

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

**May 12, 2005**

**Radisson Hotel**  
**Alexandria, Virginia**

Approved August 18, 2005

## 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, proxy for Mary Ann Blanchard,  
NH  
Paul Diodati, Massachusetts DMF  
Bill Alder, Massachusetts Gov. Apte.  
Mark Gibson, Rhode Island DEM  
Eric Smith, Connecticut DMR  
Lance Stewart, Connecticut Gov. Apte.  
Gordon Colvin, New York DEC  
Pat Augustine, New York Gov. Apte.  
Bruce Freeman, New Jersey DFG&W  
Tom Fote, New Jersey Gov. Apte.  
Ed Goldman, Proxy for Robert Smith, NJ

Eugene Kray, proxy for Curt Shroeder, PA  
Roy Miller, Delaware DFW  
Bernard Pankowski, proxy for Robert Venables  
Bruno Vasta, Maryland Gov. Apte.  
Jack Travelstead, Virginia MRC  
Kelly Place  
Preston Pate, North Carolina, DMF  
Damon Tatem, North Carolina Gov. Apte.  
David Cupka, South Carolina Gov. Apte.  
Spud Woodward, proxy for Susan Shipman, GA  
John Duren, Georgia Gov. Apte.  
Gil McRae, Florida Fish and Wildlife Cons.  
Comm.  
Wilson Laney, USFWS  
Anne Lange, NMFS

### ASMFC Staff

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

Lydia Munger  
Brad Spear  
Nancy Wallace  
Mike Howard  
Toni Kerns

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## **Summary of Motions**

**May 12, 2005**

**Move to approve the 2006 benchmark assessment and peer review schedule.**

*Motion made by Mr. Colvin, second by Mr. Nelson. Motion carries.*

**Move to adopt the benchmark and peer review process as presented by the Management and Science Committee.**

*Motion made by Mr. Colvin, seconded by Mr. P. White. Motion carries.*

**Move to approve the Power Plant Panel Report and submit the report for publication.**

*Motion made by Mr. Colvin, second by Mr. P. White. Motion carries.*

**Motion to approve the CESS Report.**

*Motion made by Mr. Augustine, second by Mr. P. White. Motion carries.*

The meeting of the ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Thursday, May 12, 2005, and was called to order at 8:35 o'clock, a.m., by Chairman Preston Pate Jr.

**-- Welcome; Introductions --**

CHAIRMAN PRESTON PATE, JR.: Okay, Lena is handing out a revised agenda for today. When you get that you'll see that we've reordered the board meeting's draft agenda from that which was sent out with your package to accommodate some last-minute additions that came up during this week.

We're going to further reorder it this morning to accommodate some requests that we have to dispense with some quick items and accommodate some people's pressing schedules. I'll wait for Lena to complete handing that out and then we'll approve the agenda.

**-- Approval of Agenda --**

If you will take a minute and look at that and advise me of any changes that are necessary, any additions that you want to make. As always we're flexible throughout the course of business so you're not missing a drop-dead opportunity.

Okay, **seeing no suggestions for changes to the agenda I'll consider it approved without objection.**

**-- Approval of Minutes from February 10, 2005 Meeting --**

We have the minutes from the February the 10<sup>th</sup> Policy Board meeting that were in your pre-meeting package. **Any comments or changes on the minutes? Seeing none I'll consider those approved without objection.**

**-- Public Comment --**

Anyone in the public interested in making public comments? Wilson isn't even here to salute us. (Laughter)

MR. ROBERT E. BEAL: He's at the table. He's working now.

CHAIRMAN PATE: Oh, you're not a public right now. Okay.

DR. WILSON LANEY: I have Jaime's proxy now, Pres.

CHAIRMAN PATE: Okay, thank you. As I said earlier, we've got a couple of things that we wanted to dispense of. Bill Goldsborough has a tight schedule today and asked if he could be moved up on the agenda to give the habitat report.

Currently he is scheduled for Number 17 on the latter part of the agenda so I'll accommodate Mr. Goldsborough, all things considered, to his politeness in his request. And, Bill, if you will step forward and give us that report quickly, please.

**-- Habitat Committee Report --**

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. I'll be very brief. The Habitat Committee met last month at it's annual two-day meeting in Annapolis, Maryland, right on Chesapeake Bay -- beautiful Chesapeake Bay I would add.

