular for the Mid-Atlantic species. That is a source of uncertainty that actually comes back to your Monitoring Committee, which is a joint committee. But I think there is room with the management uncertainty to increase or decrease. There are

aspects, it becomes a smaller, a subset of the questions, but still there is relevance for those jointly managed species.

CHAIRMAN GROUT: Any other feedback? Adam.

MR. NOWALSKY: I'll just offer that again as Jay highlighted, our initial work with this would be for a Commission managed species only. We did feel through the working group that there may be an opportunity to work with partners at the federal level; as we put together our Risk Policy.

Should we go through the exercises and start to see differing results from what we're seeing at the federal level, we felt that would put us in a better position at the Commission to make that argument; why we feel an outcome could be different, and then go ahead and potentially affect change in the policies that generate the outcomes in quota driven species at the federal level. We think it could be helpful to the Commission moving forward.

CHAIRMAN GROUT: Further questions, input? Do you want to have a Survey Monkey poll so that we can vote electronically? Seeing none; I think you have the freedom to do whatever you think would help us out in understanding this the most.

MR. McNAMEE: That would be a giant Plinko board in the back and we'll have some fun.

CHAIRMAN GROUT: Sounds good. All right thank you, Jay, I appreciate it. We look forward to the workshop at our winter meeting.

DISCUSS NONCOMPLIANCE IN THE CHARTER AND PARTY BOAT SECTOR

CHAIRMAN GROUT: Now we're going to move on to Item Number 8; which is Discuss Noncompliance in the Charter and Party Boat Sector. Toni.

MS. KERNS: Recently we have seen several violations in the for-hire sector; in particular there have been a couple of cases out of Montauk dealing with black sea bass, where there have been large numbers of black sea bass being caught. In some cases states have had difficulties in charging either the passengers or the for-hire captains for these violations.

One of the Commissioners asked if we could have a discussion about these violations and ways that we can help prevent them; or have better compliance in the for-hire sector. I did sit down with the LEC earlier this week; and we had a discussion on this issue. I'll provide a bit of a summary; and then I'll have Mark fill in where I may or may not have left any information out.

But there are a couple of states, Maine, South Carolina and Delaware that do have language that allows them to prosecute captains in the for-hire sector when there are violations, and they've had success in the Courts in doing so. For Massachusetts they have language in their regulations that allow them to do, so they haven't prosecuted through the Courts but they have done, I think an arbitration where they've had success in finding a for-hire captain in violation when there have been large egregious noncompliance on their vessels.

The LEC said that it would be very helpful if there was language within each of the states that held the captains accountable for the violations on their boats; because it makes it difficult for them to do their jobs when that language is not there. They can bring a case to Court, but if they have no regulatory authority backing them, then those cases often don't make it anywhere. Mark, were there other pieces that I've left out? Does that cover it? I guess the one other thing that NOAA Fisheries, under the for-hire permit, and I believe I'm going to say this correctly. Lindsay you can correct me if I'm wrong. But the captain is responsible for all regulations that the

fishermen are fishing for under their permit; and their permit can be removed, and the captains can be held accountable for the federal permits. It's only for federal for-hire vessels. I am not sure if they actually have accountability for their individual fishermen, and they do that through the states. I think that's what Winn had told us.

CHAIRMAN GROUT: Lindsay.

MS. LINDSAY FULLENKAMP: I'm not sure. I don't know.

CHAIRMAN GROUT: Mark.

MR. MARK ROBSON: Yes, Toni that is my recollection of the discussion too that there were some cases where they were able to use the federal regulatory process to make a case; in addition to using the state side of it if it was a federal permit holder.

MS. KERNS: The LEC did also talk about that some states do have some measures that they've asked for vessels to do; things like having each passenger have their own cooler with their name on it, putting the regulations on the boat for each fisherman to have, having measuring sticks and other information available to them for individuals to know what the regulations are and be responsible for those regulations. Those certainly do help with enforcement; but having this regulatory language is something that they said would help them a lot more and overall good.

CHAIRMAN GROUT: Okay, discussion about this issue? I have Adam and then Roy.

MR. NOWALSKY: Regarding the question of what the actual intent is under 648.145 Paragraph C. Sea bass harvested by vessels subject to the possession limit with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will then be determined by dividing the number of black sea bass on board

by the number of persons aboard other than the captain and crew.

If there is a violation of the possession limit onboard, carrying more than one person, the violation shall be deemed to have been committed by the owner and operator of the vessel. That's what the language states. There is similar language for scup and summer flounder as well.

One of the things that I have asked the Service to go back and look into is the administrative record on this particular regulation; to determine, given the fact that this element of violation shall be deemed to have been committed by the owner or operator occurs in the same three sentences that talk about the pooling of fish, which does not commonly occur on your larger for-hire vessels, your party boats if you will.

There is no pooling that occurs there. I am looking for some clarification; what the original intent of this was. I hope to have that at some point in the future, because I think that's really one of the issues here is on a six-pack vessel where you have six people sharing X number of fish in one container that is often provided by the vessel. That's a very different scenario than when you have a hundred people on the boat, two to three crew members all going ahead, putting fish in their own individual containers; and essentially accepting their own responsibility by virtue of putting them in their own private property that way. I'm hopeful to get some clarification of that moving forward from the Service. Hopefully we can go ahead and use that to inform the states decisions on what the intent is at the federal level moving forward.

CHAIRMAN GROUT: Roy Miller.

MR. ROY W. MILLER: I was just going to add something to this discussion concerning noncompliance. One aspect that hasn't been brought up is noncompliance with MRFSS

Surveys. We've had a longstanding problem in our state; I'm embarrassed to admit, of refusal to allow MRFSS surveyors on for-hire vessels.

That's a problem that I don't know as ASMFC necessarily needs to deal with. But it's an internal problem; it's a public relations and education outreach problem. But it is part of the noncompliance mix. If observers can't get on the boat then there is no opportunity until the boat returns to port and the participants are unloading. There is no opportunity for enforcement at sea.

CHAIRMAN GROUT: Ritchie White and then Jim Gilmore. Jim.

MR. JAMES J. GILMORE: There have been recently some violations that have occurred in Long Island; and we've heard a lot of anecdotal ones about it. I've gotten some suggestions from other states about that we don't have that requirement in regulations where the party boat captains are responsible.

You heard Captain Forsberg yesterday say that maybe we need to look at this by coming up with solutions other than maybe the black and white of instituting a requirement that the captain or the vessel owner is responsible. I think that is a better approach than just having us go into the party boat captains are responsible; mainly because we already have laws –and maybe it's unique to New York but I doubt it – on the books that we essentially the next part of it is you can have as many rules, regulations, or laws.

You go to the Courts and if the Courts don't support them it is useless. We already have with our free fishing license in New York, the D.A.s and the counties don't support that. They think it's free so anybody that writes a ticket on that they throw it out; because it's free, so how could they be violating something that's free?

Then you get into other things even with safe harbor or whatever. We have brought good

cases; we have black and white rules on that. Particularly in the east end towns it's been thrown out of Court; just because they are not friendly towards what we do in terms of management. That can stem back to some of those management measures.

