

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SUMMER FLOUNDER, SCUP AND BLACK SEA BASS
MANAGEMENT BOARD**

**Crowne Plaza Hotel Old Town
Alexandria, Virginia
May 5, 2008**

TABLE OF CONTENTS

Call to Order 1

Approval of Agenda 1

Approval of Proceedings 1

Public Comment..... 1

Draft Amendment 15 Discussion 1

State Recreational Measures..... 12

Other Business..... 13

Adjourn..... 15

INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1)
2. **Approval of proceedings of February 2008 by consent.** (Page 1)
3. **Move that Issue Number 1, summer flounder commercial and recreational allocation, be added to Amendment 15 issues** (Page 3). Motion by Mark Gibson; second by Jim Gilmore. Motion failed (Page 6).
4. **Move to add Issue 7, scup commercial/recreational allocation, into the list of issues to be addressed by Amendment 15** (Page 7). Motion by Eric Smith; second by Everett Petronio. Motion failed (Page 8).
5. **Move the Board direct the Scup Technical Committee to meet with scientific/technical representatives of the States, NMFS, and Mid-Atlantic Fishery Management Council to review new scientific information collected during the last few years** to determine how that data can be applied for a more robust and reliable assessment of the status of the scup stock. Some of the questions and issues the TC should address are:
 1. What new research has been performed in the last few years, and can it be incorporated into a new analytical assessment?
 2. Identify ways to make current research efforts more useful and focused on assessment issues. Are all current state and federal research efforts compatible?
 3. Is there a data processing or aging backlog at any state or federal agency, impairing the development of a new assessment? If so, what would be required to correct the problem?
 4. Update research priorities for scup.

Motion by Dan McKiernan; second by Mark Gibson (Page 13). Motion carried (Page 14).
6. **Motion to adjourn by consent.** (Page 19)

ATTENDANCE

Board Members

Dan McKiernan, MA, proxy for P. Diodati (AA)	Asm. Douglas Fisher, NJ (LA)
William Adler, MA (GA)	Roy Miller, DE, proxy for P. Emory (AA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Bernard Pankowski, DE, proxy for Sen. Venables
Mark Gibson, RI (AA)	Thomas O'Connell, MD (AA)
Everett Petronio, Jr. RI (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Sen. V. Susan Sosnowski, RI (LA)	Bill Goldsborough, MD (GA)
Eric Smith, CT (AA)	Steve Bowman VA (AA)
Lance Stewart, CT (GA)	Kyle Schick, VA, proxy for C. Davenport (GA)
Sen. George Gunther, CT (LA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
James Gilmore, NY (AA)	Louis Daniel, NC (AA)
Pat Augustine, NY (GA)	Harry Mears, NMFS
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Wilson Laney, USFWS
Tom McCloy, NJ, proxy for D. Chanda (AC)	A.C. Carpenter, PRFC
Erling Berg, NJ (GA)	

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

Ex-Officio Members

Steve Meyers, Law Enforcement Committee Liaison

Staff

Vince O'Shea	Brad Spear
Robert Beal	Toni Kerns

Guests

Jack Travelstead	Joseph M. Koon, NMFS
Fentress Munden, NC DMF	John Decker, NMFS
Kelly Mahoney, RI Senate Policy Office	Brian Hooker, NMFS
Bob Ballou, RI DEM	Christopher Holmes, NMFS
Arnold Leo, Baymen's Assn.	Bob Ross, NMFS
James Craddock, Manns Harbor, NC	

The Summer Flounder, Scup and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 5, 2008, and was called to order at 3:00 o'clock p.m. by Chairman Jack Travelstead.

CALL TO ORDER

CHAIRMAN JACK TRAVELSTEAD: Good afternoon. Welcome to the Summer Flounder, Scup and Black Sea Bass Management Board.

APPROVAL OF AGENDA

CHAIRMAN JACK TRAVELSTEAD: Are there any additions to the agenda? Seeing none, it will stand as printed. There is one item I have been asked to add. Dan McKiernan has a scup issue that he wants to bring up under other business, so we will do that.

APPROVAL OF PROCEEDINGS

CHAIRMAN JACK TRAVELSTEAD: You have the proceedings from the February meeting. Are there any changes or corrections or additions to the minutes? Seeing none, the minutes are approved.

PUBLIC COMMENT

CHAIRMAN JACK TRAVELSTEAD: Public comment; is there any public comment at this point on items that are not the agenda? Seeing none, we'll move along.

DRAFT AMENDMENT 15 DISCUSSION

CHAIRMAN JACK TRAVELSTEAD: Draft Amendment 15 Discussion, those of you who also sit on the Mid-Atlantic Council are aware that there was some additional discussion of the items that will be a part of Amendment 15 at their last meeting.

You'll probably also recall that about a year ago the council and the commission had selected 18 issues for inclusion in Amendment 15, a rather broad range of topics that would result or require a significant amount of staff work to complete. The Mid-Atlantic Council Chair and the executive director recognized late last year that there simply was not sufficient staff to complete all 18 of those items in a timely manner and consequently directed more or less their staff to prioritize the list of 18 and begin work on those with the hopes of getting something to us by August.

Those six items were again presented to the council at the last meeting and a new list of eight priority

items were agreed upon by the council. The FMAT has also raised a number of questions that Toni will take us through. We're going to need some answers to those questions before we proceed too far down the road with the amendment. I think perhaps the best way to answer those questions might be through a subcommittee, a small number of members that if you're in agreement I will appoint or ask to serve after the meeting.

Toni is going to take us through the history on this and where the council is and where we think we ought to be, and then we'll it up for questions. I think the purpose of this agenda item today is to determine whether or not you will agree to support the eight priority areas that the council has laid out, recognizing that if you don't, you then set the ASMFC staff on a course that is sufficiently longer than what the council will be doing, and you'll have the commission staff working alone on those issues that are not also on the council's list. That's the background. Toni, you can provide more detail.

MS. TONI KERNS: Thank you, Jack. Staff just passed out to you a slightly revised version of the 18 issues. The gray issues are those council priorities, and the commission's priority issues are all 18, just for clarify. You can use that as a reference as I go through the document. As Jack said, in January the council chairs had set six priority issues from the original 18. The Mid-Atlantic Council turned those six into eight at the last meeting.

Those eight issues are summer flounder commercial allocation; the management of the recreational fishery, and that includes summer flounder and scup; and then the management of the party and charter fishery for all three species; scup commercial allocation; and limitation on vessel replacement and upgrades.

