

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

**August 17, 2006**

**DoubleTree Crystal City**  
**Arlington, Virginia**

Approved October 26, 2006

## ATTENDANCE

### Board Members

George Lapointe, Maine DMR  
Patten White, Maine Gov. Apte.  
John Nelson, New Hampshire F&G  
Ritchie White, New Hampshire Gov. Apte.  
Dennis Abbott, NH Legislative Comm.  
Paul Diodati, Massachusetts DMF  
Bill Alder, Massachusetts Gov. Apte.  
Vito Calomo, Proxy for Anthony Verga, MA  
Eric Smith, Connecticut DMR  
Lance Stewart, Connecticut Gov. Apte.  
Gordon Colvin, New York DEC  
Pat Augustine, New York Gov. Apte.  
Tom McCloy, New Jersey DFG&W  
Dick Herb, Proxy for Robert Smith, NJ  
Leroy Young, Proxy for Douglas Austen, PA  
Eugene Kray, proxy for Curt Shroder, PA  
Frank Cozzo, Proxy for Curt Shroder, PA  
Roy Miller, Delaware Div. of Fish and Wildlife  
Bernard Pankowski, Proxy for Robert Venables,  
DE

Howard King, Maryland DNR  
Bruno Vasta, Maryland Gov. Apte.  
A.C. Carpenter, Potomac River Fisheries Comm.  
Jack Travelstead, Virginia MRC  
Kelly Place proxy for John Chichester, VA  
Preston Pate, North Carolina, DMF  
Damon Tatem, North Carolina Gov. Apte.  
Jimmy Johnson, proxy for William Wainwright,  
NC  
John Frampton, South Carolina DNR  
Robert Boyles, Jr. South Carolina Leg. Comm.  
Spud Woodward proxy for Susan Shipman, GA  
John Duren, Georgia Gov. Apte.  
Luiz Barbieri proxy for Gil McRae, FL  
April Davis, Florida Gov. Apte.  
Bill Johnson proxy for Mitch Needleman, FL  
Jaime Gieger, USFWS  
Chris Moore, NMFS

### ASMFC Staff

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

Brad Spear  
Mike Howard  
Toni Kerns  
Jessie Thomas  
Nichola Meserve

### Guests

Bill Ross, NC DENR  
Bennie Williams, UFWS  
M. Carol Bambery, AFWA  
Terry Stockwell, ME DNR  
Carol Frothman, ASA

Dick Brame, CCA  
Ben Baron- Taltre, ACCSP  
Steve Meyers, NMFS  
Forbes Darby, NMFS  
Wilson Laney, USFWS

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**Summary of Motions**

**August 17, 2006**

No motions made

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of Doubletree Hotel Crystal City, Arlington, Virginia, August 17, 2006, and was called to order at 11:00 o'clock a.m. by Chairman Preston P. Pate, Jr.

**-- Welcome; Introductions --**

CHAIRMAN PRESTON P. JR.: I am going to call the ISFMP Policy Board to order. Good morning, everyone.

**-- Approval of Agenda --**

You have the updated agenda which shows us starting right on time. My intent is to work through this until the noon hour, at which time we'll break avail ourselves of the buffet lunch that is being presented in the lobby of the hotel, as it was the last time, and bring that food back in here, and we can continue as a working lunch.

The first item on the agenda is the approval of the agenda. Are there any additions to this? I will note under other business we will be taking up a couple of items that came up during the week; one from the Lobster Board and one from the Spiny Dogfish and Coastal Shark Board.

There will be some handouts on those when we get to the last item on the agenda. Is there anything else anyone wants to add to this? Seeing none, any objections to approving this agenda? No objections, we'll consider it so.

**-- Approval of Proceedings from May 11, 2006 --**

The meeting from the May 11<sup>th</sup> ISFMP Policy Board, the minutes from that Policy Board meeting were included in your handout. Are there any corrections or additions to those minutes? Seeing none, any objections to approval? Seeing none, we will consider those approved.

**-- Public Comment --**

Agenda Item Number 4 is public comment. Is there anyone in the audience that would like to address the Board at this time?

**-- Review Non Compliance Recommendations (if necessary) --**

Then we will move on to Item Number 5. Non-compliance recommendations, there were none that came up during this meeting, so it's not necessary for us to do that.

**-- Presentation of North Carolina Recommendations --**

Moving on to Item Number 6, and at this time I'll an opportunity to give just a very brief introduction to the Secretary Bill Ross from the Department of Environment and Natural Resources from North Carolina, who is coming here today to present a letter to the Board, which was prepared by the North Carolina Marine Fisheries Commission, to convey to the Board some frustrations that have been explained to our commission by representatives from the commercial fishing industry.

Since I may have to be involved in some discussion of those with the Secretary, I am going to step away as chairman and turn the management of this agenda item over to my very capable vice-chairman, Mr. George LaPointe.

(Whereupon, Mr. George LaPointe assumed the Chair.)

CHAIRMAN GEORGE LAPOINTE: Thank you, Pres. Welcome, Secretary Ross. Before you speak, and then I am going to get right into your – has the letter been passed out? Yes, it has been.

SECRETARY BILL ROSS: Thank you, Mr. Chairman. Hello, everybody, it's great to be here at this meeting of the Atlantic States Marine Fisheries Commission. I really appreciate the chance to make this presentation.

It's a privilege to be here for a number of reasons. I'll share one of them with you a little later. I'm proud of the role that Pres Pate is playing as the Chair of your Commission and the involvement that he and the members of the North Carolina members of your group have played over time and appreciate all the work that

the Division of Marine Fisheries in our department does as part of your efforts.

It's been fun for me over time to have had some involvement on other matters with some of your members. Pat White came to North Carolina and made a great speech at a conservation conference several years back.

John Frampton and I have been involved in a really interesting partnership among our two states and three other southeastern states and the Department of Defense in some partnerships where the military and conservation purposes overlap.

So, why am I here today? I am here to deliver this letter, dated July 28<sup>th</sup> of this year, from Mac Currin, the chairman of our North Carolina Marine Fisheries Commission, to your executive director, Vincent O'Shea.

In thinking about the approach I might want to take in this talk, I will let you know that my plan is to discuss briefly a public meeting that was held back in May that led to this letter. I want to talk a little bit about the letter itself, and then I want to talk about a possible way forward.

Briefly, I say, because I've been advised in diplomatic terms, firm but clear, by a number of your members that in this Commission brevity is not only the soul of wit; it's the soul of any effective presentation.

This gentleman to my right has already told me that there is some procedure for getting the hook. It must be a fishing term, I don't know, and maybe he was worried about this stack of notes, but I made the notes because John Nelson told me I had to be organized and move on through it.

So, anyway, I want to talk about the meeting that led to this letter and then a possible way forward. There are various facts and feelings that the commercial fishing industry in North Carolina, various facts and feelings from that commercial fishing industry that sort of led to this meeting.

I might just review some of those quickly. Since 1978 in our state, there has been a steady decline in the number of participants in the commercial fishing industry, a steady decline in the volume of landed products in that industry, and a steady decline in the economic yield of the fishery.

In 2005 it was the lowest landings on record for our state. As you'll see from the letter, and you could hear by talking to the commercial fishermen, they attribute this trend to a number of factors.

One would be foreign imports; another would be rising fuel costs; a third you might call the dismantling of the working waterfront, the fishing infrastructure in North Carolina driven by rising land costs and the press of development.

Another factor they see is regulatory restrictions that in their view drives fishing opportunities down, diminish those opportunities, and that limit the ability to move among fisheries, and that's always been a very important aspect of the commercial fishery in North Carolina.

So to air those concerns, those grievances, you might say, the commercial fishermen petitioned the North Carolina Marine Fisheries Commission for a special meeting. That meeting took place in Morehead City in the latter half of May of this year. 180 people came; 27 people spoke.

And if I were to try to synthesize what came through in that broad discussion and that long meeting, it was that these commercial fishermen in our state feel disconnected from the fisheries management process.

Another way of saying it might be to say that – and I was reading an article about a lobsterman in Maine where this phrasing came from recently, but it seemed to me to capture what I heard people saying at that meeting in May: “Fishing has always been an owner-operated industry; a self-made, independent way of life that's being lost because of management structure that is so opposed to participants.”

That was the feeling that, if you had listened to the speakers that day, you would have heard a number of them voice. So, what else came through at that hearing? It was the feeling of deep frustration among these commercial fishermen.

It was the feeling, as they expressed it, of being overwhelmed and threatened by a storm of problems and pressures. The feelings that were expressed that day and the dissatisfaction that was discussed, feelings were so deep, the dissatisfaction so broad that many who spoke advocated North Carolina's withdrawal from the Compact and from membership in this Commission.

And those who advocated that did it despite a recognition and discussion by a number of speakers and someone from the AG's office that if North Carolina were to withdraw from membership in the Compact and in this Commission, the Commission would nonetheless – North Carolina would nonetheless be subject to fishery management plans that were adopted by the Commission.

And it seemed to me that part of the discussion was really a reflection of how deep and how broad this frustration and dissatisfaction among the commercial fishing industry is. So, that's the meeting that led to the letter.

Let me talk a little bit about the letter. These people spoke over many hours on this particular day in Morehead City, and then the North Carolina Marine Fisheries Commission talked about they had heard and talked about their ideas on what to do.

Ultimately, they decided that a letter would be written and sent to this Commission, to Vince and to this Commission. In general, that day they agreed on the points in the letter. In the letter that you have before you, dated July 28<sup>th</sup>, they appointed a committee to get the letter written.

On the subject of brevity, I think it was pretty amazing that a committee wrote a letter that was only a page and half long, but they got that done.

I had been aware of this frustration and dissatisfaction, and I talked to Pres.

I went to the meeting. At the part where the Marine Fisheries Commission was deciding about a letter, I offered to deliver that letter to the Commission. Now you might ask, well, why would you do that; what would prompt you to offer to deliver a letter such as this?

I would say there's three reasons; two of them are primary and one secondary, but I might just quickly mention them. One is that if there was a way for me to be helpful in facilitating some effective communication and problem-solving between our commercial fishing industry, the Marine Fisheries Commission in our state, your Commission and others involved in fisheries management, then I'm happy to serve in that role.

The second is in the years that I have been doing this work – I was appointed by our governor, Mike Easley, in 2001 – I have been deeply interested in fisheries. Pres, Jimmy Johnson and Damon Tatum, Louis Daniel, they can all tell you the extent of effort we've put into a coastal habitat protection plan over those years and years before in North Carolina.

I was interested in the discussion preceding this about how you connect fisheries management to healthy natural systems and healthy communities.

The secondary reason I thought I would just mention briefly is that in 1949, when North Carolina codified the terms of the Compact into state law, and when North Carolina became a member of this Commission, it was my grandfather, a man named George Ross, who held the job I have today.

It was called something a little different then, but I talked to him in the years he was alive about the work he had done, and he was always enthusiastic about North Carolina's role in the Commission and his participation in the activities of the Commission in those early years.

So back to the letter – the letter, in overview, three things. It describes the frustration and dissatisfaction that I have already referred to. It sets out three recommendations, and it closes with the statement and a request.

In a nutshell, the recommendation that the Marine Fisheries Commission in our state is sending to this Commission is that, one, this Commission, in their judgment, should follow the standards of the Magnuson-Stevens Act, Section 301; second, that the Commission should accept and follow the review and appeal procedures of the councils; and, third, that this Commission should limit fisheries management board membership to states with current or historical commercial or recreational fisheries.

Now, I don't want to go into any more detail about those recommendations, but I would point out that the letter closes with some statements and a request, and you'll see running through these a reflection of some of the frustration and dissatisfaction that I mentioned earlier.

I will just read these couple of sentence from the last two paragraphs: "The Marine Fisheries Commission agrees with our commercial industry that substantive changes must occur in order for North Carolina to be a good partner with this Commission.

"If no changes are made, we will then consider going out of compliance and/or requesting our state General Assembly withdraw our membership from the ASMFC. We do appreciate your attention to these important matters, and we hope you will regard them as seriously as we do. We look forward to receiving your early response and plans for proceeding."

Now, I want to wrap up with a few ideas about a way forward. What if this Commission took advantage of the meeting that you currently have scheduled in North Carolina, in October, at Atlantic Beach, to meet, to listen, to consider, to discuss with the Marine Fisheries Commission and with interested parties the concerns and the recommendations that are contained in this letter?

There would be a number of different ways to do that. You don't have to decide that today, if you're inclined to do that. I will say that this is obviously – I know I'm moving into an area that's your decision, and I don't mean to be presumptuous about that, but I just wanted to try to get a discussion going and some ideas here.

So, there are different ways to set up that discussion, but it seems to me that a number of things could be that kind of discussion, with some staff work ahead of time to get you whatever you needed for those discussions and could factor in these ideas.

One is I know that the recommendations here are not new; that these kinds of things have come up in a variety of circumstances and a variety of cases over the years. So, there is some body of experience and some views you have.

I also know that the extent and pace of change on the coasts and in the coastal waters is so great and so extensive these days that it's a good time, in my judgment, to kind of revisit whether the strategies and approaches that we're taking are the ones that are best aimed at solving the problems that those pressures create today.

Thirdly, it seems to me that this would be a great opportunity for all interested parties to communicate effectively and try to do some problem-solving. It would certainly give a human face to a Compact and the Commission that, what I heard these fishermen saying, seemed distant and unapproachable.