I think maybe having this more blanket that all the vessel captains are responsible may not really solve the problem. Maybe looking at some alternatives like marking coolers, things of whatever that helps to alleviate the problem might be a better approach than going into regulations or laws.

CHAIRMAN GROUT: I have Mark Alexander and Dan McKiernan.

MR. MARK ALEXANDER: I just wanted to follow up on a comment that Roy Miller just made about compliance with MRIP. The other aspect of that is compliance with the for-hire telephone survey. We had a party charterboat operator kind of make an offhand comment that he never answers the phone when his caller ID says QuanTech or whoever does that now.

We followed up and got some information. I was just curious what the compliance rate was with the for-hire survey; and it was whether it's actual refusal to talk or they just don't pick up the phone. But the compliance rate was pretty low. We were kind of astounded by that. I think that is something that maybe should be considered as well.

CHAIRMAN GROUT: Dan.

MR. DANIEL MCKIERNAN: I feel it's necessary to explain a few details of the case in Massachusetts; because it was attributable to the same boat that was in New York. This was not the first instance that this occurred. There were circumstances where the captain was highly disrespectful to the police officers.

The police officers felt that the clients were being coached to not comply. We had instances of abandoned coolers. The real problem is that if the captains say, well I can't enforce this, but if the net result is as soon as the police officer shows up coolers are abandoned. It's completely unacceptable.

What we did was we threatened to suspend his permit through the adjudicatory hearing process. He hired an attorney and we worked out an arrangement; probation for two years. In those two years he had to hire two extra staff to police the clients, and coach them to comply and to look into their coolers.

In addition they put the rules on the ticket and other things like that. But after a half a season he concluded that he was losing too much business; and so he left, and he didn't come back the second year. There is a need, as Jim says; maybe this can be accomplished with some other rules. Maybe it is state specific rules. But we have to prevent situations where clients can simply walk away from their fish and nobody is accountable.

CHAIRMAN GROUT: Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Hearing Mark and Roy talk about the refusal rates for party and charter boats. You start to think that these guys also have to fill out a VTR form when they get back to the dock for the federally permitted boats. If the captains are saying they're not really sure what's in the coolers, so how accurate is the VTR data?

Then if there are a lot of refusals for the MRIP program, it seems like the, I don't know maybe I'm missing it, but I'm now starting to be concerned about the overall accuracy of for-hire reporting from some of these bigger vessels. But maybe I'm missing it.

CHAIRMAN GROUT: Yes that is a concern. I'll tell you, Mark, we a long time ago at least for the party boats, started a process where we

said we want to exempt you from the phone call. They felt they were double reporting; because they already have, they fill out the number of passengers on the VTR. What we said, well we'll collect the VTRs from you; rather than having them answer the phone. Because they are required to fill out the federal VTRs in our state; at least all the party boats, they are all federally permitted and stuff. That is the way we got around that and got better compliance with it or cooperation. You know as far as going on the boats. I think that more than likely is local culture, because we're welcome on the boats.

They want us on the boats. I don't know how to address that in individual states where they're having people refuse to allow MRIP surveyors on there. But it is an issue from a data collection standpoint. We also, right now I think it's still voluntary. I don't believe there is a requirement. Like some observer programs for the commercial vessels that you have to take somebody. It's still voluntary on that. Yes that can affect the accuracy of the data.

But on the other issue of how we get enforcement of bag limits. That is something that I think we need to be looking at on a more comprehensive basis, on a state-by-state basis; whether it is holding the captains liable, or something where you're required to have names on the coolers before you can come on the boat so we know whose.

I think it's something that needs to be discussed with the industry, particularly the party boat industry, on how we can make sure that these management regulations, which are designed to make our fisheries more sustainable, can be effectively enforced. I see David.

MR. DAVID E. BUSH, JR.: I was just curious if there was any conversation or discussion on requiring the captains to be responsible for everything that goes on their boat is not something that is altogether a foreign concept. However, when you get into searching through

people's personal property, there are certain legalities there as well.

I don't know if state or federal law allows for any provisions for that for the owner of a vessel. That's why the conversation came up, obviously having them mark their coolers so that they're personally responsible for that and everything that's in it. But I was curious if there is any conversation about that as well.

CHAIRMAN GROUT: At least in New Hampshire the coolers are people's private property that they bring on the boat. But our law enforcement officers do have the authority to check those without a search warrant. It may be different in North Carolina. Dave.

MR. BUSH: Well I guess what I was meaning was is whenever the vessel operator is supposed to fill out his report or whatever, and he's trying to get an accurate count. Folks are bringing stuff over the rail left and right; and sometimes things are missed. You know when they do have that cooler that is way over the limit, and the people want to just shoot off the dock when they see the officer.

You know he's kind of stuck holding the bag there. But he had no authority to go into their cooler and verify what was in it. I'm trying to figure out if there is any sort of legal ground for him to go search through people's personal belongings to ensure that they're actually upholding the regulations.

CHAIRMAN GROUT: Eric.

MR. REID: I worked on a party boat some time ago. I agree with all the comments that are made about having X amount of people and X amount of deck hands, et cetera. But the one thing that was universal was the captain's word was law. Now what I understand is the captain's word is law until maybe there is a problem. Then the captain's word doesn't have to worry about the law.

I don't know if the law of the sea or the Jones Act or something else would play into this as well; but it just seems that that is kind of an odd situation that the captain is in control of everything on his vessel until there is a problem, and then he's not responsible. You might want to look at the law of the sea.

CHAIRMAN GROUT: Adam.

MR. NOWALSKY: Let me preface this by beginning that there is simply no way to condone illegal behavior that goes on, on any vessel. We're all unanimously in agreement here with that; and I'll certainly be the first one to step up and advocate for enforcement of the regulations we put in place.

Whether or not I personally agree with the decisions, I'm here to work to change those things I don't agree with and advocate for compliance at all levels. With regards to the question of having an idea of what goes on. Yes, I certainly think operators and again, we're talking primarily here about larger vessels.

Let's be clear about where the scope of this problem is as we discuss it. Most vessel operators that I know, and having worked on the larger boats myself, instruct their crew not to facilitate the illegal activity; in terms of not cleaning sublegal fish, not cleaning fish over the limit, not cleaning fish for patrons that are out of season. You know not going ahead and facilitating those behaviors.

I'll also offer that with regards to having an idea of the catch that's on that vessel. While I don't think your large vessel operators are sitting in the wheelhouse ticking off every fish that comes over the rail. Most days you have a trip, a steam home to the dock maybe an hour or more, again mates are going around the boat talking.

You have a good idea of the level of angler satisfaction. Let's face it; anglers aren't very good in most cases about keeping their mouths

shut. If they had a good day they're going to brag about it. If they didn't have a good day, you're going to hear about it very quickly on the vessel. While the captain may not know that one guy up in the bow specifically had 11 sea bass and one guy in the stern had 7 sea bass.

He's going to have a pretty good idea that the average catch through the boat was 9 or 10 fish; and allow the creation of a VTR report at the end of the trip that reflects a relatively good idea of what goes on, on that vessel. I just wanted to touch on some of the points that I heard here today; and finally I'll offer, you know we haven't had discussion about what happened at the Summer Flounder, Black Sea Bass and Scup Board last night.