The additional ASMFC priorities, which were set back in the fall of 2007, including the following ten additional items: fluke commercial and recreational allocation; overcapacity in the commercial fleet for all three species; overcapacity in the recreational fleet for all three species; scup commercial and recreational allocation; black sea bass commercial allocation; and the rollover of unused quota.

Again, your gray issues are your council's priorities and all of the issues are commission priorities. Also, included in the CD was a series of questions that the FMAT, which is like a plan development team – it's just what the Service call their plan development team – asked back of the council and board to answer

the following questions in order for them to better prepare a draft amendment document with issues.

It is the plan of the FMAT to bring back draft issues to the board and council at the August joint meeting. I'm going to just quickly run through this. I'm not going to go through it in full detail but just to give an idea of some of the things that we're looking at from the FMAT's consideration, and so this is something that the Service potentially could implement as well as the commission.

Under commercial allocation issues specifically for summer flounder and scup, the first alternative, of course, would always be no action. Then we could look at an alternative with geographic or regional commercial allocation splits. For any of the actions that we take, we would need to know the intention of how the action would improve the operation of the fishery or the benefits of any of these changes in allocation splits and the ability to examine way-out data for years that we do not have full sets of information.

We could look at splits based on a time-based commercial allocation using half-year trimesters or quarterly. We could use recent landings information. The FMAT considered this, but rejected it based on recent landings are of quotas that have been put in place, so it would be biased by the quota that a state has, as well as gear-based splits. The FMAT also considered this, but rejected it as well.

For the scup commercial allocation, it was very similar to the summer flounder issues; the same questions in terms of what the purpose is and how it would provide benefits to the fishery is one of the main pieces of information that we would need direction back from the board and council from.

Next is the party and charter sector allocation issues. This, again, includes scup, fluke and sea bass. We would have a no action issue, as well as you could give the party and charterboat sector an allocation based on a particular year's landings. We would have to go through and investigate what would be the best set of years' landings. We would need to get information on a direction for years landed to use from the board, and that would be similar for all three species.

For fluke recreational management, included in this would be to look at slot limits as well as a trophy fishery as was directed by the board and council at their last December joint meeting that we had.

Again, we would need to know what the benefits would be and how it would improve the fishery.

Also included is the scup recreational management. One of the issues that we could look at is putting conservation equivalency into the actual FMP. Currently conservational equivalency for scup is only recognized under the commission's management plan, and so that would allow us to do either state-by-state measures or regional measures. We would need direction if it was the intention to put forward voluntary regions or mandatory regions from the FMAT perspective.

Next was looking at vessel permitting upgrades. We could look at some sort of modified tiered system. The issues that the FMAT came up with in terms of having an option for upgrading vessels is that it would be a disconnect with the other management plans under federal rulemaking, and it also would become a major undertaking if we were to separate the summer flounder, scup and black sea bass plan from that single management plan.

This is not something that affects the state management plans as much as it does the federal management plan under the joint nature of this species grouping. There is also looking at the rollover of unused quota. I have left this issue out because the council has dropped it as one of priorities that they wanted to look at from the plan. If it does move forward, then we would have to do some analysis of how it would be possible.

Currently the FMAT does not know how we would be able to implement rollover of unused quota based on how we do the stock assessment and then projections for the summer flounder fishery since it's based on our F targets. The way the mathematics works you wouldn't be able to roll over that quota because that quota has already been accounted for in the stock assessments and rolling it over would not work.

Lastly, regardless of which management plan we put forward, if the commission goes out by itself or if we have a joint plan, we will be updating the habitat section for the three species. The last time we did a habitat update was over ten years ago. If we have a joint plan, then the section will have both essential fish habitat and habitat areas of particular concern. If we have a document on our own, we most likely would not have essential fish habitat since we don't have the authority to identify essential fish habitat that we could make recommendations for habitat areas of particular concern.

CHAIRMAN TRAVELSTEAD: Again, the council has shortened its list considerably to those you see highlighted in gray, and that's what the debate is about this afternoon. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. As you recall, the whole reason and only reason for Amendment 15 to be created in the first place was to address the summer flounder commercial and recreational allocation and the lawsuit activity that was brought against the council back several years ago. Here we are after two or so years later, and that issue is not even being considered again.

I'd just like to address that issue itself. As I recall, some of the language that – I believe it was Toni developed in one of the draft amendments she had a possible recommendation as to what we could do if we had the ability to address the recreational and commercial allocation. I believe it had something to do with if and when the stock was rebuilt there could be a possible way of dividing any surplus quota equally to offset the continuing growth in recreational that is not captured or kept such as commercial, and that could be done for a given period of time.

If this is out, we will not only not address the major issue as to why Amendment 15 was created, but it will be a dead issue forever. I'd just like to get the sense of other board members. I talked against this at the council meeting. It seems to me Dan Furlong, our executive director, made comment that Amendment 15 was to include that and that is what it was established for and then it was felt, as this unfolded through the commission and the council, that all of these other elements got lumped into one big amendment.

Even Ms. Kurkul, the regional administrator, wondered why we were going forward with Amendment 15 in view of the fact that we have issues on here that are not of paramount importance and that in fact we are considering dropping off Issue 1. I want to get on the table. I would like to support that and get it back on the table. If ASMFC has to do the work that it takes to do that, it does give us some flexibility.

If we drop it off the table, we are forever locked into this split of 60/40. Whether 60/40 is right or wrong I don't believe is an issue. It's been debated all the years that were put forward as a reference point as to the fact that the recreational typically never got more than 45 or 47 percent in any one year and that the balance was always about 60 percent.

In view of the fact the recreational has not been capped and continues to grow with ever-decreasing quotas, it seems as though there will never be any continuing or further equitable treatment given to both sectors. I would like to hear other board members' opinions about this. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Toni has a comment and then we'll hear from others.

MS. KERNS: Pat, the management scheme that you just described could be done through an addendum similar to what we did back in 2004 with Addendum 15, so it is a possibility down the road, if and when we have surplus quota, to do that through an additional addendum document if necessary.

MR. AUGUSTINE: Okay, thank you for that clarification. If that then is the case, I feel more comfortable that we have the capability of doing that. I was under the impression that this was another item that had to be approved in the amendment itself so that we both would have flexibility to do that.

CHAIRMAN TRAVELSTEAD: I think Toni's point is if it's not included in Amendment 15, it doesn't mean it can't taken up at a later date through a different document. Mark.

MR. MARK GIBSON: I agree with Pat. I can't go home from this meeting and say that I accepted not having the commercial and recreational allocations under consideration for either summer flounder or scup. Re-evaluating those and potentially adjusting them is one of the elements we're going to have to do in order to get out of this agony we have every year with recreational regulations. I don't even support waiting until we have surplus quota to do it. I think it has to be done now. That's my point and I'd like to know what the vehicle is for the commission to add these back in. I'd be prepared to offer a motion to that effect.