This is a meeting where we try to be expansive in our discussions and I think out of the box, if you will, and we covered a number of issues. I won't go into any of the ones that are more routine that you're familiar with but there are a couple of things I did want to tell you about.

We held what we called sort of a mini-symposium for an afternoon where we brought in three different speakers to describe water quality problems of different types that confront coastal waters and commission-managed species.

This is in response to over the last couple of years repeated instances of water quality problems appearing to be complications for fisheries management issues facing this commission.

The Long Island Sound lobster die-off is one good example and there have been a number of others. As the board knows, the Habitat Committee has attempted over recent years to look at major habitat types and develop policies for the commission.

We started with submerged aquatic vegetation a number of years ago. We've been working on shellfish habitat more recently. And with this mini-symposium, as I call it, we I think are looking more closely at water quality as a habitat type, if you will, an all-inclusive one at that.

And we hope to develop some sort of a proactive approach for the committee and perhaps the commission that will come forth in future meetings. At this point we have formed a subcommittee that is going to be developing kind of an action plan.

And it is our hope that by the Annual Meeting we will be able to provide a workshop for the full commission on water quality issues of critical interest to this commission. So, I think that's the most exciting thing the committee did at its recent meeting.

I also want to report that we also discussed basically the energy industry. There have been a number of issues brought to this table of habitat concern nature with respect to energy projects, energy industry-related projects, affecting coastal species.

Cable crossings and pipelines in Long Island Sound are one. The wind farm off Massachusetts is another. And different commissioners have voiced concerns about them. So we had a discussion about ways that we could be a little bit more proactive about those issues and protecting habitat concerns for commission-managed species.

And it's a tough one, frankly. We always seem to be sort of or habitat always seems to be sort of a second thought when it comes to energy projects, no surprise in the current atmosphere. But I did want the board to know because at a recent board meeting this issue was brought up

with respect to the Massachusetts wind farm proposal.

I did want the farm to know that the committee was looking closely at this and trying to find ways that we could be more effective in letting those concerns be known. Mr. Chairman, thank you. That's all I have to provide at this time.

CHAIRMAN PATE: Thank you, Bill. Gordon, questions for Bill.

MR. GORDON C. COLVIN: I do. Thank you for the report, Bill. I'm very pleased to hear that the committee is looking comprehensively at these kind of modern challenges in energy facility management that we're looking at.

Did you folks have a chance to talk specifically - I didn't hear you mention it - about these many proposals we're now starting to receive for underwater turbines. They're popping up everywhere and they tend to be popping up wherever the water moves fast which is, of course, where the fish are. Is that something that is on your radar screen?

MR. GOLDSBOROUGH: I will say informally, yes, Gordon. It actually did not come up in the discussions of the committee but it came up in side discussions subsequently so folks are thinking about that. That, of course, does come under that umbrella of energy concerns.

MR. COLVIN: I'd urge the committee to as you continue to look at, again, kind of the modern challenges in energy facility management to prioritize that item because I think depending on the site of these things they have the potential to have far greater impacts on fish resources than a lot of the other kinds of energy facilities you're looking at because they're looking at installing these things in substantial fields in estuarine choke points that fish have to migrate through.

And we really don't know much as far as I can tell yet about their potential impact on the fish that pass through the turbines. They create the mental image of an underwater meat grinder but I don't think we really know too much yet. Thank you.

CHAIRMAN PATE: Okay, Paul.

MR. PAUL DIODATI: Thank you, Mr. Chairman. I know that the Habitat Committee and also the Power Plant Panel that falls under Management and Science spends considerable time looking at these energy projects but there are other I think less-conventional projects coming online now such as desalination plants which we have five proposals for very large desalination plants sited in major estuaries which I think are going to operate in terms of their environmental impacts you know very similar to a power plant facility.

And then there is the LNG deepwater terminals which we have a number of proposals for those as well. I'm wondering if this board could consider somehow a modification of the Power Plant Panel and the Habitat Committee to make sure that there is some good coordination between the two.

Maybe we need a new group called the Ocean Development Panel or Ocean Planning Panel just to make sure that we are being comprehensive and not overlooking some of these important projects. I know that we all must be working on these.

CHAIRMAN PATE: Thank you, Paul. Roy.