But that Board did put forward a motion specifically to have a working group begin looking at this problem; and going ahead and making a recommendation to that Board about potential ways forward, either through an addendum or other means. We do have that taking place by one of the Boards where this specifically had been brought forth. I would think that that would be useful information for this Policy Board to know that one specific Board is taking action on this. I would hope that that could help inform a wider Commission response if needed moving forward.

CHAIRMAN GROUT: Dan, the state of Massachusetts brought forward this issue. Do you feel comfortable with the thought that there is a working group at the black sea bass level to try and get at some of this? Is this important enough that we start looking at it on a much broader picture; in advance of what comes out of the Black Sea Bass Working Group?

MR. MCKIERNAN: No, I think Adam's point is a good one. I think there is just a general need to really address it, to recognize it and to address it head on. We're planning on some more meetings this winter with boats. We were even thinking about making it almost like a

customized Hassett plan; like every boat is a little different. Okay Captain, you tell us what your compliance plan is, and let's make that a condition of your permits.

When the green cops meet you at the boat they know what to look for and that kind of thing. I think it's great for the conversations happening; because honestly the officers came to us and said there is nothing we can do. There are thousands of pounds on that boat. Nobody is responsible for them? Come on, something has got to be done. I think we're moving in the right direction and I agree with Adam.

CHAIRMAN GROUT: Tom.

MR. FOTE: About 20 years ago I'm fishing on the beach in Island Beach State Park in the middle of November without about nine other guys. This pickup truck comes running down the beach; and basically is running in the water, chases us all back about 20 feet, because he almost ran us over.

Basically, we got a little annoyed. On the way back, because we have courtesy patrols on the beach to basically try to tell drivers how to drive on the beach. He comes back and he basically almost hits us again. The guys were really getting upset they go and they say, oh you let it go. The guy went home and killed two of his kids when he got home. He was going out of his mind.

Nowadays with the crazies out there, when I tell people on the water. You're not law enforcement. You don't carry a gun; especially in New Jersey there is a no carry law. It's not your job; get on the phone and call. I think with everything that goes on nowadays, it gets very hard for anybody to be law enforcement and enforce rules and regulations.

But we do have peer pressure and anglers that do that. When they lose their trust in the regulations they would basically rat on each other and basically do that. The problem is that

trust in the regulations has fallen apart. No longer do the anglers start giving another angler a hard time about breaking the rules; when they don't trust the rules themselves. It's a sad situation. That's what I see happen the last couple of years.

I'm always fearful of telling people to try to enforce the law. That's not our jobs, and especially with people out there the way they are now. I always say get on the phone; call a law enforcement officer. Make sure they come down. I give that to all my associations, all the clubs that I basically supervise. I know if I had done something more I might have been dead at that day.

CHAIRMAN GROUT: Okay, I think we've had a very good discussion on this. It sounds like a Black Sea Bass Working Group there will be a continued discussion on this. I appreciate you bringing up the topic and I'm sure there will be further conversation about this in the future by the Commission.

DISCUSS WHITE PAPER FROM THE CLIMATE CHANGE WORKING GROUP

CHAIRMAN GROUT: The next item on the agenda is the White Paper from the Climate Change Working Group.

This is something that I tried to put together a couple of years ago when I first began Chair. I think we're at a position that we need to start looking for ways for us to adapt our management and our science to consider these changes in environment that are occurring in some areas; and impacting some of our species.

The intent of this, we have a White Paper that the Working Group has brought forward. We're going to give you an overview of it at this meeting; and give you a chance over the next two months before the February meeting to sort of chew on this, see what you think about it.

The intent would be this would be something that we would give to our management boards; as sort of a list of tools that they could use if they find that there is evidence that your management and the science is being impacted by changes in the environment. As I said, we're going to give you an overview and then hopefully at the February meeting, if we're comfortable with it, we'll approve it as a formal document of the Commission that the various boards can use in their management process, if they see a need. Toni.

MS. KERNS: The draft White Paper was included in supplemental materials. I will note that one member of the Working Group through a Policy Board Commissioner had asked for some additional revisions to the first draft that we had of the White Paper. Those comments came in after the deadline; so if they're still not addressed, and Chris I'm going to call you out just to say if we didn't address any of your comments from the first draft to what was included on the supplemental material, please raise them today so that we can address those concerns.

I'm going to skip this first slide, because Doug has already gone over that and move right in. The White Paper talks about a stepwise approach in addressing these issues. Carrying out effective management strategies in facing climate change can be very complex; due to all of the different elements that we are considering in these adaptive climate change environments.

Looking at this in a stepwise approach may make it seem a little bit less daunting. The first step is really defining and planning a purpose and scope. Just clearly articulating existing management goals, identifying our management targets, and specifying the timeframe that we want to address these issues. Step 2 is assessing climate impacts and vulnerabilities. This really can come from our TCs, our Assessment Science Committees, and our Management and Science Committees.

It just helps us understand the climate vulnerabilities; and that's crucial for designing effective adaptive management strategies and the specific components on the vulnerabilities exposures, sensitivities, and adaptive capacity of these fisheries. Then that provides a useful framework for linking actions to actual impacts to the fisheries themselves. Step 3 is Review and Revise the Management Goals and Objectives. Because our goals serve as the basis for our strategies and actions that we take; they should be climate informed and forward looking. Reevaluation of goals and objectives may either validate their continued relevance or indicate that there is a need for change or modification to those goals.

As you can see here that you can continually reassess Step 2 and 3, as these climate change vulnerabilities change over time. Step 4 is identifying the possible adaptive management options. The working paper does look at a couple of possibilities for the Boards, but there are others out there.

What possible approaches are there for reducing key climate related vulnerabilities, or taking advantage of new emerging opportunities? This is the stage where a broad array of alternative strategies and actions can be identified; with particular attention to thinking outside of the box and crafting possible management actions for the Boards to address.

Step 5 is evaluating and selecting adaptive management options themselves. The array of possible adaptive options are now evaluated and determined what is the most likely to be effective and serve as a biological and ecological new goalpost; and most feasible from a social and economic perspective. We would do this through our amendment and addendum process.

Step 6 is implementing these adaptive management strategies that are chosen. Successful implementation requires leadership; as well as institutional commitment and

resources from the states, and the Commission as well as depends on engaging our stakeholders and emphasizing the benefits to all of the sectors that utilize our resources.

Then, Step 7 is tracking the effectiveness and the ecological response to the changes that we're making. Monitoring helps to provide a context for understanding the climate change related impacts and vulnerabilities for informing our adaptive management process. Monitoring approaches should be carefully designed to make sure they are capable of guiding adjustments that need to happen in the future.

Step 6 and 7 should be adjusted over time when we see that as we implement new strategies then we should make sure that we're doing the appropriate monitoring to make sure that those strategies are effective. For these stocks that are persistent at low biomasses and not responding to management change. The White Paper addresses two questions that the Management Board should ask.