CHAIRMAN TRAVELSTEAD: I think the easiest way to do this so that we don't end up with a lot of debate and we're unclear where we are when it's over with; I think we could probably go through these one by one and take a motion as to whether or not you want to leave it in or take it out to conform to what the Mid-Atlantic has done. Mark, I will accept a motion.

MR. GIBSON: Okay, I would move that Issue Number 1, summer flounder commercial and

recreational allocation, be added to Amendment 15 issues.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by Jim Gilmore. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: If you want to deal with this, go ahead, Mr. Chairman, and then I'll speak after you resolve this.

CHAIRMAN TRAVELSTEAD: Any other comments on the motion? Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. I'd like to seek some clarification that very much would have to do how I would vote on this motion. In the beginning you made some comments that we need answers to various questions before presumably the council, as well as the commission, moves forward with Amendment 15.

In looking at the list of the alternatives, I was assuming at that point, which I'm unclear on now, which is the purpose I'm seeking the clarification, that it likely had to do with the purpose and need of the actions or alternatives that were going to be addressed in the amendment. I understand there is going to be some effort to do that. I'm very unclear as to when that will happen, which to me would be a valuable barometer that would ultimately identify the six or eight or how many issues and alternatives that are going to be addressed.

I only say this because it seems like this amendment is going to be obviously quite a considerable undertaking. We have been talking about it since the early 2000s. It's going to be very intensive in terms of the type of analyses and statistical, for example, expertise that will be needed to analyze the various alternatives.

Unless there is a clear indication at least from my point of view what the initial premise or the initial goals and objectives are, it's hard to really, for me, come to closure in terms of what the six or eight main issues should be, including the motion that's on the screen right now. I'm not sure what the answer to that motion is or even how I feel about it without knowing what our goals and objectives are at the very start, going forward with the amendment. It's obvious we have disagreement right at the gate based upon the first two comments after Toni presented her report.

A third one that occurs to me is we had six items dealing with overcapacity and they seem to not be

falling through and to the consideration of how important they might be with respect to other measures. Again, my main comment here is hopefully some discussion at what point before, during or after are we going to know the primary purpose and need of why Amendment 15 is going forward for public comment and what we expect will contribute to the ultimate rebuilding of summer flounder, black sea bass and scup. Thank you.

MS. KERNS: Mark, for the FMAT to investigate moving forward with a different commercial and recreational allocation split besides the 60/40, I'm going to need direction from the board on how you like the FMAT to address that beyond looking at the historical data that the TC has presented to the board and council that shows the 60/40 split as the historical split. Specifically, how would you like the FMAT to address the split?

MR. GIBSON: My view on that before we call the question? Yes, I mean, I think you would want to look at different ratios than 60/40, 50/50, 40/60, a suite of those. Then I would think you would want to look at, instead of historical data look at current participation data from whatever sources we have in terms of recreational fishing trips for summer flounder, directed fishing trips. That's the general thrust of it. I'm not wedded what history told us about it. I'm more interested in what the needs of the fishery are now.

MR. AUGUSTINE: Thank you, Mr. Chairman. And as a follow on to that, would the FMAT look at what possible options or combinations could they suggest that we use. If we stayed at 60/40, what methods could we possibly – or choices could we possibly have to separate or divide surplus. And that would be a date certain or a number of years.

CHAIRMAN TRAVELSTEAD: Any other comments on the motion? Yes, Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. I think I missed something. Are the quotas for fluke going up dramatically for some reason here that we're going to play with the 60/40 thing? It's not that I'm against this in the production here, but with the falling quotas and somehow recreational catches increasing, is the idea that we take some of the quota away from the commercial people or something? I don't know.

MR. AUGUSTINE: No, no.

MR. ADLER: Okay, thank you.

MR. GIBSON: It could come out that way. It could come out that it should go to 70/30. I don't know what the technical committee is to draw upon for recent performance data in terms of the population of recreational anglers, how many trips they're making, directed summer flounder trips. I'm not pre-supposing which way it comes out. I just don't want to be stuck at 60/40 because of historical data which may not be relevant to today's fishery and fishery needs.

MR. RED MUNDEN: Thank you, Mr. Chairman. North Carolina does not support this motion. Some of the board members who have been around longer than I have can probably tell you how many times this issue has been visited by either the Mid-Atlantic council staff or the ASMFC staff. Again, the 60/40 is based on historical landings and historical allocations based on the fisheries that occurred. I just don't see any point in going back and revisiting this thing when it's already been analyzed several times before.

CHAIRMAN TRAVELSTEAD: Thank you. Other comments? Yes, Roy.

MR. ROY MILLER: Thank you, Mr. Chairman. I have a question. Perhaps you can bring me up to speed. Has the issue of regional allocation of recreational harvest been folded into one of these issues such that it does not appear under its own heading or has that been done away with by the narrow vote of the New York motion that took place at the last Summer Flounder, Scup, Sea Bass Board meeting? If that's the case, then I might consider adding that particular issue to this one by virtue of an amendment. Thank you.

MS. KERNS: Roy, by the board's direction we could add that potentially to the management of the recreational fishery itself, but this specific motion pertains to just a split of the commercial and recreational allocation, as I understand and read it currently. Regions could be added to Issue Number 6.

EXECUTIVE DIRECTOR O'SHEA: I'm looking at Eric Smith. I think he and I might be thinking the same thing. I think the plan allows sectors now, and that's an issue for the board to decide whether or not to implement a particular sector and a particular regional sector and what the bells and whistles are on it. That was the motion that was attempted at the last board meeting, but that wasn't due to lack of authority within the fishery management plan. You have that now. In fact, we just changed it to allow

regional sectors to voluntary ones, so you have that now, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Right, we have voluntary regional ability but not mandatory. In fact, there was a motion at our last meeting that failed to implement that as an option. Roy.

MR. MILLER: That's the very issue I was referring to. Is that concept now dead or can it be resurrected via this amendment?

CHAIRMAN TRAVELSTEAD: The concept of mandatory regions is not in this amendment. It would have to be added in. We tried that at the last meeting and it failed. A.C. Carpenter.

MR. A.C. CARPENTER: I'll reserve my comments for Item Number 6.

MR. GREGORY DiDOMENICO: Thank you, Mr. Chairman. I wanted to speak briefly to the motion. You obviously won't be surprised to hear that we oppose the motion and we oppose the issue of readdressing or taking another look at the commercial and recreational allocation in summer flounder. This issue was the product of a petition from March of 2005. The petition was rejected by the Service, referred to the Mid-Atlantic Council, which rejected it in October of '06.