I know you all are good at having discussions. I know you have them in your own states in a variety of ways, and it seemed to me that might be part of or a next step of the way forward. So, thank you so much for your attention today.

It's great to be with you, great to be thinking about my grandfather being on this Commission a long time ago. I was impressed with the way you all conducted the discussion in the previous consideration of that weakfish plan. Thank you.

CHAIRMAN LAPOINTE: Thank you, Secretary Ross. My first conclusion from your

presentation is we expect your grandson to give a presentation to us in about 40 more years. I want to thank you on behalf of the Commission for taking the time to come up.

You know, the letter, as you said and as others have said, reflects a frustration, a dissatisfaction with the Commission process. As you also said, this isn't the first time we've heard these kind of things.

When I read the letter the other day, and as I said to you last night, it's good for us to be introspective and make sure we're not doing things the way we did them for the last ten years just because we did them that way for the last ten years.

I think it provides the Commission a valuable chance to look for changes or to defend our current position. Pres, before I open up the discussion for the Commission, do you want to add anything?

MR. PATE: Thank you, George. I certainly express my appreciation two Secretary Ross for volunteering for this duty. I think his presence at that meeting in May and his willingness to step forward and deliver this message to the Commission was very helpful in making our fishermen aware of how important this is to us and to them.

The fact that a senior government official was delivering their message was meaningful to them. I think it was very generous of Secretary Ross to volunteer to deliver that message. He has made some very good points, and I won't belabor those.

You also reiterated the idea of fresh thought to old procedures being very productive in the future. I would hope were his granddaddy sitting here today, he would say we've come a long way since his involvement in the process. Certainly, there is a lot of our process that is steeped in history and may be, by some people's estimation, somewhat archaic and worthy of examination.

I think what is important for us all is to be aware of the growing frustration that is occurring

largely in the commercial industry as a result of a lot of different factors that are at play in affecting their current livelihoods and the futures of their families and their communities.

We spoke about those a lot this morning during the Weakfish Board meeting, and they're not trivial. There are a lot of social and economic issues that North Carolina has that are shared by other states and in fact a lot of countries around the world that hopefully we can make some progress in addressing and still meet our responsibilities of providing sustainable harvest for all user groups.

The idea of bringing this back to North Carolina during the October meeting I think is good. We'll work on some strategy of how to facilitate that and make it most productive. It will give the Board an opportunity to interact with some of the more thoughtful members of our fishing community and hopefully hear some of their progressive thinking on these matters.

How we will do that is not firmly fixed in my mind yet, but I'm sure we can make it happen. These are trying times for the industry, and it's difficult for us in the management realm both with the Marine Fisheries Commission and my role as director, and particularly so, my role as chairman of this Commission to make sure that their considerations are taken into account.

We're going to make every effort that we possibly can to address their concerns, and hopefully this Board will be open minded and objective in its involvement in addressing those concerns. That's all that I'm asking, and I think that's what they're asking, also.

CHAIRMAN LAPOINTE: Thanks, Pres. It's my intention to open to the Policy Board for discussion; and then after we've had a round of discussion, we have got a couple members of the public from the state of North Carolina to see if they have got any comments and then come back to the Policy Board. Gordon.

MR. GORDON C. COLVIN: Thank you, Secretary Ross. I appreciate your taking your time to come here and talk to us about this. I think your suggestion on a way forward is right

on the mark. As someone who has had a seat at this table now for well in excess of 20 years, I would certainly volunteer to be part of any dialogue formal, informal or otherwise that we might want to try to arrange.

Just a couple of very brief thoughts that occurred to me in this context, I think all of us in every state hear the same concerns expressed by our commercial fisheries and the commercial side of our recreational fisheries.

As I was just telling Jack Travelstead in a sidebar here, I also, in addition to living in New York, have a home in Florida, where I just returned. I'm, frankly, on my way home from Florida now.

On the west coast of Florida, the St. Petersburg Times just ran a major two-part series on the grouper fishery, and all of these issues are attendant to that fishery and that article, including the fact that there's only one fish house left in that whole Greater Tampa Region on leased land that's about to lose their lease.

So, these problems are all over the place. One of the things that occurs to me and hope folks will think about, as they prepare for any continuing dialogue on this, is the context in which our management programs occur, the big context.

It's important to think back in recent times to the findings and recommendations of the Pew Oceans Commission and the United States Commission on Ocean Policy on fisheries and the findings made by those commissions and the directions that they are taking national policy.

I don't think those directions – and they are much larger than any one state or all of the east coast states collectively – are anything that we can not attend to, but at the same time present a major challenge in deal with the frustrations expressed by the commercial fishermen here.

But that background exists, and I think we need to begin by acknowledging it and what it means and, frankly, where it's taking Magnuson.

I'm personally not convinced, in some instances, that closely following the Magnuson Procedure Model is the solution to the problems of the commercial fishermen. I will just leave that out there, and I'll close for now and hope to resume this dialogue in October.

CHAIRMAN LAPOINTE: Mr. Calomo.

MR. VITO CALOMO: Thank you, Mr. Chairman. For me, it's an honor and a privilege, Secretary Ross, to have you here, and those are not just words. I feel that having you here today and having the Secretary from Virginia yesterday, I think it's a real honor.

You don't know me, and I know that you are a Secretary, but I'm a third generation fisherman out of the oldest port in the country, Gloucester, Massachusetts, and we're losing our infrastructure in the fishing industry by leaps and bounds through very strong regulations

But, Mr. Secretary, I want to leave you with a point and make it as fast as possible because others want to speak. I feel if this Commission changes towards the way of councils that you will be looking at something that would be disastrous.

I'm very proud to be a member of the Atlantic States Marine Fisheries Commission. I have been a member of the New England Fisheries Management Council, and I have spent many days at the Mid-Atlantic Council, so I speak from experience.

At example I would draw on, because I want to end this, is that the councils – well, I have to tell you in my previous life, beside being a third generation fisherman, I've been a car salesman. And my point is not just because I've been a car salesman, but I was pretty good, too, and I was a pretty good fisherman, too.

I consider the councils as a good, old, big Chevy Impala, where I consider the ASMFC as a nice, shiny, fast Corvette. We move fast. We do things fast with great thought. As you can see, we worry about who said what, where it comes from. We deliberate, but we're able to move real fast.

And for the most part – I have been here for years and I represent State Representative Tony Verga. I'm his permanent proxy. But we move fast enough at times – yes, we do make mistakes but not often.

We move fast enough at times to save fisheries. We move fast enough at times to help fishermen. The makeup of this Commission is very unique. I would hate to see North Carolina leave this Commission because we are strong, Mr. Secretary, by having all states working together for a common goal. I think you for appearing here.

CHAIRMAN LAPOINTE: You'll notice Vito didn't talk about a '59 Cadillac, which I believe has a tailfin which connected to parts of his anatomy, which we can't talk about in public and he's still in therapy about. Eric Smith.

MR. ERIC SMITH: I, too, very much appreciate the fact that you're here today. I understand the frustrations that you hear as an agency official. I'm not at the level of government that you are, but we hear the same frustrations in Connecticut.

We hear it from our commercial fishermen, and we also, in increasing frequency, hear it from our recreational fishermen. It's a fact of life if we're effective at reducing fishing mortality, we're going to be taking sport and commercial fishing opportunities and minimizing them in order to bring fish stocks back or to maintain them in a sustainable fashion.

The question is whether we're as fair as possible on how we do these things. I'm going to use an example, and I will tell you right at the outset everyone who is hearing this, this is not any kind of sour grapes. I'm just trying to convey the sense of the mood in Connecticut with the dirty word.

Connecticut fishermen don't think it's fair that North Carolina gets 27 percent of the flounder quota, and Connecticut gets 2.3 percent. I'm not sure I even agree with them, quite frankly. Certainly, North Carolina has always been a larger fishing state, but a quota that's ten times

higher seems disproportionate back in Connecticut when people look at those numbers.

I know North Carolina can justify their share from the state's perspective. My only point in using that example is that this Commission is the most effective place where we can work out those differences in a diplomatic way, hear all sides, as long as 15 Atlantic coast states are at the table, and they're willing to hear the other side and ponder those views.

This is the most effective place to do it. Any state withdrawing from this Commission removes the opportunity to be at the table while we have those difficult discussions.

Now, having said that and hoping not to have offended anybody with my example, when I heard your first point to take advantage of the October annual meeting to meet and listen to the North Carolina Marine Fisheries Commission, my first reaction was, my God, what about the equal time for the other 14 states?

But then I said, you know, that was an elegant solution if we cast it the way I think Pres thought about it. We need to ask ourselves how do we better satisfy the interests of the states and their fishermen and their interested parties in the ASMFC fishery management process?

That's a worthwhile question, and any state that we begin that discussion doesn't mean we will end it, but it's a good question to ask ourselves, because, really – and I had this conversation with Jaime Geiger out in the hallway after weakfish – we're having a hard time finding advocates for what we do.

As we become more effective at controlling fishing mortality rates, the recreational fishermen are very frustrated with us, commercial fishermen are very frustrated with us, environmental groups are very frustrated with us because sometimes we're in the middle, and all sides are saying, "You're not doing enough".

So, how do we satisfy the interests of the people out there interested in what we do in a way that improves the effectiveness of the commission

and the state and satisfies anglers, commercial fishermen, the whole range of people interested in marine resources?

That's going to be a difficult thing to do, but my view for that is let the games begin; and if our next meeting is October, let's let it begin there. Thank you.

CHAIRMAN LAPOINTE: Thanks, Eric. I have Pat White.

MR. PATTEN D. WHITE: I raised my hand early because I really wanted to get ahead of Vito and Eric. Thank you, Secretary Ross, for coming. I was deeply disturbed by reading this letter, starting off with their concerns about international competition and fuel prices.

We run into this in many, many states and many issues, and I have been all around the country running into this very same problem, and people just not trying to understand what is happening in the big picture.

But in relation to what we're doing with ASMFC and the process, I echo what Vito and Eric have said. If indeed the industry feels it's disconnected, it's for two reasons; their unwillingness to participate; or, North Carolina's unwillingness to help them participate in ASMFC, to outreach to that.

It may not be any one of those; it may be a combination of it, but I think what you suggest is a really worthwhile start. And, like Gordon, I would be more than willing to participate in that.

I think as a commercial fisherman and having traveled around this country, I feel this ASMFC process – to digress a moment, we had this same problem in the Lobster Fishery, and we were having really a difficult time getting represented, and finally got it out of the council process and brought it to this Body.

None of us have been totally pleased with a lot of what has come out of it, but the big picture issue is that it has been a much better process and a far better process representing the industry.

So, I would love an opportunity to talk with any of those people and express my encouragement to participate in this process and us to reach out to them to participate in this process, because it is a good process.

It's not perfect, and I think we're working on this constantly. We have had a number of meetings internally to see how we can reach out better, and we're to do that, and this is a perfect example of maybe where we have missed.

So, I would encourage all of us to hold out our hand and make this work because it is a common frustration throughout our states and throughout the country. It's a changing dynamic in fisheries today that we've never seen in history, losing the infrastructure, losing coastal access, and the declining fish.

There is nothing pretty about trying to rebuild fish. It's going to hurt somebody, and this is where some of their frustration comes from. Thank you for being here, and I would love to help.

CHAIRMAN LAPOINTE: Thanks, Pat. Paul Diodati, please.

MR. PAUL DIODATI: I, too, want to thank you, Secretary Ross, for coming here. It certainly impresses on me how important and serious this issue is to North Carolina fishermen and officials.

I am Paul Diodati, by the way. I am director of marine fisheries in Massachusetts. I am here with my delegation. Vito you just met, and Bill Adler is also here. I always look to North Carolina as one of our partners along the Atlantic that we share a lot of characteristics with Massachusetts in terms of the size of our fishery, the way we manage.

We also have Marine Fisheries Commission of citizens. In fact, both Vito and Bill are two members of that commission back home. We, through our commission and our fishing industry, also share the frustrations that I'm hearing from North Carolina fishermen.

I can assure you that with two of the strongest commercial advocates on my side, I still get to

go home and hear those same frustrations from our commercial fishermen, recreational fishermen, and conservation organizations. The complaints are always there.

That doesn't make them unimportant, though. You should also recognize -- and I'm sure that you do, but your industry should recognize, as I've come to recognize, that Pres Pate is probably one of the most respected directors around this table.

He's got a lot of experience and diplomacy that he brings to this organization. He represents North Carolina very well, and so your fishermen shouldn't take that for granted. But with all that said, I'm more than willing to personally or as part of this larger body assist North Carolina, working with Pres, any way I could to assist. Thanks for coming.

CHAIRMAN LAPOINTE: Thank you, Paul. Dennis Abbott.

REPRESENTATIVE DENNIS ABBOTT: Thank you, Mr. Chairman. I do thank Secretary Ross for appearing before us today. I'm Representative Dennis Abbott from New Hampshire, and I have been on the Commission for ten years now. I arrived at the same time as my chairman, Pres Pate.

We went through our little indoctrination together, and I have a great deal of respect for Pres. First of all, when you arrived, my thought was here we have North Carolina sitting before us today; who will be sitting before us next week? Will it be the state of Maine with lobster issues?

As we grapple with these kinds of problems of fisheries, I haven't met anyone that doesn't come to the table without frustrations. I haven't met anyone at the table without frustrations.