What is the appropriate harvest level, if any, and how many resources should be committed to continuing the monitoring and the management of that species? We can take a look at this from a couple of different approaches. First we could just do as we do; stay status quo. We would have our harvest strategies that allow landings at a target and threshold F . We would use historic information with the assumption that the stock would eventually respond to a low F , and would potentially begin to rebuild.

Here we would not readjust reference points based on the environment. If the biomass continued to decline there would be two options the Board would have. They could continue under the scenario I just discussed with further reductions in F ; or you could put a harvest moratorium in place for a period of time based on the life history of that species. For stocks where we see an evidence of change in productivity, so like the status quo option we

would have monitoring and management that would be retained at historical levels. The harvest level would be adjusted as reference points are redefined. Here we would adjust our reference points based on the environment as it is changing.

The reference points would target a sustainable yield from a biomass that is much lower than previously targeted. The actual yield would be much reduced from historic levels; leading to a very small fishery, with presumably much fewer participants in it. The approach would also have a rebuilding period associated with it; and the rebuilding period would be reflective of these new reference points, based on this expected lower productivity of the stock.

We also can consider evidence that the stock has low to no productivity; recovery to a sustainable level is very highly unlikely. In terms of how you would address management for a species under this condition, you could put in place a permanent moratorium or harvest could continue until it becomes economically infeasible.

A decision between these options could be based on the confidence in the prediction of no recovery; and consideration of the genetic diversity that is often high at the tail end of the species. It may be more beneficial to protect the remaining genetic diverse stock; or it may be more beneficial just to allow the economic harvest of that species.

That's really a policy decision that each of the boards would need to make. For monitoring we would have to determine what level of monitoring would occur. Would it be an increased level of monitoring, stay status quo, or reduced monitoring? Then lastly is looking at management and monitoring ceasing and harvest does not continue; because it becomes economically unfeasible.

What are the science requirements? Each of the options places great demands on science

for the states and our species technical committees. Several questions would need to be answered before choosing among the options. Up on the board is listed the questions that each of the management boards would need to ask themselves. I won't read them all.

Actual management options that the boards could consider, we could continue on with what we do now. State-by-state quotas; within state-by-state quotas we have tools such as quota sharing, minimum allocations, episodic event quotas, and the board can continue using these tools and products.

We also could consider maintaining state-by-state with a revisiting of the allocations; based on some sort of trigger. The trigger could just be set off of a time period. Allocations could be revisited based on an internal or an external review. That external review could be something like a panel that the board would set up parameters and guidelines; sort of terms of reference, and then that panel would make a recommendation back to the board.

It takes the politics out of the allocation decision and brings it to somebody else to present an option to the board themselves; or we could continue internally as the way we currently proceed, and the boards could revisit those allocations on their own. Allocations could be adjusted based on different types of data instead of using just plain historic fisheries data we could look at fish distribution data. This data could come from surveys; either fishery dependent or independent surveys. We could combine historical and current landings information to come up with allocations; or we could use evaluation approaches to guide us on allocation. Then changing management away from state-by-state, we could look at area-focused management. This is something that we see in Alaska. This would be a large departure from what the Commission does with their single-species management.

But you could say we have the Gulf of Maine, and we would just manage all of the fisheries within the Gulf of Maine and use environmental information, as well as fishery dependent and independent information to guide us on the health of all of the stocks within that area. Allocations could be distributed based on how each of those stocks is doing relative to the changes that we're seeing in the environment.

Every few years you may have to adjust what industry is fishing on; based on the productivity going on. For a little while you might be fishing on winter flounder, and then we see a shift in food resources, so a fisherman would shift to lobstering; that type of idea. We could also look at allocations by timeframe, so seasonal allocations.

An example would be if you remember, ten years ago we used to allocate black sea bass in quarters. You would have a coastwide allocation and then you would divide that up into four pieces; and we had a spring, summer, fall, and winter fishery. One of the downsides of that is that it was still a race for the fishery; and everyone would try to go out and get the quotas quickly as possible once it opened in each quarter.

It is still allowed for some equity for fisheries that were available at different times of the year and different parts of the coastline. Then the document also provides a list of resources to assess how species and environment is impacted by climate. I would suspect that this list of resource will always be evolving as new information becomes available.

In terms of some of the information that the Assessment Science Committee and the Management and Science Committee members made recommendations to for the document, is looking at what types of data are available and where are the gaps that we see? Under climate change we'll need a lot of information to help inform the boards and our species technical

committees on ways to respond to these adapting climates.

First off the Committee is recommending that a term of reference be considered and included if TCs and Stock Assessment Subcommittees think there may be climate impacts on the stock itself. If there are no impacts, if the Technical Committee thinks that there is no impact so there is not enough information out there to support an analysis, then a term of reference should not be included in the stock assessments.

They also recommend that the Commission pull together a coastwide database that summarizes the types of climate data that is available; not that we house this information and store it, but that we provide summary tables for each of the pieces of information that are out there as resources to our committees as well as other folks working on these issues.

Then lastly the group has suggested that we do this gap analysis of what types of data is missing. We would review all the information that's out there to make sure we have known programs that collect the environmental data. We would verify that all that information is appropriate and is included in the database; but the review should be conducted by each state and federal agency, to ensure that we have a complete look at all the information that's out there and that the ASC would coordinate this review with the MSC.

Then the last part is reviewing the types of environmental data that is collected. We would want to make sure that if there are temporal and spatial gaps in the data that we investigate the effects of climate change on the species; that the TCs and the SASs should do this work.

We would determine the relative importance of filling the individual data gaps for each of the species, and prioritize how we would fill that information and identify strategies to address

these data gaps. The document also provides example terms of reference that each of the species committees could utilize when considering changes in the terms of reference as stock assessments come up, and that is an overview of what we have.

CHAIRMAN GROUT: I know that's probably like getting water out of a fire hose right now. It's something that the Committee has been working on for two years. I would encourage you, if you haven't already done so, to take a look at the document; see if you have any questions. We've thought about in advance of the Policy Board or maybe as part of the Policy Board that we might provide some examples.

For example, the different options that we provide for stocks that have a reduction in productivity due to climate change, and then maybe an example of how a board might consider some of the various options for a species that have experience range movements and distribution movements due to climate change, how they might consider that with it. Given that is there any initial first cut questions people have about this particular White Paper as it is right now? Lindsay.

MS. FULLENKAMP: We've taken a look through the document; and also have some folks participating in the workgroup, and I applaud the efforts of the workgroup to tackle this subject and get it to this point. It's a pretty big subject to tackle. We do have some concerns with the document; specifically the approach included that harvest could continue on a stock with low to no productivity. We'll continue to work through the Workgroup to address those concerns.

CHAIRMAN GROUT: Chris.

MR. CHRIS BATSAVAGE: Michelle reminded me the issue that we just wanted to make sure was raised, and I think Toni already has it that came in late was I think in terms of any changes in allocation, some consideration be made to

phasing in those changes over a period of time. When you consider how long some of these allocation schemes have been in place; it's kind of tough just to the next year change over when you consider all the infrastructure and fisheries developed around those allocations.

CHAIRMAN GROUT: That is one of the options, specifically under the list of options that a board could use for species distribution changes; that if there was a decision by the board to have changes in allocations, it could be in a phased-in process. We think that's an important concept for each board to consider. Is there anything else? Well, thank you and as I said, and I want to thank the efforts of the Work Group.