This issue has been and out of Amendment 15 and has finally been rejected by the Mid-Atlantic Council basically because of technical merit. There is no technical rationale for any other allocation than 60/40. The notion that we're going to start to allocate any resource because of effort is one that I think will completely be unfair and completely cuts against one sector, the commercial people, whose effort has already been significantly reduced. I would hope that the commission would not go in that direction and would also consider removing this issue from Amendment 15. Thank you very much.

MR. ERIC SMITH: Thank you. I'm in conflict over this motion and one that very likely might come a bit later. I think the fluke commercial and recreational allocation, much as Greg DiDomenico just said and someone else did also, has been scrutinized since that petition. There was a lot of work that the service and council went into to describe alternatives and kind of give yourself a second look at the issue.

Part of what I'm saying is process; that there was that second look. Part of it is my own personal view, and I will plainly state it, that from my vantage point

across the whole fishery I think 60/40 is probably a pretty fair split for something like fluke. Let's face it, we're humans. We all start to make judgment calls on what we think the right view of the world ought to be.

Here is where the conflict comes. I'm inclined, without having talked to my two colleagues here, to probably say this one shouldn't be on the table because it's had that scrutiny, but you're going to get down to Issue 7, and I'm going to have a diametrically opposed view because I've heard enough debate over scup commercial/recreational allocation, and I've seen an absence of a real, good, hard second look as to how we ever ended up with 78/22; that I think that one in Amendment 15 is worth scrutinizing.

Whether it's because we take a second look at how we came out and how we got there or we simply look at a different type of approach of allocating, because given the importance of the scup in the recreational fishery as well as in the commercial fishery, I'm hard pressed to look someone in the eye and say I can tell you why it's 78/22.

I can give them a great argument on fluke. They may not agree with me, but it passes the straight-face test, but it doesn't pass it for me and that's where personal judgment viewpoint comes in. So, I'm inclined against the motion on Issue 1, but I'm inclined in favor of it on Issue 7. Thank you.

CHAIRMAN TRAVELSTEAD: Any further comments? Yes, Erling.

MR. ERLING BERG: Thank you, Mr. Chairman. I just want to remind everyone that the commercial fishermen have suffered just as much as the recreational fishermen have under these restrictive quotas. It's not like the commercial fishermen is sitting in Fat City. In my state of New Jersey this winter – now we have the largest share of the quota. The winter season was two days. That's all they fished was two days and it was over. So, it's not all that great for the commercial fishermen either, and I would have to vote against this. Thank you.

MR. ARNOLD LEO: Arnold Leo. I know with the Mid-Atlantic Council would actually be against the Magnuson-Stevens Act to reallocate a fishery. That's where you've got the allocation based on the historical landings of the user groups. I mean, that would actually be a violation of – I forget – I think it's Standard 1 or something in Magnuson-Stevens. You cannot reallocate, you know, the fisheries once

you've set up according to the, you know, historical landings what the split should be. I think that's what is fair. You've got the historical landings showing you 60/40, and that's what you should stick with. Thanks.

CHAIRMAN TRAVELSTEAD: Any final comments? Are you ready to vote on this motion? I'm going to make this comment once and it will apply to several other motions that will probably be made; that if we vote yes on any motion on any item that is not in the Mid-Atlantic Council's version of Amendment 15, you set us on a separate course from the council. You have then at that point only our own staff here at ASMFC to work on those issues. I just ask that you keep that in mind. Do we need a minute to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: All right, are we ready to vote? All those in favor of the motion, please raise your right hand; opposed, same sign; abstentions; null votes. The motion fails. I will take that to mean that Issue 1 is out, is now out. Are there any further motions on any of the other issues? Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. After that last vote, one of the questions was is there something that can be – anything else that can be done in the interim, and I suppose if the council follows the law, they're going to rebuild the stock which will put twice as much fish in the water, but that might not be relevant to the question here. Was your intention, Mr. Chairman, to go through just the white areas where there was an in/out difference? That's my first question.

CHAIRMAN TRAVELSTEAD: Well, I thought we would start there; and then if we need to go back to the gray areas, we can do that.

EXECUTIVE DIRECTOR O'SHEA: Okay, and then the second question – and I can't remember this from previous discussions – I think in the federal plan there is a limited entry permit for partyboats, and my recollection is that we don't necessarily – it's up to the individual states to issue licenses for partyboats, so I was just wondering if that question of capacity or the appropriateness of limited entry for either charterboats or partyboats; would that be considered under the capacity of the commercial/recreational fleet, which seems the recreational fleet in that context seems to be just all others.

When we go into Issue 5, for example, we've got the party/charter fishery, so my question is where would limited entry for charter and partyboats from the state perspective be, if at all, in these issues?

CHAIRMAN TRAVELSTEAD: I don't recall that issue being talked about previously, so I'm not sure it's included currently in any of these.

EXECUTIVE DIRECTOR O'SHEA: It would seem if the elephant in the room is not enough fish to go around and people going out of business, that at some point how many people are trying to make a living in that business may be a relevant question to ask and answer in this process.

MR. SMITH: I guess I have a view just briefly on what Vince said. I think he's making a good point, but I think the council voted not to have capacity issues in there, and so far no one here has jumped into it, so I guess it's just one of those good points that didn't rise to the level of somebody making a motion. I'd like to move that we add Issue 7, the scup commercial/recreational allocation issue back in the mix. If I get a second, I'll just take a sentence or two to cap off why I think –

CHAIRMAN TRAVELSTEAD: State your motion.

MR. SMITH: The motion is to add Issue 7, scup commercial/recreational allocation into the list of issues to be addressed by Amendment 15.

CHAIRMAN TRAVELSTEAD: Seconded by Everett.

MR. SMITH: The logic is, very briefly, that we haven't scrutinized it like we did fluke. And it does – just because of the disparate numbers, it raises eyebrows more where you know you have an important recreational fishery, yet it gets less than a quarter of the allocation, and it's never really been clearly explained to my satisfaction, even going back to the plan that originally set that allocation. I think it bears a second look and this would be the time to do it.

CHAIRMAN TRAVELSTEAD: Any other comments on the motion? Bill.

MR. ADLER: It's sort of a general comment that has to do with this. Are we going down the same road that we have with other fisheries where the Mid-Atlantic Council is moving ahead with some amendment, we're either going to get on board with everything they say; or, we end up at odds with them

and then we end up in a fight as to, well, should we back down since they won't back down?