We sit here individually with frustrations. It just goes on and on. And unlike my fellow commissioner from the Commonwealth of Massachusetts, the infamous Vito Calomo, I can't even claim to be a first generation fisherman.

I have sat here for ten years, and I have listened to all the problems; and contrary to some of the feelings that the folks from North Carolina might have, I feel that probably I bring less bias to the table than a lot of others.

I don't think that we can solve the problems of North Carolina, but I know that the Commission is willing to work on the problems of North Carolina, and I think that we do welcome the opportunity to sit down with anyone anywhere at any time to discuss whatever issues they have.

And one of the greatest problems I see and I hear expressed in many ways, and I'm sure probably in your department in North Carolina, here we are dealing with greater problems in fisheries management at a time when every state around this table constantly talks about less resources.

And if I asked you if you had the resources to do your job, I can almost be assured that you would tell me that you don't. That is the message that we have to convey to our state delegations, our federal partners, and whatever, because you can't have a good fisheries management plan if you don't have good science.

It's a constant refrain that the science isn't being funded correctly, or we don't have enough data collection. So, anyway, in closing, I just want to briefly say that I welcome the opportunity to go to North Carolina in two months and sit down with whomever to discuss the problems that you brought before us today. I do thank you for coming very much.

CHAIRMAN LAPOINTE: Thank you, Dennis. I have John Nelson.

MR. JOHN I. NELSON, JR.: Thank you, Secretary Ross, it's good to see you. I'll be very brief, Mr. Chairman. My sense is that the answer to your question is, yes, we'll be happy to talk to constituents in whatever format that needs to be set up. We have done that before for other groups.

We've interacted with our conservation groups that had expressed to us previously about their feeling of not being involved and questioned the

transparency of our process. I think that helped clear the air for them, and we have continuing contact for them.

Solving some of these problems that have been listed there, I don't think necessarily that is going to happen. I think a lot of it is education and outreach, and I think we've always been highly effective at trying to do whatever we need to do.

As you've heard from the other members of this Commission, this process actually is highly effective in dealing with responsiveness to issues that are raised to us. As a member of council – and I don't want to beat on the council, because actually I'm part of council – it has, because of its process, not the flexibility and not the responsiveness I think that this process does have. I'll leave it at that and look forward to the meeting in North Carolina.

CHAIRMAN LAPOINTE: Thank you, John. Jack Travelstead.

MR. JACK TRAVELSTEAD: Mr. Secretary, thank you for coming today. I am Jack Travelstead. I am one of your neighbors to the north in Virginia. I want you to know that Virginia fishermen share a number of the concerns that you expressed today.

In fact, about ten or twelve years ago we were, in Virginia, in the same position you find yourself in today with a lot of our fishermen talking about Virginia leaving this Commission. There were quite a bit of discussions in our General Assembly.

Fortunately, the decision was made to not do that, and I think it was one of the best decisions that Virginia ever made. In fact, shortly after that, there was a decision in Virginia to make an effort to become more involved in this process and to get more of our fishermen involved in the dialogues that occur here.

I can tell you as a result of that, fishermen in Virginia are much more educated today about the process and much more interested in involving themselves in the decisions that are made here. As a result, I think a lot of that

frustration, while it hasn't left entirely, it has diminished.

I wish you had been here yesterday – I don't know that you were – but you would have witnessed an example yesterday with the Menhaden Management Board, in which the people around this table exercised enormous constraint and understanding and made decisions that resulted in great benefit to our commercial menhaden fishery in Virginia.

That's just one example of many that Virginia alone could describe to you of examples how working together at this table have resulted in some great benefits to the commercial fishermen in Virginia. I think if you went around the table, you could find many other examples of that type that have resulted by the states being a part of this process.

I certainly would, as everyone else has said, certainly support a dialogue with the North Carolina fishermen in October. Thank you.

CHAIRMAN LAPOINTE: Thank you, Jack. Dr. Geiger.

DR. JAIME GEIGER: Thank you, Mr. Chairman. Again, Secretary Ross, that you very, very much for appearing in front of us, and we greatly appreciate your comments. Again, I'll be brief.

I think my colleagues have spoken much more eloquently than I ever can on the effectiveness and efficiency of this particular process, as well as the particular rules and responsibilities that we have. Again, I think with improved communication, outreach and education, we can achieve so much more.

I think we have numerous examples where this Body has taken some very divisive and controversial issues and have worked through them effectively, efficiently and with a fairness and equity component along with that. From the Fish and Wildlife Service, we are pleased and proud to be part of the ASMF and continue to look forward to having these dialogues with you and other member states here and appreciate

your comments and your concerns. Thank you, sir.

CHAIRMAN LAPOINTE: Other comments from the Board? My sense is that there is unanimous agreement on the meeting that you proposed, Secretary Ross. And as you and I spoke last night, we would want to work with the Commission staff, Pres' staff and you on a structure so that, in fact, it becomes as productive as possible.

We want to engage in a real dialogue so it will be a session that's useful for this Commission and the representatives of all the stakeholder groups, but particularly the commercial fishing industry in North Carolina to improve that dialogue.

I will also propose that I will work with Vince on preparing a letter in response, too, just so that the commission hears back from us sooner than later, talking about that dialogue as a way to get at some of the questions and not getting into the specifics, because I think the session in North Carolina will provide a good way to respond to some of those specifics. Is there concurrence on that?

I see everybody's heads going up and down, so that's good. Dick Brame said he wanted to talk to us briefly, so I want to provide members of the public a chance to engage as well.

MR. DICK BRAME: Thank you, I appreciate the opportunity to address the Policy Board. I'm Dick Brame. I am Atlantic States Fisheries Director for CCA, but, more importantly, I'm a North Carolinian.

I guess as a conservationist, I don't like the idea that the Marine Fisheries Commission in North Carolina chose to threaten to pull out of the ASMFC, and as a North Carolinian I am embarrassed that this appointed commission would take that action, not that they have issues with the Commission, but to threaten to pull out.

I just don't think that's appropriate. I have talked to every recreational fishing group that I know of in North Carolina, and none of them support this action. They don't seem to have the

problems with the Atlantic States Marine Fisheries Commission that seem to be experienced by the North Carolina Marine Fisheries Commission.

I wanted to make sure that you folks understood that this is by no means any sort of unanimous action or even majority action by the Marine Fisheries Commission. They do have real issues; they need to have them addressed, but there is an effective way to do that.

They have Pres Pate who is one of the more respected directors on here who happens to be the chairman of ASMFC representing them. On the South Atlantic Council, the chairman of the North Carolina Marine Fisheries Commission is on the South Atlantic Council, along with Dr. Louis Daniel.

North Carolina has very, very good representation at every level. We have never found a problem with communication with this Commission or with the councils in the recreational community.

My daughter often says -- my 13-year-old daughter says we often don't communicate well, especially when I don't let her stay out until 11:00 o'clock with a 13-year-old boy. In fact, we communicate very well. I say, "No."

I would suggest that the communication problem here is much the same thing. You don't often get what you want. The recreational community does not get what it wants from the ASMFC.

I think you're doing a damn fine job if you can make us mad, the commercial guys made and the environmental groups mad. You probably doing something very right at that point. I don't think communication is really a problem.

I think the meeting is a good idea. I think you may have your eyes opened when you go there. The North Carolina commercial fishing community has a reputation that is well deserved, and you may see it or you may not, I'm not sure.

The idea of instituting national standards I find troubling here. I mean, this process I believe is

a very good process, and it's made to work because it is the states managing each other.

I have yet to meet a fisheries director who didn't want to manage fish in somebody else's state. That's no small reason that this process works. But, this Marine Fisheries Commission, I don't believe a plan that they have put in place on their own would meet the national standards.

North Carolina recreational fishermen would like to see this Body have more authority than less, given the past behavior of the North Carolina Marine Fisheries Commission; not the division that Pres works for, but the commission itself often has made, we thought, regulations that we thought were not in the best of conservation.

I believe that they should, this Commission, rather than fostering this sort of attitude, should be engaged in leading the commercial fishery in North Carolina to a more efficient and rationalized fishery that can compete in the 21<sup>st</sup> Century.

It will never be like it was, and that's really their frustration, wanting it to be like it was. It will never be; it's going to change. My great granddaddy made buggies, the Hackney Buggy Company. If he still made buggies, where would he be? He now makes refrigerated truck bodies.

So, you've got to change in this world. I am going to leave you with a historical story. In the early nineties, I was sitting in my office in North Carolina, and I received a phone call from then Congressman Carper from Delaware.

He said, "What are the chances of the North Carolina Marine Fisheries Commission" adequately addressing the weakfish problem that we have, so we can restore the population?" I said, "Given the makeup of the current commission, probably slim and none."

He said, "Well, would you support us starting a Weakfish Act? Just like the Striped Act, which was showing the great success, we need a Weakfish Act." I said, "Let me get Dr. Hogarth on the line."

So I put him on hold, absolute true story, called Dr. Hogarth, we started talking, called Jack Dunnigan, and that is where ACFCMA came from. That was the genesis of it. It was the inaction of the North Carolina Marine Fisheries Commission to conserve weakfish, the very same sort of thing you're seeing here, that caused this Body to have its regulatory authority.

I thought you should know that really is the history, and we're seeing it again. Again, I appreciate the Secretary coming. I'm not belittling the problems that the commercial industry has; they have very real problems, but I think the means are in place to address them.

I think the communication with this group and fishermen is – communication is very good. You don't often get what you want, but the communication is very good. You are a deliberative body that is open and transparent and people know where you stand. Thank you very much.

CHAIRMAN LAPOINTE: Thanks, Dick. Sean.

MR. SEAN MCKEON: Sean McKeon, North Carolina Fisheries Association. The first thing I would like to say is I would like to thank Secretary Ross also for coming here. I think it really highlights the seriousness of the concerns of the commercial industry, and most everybody has acknowledged that.

I won't spend much time on that. I would like to say that in light of the last spokesperson for CCA, the commission in North Carolina voted, with the exception of one person on that commission, to take this action, so it was a divided action. It was a very, very strong and powerful statement coming from the commission that something needed to be done.

I want to make a couple of quick points, and I am going to be really quick because we are into the lunch hour, and this is the worse time to speak. First, with respect to NCFAs position, there's been, I think, some misunderstanding.

Our position is and has been from Day One that change is better coming from within. We have stressed that in both our oral comments at the meeting in Morehead City that Secretary Ross referred to and our written comments, and we still believe that.

We believe that the operative phrase, however, or operative word is “substantive” change. There are lots of things that the commercial folks have expressed frustration with up and down the coast, and we think that substantive change and not lip service or not another bunch of dialogue is going to make those changes.

The other thing I think is important to understand is a lot of commercial folks are not familiar with the minutia of how fish management policy originates, how it arrives at their table, so to speak, but they’re very, very aware of how it affects them, how it affects their families and their abilities to continue to make a living and to have a resource here for generations to come, including their own children.

No one suggesting or asking that the world turn back the clock and become something that it was a long time ago, but I think in the geopolitical situation we find ourselves in in the United States of America, there are so many things affecting us all that are really out of the control and purview of this Commission.

We understand that; we recognize that. We are perfectly willing to be part of a dialogue, as Secretary Ross suggested. I think his suggestion is an excellent one. We plan to be helpful and useful to make that time in North Carolina – to expedite that meeting and to make sure that the issues are on the table that are of most concern.

But, please don’t confuse some of the lack of understanding of my colleagues in the commercial fishing industry with the lack of passion for what it is they do and what it is that they see around them.

And, finally, I have said this before, but I’ve gotten to know some of you on this Commission a little bit better than others. I really believe that everyone that I have met and had any dialogue

with is here with good intentions and are really trying to do a job.

We all go back home; we have families; we have jobs, different businesses that we have to go to. I think that the bigger picture of where the United States commercial fishing industry is what we’re trying to focus on, and I think the frustration rising up from the commercial folks, if it’s served anything, if it served a useful purpose to date, it is that there are some significant problems with the management of our commercial fishing industry.

Some of those problems are directly the result of the regulatory burden on those men in doing what they try to do. So, again, I want to be clear, NCFA’s position has been and is today that it is better to work within the system to seek change.

My chairman said that at the meeting in Morehead City. I said that at the meeting in Morehead City. But, like Ronald Reagan, I think that all options, in his view the nuclear option, the Star Wars, as it was referred to years ago, had to remain on the table.

I think it is a legal mechanism by which – it is part of the process; withdrawal is part of the process, and I think that needs to remain on the table. I think the Commission did an excellent job of putting that forward.

I just want to conclude by, again, thanking you all for allowing this opportunity for us to express ourselves. I applaud the North Carolina delegation’s efforts. We do sometimes not do that in public as often as we should, or as often as I should, but I do think we are very well represented here.

There are some, I think, administrative and some things that need fixing, and we are willing and hopefully going to be able to be part of that process within the system, but we do stress the seriousness with which the commission has taken the commercial folks’ frustration and concerns. Thank you for this opportunity.

CHAIRMAN LAPOINTE: Thank you, Sean, and I think we take it equally seriously, and

that's why we had this session this morning, now this afternoon. I thank you for your brevity as well. Pres has his hand up, and then we will wrap this up, if that's all right.

MR. PATE: Yes, George, thank you for letting me have the closing comments. I wanted to thank my colleges for all their kind words, and let everyone understand that the meeting that was held in May that generated this presentation today included criticism not only of this Commission but other regulatory bodies as well.