MR. ROY MILLER: Thank you, Mr. Chairman, and thank you, Paul, because you led into what I wanted to mention concerning the LNG plants. Bill, I assume your committee is considering liquid natural gas facilities.

MR. GOLDSBOROUGH: Yes, that came up in that same discussion. I forgot to mention that.

MR. MILLER: I think what a lot of people don't realize, there was a large liquid natural gas facility planned for the Lower Delaware River which my agency, parent agency denied a permit to.

One of the reasons for the denial was something that is not well known, namely the enormous amount of ballast water these ships going to these LNG plants will require when they come

into freshwater.

They actually function like an industrial intake and no one had even considered entrainment or entrainment effects in, for instance, striped bass spawning areas from one of these almost continual watering and dewatering operations. Thank you.

CHAIRMAN PATE: Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Roy mentioned one of the things I was going to mention because we have a proposal up our way, too. And the amount of water that is going to be discharged would drastically change some of the habitat, the water quality habitat in temperature and everything else. It's amazing the number.

And I think that it would be wise for this commission to try to establish some type of response to these things because of that. I know up our way it can affect the pods which of course affect the whales and we could get into that all day.

The second thing I wanted to mention was we had a very interesting public hearing in Massachusetts on the eel situation when the ASMFC had their hearing there. And it was noted that in one of our major rivers there are power plants, I think they're power plants, that the eels try to go through on their excursions upriver and downriver.

And it was suggested that since there is a definite time when these eels will come through that, it was suggested that at night -- they do it at night and they do it probably within a 24 to 48 hour period and they can tell this -- that they could actually shut down that plant for that period of time and probably save a lot of the eel migration.

And I don't know if that's within the habitat purview but at the same time it's something that might be looked at as a suggestion in the various states that have that type of activity for the sake of the eel issue. Thank you.

CHAIRMAN PATE: Thank you, Bill. Any more questions of Bill Goldsborough? You had a comment or a response to that, Bill, go ahead.

MR. GOLDSBOROUGH: Yes, Mr. Chairman, just to say that that of course would fall under the category of fish passage issues in general which have been dealt with quite a bit in past years through certain FMPs, for example eels, and the Management and Science Committee has grappled with quite a bit.

And I understand there are some discussions underway there now as to how we might be more active on fish passage but I'm not sure where that stands at this point, although I will agree with Bill that there are certainly habitat implications.

And, Mr. Chairman, I do want to clarify one other thing. I did not mean to give the impression that the committee was prepared to undertake extensive and detailed reviews of various energy projects.

We simply are not equipped to do that. But what we're grappling with is how we can nevertheless on a more broad way look out for the interests of commission-managed species on energy-related proposals in general.

That's a tough one but we're trying to sort that one out given the interest that has been expressed here. And, Mr. Chairman, I do want to thank you for accommodating my report early on your agenda.

CHAIRMAN PATE: You're welcome. Any questions of Bill before he gets away? Okay, thanks, again, Bill. We've got at least one more quick item we can dispense of before we get into the MRAG report. Mike Howard, I understand you're prepared to give the Law Enforcement Committee report.

**-- Law Enforcement Committee Report --**

MR. MIKE HOWARD: Thank you, Mr. Chairman. Mike Howard, I'm sitting in for

Colonel Joe Lynch who is the chairman of the Law Enforcement Committee. The Law Enforcement Committee met on Tuesday from 1:00 to 5:00 and Wednesday morning from 8:00 to 11:00.

There were several noteworthy discussion items and decisions made. A review of each fishery management plan covered under the ASMFC was undertaken for enforceability. A subcommittee of the LEC will be working with the Atlantic Sturgeon Board to develop enforceable means to identify aquaculture sturgeon and eggs from wild stock. This goes with a current addendum to the existing Sturgeon FMP.

The LEC received updated information on the Marine Mammal Protection Act and gear modifications required by ground fishermen along the Atlantic Coast. A presentation on the National Crime Information Center was followed by discussion on its possible use to track conservation violations within the United States.

The committee felt that this would not be cost-effective or a benefit to member states at this time. The Coast Guard and the National Marine Fisheries Service Office of Law Enforcement are offering various types of training including safe boarding practices, species identification and gear inspection.

Most of these federally-funded schools are free to the states or paid through for JEA funds. Many instructors will bring their training directly to individual law enforcement units. And we are encouraging tri-state or multi-state regional training.