I mean, remember we've gone through this with the herring and the sharks and everything else. You just said that if you add in something that they kicked out, we have a separate plan. So then what happens if we stick to our plan and then we come to a showdown with Mid-Atlantic Council? Do we then have to back down or make them back down or what? I mean, we've gone down this road; is that where we're heading here if we approve something that they didn't approve?

CHAIRMAN TRAVELSTEAD: I wouldn't couch it in those terms. The way I'm thinking about this is trying to get everyone to have an understanding that if we do add items in, you only have ASMFC staff to work on them and it's going to take that much longer to finish Amendment 15. If you don't mind having a separate Amendment 15 from what the council has, you know, that's your decision, but you're not going to get there nearly as quickly as you thought if you start adding other agenda items to it.

MR. ADLER: But, Mr. Chairman, my point is that, okay, let's say however long it takes us to put something in our way, we do it our way, and then we get this little note from the feds saying, "Well, I don't care what you do; this is what we're going to do whether you like it not." I mean, we went through this with some of these species before, dogfish being a classic, and are we going to be stuck – even we did do our job, we did an amendment, the ASMFC amendment, it comes out different than the federal amendment; then do we have to back down again since they won't change? I mean, this is what I want to avoid.

CHAIRMAN TRAVELSTEAD: There will clearly be items that are more of a federal nature that you will not be able to deal with here. You're going to have to have the council involved. I don't want to use the words "back down", but, yes, they're going to have to be a part of it. Any further comment? Eric.

MR. SMITH: If I could just add to Bill's point, I can sense the frustration and I've probably had it myself, too. In the context of this discussion, though, I'm maybe being too optimistic that if we only add one or two issues in and our staff does a fair amount of the preparation work, I'm hopeful that the Mid-Atlantic Council will say, "Well, okay, that's been sort of developed for a while and actually it looks like it's a fair point to consider"; they could add it into the council's agenda.

I mean, then we'd be on track with still having a joint plan. On the other hand, if we do some of the preliminary analysis, take the good, hard look, and find it's just not productive, it's a drilling a dry hole, if you will, we could take it off our agenda and still all the rest of the issues of the amendment would be jointly – we'd be jointly proceeding on.

MS. KERNS: I just want to clarify why the council dropped from – well, when it dropped down to six and then added two additional issues was that when the council chair sat down with staff to look at their workload for the year, they had to prioritize these 18 issues in order to get this document done within a reasonable timeframe. A reasonable timeframe, again, is a two-year period to even get these eight issues completed.

At that time it was a two-year time period for six issues. If you remember, when we do these joint documents, we required to have more supporting materials than a normal commission document for the council. So even if I did work on management issues, the council would still have to have EIS statements and NEPA requirements that would have to get done. When the council asked for additional staff support from NOAA Fisheries on some social and economic scientists, we did not receive that additional support.

Therefore, having the additional issues becomes a burden on that FMAT group in order to get this document done within the time period. Not only will the council have to be addressing Amendment 15, but they will also have to be addressing accountability measures for summer flounder, scup and black sea bass as well as all their other fisheries under the new requirements of Magnuson.

Their priorities potentially could be rejiggered again in order to have accountability measures in place on time, as required by Magnuson as well. That's the reasoning behind why some of the issues were dropped, not necessarily because they weren't important, but that they had to look and see what was most important in order to get the workload done in the time period that was promised.

MR. SMITH: I appreciate that, Toni, and that makes perfectly logical sense in the process we're in, but I find myself leaning more towards the frustration that Bill Adler voiced; and no offense to anyone, the council, our staff at all. It makes me realize that the solution to this kind of dilemma is probably to appeal to the Service to simply say, "Assign the plan to one or the other. Don't make it a joint plan."

Bill is quite right, if we can't occasionally get the Mid-Atlantic Council to add to their agenda something that we feel by a vote of the board is important, then we are simply – you know, we're riding on the tail of a dog that's wagging whenever it wants, but it's not wagging because we want it to wag. It's just the council process and the federal approval, and we're kind of the Atlantic States Commission watching and going along for the ride, and that's frustrating.

But, again, it's not directed at you. And I guess I don't know what to do with the motion, then, because we can expedite this by simply saying, "Okay, we give", but I hate to do that on the scup commercial/recreational issue because it just so patently begs for another analysis.

CHAIRMAN TRAVELSTEAD: Other comments on the motion? Ready to vote? Do you want to caucus? Caucus for a minute and then we'll vote.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? All those in favor of the motion, please raise your right hand; opposed; abstentions; null votes. The motion fails and Item 7 is out. Any other actions on this? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I just went on down the list, and I suggest we take Issue 17 and drop it out, as well as Issue 18 even though we both think we should have it in. The rationale for each one of them, if you want to hear it, I'll tell you.

CHAIRMAN TRAVELSTEAD: Well, before we get to the gray shaded items, we were going to work on the white shaded. We're sort of operating under the assumption that everything is out except the eight unless you want to put it back in. We've had two motions to put items back in that have failed, so they're out. Do you have something you want to keep in that the Mid-Atlantic did not? Mark.

MR. GIBSON: Could I just hear a statement again as to why Issue 17 can't be – this unused quota. I mean, that management-wise would be fairly valuable because trying to shoot for the bull's-eye on December 25th in some of these species, like summer flounder and scup – not scup because it's outside of the state – when state jurisdiction is coming to an end in a particular year and you're trying to shoot at a target, sometimes you're having to make decisions

that get rendered invalid based on weather and market conditions.

If there was a window of time to try to catch up some unused catch, we wouldn't have to shoot for that moon everytime and create a possible overage problem. I'd just like to understand why they don't think they can work that into their assessment and projection calculations.

MS. KERNS: Okay, Mark, if you want to follow along with me on Page 5 of the document titled "ASMFC Summer Flounder, Scup and Black Sea Bass Board and Demersal Committee Draft 15 Clarification if needed", under that first paragraph, "It was considered but rejected from further analysis on the basis that the current system of quota-based management is not compatible with rollover quota.

"Quota-based management systems are based on target fishing mortality rates or target exploitation rates that are established for each year. The transfer of quotas from one year to the next would subvert the very basis of this management system." So if we have an example where the target exploitation in Year 1 and 2 of the plan is 50 percent and the assessment is conducted and the scientists estimate the size of the targeted population is a thousand in Year 1; as such, 500 fish could be removed from the stock that year.

If the fishery only takes 400 fish and the managers transfer a hundred of those fish into Year 2, the fishery can now take 600 fish in Year 2. If the population size does not increase and is estimated at a thousand for Year 2, then the exploitation rate would increase to 60 percent. So then, therefore, you would exceed your target exploitation rate in the second year.