Many of you know that I'm an avid bicycler and bicyclers shave their legs, not to become more aerodynamic, but because we found it's easier to clean the injuries when you fall. After that May 18<sup>th</sup> meeting, I shaved my head (laughter) knowing that it's easier to clean the blood off a cueball than it is a tennis ball.

CHAIRMAN LAPOINTE: That's probably more than I wanted to know about you, but that's all right. In seriousness, I want to thank everybody for a good dialogue, Board members, Secretary Ross, and both Dick and Sean, for what is a tough issue.

I think the frustration that is evident in the North Carolina Fisheries Commission letter is a microchasm that you could take North Carolina out and put Maine or Virginia and elsewhere, because the management process is tough.

It has tough impacts. I think this provides, as I said in the opening, a chance to look at our process to make sure it's serving us, the states, and all the people interested, directly or indirectly, in fisheries as best we can. So with that, we're on for lunch now.

(Whereupon, a brief recess was taken for lunch.)

(Whereupon, Mr. Pate resumed the Chair.)

**-- Review of ASMFC Position on Recreational Data Collection --**

CHAIRMAN PATE: Now that we've all had lunch, we will move on to Item Number 7, Review of ASMFC's Position on Recreational Data Collection. Vince and Bob are going to be

going over a document that was in your package and is a summary of a discussion that took place with the Commission some months ago when we were looking at possible improvements to the recreational data collection program that is currently used by the National Marine Fisheries Service, comparing the status of that program and the steps that need to be taken to address those.

We wanted to bring that back before the Commission to take another look at it and reaffirm the Commission's position on the recommendations or the conclusions that were reached in that paper, so, Vince, if you will take the lead on that, please.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, thank you, Mr. Chairman. As many of you already know, the National Marine Fisheries Service commissioned the National Academy of Science to do a program review of the Marine Recreational Fisheries Statistics Survey, MRFSS Program.

In conjunction with that, the National Academy of Science has provided a number of recommendations to the National Marine Fisheries Service. The Office of Science and Technology over at the National Marine Fisheries Service has been tasked with developing a response plan to that study.

In the course of doing that, looking at the recommendations, they've come to the conclusion that there is quite a bit of flexibility as to how the agency might respond to the recommendations.

What they're concerned about is that, as they go to improve the survey, they want to ensure that the end product adequately supports the needs of the managers and the science community, as well as being responsive to the concerns of the recreational community.

So, to that end, they've had this idea of holding a national-level workshop of scientists and managers to get all of the needs, if you will, out on the table and look for common ground and to sort of validate a direction for them to take in crafting a response.

The workshop is proposed to be held the first week in September in Denver, and it is to consist of scientists and managers. Now, they put the executive directors of the three interstate commissions on the steering committee, along with Dr. Van Vorhees and Dr. Powers up at S&T.

The position that the three commissions had, quite frankly, was varied. One commission didn't even want to have a workshop. The other one offered to facilitate it. The position that I represented was that the ASMFC had already worked on what we thought our management needs were.

We had documented that and presented it to the National Marine Fisheries Service almost two years ago, and I thought we had a good basis of what our needs were going to be; and that if we were going to structure a workshop that was based on a smaller group that would have taken time in advance to capture their regional needs, that such a national workshop might then have some potential of being helpful.

So that model is what has been adopted, and they are looking for regional representation; and from this group we have proposed having Preston Pate, Gordon Colvin, myself, Bob Mahood, who is Chair of ACCSP, and someone from the ASMFC science community, and we're still working on that -- we have offered it to both John Carmichael and Linda Mercer -- as well as Dan Furlong from the Mid-Atlantic Council.

We have been keeping the New England Council advised of this with the potential of maybe that executive director attending as well, if he chooses.

So, what we thought with this agenda item today would be to dust off the paper that you all had worked on several years ago, have a short discussion about confirming the validation of that paper, as well as listening to ideas of modification.

The combination of what we take here as notes, as well as the benefit of the potential participants to this conference hearing your discussion, we would use that to form the basis of our

participation at the Denver meeting. Now, I neglected to mention that Maury Osborne, the director of ACCSP, would also be in that group from the east coast.

One of the things that I have been asked outside was where is the role for the recreational community in this. To my way of thinking, the way this is going is that the end product needs to be able support the needs of the managers and the scientists; and once the Service has established that, then they can engage with the recreational community in both explaining those needs, listening to their concerns, and talking about the tradeoffs of flexibility, cost of doing this, who is going to pay for it, so and so forth.

But, there is some talk of having some representatives from the recreational community, maybe from the Marine Fishery Advisory Committee; MAFAC, which advises Vice-Admiral Lautenbacher; maybe an east coast representative and a west coast representative. The intent here is not to have a huge recreational fishing gathering to solve world hunger, but as a first step in what will be an iterative process to eventually embrace all user groups to try to develop a response to the NAS recommendations.

Mr. Chairman, that's maybe not as brief as you wanted, but that is kind of where we are in the process and the purpose of this agenda item.

CHAIRMAN PATE: That's fine. Pat, you had a question of Vince?

MR. PATRICK AUGUSTINE: I do, thank you, Mr. Chairman. I'm not convinced that the recreational community should not have some representation as this Body goes forward. Without having someone there representing the group in total, it's a slam-dunk, and they know it's a slam-dunk, but we're talking about a perception here.

I know we've tried this in New York State developing a saltwater license. We went through the process of six meetings. We had 20 people involved from all sectors; and because one sector only had one person on it, they were

very upset because they didn't have equal access.

I know this is very important that everyone at least has representation. And, again, it's back to perception. Other than that, there's no question the way we're going with this excellent approach will get the job done and respond to the commissions and NRC and so on. That's my point. Thank you, Mr. Chairman.

CHAIRMAN PATE: Okay, thank you, Pat. I think it might be more helpful to let Bob go through the paper very briefly, and then we will get back to comments from the Board.

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. As Pres mentioned at the outset, the background paper that I'm going to go over was included in your briefing materials. There is a cover memo in the document dated July 24<sup>th</sup>.

It's entitled, "Summary of Session to Address Improvements to the Recreational Fisheries Data". That's the title of the document. What this is, almost two years ago to the day we had a workshop of the Policy Board and a number of outside folks, and Dr. Hogarth came and gave a brief presentation on the status of the MRFSS Program and potential improvements to that program.

What this document does is the first couple of pages is a summary of the discussion and recommendations by the management boards. The remainder of the document is – it begins on Page titled, "Appendix Number 1. It is the discussion paper that was used during that workshop to frame the opinions around the table and provide the feedback to the National Marine Fisheries Service.

So, what I'll do is I'll quickly run through that background paper, and then I'll go over the conclusions that came out of that work group a couple of years ago. Then I guess the question is are those conclusions still valid, do you want to modify those, and what other methods, if any, do you want to bring forward to the workshop in Denver that Vince described a few minutes ago.

So with that, I will start quickly going through the paper. The paper begins with kind of a diagram that describes how it was developed. There's two different columns on the – unfortunately, the pages aren't numbered, but it's the second page of the appendix.

As you can see, we went through the process of reviewing the recreational data with respect to two different dimensions. One was the stock assessment needs, and the other is the fishery management needs.

Within each of those two dimensions, there is a series of four sub-headings that we reviewed with respect to timeliness, frequency, precision, and accuracy of the data that's coming out of the MRFSS Program.

We compared the current data to what the managers and the stock assessment folks would actually need to have the products that they need to be able to manage and assess the stocks as we would like to.

So the document goes on to describe both dimensions, as I mentioned earlier. First it describes the recreational data for use in stock assessments. Table Number 1 and Table Number 2 go into the details of what the current system looks like with respect, again, to timeliness, frequency, precision and accuracy; what is needed to come out of the system; and then what changes would need to take place for the needed data to come out of the current system.

I don't I'm going to go through all the tables that are included the document, but I think Tables 1, 2 and 3 describe the current, the needed, and the necessary changes for the recreation data and stock assessments.

As you keep going through the document, we get into the fisheries management side of things, and, again, Tables 4, 5, and 6 describe what the current system is providing to management systems, what is needed to support the management systems that are in place right now, and what resulting changes would be for current data collection system.

The paper goes on to briefly describe the social and economic data needs that the managers do have and suggest some additional MRFSS additions to collect the social and economic data that could occur every two to three years to get the data needed.

Table Number 7 in the document is some cost estimates. Just to give an order of magnitude, two years ago things were probably a little expensive, but I think the order of magnitude that's included in Table 7 is probably still more or less in the ballpark of what it would cost to get some of these programs up and running.

I think the most important part of the background document, as far as summary information goes or to kind of refresh your memory as to what we were talking about a couple of years ago, is at the bottom of the page that includes Table 7.

At the bottom of that page in italics, you will find Critical Path Number 1 and Critical Path Number 2. We went back to the first six tables in the document and looked at what common themes were coming out of those six tables and six sets of analyses, and the critical paths here are the two common themes that were coming out of those tables.

Critical Path Number 1 is to increase intercept and phone interviews to improve the data precision for all species. So, this is simply saying we need to just bump up the number of interviews that are being conducted at boat ramps and public access areas and those sorts of things, as well as increase the number of telephone interviews that are being done to follow up with those fishermen as well as other fishermen to get a handle on fishing effort out of the MRFSS Program.

The goal of the increase would be to decrease the PSE to between 10 and 20 percent for all of the managed species. The MRFSS Program currently has the PSEs that are below 10 and 20 percent for a number of popular or frequently intercepted species. For some of the less common species, the PSEs are a lot higher, so it takes more directed work and more stratification

of the sampling to go out and decrease the PSE for those other species.

Increasing the sample size is essentially what this is doing, and that would address a number of the problems dealing with accuracy and precision of the data that the managers and the scientists and the stock assessment folks need to do their jobs.

The next critical path is decrease the monitoring and review time of the wave data to one month. Timeliness was a big issue. Currently it takes about two months after a wave is ended to get the data from the recreational system.

So Wave 3 is May and June, for example, that data is not available usually until the end of August. If we could actually get that data earlier, it would allow the managers to react to that and move through their process more quickly.

Some of the species that the Commission manages, in particular with the Mid-Atlantic Council, summer flounder, scup and black bass, the earlier we have that information, the quicker we can react to us in setting up our regulations for the following year.

Decreasing the reporting time or the review time for the MRFSS data would be the next critical path and address a number of the concerns.

The other issue that came up a lot was the fact that we don't have a great handle on issues such as private access and night fishing and upriver fishing. Some of the estuary river system fisheries aren't captured well by the current system.

The current recreational data collection program has some correction factors that it's able to address those particular fisheries, the night fishing, and private access areas.

At the time, coming out of the ASMFC workshop, they didn't feel that addressing those needs are quite as critical at this time as it was to decrease the time to get the data and increase the overall sample size of the MRFSS, which

seemed to be the priority a couple of years ago as we were going through the document.

The document also ends with a recommendation which would be to implement these critical paths kind of for a test case on summer flounder, scup and black sea bass. The states from Massachusetts through North Carolina are the critical states for those species, and it would just be a subset of the overall recreational fishery on the Atlantic coast.

It was just at the time, anyway, a suggested way to see if the benefit is worth the increased price and increased effort that it would take to get that improved recreational data.

Quickly going back to the front of the document, which is a summary of the decisions made by the workshop, which is essentially this Body, they went through a number of issues. Clearly, they noted that the National Research Council and NAS were conducting the study.

That has been done in the last two years, so that is one thing that's different between now and then. There was a fair amount of discussion about the credibility of the current recreational data collection system.

There was a concern that there has been irreparable damage done to the credibility of that program, so improving public perception and outreach is a critical part of restoring confidence in the recreational data collection program that we have right now.

The document goes on to highlight four summary areas that came out of the workshop two years ago. The first is research and development. At the time there was concern or recommendation that there is no independent verification of the MRFSS system.

It was compared to the two-ticket system that we have, or the ACCSP standard is the two-system for the commercial fisheries where you'll have dealer reports and fishermen reports. You should be able to put those next to each other and compare the two and determine if the information coming out of either system is valid.

There is no comparable system for the recreational fishery. The group suggested a couple of years ago to look into things such as bait sales, tackle sales, fuel tax, boat registrations, weather and other datasets that could be used to either confirm or corroborate the recreational data coming out of the MRFSS system.

There was also a discussion of a pilot program for sentinel species. To have a volunteer angler reporting system in place, the Maryland Volunteer Angler System was noted as an example of this going on for their summer flounder fishery in particular.

They felt we should probably go down that road, experiment in a couple of areas with developing self-reporting systems or self-reporting opportunities for anglers to take advantage of and see what data comes out of that system up and down the coast, and compare that to the existing recreational data collection system.

There are also suggestions regarding changes to management programs that we have right now. Maybe instead of fixing or addressing concerns in the data collection program, maybe we should turn it around and address some concerns in the management arena.

These suggestions included using running average of two to three years with the data to dampen data variability; shift from state-specific to regional or coast-wide management measures; and shift from recreational harvest limits to F-based management programs were the ideas that came out a couple of years ago.

Number 3 is continue to improve the MRFSS. Essentially, what this is is buying into the two critical paths that were suggested in the document. They felt at the time that this was probably a good way to go.

And the 4<sup>th</sup> and final comment or area of comment that came out of the workshop two years ago was we need to establish an Outreach Program. A lot of the problems with the MRFSS are actually perceived problems, it's a misunderstanding, and folks not really knowing how the data is collected and where the numbers

come from, and the outreach is a critical part of all this.