We had several meetings and conference calls, and then had reviewed different drafts of this. I want to thank the work of the Working Group. It was diverse and it was a public process. I think we've come up at least with a good starting point for the Commission to start adapting management to deal with climate change.

Again, we'll be back with maybe a couple examples of how this would work; and seek your approval of the document in February for use by management.

STANDING COMMITTEE REPORTS

CHAIRMAN GROUT: Next, we're going to go to Standing Committee Reports, and the first one is going to be the Habitat Committee; and Lisa Havel is here to provide that Habitat and ACHFP.

HABITAT COMMITTEE

DR. LISA HAVEL: My first update will be on the Habitat Committee and I'll be brief for both Habitat and ACFHP. The Habitat Committee met on October 18, so all day yesterday. We had a discussion led by Michelle Bachman from the New England Fishery Management Council

on their Habitat Impacts modeling work. I'm looking at fishing gear impacts on fish habitat.

I provided an update on what ACFHP has been up to; and I'll provide a similar update to you all soon. We also reviewed the 2017 Action Plan progress, and finalized Goal 4 in 2018 for the Action Plan. We developed new ideas for the term Habitat Areas of Particular Concern. I know that at the summer meeting you all charged the Habitat Committee with coming up with a new term to avoid confusion, so we did that. Also, Tina Berger held a discussion on our outreach and communication strategy.

I'll go into more details in the following slides. For the term that we would like to suggest to you all instead of Habitat Areas of Particular Concern; we would like to suggest Fish Habitat of Concern. If you are really opposed to that we would recommend Habitat of Concern. If you have comments now I am happy to take them; or we can open it up at the end of my presentation.

CHAIRMAN GROUT: Does anybody want to provide comments on this term? We had this brought to the Commission before, and they certainly had concern about HAPCs being used. Do you have any preference on either of these terms or are you fine with either of these as alternatives to the ones that we rejected? I'm seeing none so I think you get to choose between those two.

DR. HAVEL: Okay, Fish Habitat of Concern it is. The Habitat Committee is also working on a document based on state and federal actions regarding climate change. We've been identifying gaps in regulatory planning and we will also be making recommendations in this document. I plan to present that all to you at the winter Board meeting.

This year is also the 20th anniversary of the Habitat Committee's Submerged Aquatic Vegetation Policy. It came out in 1997. This year's habitat hotline will be themed

submerged aquatic vegetation; and we plan to have that all out to you before the Christmas holiday. We're also working to review and update the 1997 SAV Policy document.

We plan on including emerging issues and updates on the SAV status in particular estuaries or states; also include information on state initiatives that have been taking place since 1997. We're including similar goals from the original plan, but update the recommendations and the literature. I plan on presenting that to you at the winter board meeting as well. The Habitat Committee is also working on an aquaculture document. We've made a lot of progress since my update at the August meeting. This document will highlight the effects of aquaculture on fish habitat along the Atlantic Coast, and it will be presented by being sorted by the aquaculture methods. These species that we're culturing as well as what each state is doing.

I know that some of you all, I know Maine and Connecticut would both like to review the document before I present it to the Policy Board; and I'm happy to work with any other Commissioners that would like to see the document before we bring it. Again, hopefully winter 2018 for approval. Just come talk to me or shoot me an e-mail after the meeting.

For 2018, we chose the topic of the acoustic effects on fish habitat physiology and behavior for a habitat management series; and environmental monitoring for habitat hotline. Looking at short term versus long term monitoring; how different agencies are able to fund their monitoring programs, what they're modeling data is being used for, et cetera.

We are also working on providing the Fish Habitats of Concerns document to you all; so compiling all of the information that we have regarding fish habitat areas in all of the fishery management plans, cross referencing them with the federal identified areas, and identifying gaps and making recommendations when we go

to update fishery management plans in the future. With that I'm happy to take any questions on the Habitat Committee.

CHAIRMAN GROUT: Are there any questions for Lisa? John Clark.

MR. JOHN CLARK: Thank you for the report, Lisa. When you talked about the federal habitat, were you talking about Essential Fish Habitat? Also, I was just wondering if you're also looking at the – I know the regional planning bodies are all looking at habitat also – is that something that you're considering?

DR. HAVEL: The plan is to include Essential Fish Habitat and Habitat Areas of Particular Concern that are put out by the federal agencies. If you would like to see more included in the document, we're happy to do that.

MR. CLARK: No, that is fine. I just was curious as to whether that was a topic that had come up to the Habitat Committee.

DR. HAVEL: It did not.

CHAIRMAN GROUT: Are there any other questions for Lisa; now on to ACFHP?

ACFHP

DR. HAVEL: Now for my ACFHP update. Our Science and Data Committee are working on a project to map conservation fish habitat areas in the southeastern United States. This is a NOAA funded pilot project; and to move this forward our Science and Data Committee had a webinar on June 12.

Then we met in person September 27 and 28 in Arlington, Virginia. The Committee finalized variables and scoring criteria for diadromous coastal and estuarine habitats; and we hope to have these mapping prioritizations available come this spring. The Steering Committee for ACFHP met October 16 and 17 here. We received a presentation from Jeff Beal from the

Florida Fish and Wildlife Conservation Commission. He was also the recipient of this year's Melissa Laser Conservation Award. We discussed updating the ACFHP website. We have some funding to do that this year; and then in the upcoming year. We brainstormed ideas on what we would like to see. I provided an update on the southeast mapping project that I just described to you all.

We also finalized our 2018 National Fish Habitat Action Plan Project rankings for on-the-ground projects, and I provided an update on our black-sea-bass project as well. I will provide some brief updates for both of those next. Our black-sea-bass-habitat project is provided by a grant from the Mid-Atlantic Council to support habitat research in the Mid-Atlantic.

We are working with the University of Maryland Eastern Shore, Dr. Bradley Stevens there; he is in his second field season and has begun analyzing his 2016 data, and he is looking at black sea bass abundance on both artificial and natural habitats. He is analyzing stable isotopes to look at trophic level.

He is looking at epifaunal composition in different habitats; and he's set up an experimental reef corridor to connect habitats to see how black sea bass are moving between habitats, and also looking at stomach analyses. As far as our 2018 NFHP funding recommendations, our number one priority for funding for next year is our ACFHP operations.

Then we had four different project proposals that we would like to recommend to the Fish and Wildlife Service as well; a Colombia dam removal in Knowlton Township, New Jersey, oyster reef restoration in Back Sound, North Carolina, a conservation moorings project in Coecles Harbor, New York, and SAV restoration in Chesapeake Bay.

These are just our recommendations to the Service. This is not a guarantee that all of these projects will be funded. I'll go into a little bit

more detail about each of these. For the Columbia dam removal, the dam will be removed and it will open up 20 river miles. They would also like to restore native vegetation along the stream banks there.

This dam is the first obstruction to passage off of the Delaware River; so by opening it up they will have better connectivity to the ocean. It will benefit American shad, river herring, American eel and native sea lamprey, and this project is led by the Nature Conservancy. The oyster reef restoration project in Back Sound Rachel Carson Reserve is in North Carolina near Beaufort.