If the recruitment was lower or the stock size was overestimated in either of those years, which is a common occurrence in stock assessment modeling, specifically our fishery with fluke, then the exploitation rates would be even greater than that 60 percent. Does that make sense?

MR. GIBSON: I know what's written there. I think what you're saying is we really can't be sure that those hundred fish we didn't catch are still there. Either you caught them or you didn't catch them, but they're saying, "Well, maybe they're really weren't there because we underestimated; maybe they didn't really survive; something happened to them."

Yes, I can appreciate those uncertainties, but sometimes the amount that you're trying to play around with at that last few weeks in a quota period is not large to the total quota that's been calculated coastwide. I appreciate the subtleties of it, but I don't think it's that big of an issue. Thank you for the clarification.

CHAIRMAN TRAVELSTEAD: Any other issues that you want to talk about, including those that the council has kept in? Pat, you had a comment about Item 18.

MR. AUGUSTINE: Yes, my concern is why are we both, the council and us, going against what the federal government has established as both length and horsepower upgrades? As Toni pointed out in her presentation, it would be contrary to what is done in basically all other fisheries.

Why is it we want to set ourselves out for this particular fishery? Are there extenuating circumstances that require that we should; are the vessels that of such either low horsepower or such a limited size, that they want to increase the capacity or capability of going out into the ocean; I don't know. What is the real rationale as to why we should change from what the federal regulation calls for?

MS. KERNS: Pat, I'm trying to remember the exact specifics of it. It was originally placed into the document regarding black sea bass vessel upgrades and then expanded to the rest of the fleet.

CHAIRMAN TRAVELSTEAD: Just to comment on that, if we, as a board, can't remember why we put something on the list, maybe it shouldn't be there to begin with.

MR. AUGUSTINE: My thoughts exactly.

CHAIRMAN TRAVELSTEAD: Jessica probably could enlighten us.

MS. JESSICA M. COAKLEY: Jessica Coakley with the Mid-Atlantic Council. The issue of the vessel upgrade requirements was brought into the picture because of concerns by some black sea bass potters. I believe they were from North Carolina and Virginia, and they were unable to find vessels that met the upgrade requirements. They were having trouble finding a mismatch. If they found a vessel that had the 10 percent in length, it was over 20 percent in horsepower.

They wanted to participate in the offshore fisheries in the EEZ and were concerned that it was a safety-at-sea issue; that they would have to stay with smaller vessels at lower horsepower. It would be a less safe fishing platform. Now, the council did expand this to all three species, and Dan Furlong has written a letter to the executive director at the New England Fishery Management Council, Paul Howard, expressing his interest or the council's interest in considering this issue.

However, if we're considering it for this one plan species, any modifications would make it inconsistent with all of the other plans in the northeast region. That's something that, if it was to be pursued, we need to deal with the New England Fishery Management Council along with the commission and the northeast regional office and their permitting offices to determine what would be an appropriate way to administer permits in the region.

The FMAT talked about maybe a tier-based system where instead of that 10 percent/20 percent rule, you could deal with moving from one tier class of vessels to another tier class, but, again, it would be very difficult to move forward with that issue without support from the National Marine Fisheries Service and from the New England Fishery Management Council at the same time. I don't think we've heard back from Paul Howard yet at the New England Council.

MR. VITO CALOMO: Sometimes I get mixed up here, but most of the time I see it quite clear. We have TACs and quotas and days out of the fisheries and restrictions and closed areas and so on and so forth that I've never seen the like of the fishing industry. Yet we want to put a limitation on a vessel, an upgrade restriction that if I looked up and down the coast I see vessels that are falling apart. They haven't been maintained.

I think this is ridiculous. I think you allow vessels to upgrade, I don't see anything – anybody investing in the fishery industry today that upgrade their mind a little and try to figure if they're going to be there. You have an aged fleet, you have problems going on, you have hard-to-replace horsepower with horsepower because of the different engines today. I don't see where the advantage or disadvantage is in any of this.

I, for the life of me, can't understand why we would limit upgrades on these vessels. We started off on groundfish and we started off in herring fishing that we put in right away. I understood a couple of those,

but these fish that we're chasing here are very limited, very seasonal. I just don't favor not allowing vessel upgrades. Thank you, Mr. Chairman.

MR. DAN McKIERNAN: There is an issue that I think is worthy of discussion about rolling over quotas. In sea bass there is no state-by-state quota allocation in the federal system, but there is a state-by-state allocation scheme in the interstate plan. Quite often the other states don't take their sea bass allocation yet Massachusetts always bumps up against its quota and we have to close early.

I wonder if there would be some benefit toward including this for sea bass purposes, because if we go over by some small amount of quota we have to pay it back the following year yet the majority of states haven't taken their quota, and on a national level the sea bass quotas haven't been met.

CHAIRMAN TRAVELSTEAD: Any comments on that? A.C., did you have your hand up earlier?

MR. A.C. CARPENTER: Yes, I did but mine was dealing with Issue Number 6. I guess it's five and six. My recollection of why we needed Amendment 15 wasn't so much that the 60/40 split was inaccurate. It was that we could never control the recreational portion of the pie. I thought part and parcel of management of the summer flounder fishery should have included some consideration by the FMAT of a way to actually control the harvest, not what we have been doing for all of these years that has never worked.

I find it interesting that Issue Number 5, they're proposing a quota for the charter fishery, but I see nothing about which portion of the recreational catch is going to be allocated now to the charter fishery and then operate under some kind of quota-based management similar to what the commercial fishery does.

I think that if you're going down this track, Issue 6 needs to at least explore some meaningful way to actually control the total harvest in some real-time method. And if that involves a quota or a hard quota and shutting down a fishery, then I think that should certainly be included in that suite of options that you're looking at and not simply just changing the size limit or adding a trophy fish.

CHAIRMAN TRAVELSTEAD: Other comments on the issues? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Mr. Miller brought up a point about Issue 6 also, and we never decide what we were going to do with that mandatory regional and where we could fit it in for consideration later on. Just for a moment on that, I know we have the option of selecting what states we would join as a sector.

The problem is as long as we have a choice, if you're mixing and matching with states such as New York, which seem chronically over, and yet we're all fishing out of the same waters, there is no mandatory requirement that you bring those states into some of control together. As long as we end up with conservation equivalency, and that is a choice, there will never be an end, as I see, of state-by-state quotas.

Yet we're trying to manage a fishery where fish are constantly moving up and down the coast and in and out. We are fortunate and unfortunate in New York where we have a hell of a lot of summer flounder this year, again. But, again, where those bodies of waters are all intermingling, and you've got the three or four states that we've talked about with North Carolina again being an outlier, if you will, no disrespect to North Carolina, we have no way of getting to that kind of mandatory sector allocation.