Pres, that's just a quick run through of the paper. I can answer any questions of where the paper came from or what came out of the workshop two years ago, and hopefully we can go from there.

CHAIRMAN PATE: Okay, thank you, Bob. Gene, we'll go back to you.

DR. EUGENE KRAY: Thank you, Mr. Chairman. I don't know where I heard this, but isn't some movement afoot within MRFSS to check the nighttime fishermen, recreational fishermen?

Particularly in a species like striped bass, I know in our area where I fished there is a significant number of fishermen who fish at night, and they're never checked. I don't know how they would do it, but also the people who have private docks who bring their boats to their private docks, they're not counted at all.

My final comment is looking at this ACCSP state-by-state licensing, and I indicated yesterday that Pennsylvania is not on the list. I have been told by David Van Vorhees that it's been on the list, but because of lack of funding they don't call.

I think any discussion about Pennsylvania needs to include – I don't know how many recreational or saltwater fishermen we have in Pennsylvania. I don't think anybody does, but I've heard estimates of between 300 and 500,000 fishermen. They fish largely in New Jersey, but also fish in Delaware and Maryland waters. That's a significant number of people that are being missed.

CHAIRMAN PATE: Thank you, Gene. I don't know what MRFSS is doing about actively and currently trying to improve their nighttime fishing, but that was a deficiency that was brought out in the survey that MRFSS does miss that. We have the same problem with our drum fishery at home. A lot of that is prosecuted at night, and it gets missed. Roy.

MR. ROY MILLER: Mr. Chairman, since we're deliberating this particular document and it was prepared in 2004, largely, should we update to reflect the recommendations of the National Research Council?

Specifically, I'm thinking of the recommendation for a registration framework to serve as a contact base for recreational fishing statistics rather than random digit dialing. Should we change this document to reflect that, or are we just going to leave this document pretty much as a historical document that may no longer reflect all of the options?

CHAIRMAN PATE: Well, I guess the purpose of having this workshop originally was to try to get the Board's perspective factored into recommendations of what is necessary to improve the program.

If we want to include those that were made by the NAS report, then I think we need to probably evaluate those individually and see if it's still the consensus position or if it is a consensus position to add those to our report. There may be differing opinions about the National Registry idea. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Maybe in response to Roy's comment, maybe another way to look at this is maybe try to go up a level; and rather than worry too much about whether we want a registry or not a registry, maybe the real issue is should we be taking steps to tightening up and making more efficient the sampling frame that's currently being used to estimate effort.

I think that was what was embedded two years ago when we said – not two years ago, but when the National Academy came out said go to a registry, that's one way to tightening and making the sampling more efficient.

But I think there's other ways as well, and I am not sure that you have time this afternoon to go through the whole list and making those changes. I think there would be consensus of the value and need to tightening the sampling frame, for example, so that might be another

way you could look at getting prepared for Denver, Mr. Chairman.

MR. LAPOINTE: It strikes me that the document we did two years ago and the NAS Study both highlight the need for major changes to the way we gather recreational data, and that should be the goal of that meeting.

I understand it's a little unclear, is to go and just to continue to – you know, it's like the perpetual search for the Holy Grail, to continue pounding on getting a better recreational data system, and what comes out of that I'm less concerned about than the recognition of the need for major structural change and moving forward.

So the old document and the NAS Study, I think both just provide a catalyst for that discussion, I hope.

CHAIRMAN PATE: Any more comments? I guess we don't need any action on this. I guess, again, the purpose of bringing this back was to gauge the comfort level with the conclusions that we had reached two years ago. Gordon, on that point.

MR. COLVIN: I agree. I would extend this offer, and I'm sure Pres and Vince would agree with me, and that is that between now and the time we head to Denver, any one of us would be more than willing to hear anybody's thoughts. Call us up, talk to us, shoot an e-mail and reflect those in the discussions that take place out there, absolutely.

CHAIRMAN PATE: Yes, for sure. Thank you, Gordon, for that good idea. Okay, no more discussion on that item, we will go to Item Number 8, and George LaPointe is going to handle that.

**-- Discussion on Response to Retrospective Bias in Stock Assessment Advice --**

MR. LAPOINTE: Thank you, Mr. Chairman. There's a danger in having commissioners talk about stock assessment stuff. But, when I was talking to Bob and observing from, and gladly observing from afar the difficulty in the fluke fishery and the issue of what I perceive as a

consistent trend in retrospective bias about over-estimating biomass and under-estimating F, I think.

I had a circumstance last as chair of the Trans-Boundary Monitoring Guidance Committee with the New England Council of running into this with yellowtail flounder where the over-estimation of biomass was – I'm going to say – 20 percent, and we made an adjustment for that.

It was consistent over time, and so we decreased the TAC, which was not a popular thing, but it just a recognition that the assessment tools had this built-in bias. I thought that with potentially the fluke situation and, from what I heard this morning, the weakfish situation, it would be worth tasking the Management and Science Committee to see if in fact it would be a valid thing to do to back out the retrospective biases if there is a consistent pattern.

I just wanted to pose that to the Policy Board. You know, this is an issue I've heard about in a number of fisheries, and I'm sure you have as well. So, it's just to bring that idea up to the Board to see whether it was worth the Management and Science Committee's time to explore some management solutions coming out of that.

CHAIRMAN PATE: Okay, thank you, George. Any thoughts on that? Yes, Mark.

DR. MARK GIBSON: I think that's a good idea and a good body to pose this. I don't if there's any consensus in the scientific community as to necessarily why these things happen or what the appropriate response should be.

It would be helpful, I think, for the Management and Science to look into what the state-of-the-art, for lack of a better word, position is on assessment scientists as how these things arise and how the managers should respond to them. I think that's a good body for that to take that up.

CHAIRMAN PATE: Any more thoughts? Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. In discussions that I've had with Dr. Borman, asking him about applying a correction factor, if you will, my understanding of what is going on is when the scientists don't know what is causing the bias; or, the scientists don't feel comfortable in being able to predict what that bias might be, their position is how precautionary or aggressive you want to be on decisions is a policy decision as opposed to a science decision.

And that's why we haven't been getting – that's why they're not comfortable giving correction factors on something they don't understand what the variance is. I think the idea being proposed is a good one with the idea being that we're not going to get necessarily a magic bullet from our science group, but rather frame the issue so that we can apply the policy direction maybe a little bit more than we might have in the past because we thought the scientists were doing it all along, and they in turn may have thought we were doing it.

CHAIRMAN PATE: Gordon.

MR. COLVIN: There's something important I think in what Mark said. There's two issues here. One issue is what's the appropriate response that we as managers should make when we have persistent and consistent patterns of retrospective bias?

I agree with the idea of having the Management and Science Committee initiate a review and submit some advice to us. The second issue is the technical question of how do these patterns arise in our assessment process, what are the underlying causes?

Are they model driven; are they data driven; are they driven by aspects of the fisheries? And if so, particularly in the latter case, are they matters that can respond to management? Now, we've have this dialogue with fluke over the retrospective bias resulting at least in part from some undocumented sources of fishing removal.

That's certainly something we manage once we understand it, so I think it would be useful to get advice on that second point, and it may well be

that Management and Science wants to consult with the commission's stock assessment committee in developing that advice.

CHAIRMAN PATE: Thank you, Gordon. Anymore comments? What we can do is take the comments that have been made by George and Gordon and Mark and frame a charge to the Management and Science and perhaps also the Stock Assessment Subcommittee and give that to them as soon as possible.

#### **-- Consideration of the Formation of Multi-Species Technical Committee --**

Nest on the agenda is Item Number 9, consideration of the formation of a Multi-Species Technical Committee. Bob Beal.

MR. BEAL: Thank you, Mr. Chairman. On the CD-Rom there's a one-pager describing the resource burdens of putting together a Multi-Species Technical Committee. If you remember at the last meeting, we had a workshop on multi-species management.

One of the outcomes of that was the Policy Board felt that the formation of a Multi-Species Technical Committee would probably be the appropriate first step to move from single-species to multi-species management and down that road.

There was concern around the table about what does this mean to form that group; what are the burdens on state biologists, federal biologists; as well as the finances of the Commission.

This document quickly goes through or contemplates the formation of a Multi-Species Technical Committee. In this draft, it would be a committee made of about 14 people. Ten of those would be state and federal biologists that are familiar with the multi-species models and some of the techniques that are going into it.

Four of those members would be menhaden, striped bass, bluefish, and weakfish technical committee chairs, so those would be kind of rotating positions based on their current status or the current leadership of those individual technical committees.

Ten is just a round number, kind of the number of people that have been involved with the subcommittee of the Management and Science Committee that have been doing a lot of work on the multi-species stock assessment work.

As you go down, if you see Table Number 1, if this group meets twice a year and has two conference calls, it will be on the order of \$20,000 to get them together. It's a fair amount of money, but it doesn't bring the Commission's finances to a screeching halt by any means.

We can work it into the budget for 2007, if that's what the Commission chooses. I think the bigger issue is in the bottom paragraph down there, which is the burden on biologists. A number of the biologists that serve on the multi-species working group, or subcommittee as it stands right now, are also biologists that are on a lot of other ASMFC technical committees. Some of them are spread pretty thin as it is, and folks around the table are their supervisors, managers, bosses, and you guys know what their work burden is, and it's quite a bit. If you look at the folks that were on the Management and Science Committee's Multi-Species Subcommittee, those biologists averaged serving about four and a half – well, you know, four and a half was the average number of technical committees that those folks served on or stock assessment committees or other standing ASMFC committees.

So, I think the more important or the more severe burden is on the biologists rather than the finances of the Commission is the take-home message from the quick analysis on what it would mean to form a Multi-Species Technical Committee.

CHAIRMAN PATE: Thank you, Bob. Any questions? George.

MR. LAPOINTE: I'm an advocate of moving ahead with this. I know for my representative who has been working on the multi-species work, Matt Cieri, he would welcome the burden, although he might whine about it a little bit, and he would be disappointed, frankly, if the Commission didn't move forward after the work we've done to date.

CHAIRMAN PATE: Okay, anyone else? Mark.

DR. GIBSON: I, frankly, don't remember these discussions in May, but I'm wondering are there some specific work products that are feasible work products from this group? I mean, what is the timeliness of having to assemble this.

I know there is an interest on the part of some states, and there's some expertise, and we've seen what the weakfish group has been trying to do along some of these lines, but is there some specific work products; and if there is, what is the timeliness of those? How fast do we have to do that?

MR. BEAL: Well, I think the urgency or the timeliness is really set by the Policy Board. Depending on the pace that the Policy Board wants to move forward on multi-species management, that creates the urgency.

At the workshop that was held in May, the current status of science or the multi-species model was described in some detail, and there were a number of caveats or notes in there that there were areas that can be improved, given the additional data that's been collected recently and some additional links that can be included in that model to improve our multi-species assessment capabilities.

Each of the committees -- the menhaden, striped bass, bluefish and weakfish technical committees have been asked to highlight their three or four most important multi-species management issues, and I think there's probably going to be a lot of overlap between those issues.

This multi-species committee would take those issues and start responding to the Policy Board as to what type of information or what analysis can be conducted in the multi-species model to provide answers to those questions coming out of those four technical committees.

So, you know, I think the Policy Board, at their last meeting, realized that we're not ready to move to multi-species management completely, given the state of science, but we are at a

position where -- if we have a multi-species technical committee, there are a number of questions that individual management boards and/or the Policy Board could send their way and ask them to provide some insight on the interactions between different species.

I think that's kind of where we are, but the urgency is really up to this as to how fast you feel comfortable in moving forward.

CHAIRMAN PATE: Okay, anymore comments? Are there any objections to moving forward with this idea? Jaime.

DR. GEIGER: Mr. Chairman, I don't have any objections. I just have a few comments. Again, I think taken in context with some of the other issues we've made about how far our assessment biologists are being stretched among the various technical committees, certainly I want to be sensitive to that and to hopefully avoid, again, doing more with less, okay, given the increasing responsibilities that they will have under the individual management boards.

I think it would be very helpful if somehow we had identified some clear outcomes or desired outcomes that this group would be attacking or engaged in.

Certainly, I think having a committee to serve at the pleasure of the Policy Board is good, but I do think some additional thought on desired outcomes or work products, as Mark Gibson indicated, or specific questions that they would be engaged in would I think allow us to have more robust discussions, as well as I think give more appropriate thought about who, when and how. Thank you, Mr. Chairman.

CHAIRMAN PATE: George.

MR. LAPOINTE: I think that's a good idea, but we're kind of in a cart before the horse kind of situation. I'm not sure of the questions we're supposed to ask, but I think they might know some of them.

I think that if people are uncomfortable with taking a full step, we should get some folks together, some of these very folks, just to say,

"What do you think the important questions are?"

I think they're ones who will better be able to articulate that than we, and then come back and see if that's, then, worth spending a continual amount of time or dedication of staff on the part of our commission member states.

CHAIRMAN PATE: Okay, thank you. What I'd like to do, unless there's objection to it, is to go forward with this idea and task the Management and Science Committee at the October meeting to review the potential work products that would be assigned to this group and the assistance that they could give to the Commission.

Assuming that we will get favorable reports from that effort, we will work into the budget for next year the operation of this new committee. If there's no objection to that, that's the way we will proceed. Thank you.