An area of continued importance to the Law Enforcement Committee remains lobster area management. Under new proposals Area 6 will now have potentially an eighth-inch tolerance. This measurement adds to the confusion and lack of consistency that already exists in different areas.

The scale of management actions and the ability of enforcement to enforce them are seriously



mismatched. The LEC is on record explaining the problems with most-restrictive rules and multiple restrictions under area management.

The current provisions that continue to evolve and change are not conducive to effective law enforcement. The National Marine Fisheries Service Office of Law Enforcement and the U.S. Coast Guard along with states that have JEAs have put forth an increased effort to curtail illegal striped bass fishing in the EEZ.

Several cases have been made, mostly in the Mid-Atlantic area. Illegal striped bass fishing is still occurring in the EEZ and it will take additional or redirected enforcement efforts and higher fines or sanctions to effectively curtail the current level of illegal activity.

The LEC agrees it's safe harbor use should be provided under exigent and emergency circumstances to protect life. However, the LEC is also concerned the safe harbor provisions may be claimed for a number of reasons other than safety.

The LEC asks the ASMFC to carefully consider these concerns should there be a significant increase in safe harbor requests. Mr. Chairman, thank you. Are there any questions?

CHAIRMAN PATE: Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. Thank you, Mike. When you talked about a need for increased fines for illegal striped bass in the EEZ is there anything this body can do to help effect that?

MR. HOWARD: Possibly. At the current time our federal partners with the ASMFC, namely the Coast Guard and the National Marine Fisheries Service, will be addressing it in-house. The fines that one could normally get, about \$100 in a summary settlement, do not seem to be adequate and are mismatched with the state fines for a similar violation. So there may be a request by the fall from the LEC for that support.

CHAIRMAN PATE: Any more questions of

Mike? Thank you, Mike. Anne.

MS. ANNE LANGE: Well, I just want people to know this. I'm going to be talking with our law enforcement when I get back to the office later this week or tomorrow or next week and to address the General Counsel's position on fines for this issue to make sure they realize the importance of the level of, increase of illegal fishing in the EEZ. So we will be working on that.

CHAIRMAN PATE: Thank you, Anne.

MR. HOWARD: And, Mr. Chairman, just to put that in perspective, eight cases were made in the Mid-Atlantic by the Coast Guard. Each of those cases involved charter boat fishermen with an average of 10 to 12 large stripers.

They are being referred to General Counsel for routine prosecution. However, had that been summary settlements, it would have been a few hundred dollar fine for each of those individuals. When they're paying \$2,000 for the charter, it's just a cost of doing business. Thank you, sir.

CHAIRMAN PATE: Mike, was there any discussion about the LACI Act cases that were brought to court and decided in North Carolina last week or the week before?

MR. HOWARD: No, there wasn't but I can follow up on that.

CHAIRMAN PATE: Okay, the group might be interested in that maybe at the next meeting. Some of our finest got dinged for trying to transport striped bass across the North Carolina-Virginia border. Okay, moving along with our morphing agenda, Bob Beal is going to give us a report on Item Number 12, multi-species implementation.

#### **-- Discussion of Multi-Species Implementation Plan --**

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. As most of you will remember we had a fairly lengthy discussion on this issue at the February Policy Board meeting. During that

meeting Doug Grout walked the Policy Board members through the document that was put together through the Management and Science Committee.

That document was, again, attached to -- I'm sorry, the Stock Assessment Committee. That document was, again, on the CD-Rom that was distributed to the commissioners. I think it was the first document after the minutes on the Policy Board section.

During the last meeting I think a number of members of the Policy Board realized how involved and you know what precedents and what issues are associated with the multi-species management efforts that are going on.

And how we integrate the assessment efforts into the management program in the future is a pretty complicated issue. And at the meeting Mr. Travelstead asked staff to go back and look at the charter and determine if the Policy Board, for example, were to be the multi-species management or the group that handled multi-species management issues how that would affect, I think appeals was one example that he made.

And there are a series of other issues and there are you know a number of changes that would have to take place to the ISFMP charter if new technical, multi-species technical committees are formed or management boards and those sorts of things.