Unless we have it in here, we'll have to create – we couldn't create an amendment by ourselves – I'm sorry, an addendum by ourselves that the council would not have to follow. Right now within the plan it calls for selective if you want to become a part of a region or conservation equivalency or coastal.

The reason for our lengthy discussion and presentation at our last meeting was to allow another tool in the box, and in the event you end up with a conservational equivalency choice again, that states could then combine together, three, four or five or however many you want to put in each region, as the advisory panel recommended a couple of months ago. It does give you that tool.

As long as we have state-by-state quotas, I don't see how we're ever going to get out of this dilemma. That was the reason I'd like to see a line item under the management of the summer flounder recreational fishery as one of the things that the FMAT could look at, to see if that would be doable.

And as I said, the advisory panel did come forward with their recommendations of sector allocations. And as I say, North Carolina was a side by itself with their own quota forever. They would not be dealing with Virginia or Maryland or other states further

north. So, how can we address that, Mr. Chairman? Do you have a suggestion?

CHAIRMAN TRAVELSTEAD: We seem to address it at every meeting and it never goes anywhere, Pat.

MR. AUGUSTINE: Why don't we give it a solution then?

CHAIRMAN TRAVELSTEAD: I don't know what to tell you. Bill.

MR. ADLER: Thank you, Mr. Chairman. I just want to go back to Dan's thing for a minute on the unused quota. Since apparently it wouldn't conflict with the federal world and I don't know how confusing it might be if in our little section world plan, that we put in something that basically said that rollovers of unused quota may be between the state areas, or whatever, could be allowed. I mean, is that very difficult to put in and it's not going to conflict with the feds? At least it would allow it. Is that problem?

MS. KERNS: Bill, if we allowed rollover and NOAA Fisheries did not allow quota rollover, we would again be in the situation where we would have a higher quota than the Service; and when the Service's quota is reached, they would close federal waters and then your fishermen who have a federal permit as well as a state permit would have to stop fishing, but your fishermen with a state-only permit would be able to continue fishing, thus having a disadvantage for those with the federal permits.

MR. McKIERNAN: But in the case of black sea bass there is no state-by-state quota for Massachusetts, so could we get a waiver on being billed for overages?

MS. KERNS: No, because the federal quota is coastwide, so when the federal quota is reached they close the fishery completely.

MR. McKIERNAN: It hasn't been reached in like four years.

(Question asked without turning on the microphone.)

MS. KERNS: You can transfer fish between states, so during the year, if you want to transfer fish to Massachusetts but you don't think you're going to harvest in December and November and October, you can do that by sending me a letter as I believe North Carolina and Virginia did this year already. But, rolling over into the next year then puts us at

two separate quotas, which we have been the past. No, we have not caught all of our black sea bass quotas in years past, but we could.

CHAIRMAN TRAVELSTEAD: Any other comments on any of the issues? Yes, Dave.

MR. DAVID SIMPSON: On Issue 17, I understand the original reason for not allowing rollovers, concern about the stock assessments and projections and so forth, but I was wondering if a cap on the amount of fish that can be rolled over, say summer flounder, of something like 5 percent.

If it remained in the commission plan, the staff and technical committee did the legwork on this, is this something that could go back to the Mid-Atlantic Council and the Service for ultimate approval if it could be demonstrated that a very tight limitation on the amount of rollover could work from a technical standpoint. For example, Connecticut has a quota of something like a 2.7 percent share of the coastal quota, so if we rolled over 5 percent that's only 5 percent of 2.7 percent, a very, very tiny amount.

I'm sure that wouldn't cause concern on a technical basis. I just throw that idea out there and look actually for an answer to the question of whether the Mid-Atlantic and in turn the Service could revisit this if the commission did the legwork.

CHAIRMAN TRAVELSTEAD: I think the answer is we can always revisit issues if new information, new science, new technology, what have you, becomes available. I wouldn't say no to that. But just to the point you made, while 5 percent might be quite small in terms of Connecticut's allocation, 5 percent of North Carolina's allocation is probably larger than Connecticut's entire allocation. You could in time be talking about some big numbers. Vince.

EXECUTIVE DIRECTOR O'SHEA: It's unfortunate, Mr. Chairman, the species that we're having this discussion on, we're trying to rebuild them. I think on the federal side, when this issue comes up, in addition to the overfishing concern about the following year and the regulatory problems, the regional administrator reminds us that we're trying to rebuild these stocks and if you've got a little bit of fish left over one year, it goes back into rebuilding. That's necessarily a bad thing.

CHAIRMAN TRAVELSTEAD: It there are no further motions on the 18 issues, we're going to

move to the next agenda item. Seeing none, we're on Item 5.

STATE RECREATIONAL MEASURES

MS. KERNS: Staff passed out to the board a list of the state recreational measures for summer flounder, scup and black sea bass. All states have implemented summer flounder measures that were approved by the board that include the performance factors for the fishery. All of the four northern states have implemented the agreed-upon regional approach for the scup fishery. Everybody is in compliance with the recreational fishery.

CHAIRMAN TRAVELSTEAD: Any questions of Toni? Jim.

MR. JAMES GILMORE: Thank you, Mr. Chairman. I wanted to bring up a point of clarification since there is a concern that New York submitted their numbers, and we were going back and forth whether we were going to accept the performance factor. Let me clarify that. We did not accept the performance factor. However, we submitted the numbers for two reasons.

We were going to actually just go with the federal restrictions, but then we ran the risk of really putting our fishermen in jeopardy by not having anything in place for them when the season started or having to vary them later on. There was a concern that if we submitted numbers or that we did submit numbers, that we were accepting that performance factor. I think we've stated that both in writing and on the record before that we really disagree with the performance factor because of the way it was generated and the way it unfairly impacted New York.

However, we took the numbers, we essentially went with the 64 percent, which is extremely dramatic, in terms of helping in their cooperative effort to rebuild the fishery, but I wanted to get it on the record that we did not accept that we did not accept that. I wanted to quote one thing from the TC report from the last time was essentially that says the performance factor – and this is a quote – “performance factor only applies to the development of the 2008 restrictions and is not carried forward to 2009.”

So, just for the record, New York has not accepted that. We submitted our numbers based upon, again, trying to help rebuild the fishery, and I hope this is

the last time we're going to have a discussion about the performance factor. Thank you.

MR. THOMAS W. McCLOY: Thank you, Mr. Chairman. Toni, I wonder if you could provide us with an idea of which states prohibit the possession of parts or require landing of whole summer flounder, sea bass and scup in the recreational fishery?