**-- Discussion on "Script" to Improve Meeting Efficiency and Consistency --**

You have been handed out the paperwork for the next agenda item, which is Number 10, a discussion on a script to improve meeting efficiency and consistency. Bob.

MR. BEAL: Thank you, Mr. Chairman. As Pres mentioned, you guys just received this document. It's been developed over the last couple of weeks. Toni Kerns did the heavy lifting on pulling this together.

The genesis of this document was, if you recall, at the spring meeting in May, there were a number of discussions at the Policy Board and at the Executive Committee dealing with how we manage our meetings, public comment.

At the Executive Committee, there was concern or the idea of the letter from Julia Huff and some proxy issues were brought up, and that kind of evolved into some discussions about opportunities to more efficiently run the way the Commission works.

This document spells out or addresses four separate issues. The first is public comment guidelines at board meetings. There's a little bit of background about concerns over board meetings becoming public hearings and not public meetings.

There's definitely a big difference between those two. There is some draft language in italics on Page 2 that staff has put together, suggested language to control the expectations of the public participating in our meetings and let them understand that the meetings are open to the public, we have a finite amount of time for public discussions at the meetings, and we'll do the best we can to give folks the opportunity to comment, but we're not going to be able to accommodate everyone talking for as long as they want. So there is draft language there.

The next issue that's included in this document is a statement on voting at board meetings. As you all will recall, the Commission has approved a modification to its procedures which prevents meeting-specific proxies of legislators and governors-appointee commissioners from voting on final actions that the Commission is taking.

There was some concern that we need to clarify that up front at board meetings when final actions are going to occur rather than right before we're about to vote kind of say, "Oh, yes, and by the way, meeting-specific proxies, you're not able to vote on this." This is just to kind of, again, control expectations and let folks know how the meeting is going to be run.

The third issue that's addressed in this paper is guidance on advisory panel chair's participation at the meetings. Some of the minutes from the May meeting reflect concerns that some of the advisory panel chairs were switching back from representing the advisory panel to representing their personal opinion, and it was difficult for the folks around the table to determine if they were talking about their own personal opinion or representing the opinion of the advisory panel.

So, there's, again, some draft language in italics, kind of potential boilerplate language that could be addressed by the board chair at the outset of a

meeting to control or to provide guidance to the advisory panel chairs on participation.

The fourth and final issue addressed in this document is staff presentation of public comments. As you all know, we have gone through menhaden and a number of other really popular public issues where we received 25,000 on the issue there; we got 8,000 or 10,000 on the horseshoe crab issue recently.

There was a fairly lengthy discussion at the last meeting of what is the best way for staff to convey all the comments that we do get at the Commission on public issues. Some board members felt we were giving too much detail, and they should just be essentially left with the pile of documents and spend their time looking through those.

Some folks felt that we should maybe even give more detail and go through the presentation in greater depth, describing the letters and the comments that we do receive. There is a description of kind of the middle-of-the-road approach included in this document.

I think having the policy out there as to what folks can expect when they do send a letter to the Commission or send an e-mail or whatever it is, they know what will happen and how that message will be conveyed forward to the management board I think is an important thing as well.

The final page is Appendix 1. It's just a summary table of how we've summarized public comment for a summer flounder issue that seems to be a fairly efficient way of conveying what came out of public hearings up and down the coast, as well as the letters that we received.

Those are a number of pretty important issues that are introduced in this paper with some draft guidance or draft recommendations from staff on ways to move forward. I assume the folks around the table may want more time to look at it.

CHAIRMAN PATE: Thank you, Bob. What I'd like to do today is entertain any level of discussion that you think is necessary for this meeting, with the understanding that we'll take

that discussion and comments into account with modifications to this document to be brought back to you at the October meeting.

There's some important issues embedded in this paper with some really good recommendations for measures that will add some clarity and consistency to our process, which is always very helpful and I think extremely important, particularly as those of us that Eric Smith characterizes as "graybacks", at one point, move on, to have some structure to the process that can be used by those that follow us into the future. So, any comment? Dennis, I had you down.

REPRESENTATIVE ABBOTT: Yes, thank you, Mr. Chairman. I have comments on the first three issues. As we all know, we should listen to as much public comment as we can, but we also have to be aware of the trouble and expense people go to to come to our meetings, so we have to be very careful about excluding them.

I think that along those lines, in our agenda we should have some statement to the public to the effect of whenever possible they should have prepared statements given to the board members for their perusal, so that they don't have to get up and say the other guy said the same thing when they have spent hundreds of dollars coming. I think a statement in our agenda or someplace might be helpful.

On the second issue regarding the meeting-specific and permanent proxy, I think we all understand that, but I'm afraid at some point, if someone wanted to press the point of whether somebody was meeting-specific or permanent, they could just arrive on scene and say, "I'm now the permanent proxy." That could be a concern in the future.

Regarding the advisory panel chairs' participation, it hasn't, I think in my view, been a problem where people express their own opinion versus that of a board. Is it not so that if the advisory panel hasn't had a meeting between the meetings or whatever, why should they appear with a presentation?

Where would they arrive at that information, so I question sometimes whether there's a need of having the advisory panel chair present if there hasn't been an advisory panel meeting. Also, along those lines, when do we need the presence of law enforcement if we didn't talk about, at meetings, whether law enforcement is necessary to be present for each of the board meetings?

Is that something we shouldn't examine? That's all I have. On the fourth one, I think it's very good how – I'm very pleased with how staff has been handling the multiple comments and presenting them to us in a condensed fashion.

CHAIRMAN PATE: Okay, thank you, Dennis. Gene.

DR. KRAY: Thank you, Mr. Chairman. Dennis touched on some of the things that I wanted to talk about. Maybe I'll put it in the form of a question. When does a permanent proxy – I call it ongoing proxy – I'm trying to differentiate between an ongoing proxy and a meeting-specific proxy.

If, in our case, Representative Schroder identifies my colleague here as his ongoing proxy, then he is not a meeting-specific proxy; is that correct?

MR. BEAL: Yes, that is correct, Gene.

DR. KRAY: All right, but if a person is a meeting-specific proxy, and he comes for three, four or five meetings in a row, does that automatically make him a permanent proxy, or does he have to be designated as a permanent proxy?

MR. BEAL: The commissioner would have to designate that person as their ongoing or permanent proxy. If prior to three meeting weeks in row, for example, a legislator appoints the same individual coincidentally for three meeting weeks in a row, but they're meeting-specific each time, it doesn't, by default, make them a permanent proxy. It's still a meeting-specific proxy. It's just been repeated for multiple meetings.

DR. KRAY: Okay, that's great, thanks, Bob. My last comment is it's a great job with this. Pres already indicated that we're going to review this again at our October meeting. This will be given to all chairmen of boards to follow, some of the script here, in terms of the openings of the meetings, et cetera?

MR. BEAL: I think that's the intention, Gene, is to create this as boilerplate language. There may be certain situations where not all of these have to be read into the record. If there's not a final action, we don't need to comment on meeting-specific proxies for that meeting.

While I have the mike, real quickly, the comment on one of Dennis' points about the meeting-specific proxy becoming a permanent proxy at a meeting, I mean, that clearly can happen. The one safeguard against that is that commissioners can only change ongoing and permanent proxies one time per year. If they do that, then there are some potential consequences down the road of that person serving longer than they think.

CHAIRMAN PATE: A.C., did you have your hand up?

MR. A.C. CARPENTER: Thank you, Mr. Chairman. My question was dealing with the proxy. It seems to me that unless the proxy is the only person at the table, it's pretty much a moot issue, since it's one vote per state. Whether you're meeting-specific or not, you're going to caucus with your state and somebody is going to cast a vote. If you're the only person at the table, then it could be a problem. I would think that is more a situation where the coordinator for a particular board would have a list of who those people are available to the chairman to refer to during the meeting, which could handle that sort of situation.

EXECUTIVE DIRECTOR O'SHEA: Well, there's another implication there, Mr. Chairman, and we have seen it in the past. That is within the delegation, if one of the proxy commissioners is precluded from voting within their delegation; doesn't that then lead to null vote; or, it could lead to null vote. So, it could affect the outcome of the state.

CHAIRMAN PATE: Yes, I think you're right. Okay, Pat White.

MR. P. WHITE: Thank you, Mr. Chairman. I still am a little confused about the difference between a public meeting and a public hearing, and I don't think I'm alone. A couple of other commissioners have spoken to me about that.

Having been a board chair, if somebody could clarify that a little bit for me -- as we begin development of an amendment or an addendum, I can see where we would entertain public comment.

I get more confused when we come into a final action, and yet again expecting the public to come down, if they can afford it or not if they can't, and having a voice in our final decision after we have gone through the public process, seeing written public comment, how much -- and I know it's at the will of the Chair, but how much time are we required to spend in that process on a final action?

CHAIRMAN PATE: Well, there's probably a couple of question in there, Pat, and I'll make my stab at trying to define the difference between a public meeting and a public hearing, based on the experience that I've had running both through the years.

A public hearing is a much more structured process that is necessary to carry out a regulatory or statutory mandated decision-making process, where you advertise the opportunity for folks to come in and address the Commission and comment on a specific proposal and keep the records associated with that meeting and reflecting the input that you received from those comments, as opposed to a public meeting, which would be developed in a much more generalize sense to take less formal input from the public on perhaps a variety of subjects at any time where you're not compelled by regulatory guidelines or statutory guidelines or recordkeeping requirements as much as you are an interest in getting input from the public.

Sometimes there is a gray area in between, and it's largely the discretion of the person that's handling the meeting how strict the guidelines

around the public meetings need to be in order to accomplish the intended purpose. But, one is much more structured and formal than the other.

MR. BEAL: Commenting on your second point or your second question, what are we obligated to do as far as time for public comment at meetings, none of the Commission guidance documents provide or describe an exact amount of time.

I mean, I think a public comment opportunity is included, and it's been the practice to include that on all of our agendas. They are public meetings, but there is not clear guidance on how much time should be set aside.

I think the clear purpose of the meetings during a meeting week like this is to make decisions. We've gone out to public hearings, we've usually gone up and down the coast and talked to the fishermen or at least afforded them the opportunity to provide feedback to the management boards.

The purpose of the management board meetings during these meeting weeks is not to hear continual pleas from the public or last-minute arguments on which way the board should go, but I think the purpose of those meetings is for the folks around this table to make decisions while the public is in the back of the room to monitor and make transparent the deliberations of the boards as you guys go through your business. I think a brief public comment opportunity has been our practice.

CHAIRMAN PATE: Did you get what you need?

MR. P. WHITE: I just wondered sometimes if we are pressed for time and recognizing that we want to get public comment, if at an action time we could make some statement like "Does anyone in the public have new information that hasn't been discussed today" or something like that that would cover something like that and still allow that expression?

CHAIRMAN PATE: Thank you, Pat. Gordon.

MR. COLVIN: Thank you. Staff has done a real good job here, and I'm almost of a mind, if we could, to proceed on this right away, but I recognize that a lot of folks want to spend a little more time with it.

On this issue of meetings, I think Dennis was getting at this, and I think it's a real good point. We need to have something to say ahead of time to all of our stakeholders and attendees about what goes on at board meetings and what is in order and what isn't, so that it isn't left up to the board chairman at every meeting to have to articulate a policy that is in place.

The world should know that before they buy their airplane tickets, basically. I think that would be real helpful. We talked about this a little bit after the New York meeting with the dogfish issue that there are times when we learn ahead of time that a constituent group or groups has some intention to appear, and I think that we can intelligently address that process by approaching them and working out a plan of communication under those circumstances ahead of time, and, again, have the meeting run smoothly and efficiently and prevent the board chairman from having to deal with issues ad hoc during the meeting.

That doesn't have to be written down in a policy, but I think as a practice that's something we all ought to recognize; and every commissioner who might potentially become aware of something like that is in a position to help facilitate that kind of an intervention. I think that would be helpful.

CHAIRMAN PATE: Okay, thank you, Gordon. Eric.

MR. SMITH: Thank you, two quick points. I like how this is evolving very much. I think it's a great job, and in particular I wanted to say I like how the staff has handled the presentation of public comments in the past. I find myself having to say that repeatedly since my last gaff three or four months ago, so I wanted that on the record.

My other point, though, is I like very much the sense of what I'm getting here, because at first I

read this – and I’ve had this same concern with the New England Council when I was vice-chairman, and we tried to find a way to deal rationally with the public interest in commenting versus how much of our decision-making time it took up.

Even in the italicized large paragraph in the middle of Page 2, when we say something like “the public will also be given the opportunity to comment on items on the agenda at the appropriate time,” I’m not sure we want to send that signal.

I think we ought to say they may have the opportunity, but it’s always subject to the Commission, and that’s the rest of this, to determine how much time of our – it’s hugely expensive in time and money for us to all come together and make decisions, and that’s our principal function, as Bob just pointed out.

The public comment should be to enhance our ability to do that, and that’s our call. I always say with the New England Council Meeting, one of our difficult spots is over time people got used to – all they had to do is this, and they knew that somebody was going to call on them to talk, and that’s the wrong way to behave, and we should avoid that.

So, in general, I like this, but I would say we ought to filter our idea on how we communicate this in such a way that we clearly say it’s our call to figure out how much – and it says that. I’m not being critical, but make sure it’s crystal clear that you know that – like Gordon said, you get to watch. You may get to talk, but there is no guarantee that you get to talk. Thanks.

CHAIRMAN PATE: Mark Gibson.