They will restore 0.11 acres of oyster reefs; which will protect an additional three plus acres of salt marsh. This is led by East Carolina University; and will benefit red drum, flounder, and bonnet head sharks. The conservation mooring project in Coecles Harbor, New York, which is on Long Island will replace six traditional boating moorings with conservation moorings, in order to protect sea grass in the harbor.

I'm sorry that the photo is not very clear; but it is an aerial view of scouring that goes on around each boating mooring, so you can see where there is bare sand substrate where there should be sea grass around each mooring. The objective is to replace those scouring moorings with ones that have less impact on the bottom to allow sea grass to grow in.

This project is led by New York State and the goal is to have good visibility here to inspire others to use the conservation moorings. This footprint will be relatively small, but we hope that the coverage will be good so we can get other people excited about it. It will benefit bay scallop, fluke, puffers, sea horses, river herring, American eel, and striped bass. Finally, a project to restore SAV in the freshwater Mesohaline Region in Chesapeake Bay, they would like to use sea grass seeding techniques, in order to restore 10 to 20 acres of SAV.

This is part of the Chesapeake Bay Program's goal of restoring 185,000 acres in the Bay by 2025, I believe. This is led by Maryland DNR, and benefits blue crabs, striped bass and more. As always, ACFHP would like to thank the Commission's continued support, both operationally and with all of your information, efforts and all that and I'll be happy to take any questions.

CHAIRMAN GROUT: Are there any questions for Lisa on this? Seeing none; thank you, Lisa, I appreciate it.

LAW ENFORCEMENT COMMITTEE

CHAIRMAN GROUT: We'll move on to Mark and the Law Enforcement Committee report.

MR. MARK ROBSON: I think we have a couple quick slides to go through. The Law Enforcement Committee had a very productive meeting this week. We met Tuesday and Wednesday. It was well attended. We appreciate the opportunity to get together and have that meeting. We provided a written meeting summary; which gives you a little more detail of the things that we discussed during our two-day period, and that's available to the Commission and Policy Board folks.

Some of the significant species issues that we reviewed, first of all we had a presentation by a company that is working on lobster tracking equipment that is being tested now in some other fisheries; the sea urchin and some other shellfish fisheries in either Maine or Louisiana, and got a presentation on the possibilities of using that.

You know we've been discussing the need for some type of tracking technology in the offshore lobster fishery. This is one possibility. It provides very high ping rates; so you can do good tracking. It also has the capability to monitor actual hydraulic trap hauler activity. These are the kinds of things that law

enforcement folks are looking at as a valuable tool.

We're going to continue to explore other kinds of technologies as they become available or we are made aware of them. We're going to continue to work on that issue so that we can do better enforcement in the offshore lobster fishery. ASMFC staff came in, Megan Ware and Mike Schmidtke to brief us on some of the developing management options for some of your species; particularly the Menhaden Draft Amendment 3, which is being developed.

I won't go into details. There was some interest in how that small scale fishery bycatch issue or incidental catch issue is taken up. But there really weren't any significant concerns, as far as processes for setting allocations and that sort of thing. We'll continue to work with staff and provide input on the amendment as we continue; the same with cobia. The LEC members had some pretty good interest in particularly the part of the developing plan that would look at setting de minimis regulations.

Particularly for the states at that nexus where you go to de minimis states, or possibly go to de minimis states. Trying to be as consistent as possible to have complementary regulations; particularly for the states of New Jersey, Delaware, Maryland, and Virginia, to try to coordinate in a way or have the regulations in place that those regulations can be as consistent and complementary as possible. Also, to the extent that that can be done with the offshore federal waters; recognizing that's not an easy thing to do. But looking at the various management options, we hope we can continue to provide input on how we can be consistent there. Several of the LEC members had some insights as to how fishermen are behaving and acting in those areas. It was believed that there could be some real value in trying to have some consistent regulations; because fishermen are going to go where they can catch the fish.

Next issues, we talked about some other issues. Toni has already covered the charging for-hire operators; so I won't go into that. We provided some input there and discussed those issues. Another issue that came up Wednesday, which we just want to highlight and make the Commissioner's aware of. It is regarding enforcing regulations in the EEZ for tautog. As you probably know there is no federal plan for tautog, no federal management plan.

Even though the Magnuson-Stevens Fishery Conservation Management Act does provide for state enforcement or state regulations; in cases where there is no complementary fishery management plan in federal waters. The reality, based on some of the discussions of the LEC members is that in some states for jurisdictional reasons, the State's attorneys or the judges or Courts, are either unable or unwilling to make cases using state regulations in those federal waters.

We discussed a couple of different possible options; for states to implement regulations or statutory language that would specifically allow for the application of state regulations into federal waters, in the absence of a federal plan. That could alleviate some of this problem. But we just wanted to make that known to you that it is an issue; and particularly moving forward with the tautog management strategies and plans that we hope to see in the next year or two.

This is something that probably should be taken a look at by the individual states; and we hope that we can provide you some more insight into that as we go down the road. We had some basic administration issues that we were able to take up at this meeting. We have a new Chair and Vice-Chair; we have a two-year rotating chairmanship.

We thanked Mike Eastman from New Hampshire for his chairmanship role. Our new chairman is Steve Anthony from North Carolina. We selected a new Vice-Chair, Doug Mesick

from Delaware. Both gentlemen will be a really good leadership component for the LEC going forward. We took a look at our action plan; and of course the Law Enforcement Committee takes this seriously.

We have Goal 3 tasks that we look at on a regular basis; and we tried to do our best to review that and an update for the 2018 year. We also discussed kind of formalizing a little bit of an orientation process for new LEC members; something that I've observed. I have not done probably as good a job as I could have in getting new LEC members oriented. We have had a fairly significant turnover over the last few years of LEC members.

We want to try to have a process in place; so that new members can come in and hit the ground running. Lastly, I've mentioned this before; but it came up in discussions. There is a national leadership training program for law enforcement and conservation. It's sponsored by the National Association of Conservation Law Enforcement Chiefs; NACLEC, and also by the United States Fish and Wildlife Service, to run a very intensive training program out at the Shepherdstown facility, at the leadership training facility out there. Right now we have five members of the LEC who are graduates of that program; and an additional three members of the LEC who are actually on the Steering Committee. I just want to point that out as a factor in the professionalism and the ability of these folks that are representing law enforcement on your committee, to shine in a leadership role, and to continue to do that through the ASMFC process as well. We thank them for their leadership initiatives. With that Mr. Chairman, I complete my report.

CHAIRMAN GROUT: Are there any questions for Mark on this? Adam.

MR. NOWALSKY: Obviously partnership with federal entities is a large portion of law enforcement. I know our state in particular is very involved. Has the Law Enforcement

Committee discussed the merits of having state officers engaged with doing federal enforcement?

Because of the fact that those funding, quite frankly, is often more desirable than what you can bring back to your state because of the difficulty in making cases at home, in a lot of cases. Are there thoughts about that and the fact that there is a shift towards federal enforcement occurring by state officials, as opposed to focusing on state enforcement issues?