MS. KERNS: I might have to collect that data from each of the states. Compliance reports aren't due until June 1st, and so I don't know everyone's regulations on that part of the fishery. States only submit to me their minimum size, bag and season.

MR. McCLOY: Would the board indulge me with a show of hands?

CHAIRMAN TRAVELSTEAD: Your question is how many –

MR. McCLOY: For the recreational fishery for scup, sea bass and summer flounder, how many states mandate that the fish be landed whole as opposed to parts or filets or anything like that?

CHAIRMAN TRAVELSTEAD: Virginia does, I can tell you that. It looks like Potomac River, North Carolina, Connecticut. Some of them are still thinking about it, but those that raised their hands do. Go ahead, Tom.

MR. McCLOY: If I can follow up, Mr. Chairman, this has been issue I think for a long time regarding summer flounder, sea bass and scup recreational size limits. I think we've heard from the law enforcement committee and I know our law enforcement officers in New Jersey are constantly telling us if you have any provisions for landing of parts, it effectively makes the regulations ineffective.

I guess some states are better than others from the show of hands I saw, and New Jersey this year also permits landing of parts for summer flounder for one fish per angler that uses bait, and they have to have racks. I'm sure we didn't want to do that, but we were essentially forced into that from a political perspective. I would like to request of Toni or the law enforcement committee if they would look at the various states' provisions for these three species and at a future meeting get back to the board with who does exactly what regarding this issue.

OTHER BUSINESS

CHAIRMAN TRAVELSTEAD: We will do that. We're on to other business. Dan, you had a scup item.

MR. McKIERNAN: We're concerned about the need for improved assessments of scup, especially given the changes in the trawl survey vessel and the fact that we're quite concerned about the impacts of poor data on the upcoming quota levels on a state-by-state and on a national level. I have a motion and I gave it to Toni before the meeting.

Move the board direct the Scup Technical Committee to meet with the scientific technical representatives of the states, NMFS and Mid-Atlantic Council to review new scientific information collected during the last few years to determine how that data can be applied for a more robust and reliable assessment of the status of scup stock.

Some of the questions and issues the TC should address are, number one, what new research has been performed in the last few years and can it be incorporated into a new analytical assessment. Examples here include Massachusetts data from the charter/partyboat industry, Rhode Island fish trap data, Connecticut Trawl Survey, age-length data, and some experimental data from the URI Ventless Trap study.

Number two, identify ways to make current research efforts more useful and focused on assessment issues; are there any current efforts that are duplicative and unnecessary. If so, we hope the TC could suggest ways for time, effort and money to be redirected to focus on critical assessment needs.

Third, are all current research efforts compatible? We're concerned that Massachusetts, Rhode Island, Connecticut and NMFS are collecting samples for age-and-weight analysis but doing it from different gear types. We want to know if improving the protocols by going to, you know, more common standards would be useful.

Then is there a data processing or aging backlog at state or federal agency impairing the development of a new assessment; and so, we would hope the TC could give us recommendations about how to correct the problem. Then, finally, update the research priorities for scup. I'll take any questions.

The motion is move the board direct the Scup Technical Committee to meet with the scientific

technical representatives of the states, NMFS and Mid-Atlantic Council to review new scientific information collected during the last few years to determine how that data can be applied for a more robust and reliable assessment of the status of the scup stock.

Some of the questions and issues the TC should address are, number one, what new research has been performed in the last few years and can it be incorporated into a new analytical assessment.

Two, identify ways to make current research efforts more useful and focused on assessment issues. Are all current state and federal research efforts compatible? Three, is there a data processing or aging backlog at any state or federal agency impairing the development of a new assessment. If so, what would be required to correct the problem? Number four, update the research priorities for scup.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by Mark. Comments on the motion? Harry.

MR. MEARS: Thank you, Mr. Chairman. My only comment in this regard is obviously scup assessment has been a topic through the years with this board. We do have a venue to discuss such motions without going through a motion or establishing a new process to do that, and that would be through the NRCC, the Northeast Regional Coordinating Council, where the executive director of the commission currently is one of the members along with the regional administrator, the science director, as well as the executive director of each council.

My point here is that a much more expedient approach that's already in existence would be perhaps to bring the wording of the motion on the screen and perhaps consider asking the executive director of the commission to bring that to the NRCC because the process already exists. Thank you.

CHAIRMAN TRAVELSTEAD: I guess the intent of the motion, the way I'm reading it, is at least this initiates some potential additional information that would then be made available to the existing bodies that deal with these kind of things through the executive director. Is that what you're saying, Harry?

MR. MEARS: Yes, in other words, the one fault or concern I have with this is directing the technical committee to do that when in fact they will have

participation and perhaps articulating what is to be discussed but to do it through the NRCC.

CHAIRMAN TRAVELSTEAD: Any other comments on the motion? Mark.

MR. GIBSON: It seems to me that body exists to prioritize the schedule of assessments to species and so much to dig into the new information that might be available that's being collected by a state agency that they might not even be aware of. I think this is appropriate to do this; and if after that it moves on to the next level, that's fine. I don't see any problem with doing this. I think this is going to be more fertile ground initially.

CHAIRMAN TRAVELSTEAD: Other comments? Jessica

MS. COAKLEY: I just wanted this group to be aware that the National Marine Fisheries Service has a data-poor assessment workshop scheduled for December of 2008. It's the week before our council meeting. Both scup and sea bass are on the schedule, so a lot of these data issues are going to be discussed at that point. I know I plan on attending. I'm not sure if any of the commission's technical staff for either the scup or sea bass technical committee will be invited, but the commission might want to advocate for their participation at that workshop. I think it would very helpful. I just wanted you to know that.

CHAIRMAN TRAVELSTEAD: Thank you. Dan, to that point, I assume by way of your motion you're looking for something sooner than that data-poor workshop in December?

MR. McKIERNAN: Yes, that's right, we were hoping we could do this maybe during the summer, maybe in June. We would be happy to host it in Massachusetts.

CHAIRMAN TRAVELSTEAD: Any other comments? Are you ready to vote? All those in favor of the motion, please raise your right hand; opposed, like sign; abstentions; null vote. The motion carries. Toni, one last item.

MS. KERNS: Just quickly, the technical committee is working on looking to see how we could potentially apply slot limits for the summer flounder recreational fishery. That work will be completed and presented to the board at the August meeting as requested.

ADJOURN

CHAIRMAN TRAVELSTEAD: Okay, anything further to come before the board? Is there a motion to adjourn? We're adjourned, thank you.

(Whereupon, the meeting was adjourned at 4:30 o'clock p.m., May 5, 2008.)