DR. GIBSON: This would have been very helpful, by the way, had this been done before I had to be a freshman chair with the Summer Flounder Advisory Panel. The public comment part – the intent here is there are two places for public comment, and the first one is the general comments -- usually it’s Agenda Item 3 -- and it’s my understanding that those are for an opportunity for the public to address the board on issues not on the agenda.

The second point is when there is a specific board action contemplated, and the board has had its first round of discussion, then the public can comment on that specific action. That’s my understanding as to how it’s supposed to work, but I have observed several times, including this week, that the general comment period was open to discussion on issues that were going to come up later in the meeting. I’m just want to be clear that we’re all going to operate on this particular format.

CHAIRMAN PATE: Thank you, Mark. You’re not the reason we’re doing this, by the way. John.

MR. NELSON: Thank you, Mr. Chairman. I think Eric’s point was very good, and I hadn’t caught that before, but saying the public may be allowed to make comments on specific motions I think is a good catch.

I agree with Mark as far as this will help define when people should talk. I noted also this week that we had times when the statement was said, and then folks got up and made comments about things that were on the agenda because they wanted to make general statements about their position, and then they didn’t necessarily do that when a specific motion came up.

I think it’s a balancing act sometimes to decide when do you want to allow them to make their overall statements; and then if they want to make a statement in regard to a motion, but I think this helps overall.

I think the other points in here will also help provide guidance to a freshman chair, if necessary, and experienced chairs also. I think we are on the right track.

CHAIRMAN PATE: Okay, thank you, John. Jaime.

DR. GEIGER: Thank you, Mr. Chairman. Again, I commend the staff on putting together a very excellent discussion paper. I think many of the comments that have been made sort of cover some of my questions or my comments.

I do think having the opportunity for the general public to provide written responses in response to specific agenda items is very helpful and productive, and I think it will eliminate a lot of redundancy.

I also caution us that, again, not fall into the trap either to welcome public comment or you do not. If you start using weasel words such as “may”, then I think you are crossing that fine line. I do have some concerns about that.

I think the strength of this outfit is to provide public comment on specific agenda items as laid out by this draft guidance. I think that’s very productive. I think that also lends to a certain inclusion that people’s comments will be considered, and I think that is very positive.

I think the guidelines for the board chairs are extremely important. I think that’s going to be consistent and constant across all the boards. I think that is going to make it a lot more effective and efficient meetings and maximize the time.

My last comment would address the times for specific board meetings and the appropriate balance between public comment and then the time for the boards to do the work that they need to have.

I think we have been somewhat rigid in that, and I think we have seen some flexibility to modify that rigidity. We have a time certain to do our business; we all realize that; we have an obligation to try to keep the trains running on time.

But, also, I think it’s been valuable on some cases where boards, of necessity, have gone over their allotted timeframe to allow additional public comment, and I think that’s been very productive for the overall results and actions resulting from the board. Thank you.

CHAIRMAN PATE: Thank you, Jaime. Jack.

MR. TRAVELSTEAD: I think everyone has made most of the points I wanted to make. You know, it’s always bugged me that the staff puts out a very concise press release on the public hearing process whenever we’re considering an amendment or an addendum.

It identifies all the public hearings in all of the states. It very clearly states the public comment period with an ending date, which is always well before the board meeting where we’re going to meet to consider all that; and then we arrive at the board at a particular state’s location, and we decide to take more public comment.

I’m afraid it gives people in some of the other states the feeling, well, if you have the financial ability to travel to that meeting, you know, you get one last shot at the board to be heard; and those that don’t have that financial ability or time, too bad, you’re not heard.

One thing that might help is on that press release that goes out, that we identify the meeting at which the board will hear this sum total of public comment and, you know, make it clear that board may or may not be able to take additional comment at that meeting, just so the public knows what to expect up front.

CHAIRMAN PATE: Thank you, Jack. Vince.

EXECUTIVE DIRECTOR O’SHEA: Thanks, Mr. Chairman. The comments that were just made by Jack Travelstead, it occurred to me, listening to what is going around the table, that I think in general we’re really talking around the overarching issue, and that is what is our policy on public comment.

So, for example, the idea of encouraging the public to turn in comments to the board in lieu of appearing before the board, in a way, conflicts a bit with what you just said in the fairness issue of if you put it in within the date in the press release, you get buried with 3,000 public comments, but you come in here in the room and you go right to the head of the line. That’s Problem Number 1.

Problem Number 2, in the past we’ve heard loud and clear from the boards that you would like everything on the CD so you would have adequate time to prepare it. We’ve tried to cut down the supplemental mailing to you guys, and it’s difficult for us to do that. Trust me, we’re trying very hard to do it.

But, again, that public comment thing is more stuff that you have to process in a very short period of time. I think also that there are folks here that have been around this process so long that are in the audience, that as we get into the sensitive subject, may feel that we're actually trying to exclude the public.

I think the Commission is different from a lot of other processes by having a very strong public hearing process in that on controversial issues we have the hearings in the states with almost no limit on the amount of time that people can come forward and express their opinion.

So, I'm wondering, Mr. Chairman, if it would be helpful as part of this exercise for us to take a crack at sort of developing a two- or three- or four-sentence policy statement about what our public process view is; that would then give some context to the rules that we're in the process of trying to build right now.

That's really what we're doing is we're trying to put together rules, and I think it may be helpful if we're all on the same page.

CHAIRMAN PATE: Based on what I'm hearing, Vince, I think that's an excellent idea, so we'll make those changes. Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. As I was just mentioning here to my colleague, I look upon these two things as public statements at a public meeting versus public comment.

There is a distinction inside of that, that actually in one case your public can ask questions of which you either feel obliged to respond or answer versus where, okay, we'll take your comment as it is, but no response is absolutely needed. In essence, in my mind, there is a clear distinction the two.

CHAIRMAN PATE: Thank you, Bruno. A.C.  
MR. CARPENTER: As this discussion has gone around, I'm drawn to the idea that I fell into the trap yesterday of asking for public comment and then had three people get up and two out of three get and give specific to their position on the issue coming before the board.

I recognize that public opinion and public input is essential, but have we thought about the idea of instead of Item Number 3 on the agenda, public comment, have a statement by the chairman that says, "As each issue is debated by the board and before the board votes, we will receive two minutes of public comment on the issue specific to the motion."

At the end of the meeting, there is an item called "Public Comment" for anybody that has anything they want to say to board which has not been covered under the agenda at that point in time.

You're not taking away the right of public participation, but you are ordering it so that you receive it after the votes have been taken on the other issues, and you're not hearing the same thing twice. It's a thought.

CHAIRMAN PATE: Which is opposite of the way that we're doing it now in terms of the timing on the agenda, and that's generating some comments out of order, is what you're making. George.

MR. LAPOINTE: Thank you, Mr. Chairman. I think we need to be cautious and not get too prescribed about how we do this, because if you have a sturgeon meeting, two minutes of public comment is great. At a menhaden board, it's not.

We have to try to discipline ourselves without getting too rigid, and I think that's important. Jack Travelstead raised an issue which we have addressed in the state, and that is that we have an official public comment period, and at the state we no longer take comments when we're taking final action on a regulation, because it's actually comment outside the public comment period.

And as my assistant AG described it, he said, "It's akin to falling in love with the last woman you danced with as opposed to remembering who you're married to."

The difference, as well, at the state level compared to here is we don't make changes to our regulations at the end, and that argues to allowing public comment at the end, because we

come here and have an addendum on lobster or herring or something and we're debating final action before we take final action.

I just think we need to be cautious and try to make people efficient, but not get so rigid that in fact we cut the public off, because, as we heard this morning when your boss was here, that isolation hurts us as well.

I think the paper is a great start, but I think it would merit all of our bringing it home and stewing on for a while before we make final decisions.

CHAIRMAN PATE: Thank you, George. I have got four more board members to speak, and then I would like to move on unless someone really has something pressing and new to add to the discussions. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. George was hitting upon the area and direction I was going. It just seems to me when we have a basic outline of an agenda, the idea is to look at your audience and see how big it is, how emotionally charged they are, and I think that may give you a sense of whether you need five minutes, ten, fifteen or twenty minutes.

As most of you know, I am pretty curt at some of the comments that come in, but all I have tried to do is try to keep the meeting focused on what the issues are. Maybe if we spent more time doing that, trying to keep focused on the issues as opposed to allowing any board or speaker to get off the track, I think that will develop and bring in the efficiencies that we're looking for.

I think George is right on target. People come here to a meeting, if they have a comment to make, whether it's "I'm glad I'm here" or whether it's "You're going in the wrong direction", let them say it, get it out.

We talk about being open to the public, an open process, and the minute we show the sense that we here, say, "Hi, goodbye," and it's over, I think we lose that bond that we're trying to develop with them, that feeling of, yes, you're a part of it; you've heard it, and you can't

participate as these motions develop and as the whole process unfolds.

So, in my opinion, I think we've got to reach out and our arms around them to try to convince them with what brief time we have and the comments that our board members make on the issue, and as we scope into whatever our final decision is going to be, so they have an understanding of the process – and I'll only use one example.

I watched those Greenpeace people the other day. They came in here militant. The girl got up there and put her hat on, but she was very serious about it, and she said her piece. I watched the folks back there, a bunch of young folks that had a t-shirt on, with one person probably in his mid-thirties or early forties.

And they stood there humbly; and when it was all over and as the process unfolded, if any of you were really paying attention out there, you could see the air go out of their balloons. When it was over, they walked out and it was over.

There was no cheering, shouting, no nothing. They finally got the picture; they got the message. I think they developed a sense of what we're all about. So, I think we have got to walk a very fine line when we start getting very black and white and being extremely curt.

A basic guideline, as George started to point out, is going to be very helpful. I know I use the agendas as my tool. That's all I have to say on the subject. Thank you, Mr. Chairman.

CHAIRMAN PATE: Dennis.

REPRESENTATIVE ABBOTT: What I wanted to say, it struck me through this conversation is we ask for public comment on topics that are not on the agenda. Oftentimes, we have a busy agenda and we struggle to get through our time.

Although I haven't seen it as much of a big problem with having people talk before the meeting, it doesn't make as much as sense to ask for comments on things that aren't on the agenda ahead of our agenda.

It's good to have this, but I think it should probably follow our agenda. If we have time at that point to take it up, we should, but not have that preempt what we really came here for.

CHAIRMAN PATE: Yes, that's pretty much the same thing A.C. was saying. That's a good thought. Roy Miller.

MR. MILLER: Thank you, Mr. Chairman. Not to belabor this, but this has been a very helpful discussion for me serving as a chair, as I do, of a board that attracts a lot of public participation; namely, the horseshoe crab.

I think of all the suggestions I've heard, they've all been helpful, but I kind of like Mark's the best. He suggested the mechanism, if I could rephrase what he said, of inviting public comment at the beginning of the meeting on non-agenda items.

There might be something during the course of our meeting that we will want to consider that was brought up at that public comment period, rather than invite those comments at the very end of the meeting when everyone is anxious to get to the next board meeting or to lunch or whatever, and there wouldn't be any time to address an issue that was brought by the public; and then, of course, inviting public comment on each item to be voted on.

So, of all the suggestions I've heard today, I kind of like Mark's the best. Thank you.

CHAIRMAN PATE: Thank you. Well, I think we've got a sense of some conflicting ideas, at least, and I am not even going to attempt to summarize that, other than saying I appreciate everybody's input and recognition that this can be a very important and useful tool for us to use.

I am going to work with the staff in trying to incorporate all these ideas into the next iteration of this, which will be sent out and available to you for consideration and approval at the October meeting.

**-- Review Problem Statement for the Ad Hoc Committee on Allocation --**

So, with that, we'll move on to the next item on the agenda, which is Number 11, a problem statement on allocations. Bob.

MR. BEAL: Thank you, Mr. Chairman. At the February meeting of the Commission, the Summer Flounder, Scup and Black Sea Bass Management Board was dealing with a number of allocation issues. The discussion at that meeting was that some of the things they were doing were maybe precedent-setting for the Commission.

There was some concern around that table that maybe they're not – maybe one management board shouldn't set precedent for the entire Commission. What they recommended to the Policy Board was that a subcommittee or ad hoc committee be formed to deal with allocation issues.

At the February meeting we had a brief discussion on that. I believe there are some volunteers. I think George volunteered; Bruno Vasta; Gene Kray; and Pat Augustine. I think they were the four volunteers we had at that meeting to serve on that subcommittee.

We can put more folks on there if and when we go through problem statement and folks are interested. The idea was that in order for that group to do their job, they need to figure out what the Policy Board expects of them.

The problem statement that is written here is the first stab at kind of crafting the guidelines for that subcommittee to work on. There should be extra copies in the back of the room. It's a one pager.

I'll just actually read the problem statement; it's only a few lines long: "As stocks rebuild, a number of allocation issues are evolving that were not anticipated in the development of a plan. Many boards are confronted with exploring rationale other than historic landings to allocate available resources.

"Reallocation of a finite resource has historically resulted in states or sectors receiving an increased share at the expense of others. Can a skeleton model be created to be the basis for

solving these allocation issues to create consistency across species boards?”

The problem statement makes note that the majority of our allocation issues are handled based on historic landing data. The farther we get away from that historic landing data period, the less similar it is to the way the fishery is currently being prosecuted.

The recent landing period for a lot of our species is kind of artificially modified by the quotas and allocations that we currently have place, so you can't use more recent years worth of data.