MR. ROBSON: That's actually something that comes up almost at every one of our meetings. We have discussions about the Joint Enforcement Agreement, and how the states use the federal dollars to assist in federal waters priorities for fishing. Just in the case of the tautog issue, there is somewhat of a problem there.

State officers do regularly enforce in federal waters. There is a mechanism to do that. It's just in this particular instance with tautog, where there was no complementary federal plan, it actually does make it more difficult to come back into the court system in that individual state, and make those cases. They are still out there trying to do that work.

We also at the August meeting, we reviewed the NOAA priority setting process; and they've been changing how they are prioritizing federal fisheries work that they want to see done. But overall, I think the states are doing their best to do that enforcement at the federal level. In some cases if there are violations, if it's possible to use both state and federal citations in order to make their cases, they are doing that as well. I don't know if I answered your question. I wasn't too sure specifically what you were talking to.

CHAIRMAN GROUT: Follow up.

MR. NOWALSKY: Specifically I think there is a sense that there may be more incentive for state enforcement officials to do federal enforcement versus state enforcement. I think that is what the concern is that I would have personally, and what I see.

MR. ROBSON: Yes Adam. I have not heard that concern expressed at the LEC level. I just have not heard that concern that there is too much emphasis. I think there is always an issue where they want to make sure that they're meeting the needs of the Joint Enforcement Agreement to do federal enforcement work. But most of the state law enforcement officers that I'm hearing from at the LEC are very actively engaged; and still doing a lot of state level work.

CHAIRMAN GROUT: Okay are there any other questions? Jay.

MR. McNAMEE: Thanks for the report, Mark. I'm thinking about the Lobster Initiative, I guess I'll call it that you were talking about. I think you guys also had a representative from Farabiti come in. Is that technology that he was showing you linked to that accountability initiative?

MR. ROBSON: Yes that's specifically why he was asked to be there. He just gave a brief presentation on the technology. They are testing it in Maine with the urchin fishery, trap fishery. There have been some applications in Louisiana as well; I think for oyster.

But it is something that Maine is looking at for application in the lobster fishery; and specifically for being able to get better data on where the offshore fishermen are, where traps are being hauled, which is very important from an enforcement perspective. There are limitations on the range of some of this equipment.

If you're beyond 10 or 15 miles it may not be actively returning results. But it does data

logging, so there is access to data points once they return to within range. Of course, we didn't really discuss cost. We were looking at mainly from the enforcement perspective. But there may be other companies or other technologies that we would hope to find that are available as well for that kind of purpose.

CHAIRMAN GROUT: Okay thank you, Mark, and we are running behind schedule here. We do have a couple other action items we have to address; so if we can be efficient with our comments here so that the South Atlantic Board doesn't miss their flights, because they do have an important action to take.

UTILITY OF REPORTING SPECIES TECHNICAL COMMITTEE ASSIGNMENTS

CHAIRMAN GROUT: Shanna, could you give us the utility of reporting species technical committee assignments?

MS. SHANNA MADSEN: Yes thank you, Mr. Chair, and I promise that I will be very efficient. Diving right in, if you'll remember back to August meeting week, I had mentioned that the Assessment Science Committee was going to be working on a more effective means; to kind of illustrate the tasks that each of our Assessment Science Committees are working on.

Previously we updated this Assessment Scientist Workload Score Sheet; and I have that up there to show you guys, the representation of how hard and cumbersome this is to read and look through, and be able to wade through and understand. Essentially, we did the Score Sheet, which only included our benchmark stock assessments; and then recently we involved these updates. But it really overlooked a lot of the tasks that we were completing outside of the stock assessment process.

It really didn't capture the overlap of some of our committee members on a lot of our other species technical committees. Essentially, at the Assessment Science Committee meeting we

kind of talked about putting together something like a task list. The things that we were thinking about when we were talking about this list were that we really wanted to provide a basis for you guys to be able to have constructive conversation; as you're tasking the technical committees at the board level.

Essentially, we had hoped that the task list would be able to help us keep track of what tasks are there, give you a timeline for completion on those tasks, and provide a baseline for prioritization of those tasks. What needs to be done the fastest? What is most important to you all? We had hoped that it would also help to illustrate this committee membership overlap issue.

If you're assigning, let's say the Striped Bass Technical Committee something. Does that actually cascade down onto another one of our technical committees; because we have a lot of overlapping members? What does that workload look like; and what does that mean? You might have noticed that within our supplemental materials we put some of these example species task lists.

Kirby actually did a really good job of bringing those up during a few of his board meetings. Essentially, we hope that this task list will be compiled each year with ASMFC staff; and they can work with their TC and SAS Chairs, to put this together and obviously the task list will be edited at the board's request, as you guys work through and give more tasks during the year.

One of the things that the ASC recommended is that as we have these task lists we can bring them up at the time of tasking during a board meeting. We can have you guys assign a priority, we can discuss due dates. You know sometimes due dates will require going back to the technical committee and verifying whether or not that is a doable timeline; or if it's a larger task.

But then we can reprioritize tasks, and accommodate these new tasks that come into play. Within this task list you'll see a couple of things that I highlighted previously that we were trying to accomplish. You know we want to assign essentially, an activity level for those committees. How busy are they this year? Do they have a benchmark stock assessment? What does that mean?

We have this committee overlap score. How many other committees does that specific TC overlap with? What are those other TCs that might be affected by an overburdening of that specific technical committee? We also listed our TC and SAS member list; and their affiliation, so you guys can see oh hey, I see that my specific state person is on this committee. They have a lot to do or they don't have a lot to do, so maybe I'll step them up to a couple of things.

Just kind of getting everyone acquainted with specifically who is on what committee at the species board level. With that I kind of made sure to keep it nice and efficient. But if you guys have any questions or comments, we hope that these task lists will be provided at every meeting along with all of the rest of your briefing material, so you have them on hand, and then we can use them live during board meetings.

CHAIRMAN GROUT: Questions about this? I think it's a good idea and thank you very much for putting that together. We'll look forward to them; and I see Jay.

MR. McNAMEE: Yes I'll be quick. Just to acknowledge, I'm double dipping here, because I also commented at the ASC level. But I see this as a real value. It's simple in this current construct. I think it could be kind of popped up. I think there is a lot of tasking that goes on; and it's not anyone's fault, because the taskers are sort of in the ether and there is no context for it.

Having the ability to kind of pop this up and you can see it. Then think about the priority of what you're asking for versus the things that you've already got these guys doing; I think is going to be a real value to the process, and will help us think through this resource issue a little bit more comprehensively.

REVIEW AND CONSIDER CESS AND ISFMP CHARTER GUIDANCE FOR MEMBERSHIP

CHAIRMAN GROUT: Now moving on to Consideration of CESS, and potentially a modification to our ISFMP Charter.

MS. MADSEN: This is my presentation too. Essentially we're coming to you guys. I'm the CESS Coordinator. CESS has been reviewing their current membership requirements. We went to the Charter; we looked at it and realized that it might not necessarily fit the vision that we have now with this new role as a committee.