The idea is that there are likely other ways that we can allocate the finite resources that the Commission manages – what should those be; how should this ad hoc group attack that problem; and what sort of skeleton can they come up with that can be used to apply to different situations and different species is the notion for this group to deal with.

So, this is, as I mentioned, the first shot at developing a problem statement. We can modify that based on the comments around the table, and we can round out the committee if folks are interested in serving on that committee, as well.

CHAIRMAN PATE: Bob, as I understand it, this group has not met yet? This is an attempt to provide them some guidance when they do meet.  
MR. BEAL: Yes.

CHAIRMAN PATE: Okay. Yes, Gordon.

MR. COLVIN: I was not present at the board meeting at which this was last discussed and probably would have made this observation at that time had I been, and that is this will be the second bite at this apple.

Some years back, under a different Commission chairman, that chairman created a committee of a similar nature with a similar mission; and largely because of the failure of leadership on the part of that chairman, who is the guy talking, it didn't work the way we hoped it would.

So, I have no illusions about how hard a job this will be, but I certainly agree that it's important and it's worth the effort. I would encourage the poor, beleaguered members of this committee to consult with folks who have done this before.

I believe Dennis Spitsbergen chaired that committee, if I'm not mistaken, and I would certainly want to get the benefit of Dennis' experience and advice on this subject, as well, and give it a shot.

I think everybody knows some of my opinions on this subject. I think we do need to look at measures other than historic allocation and not just ways of dealing with history but also measures other than historic allocation as the basis of whatever allocations we make. I wish the committee well, and I offer to sit with them, but I don't offer to be a member of it.

CHAIRMAN PATE: Eric.

MR. SMITH: Thank you. I think this is one of those things that has to happen, and I also think it's going to be one of those things that's very hard to do, as Gordon has alluded to.

In the statement itself, in the last sentence, I think consistency was one of the goals that we looked for. The other one was – and I have tried to write to figure out the right way to say it, but we also wanted to find a way to do this in a way that didn't create fratricidal behavior.

We are trying to keep the Commission members in a good place with themselves because it's some of the most frustrating and aggravating things we do, and some of our fluke examples back in time are good examples of how, in spite of everyone's best effort to do it, it does leave hard feelings when you have these discussions when it's species-specific.

I think that's why it's a good idea to have the committee look at it without any one issue in front of them, but the goal ought to be find a model, if we can, that we buy into so that nobody feels like their ox is getting gored, to the extent possible, because I'm not sure we can ever be perfect in this.

So, it's a different part of that goal that I think that is important, that when we get done with any one of these efforts, we always want to make sure that we're all friends and we're all working together again in the future.

The other thing I would say is no disrespect to the four folks who volunteered the last time, I would think that ought to be broadened a little. As I remember the names of the four people, I think they were all legislative appointees or governors' appointees, and that's fine.

Because most of our quota-share systems end up being state-share systems, the state agencies get dragged into this whether they like it or not. So whoever ends up being on the committee, it ought to have a couple of those folks, too, because they bring a perspective that's going to be regulatory and hearing all sides and dealing effectively with their brother and sister states, and that's all important, too.

CHAIRMAN PATE: Okay, Mark.

DR. GIBSON: Thank you. The first suggestion I have is probably the last sentence, there is a question of should it be turned into a statement, something along the lines "that policies should be developed to serve as the basis of solving these allocation issues".

And then the second suggestion I have is the first cut this group might have is to look at some of the factors by which federal aid is allocated to states. There are a number of factors that go into sportfish formulas, number of individuals, shoreline distance.

There are all kinds of formulas that currently exist for distribution of U.S. Fish and Wildlife Service Sport Aid or NOAA grants, so that might be a place they could start to look at some of the other factors that might be utilized.

CHAIRMAN PATE: Thanks, Mark. Anyone else? Any volunteers to expand the breadth of experience and knowledge of this group? Eric, I thought you were leading up to that with your comments earlier. Eric and Mark and Kelly Place. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I appreciate the remarks about how difficult this would be, but also for the group, as I thought about this problem a bit, by words of encouragement, of considering an approach that looks at principles first, trying to identify principles.

Those might be something as simple as should a principle be that we reallocate fish over a certain historic level rather than try to reallocate those historical levels, to take some of the sting out of this.

Another one may be the commitment of a sector to conservation, does it jeopardize the future role of participation in the fishery? And, again, I'm not trying to nominate those, but just the idea initially of looking and see if there's some common overarching principles that might help this group get started.

Otherwise, I think we all recognize the danger of just getting sucked into trying to solve world hunger. That may have been the frustration that other groups have had with this. If you only came out with the principles, that would at least be better than what we have right now. I think that is what is driving this. Thank you.

CHAIRMAN PATE: Thank you, Vince. Well, I think we've got enough to work on that. I appreciate those that have volunteered for doing so. It will help out the process quite a bit, I'm sure.

**-- Update on Habitat Committee Response to National Fish Habitat Initiative --**

Okay, we'll move on to Agenda Number 12, which is an update on the Habitat Committee response to the National Fish Habitat Initiative, and Jessie Thomas is going to be giving that.

MS. JESSIE THOMAS: My name is Jessie Thomas. I'm the new Habitat Coordinator, in case I haven't met you. It's good to see you all from this side instead of from the back. I'm just going to go through a little about what we've been up to as far as the National Fish Habitat Initiative is concerned.

As you might recall, in May 2006 Dr. Geiger proposed the development of the fish habitat partnership under the National Fish Habitat Action Plan. This Policy Board charged the Habitat Committee with the development of a partnership.

After that meeting, we had two conference calls between the Habitat Committee and the National Fish Habitat Action Plan organizers. Through that basis, they sorted out kind of what the general idea was behind the partnership.

Since the National Fish Habitat Action Plan just came out and the board isn't established yet, things are kind of tentative, but we have been trying to work through it to figure out how we can get a partnership going.

We decided to form a working group. Since that time, the working group has had two more conference calls in July to see how we should move forward with this partnership. We've decided to focus the fish habitat partnership on the restoration and protection of habitat for diadromous species, because we manage a number of diadromous species, and it seemed like a good place to start to most of the folks.

So, in addition to that, we've more or less decided that the concentration of the partnership, to start out with, will be on the saltwater interface areas, because diadromous species all cross through those areas in reaching those habitats.

They are often juvenile nursery areas for a lot of the diadromous species. They are also pretty impacted by human development and that kind of thing. Our plan right now is to start off with that, although these ideas haven't been approved by the Habitat Committee yet.

This is just what the working group has been pulling together. Currently, the National Fish Habitat Action Plan Working Group is reviewing a strategic plan for what we're not calling the Atlantic Coastal Fish Habitat Partnership.

I put that strategic plan together, and the working group is currently reviewing that. The

full Habitat Committee is going to review that in September at their meeting in Annapolis. Then from that point, they'll decide how to proceed.

Our plan is to, at a minimum, have the strategic plan available for Policy Board review at the annual meeting in October. I can take any questions. Thank you, Mr. Chairman.

MR. LAPOINTE: Thanks, Jessie. Questions? Jaime Geiger.

DR. GEIGER: Thank you, Jessie. Jessie, could you just mention to the board who is on the working group, please?

MS. THOMAS: Yes, Karen Chytalo, Chris Powell, Tom Bickford, Bill Goldsborough, Doug Brown, myself, Wilson Laney. I think that might be it. We've been working with some folks from U.S. Fish and Wildlife Service, primarily Ron Howie, but some of the other folks and also some additional NOAA folks, in and out, that have been helping us out, to sort of sort out the process. There doesn't seem to be one quite yet.

MR. LAPOINTE: Jaime, follow-up.

DR. GEIGER: Thank you, Mr. Chairman. I really appreciate the hard work that Jessie and you all doing to pull this together. I think you all are off to a great start. I would urge each and every one of the commissioners to stay engaged in this process, to ensure that you're getting updates from the various working groups, as well as the full habitat committee.

I think what we're seeing from some of the other pilot joint ventures is that the mainstream directors are not fully engaged in this process. We're seeing that with the Eastern Brook Trout Initiative and some of the other joint ventures.

I think the ultimate success is the more information and communication you have with both representatives and the habitat committee and the more engaged and informed you each are, I think the more successful ultimately this will be. Thank you all for your good efforts, and I think we're off to an excellent start.

MR. LAPOINTE: Thanks, Jaime. I might offer just a comment. Following up on that, it's most easiest to be engaged if we know what we're trying engage in. The habitat committee has at times done kind of I love my mother sorts of things, and there have been undefined projects like, yes, we want to protect habitat, and the more discreet it is, the easier it is to engage.

If you think of the saltwater interface for diadromous fish, that may mean a lot of different things to John Frampton than it does to me because of the different species we have. I hope in time this gets more focused, so that in fact we can do that. Other questions or comments?

MS. THOMAS: I'll just add one little thing. The plan is going to be for us to set up sort of regional focuses to have sort of have regional sub-partnerships that follow council-type boundaries, like in New England and Mid-Atlantic and the South Atlantic, so that there can be regional focuses which will help with some of those species issues.

And, of course, there will be specific projects that begin underneath the general guidelines of the partnership. That's it, thank you.

MR. LAPOINTE: Okay, thank you. Other questions or comments? Thanks, Jessie. Our next agenda topic is Bob Beal updating us on the non-native oyster activities.

#### **-- Update Non-Native Oyster Activities --**

MR. BEAL: Actually, I think I've done enough talking, and also I missed the last plan development team meeting, so I'm going to pass the buck to Jack Travelstead.

MR. TRAVELSTEAD: Very briefly, of course, our development of a non-native environmental impact statement continues. We ran into a few delays, primarily for two reasons. One of the models that is being developed, one of the predictive models that looks at larval transport of the animal in Chesapeake Bay was delayed. It took the modelers a little bit longer to develop that than was originally anticipated.

Secondly, there were some new federal requirements that came down the line that

affected the development of the EIS that required the development of a peer-review process that would be utilized, so we had to take time out to do that to satisfy the federal requirements.

Of course, that has now delayed the entire process. The new calendar for preparation of the first draft of the EIS is now May of 2007. And, again, we hope that date doesn't slip, but it certainly could.

There will be meetings by the executive committee that consists of the two state secretaries and Colonel Aninos from the Norfolk District of the Corps later this fall-winter to determine whether or not that schedule can be adhered to or it will have to slip again.

The only other news is NOAA has, I think, just finished allocating its last \$2 million allotment for non-native oyster research just within the last month or so. Those projects, I guess, are expected to be completed over the next year or so.

That brings the total amount spent on research for this EIS, I think, combined with what Maryland has spent, I think we're up between 8 and \$10 million now. Unless there are questions, that's all I have.

CHAIRMAN PATE: That's a lot. Okay, thank you, Jack. That concludes our pre-prepared agenda. Now we will go to the items that we added under other business, and Ruth Christiansen is going to go over the dogfish memorandum.

#### **-- Discussion of Charge to Spiny Dogfish Technical Committee --**

MS. RUTH CHRISTIANSEN: Thank you, Mr. Chairman. According to direction that I received from the Spiny Dogfish and Coastal Shark Management Board on Tuesday, I drafted a memo from the management board to the technical committee, according to the tasks that the management board wanted to see the technical committee address before you guys readdressed the Massachusetts Spiny Dogfish Proposal.

Staff passed out that draft memo. It is a draft. I will give the management board until the end of next week if you want to provide comments back to me, and I can make any edits or any changes that you would like to see done.

After next week, I will send that out to the technical committee and we will get rolling on getting a meeting or whatever is necessary together for that. Thank you.

CHAIRMAN PATE: Thank you, Ruth. Is there anything that members would want to see added that's immediately apparent? George.

MR. LAPOINTE: I haven't anything that I want immediately added, but given the fact that the Commonwealth is not, I hope we're e-mailing this out to people as well.

MS. CHRISTIANSEN: Paul Diodati did receive a copy.

CHAIRMAN PATE: Okay, thank you, Ruth. The next item under other business is a memorandum on lobster. Toni Kerns is going to do that.

**-- Discussion of Lobster Public Information Document --**

MS. TONI KERNS: I just wanted to let the few of the Lobster Board members that are still here know that the draft of the PID that I passed out this morning, some board members have since then made some comments to me, so, therefore, I will e-mail you another version.

Most of the changes have occurred in Issue 5 with the permitting. We just clarified an option and added one to make it more thorough. I will e-mail that to you tomorrow or Monday, and then I will need comments back by Wednesday in order to stay within our timeframe process for PID amendment documents. Thank you.

CHAIRMAN PATE: Thank you, Toni. Any questions of Toni on that issue?

**-- Other Business; Adjourn --**

Any other issues to come before the board? Are there any questions anybody has about the upcoming annual meeting? That's our next venue in Atlantic Beach. I'm looking forward to being a host and seeing you all there literally in our backyard if things work out the way that we have them planned right now.

If you have any questions that come up between now and then about transportation, if we can help you get from the airport, if you don't want to rent a car, we can probably work out some transportation from the airport to the meeting place for you.

Just let me know far enough in advance so we can make some plans for that service, and I'll be glad to provide whatever support we possibly can.

I look forward to having you there; and without objections, we will consider this meeting adjourned. Thank you for a very productive week. I think things went very well this week.

(Whereupon, the meeting was adjourned at 2:25 o'clock p.m., August 17, 2006.)

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