The current requirements that are in the Charter are that the CESS members are appointed at the discretion of the Commission Chair. Each one of our states needs to have a representative. We need to have two representatives from Headquarters at NMFS; we need to have a representative from GARFO and SERO.

We need one representative from each regional council, and we need one representative from U.S. Fish and Wildlife Service. As we reviewed these things and we started to talk about our new role in trying to work individually with species, and assign CESS members to PDTs, to make sure that we're really getting the socioeconomic perspective worked into our new management change documents.

We discussed relaxing a lot of these requirements. Right now currently, CESS has a lot of gaps in their species coverage. We have a lot of gaps in membership; and reason being is that we did have a lot of retirements. But then

the other issue was that as we developed into trying to become much more active in the ASMFC process, there was a little bit of hesitancy; considering a lot of the CESS members are volunteers.

We are asking them for a lot. I kind of thought that it might be a good idea for us to relax the membership requirements; so that we can reach a broader range of individuals, who come in with an understanding of knowing exactly what they're going to be doing on this committee now. I'm hoping that people will be excited to be a part of ASMFCs process. We're just trying to allow a little bit more flexibility.

Appointing members to meet these very stringent requirements, I don't really think encourages active participation in this committee. But the group did want to note that they still recognize that we should really try to focus on having a balance of both social scientists and economists, and geographically. On this slide I pulled the language from the Charter; and the language in red is the old language, which is what I listed to you guys at the beginning in bullet-point form.

But I'll read the new language aloud, to see what you folks think. The Committee on Economics and Social Sciences is a standing Commission committee. Committee membership is voluntary; and preferably consists of a balance of economists and other social scientists, knowledgeable about fisheries issues in their region.

An active base of members willing to help the CESS achieve their primary activities is a top priority; while ideally membership should be balanced geographically to provide coastwide representation. Up to 20 individuals should be maintained on the CESS. That is the new language that we're recommending to allow a little bit more flexibility in our membership. With that I would be happy to take any input from the Board; or if you folks are comfortable with the changes that we've made, we would

need a motion to change that language within the ISFMP Charter.

CHAIRMAN GROUT: Are there any questions on this or comments? John.

MR. CLARK: Do we need to put anything in there to make it clear that all states could have membership on the CESS; you know that any state can nominate somebody. That membership won't be limited to 20 individuals that a state doesn't have somebody on the CESS and would like somebody on the CESS?

CHAIRMAN GROUT: Shanna.

MS. MADSEN: Yes I think we can change the language a little bit to reflect that; to make sure that each state has representation. If folks want to be more flexible they can be.

CHAIRMAN GROUT: Bob.

EXECUTIVE DIRECTOR BEAL: Shanna did the group talk about the Chair still appointing the membership; or under the new language that part is struck. How would the group be appointed?

MS. MADSEN: Yes so we did talk about that. We thought that it would be good to essentially make an open call. I think at the Board level, if folks have people in mind at their states, they can come to us and let us know. But I think that having it appointed at the discretion of the Chair was hard.

Because we also wanted to be able to make an open call to fill in any missing gaps; essentially we thought that we could distribute something to the same parties that we distributed our RFP to; so that we can try to get members from all across the coast that are already interested in being a part of ASMFC process.

EXECUTIVE DIRECTOR BEAL: I think we still need to include something in there about after you make the open call and you get a bunch of

interested folks, we need some group or an individual or Chair, or whoever it is, to make a decision about which of those interested folks actually populate the Committee. We've been doing it each year in the Chair's memo at the beginning of the year. Somehow, or some group needs to pick through that I suppose.

CHAIRMAN GROUT: Toni.

MS. KERNS: We changed the protocol; I think when we changed at some point that both Habitat Committee members and CESS Committee members can be appointed at any point during the year. It just still has to go through the Chairman.

CHAIRMAN GROUT: Roy.

MR. MILLER: It wasn't clear to me, based upon the presentation, whether membership by a state person is prescriptive or strictly voluntary. In other words, I presume each state would have the opportunity to put a person on the CESS. But will each state be represented on the CESS?

CHAIRMAN GROUT: Shanna.

MS. MADSEN: The way that we have it written is that you will have an opportunity; but each state does not necessarily have to. The reason being was it being so prescriptive, there were still states that there were always gaps on. Unfortunately we could never fill those holes; so we were never up to full capacity on that Committee, which was leaving us then gaps in species coverage.

CHAIRMAN GROUT: Are there any other questions on this? Is there a motion, a specific motion that's been crafted? Hearing some of the comments here, I think we might have to modify the motion. Is it something that we can do quickly today; or should we hold off until the next meeting to take it into consideration, you know put in specifically who will be doing the appointing and to make sure that every state

has the opportunity. Because I think that language needs to be actually in the Charter.

EXECUTIVE DIRECTOR BEAL: Well, one option maybe, we can at the staff level tweak that language and just circulate it to the Policy Board between meetings. I think it's a pretty clear record of the sense of the Policy Board here. We can adjust that language and make sure the CESS is okay with it; and do that between meetings, so we don't have to wait too long on it, if that works for the group.

CHAIRMAN GROUT: Are you suggesting that this motion be made by someone at this point; with the language will be tweaked, or should we wait and make the motion at the next meeting, after we come up with the actual language?

EXECUTIVE DIRECTOR BEAL: I think we can make the motion today. If we get to a point where we can't resolve this over e-mail, then we can tackle it at the next meeting. But I think we can make the motion today and handle it through e-mail correspondence; and it will be done before the next meeting.

CHAIRMAN GROUT: Would anybody like to make this motion at this point? John.

MR. CLARK: I would make the motion, Mr. Chair. But I think instead of modified today; we need to change it to as modified between now and the winter, 2018 meeting.

CHAIRMAN GROUT: Does that work, Bob?

EXECUTIVE DIRECTOR BEAL: That would work. **The other option would be just as modified to reflect the Policy Board discussion today.**

MR. CLARK: That would be fine. I would be glad to make that motion.

CHAIRMAN GROUT: Okay, is there a second, Jim Estes, discussion on the motion. **Seeing none; is there any objection to approving the**

motion? The motion is approved by unanimous consent.

REVIEW AND CONSIDER APPROVAL OF THE ASSESSMENT SCHEDULE

CHAIRMAN GROUT: And finally, review and consider approval of the assessment schedule, with a couple changes.

MS. KERNS: There have been two changes to the assessment schedule that will need Board approval. The first was described at the Shad and River Herring Board. The Shad stock assessment was an update and it's being changed to a benchmark; which pushes the timeframe back to 2019, because it is a benchmark it will require more time to complete, as well as the weakfish stock assessment, which I described at the Business Session. We're going to shift that back from an update in 2018 to an update in 2019; to allow us to include the transition data from the Marine Recreational inputs, MRIP program. Those are the two changes.

CHAIRMAN GROUT: Are there any questions for Toni on those two changes? **Is there any objection to making those two changes to the stock assessment schedule? Seeing none; it's approved by unanimous consent.**

ADJOURNMENT

CHAIRMAN GROUT: Is there any other business to be brought before the Policy Board today? Seeing none; I see we're adjourned.

(Whereupon the meeting adjourned at 11:55 o'clock a.m. on October 19, 2017)