Staff's recommendation on this agenda item is actually to not take action today on how the management process wants to kind of absorb the multi-species stock assessment but rather move this agenda item to the August meeting, set aside probably two to three hours for an actual workshop that goes through the assessment efforts, the implications of the options that are included in this document and have a pretty lengthy and detailed conversation on how the commission and what direction the commission wants to go in as far as multi-species management.

So that's the recommendation from staff. And

we can talk about it more today, obviously, and refresh your memory on some of the options that are out there if you would like but I think it would probably be best served to have a concentrated, pretty lengthy discussion on this issue at a later meeting.

CHAIRMAN PATE: Thank you, Bob. Are there any comments on the suggestion that Bob made to move this to a workshop at the next meeting? I think that certainly the matter is complicated and important enough for us to be able to make as much time available to it as we possibly can. So, Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, thanks, Mr. Chairman. You know at yesterday's ACCSP meeting there was a request to try to accommodate a full day for ACCSP. And we're going to do that.

And I would just want to get a sense of some flexibility here that if the board did you know endeavor to try to get this on the August schedule but sort of give us some flexibility to give you some options so this could be a negotiable on the August schedule vis-à-vis going into Friday or trade-offs with other things. If we could have that understanding that would be helpful for us in scheduling.

CHAIRMAN PATE: That's fine. I think it goes without saying that we've got a limited amount of time, especially at the next meeting, and can set some priorities on what we allocate time to. So I'm comfortable with doing that.

Unless I hear some objections from the other board members we'll proceed with that understanding. Okay, thank you, Bob. Okay, we're almost back on the appointed time for the discussion about the MRAG report and I'm going to ask Vince if he will introduce this, please.

**-- MRAG Report on ASMFC Stock  
Assessment Process --**

EXECUTIVE DIRECTOR O'SHEA: Thank

you, Mr. Chairman. There is a joke somewhere about when one goes out they all go out but I won't make that this morning. Just to update the commission, there have been discussions this past year about emerging concerns on the commission stock assessment process.

And these were generated by sort of disappointing results that some of our stock assessment species had in either preparing reports or getting reports past the SARC review process. So in response to that the Administrative Oversight Committee started with the concept of trying to get a review of our stock assessment process.

And there was an agreement to bring in an outside, some outside help to take an objective look at this. And we engaged the Marine Resource Assessment Group to do this for us. I'm pleased to report that not only did they accomplish the task but they actually delivered a report early.

I sent that electronically out to all commissioners a few weeks ago with the intent purpose of giving you time to review it and give some careful thought to it. And as a part of that contract one of the principal partners in Marine Resource Assessment Group, Dr. Rosenberg, had agreed to come before you, brief you on the report and hopefully answer questions and have a discussion about items that both are in the report as well as other thoughts that they may have had in reviewing our process.

So, I think most folks here realize who Dr. Rosenberg is. He is a prior regional administrator for the Northeast Region, National Marine Fisheries Service. He served as a commissioner to the U.S. Commission on Ocean Policy. And he currently resides at the University of New Hampshire.

And we're really thrilled and pleased to have him here with us this morning. And he has a reputation of being a fisheries scientist of international reputation and respect so Dr. Rosenberg, welcome.

DR. ANDY ROSENBERG: Thank you, Vince,

and nice to see you all. I was a little nervous there for a minute because you said "thrilled to see me" and nobody has ever been "thrilled to see me" that I can recall. (Laughter) But it is very nice to see you all. Lots of old friends in the room.

I'm going to quickly go over the contents of the report that MRAG prepared. I should explain my various roles. I think many of you have seen me in different roles in different places: regional administrator or working for the Science Center or working for NMFS Headquarters or working for the university.

In my spare time I also do some consulting work and I'm senior vice president for MRAG Americas which has offices in Tampa, in New England and in California and in Alaska and is part of a company that I used to work with in London. We're still relatively small in the U.S. operation, even though we have all these little offices around.

Listed on the title slide are my colleagues in the company. Mark Mangle is an applied mathematician at the University of California at Santa Cruz. He also runs a stock assessment center and program for mostly the state of California assessments, although he has some involvement in federal assessments along with his other scientific work. He is a very well-known ecologist and applied mathematician.

Bob Trumble used to work at the Halibut Commission. Vince, I think you know Bob from years ago. And he actually had the lead on this study. He did assessments for the Halibut Commission and has worked with us for the past several years.

And John Weidman and Carlos Garcia were staff people who both have worked in assessment before who actually conducted most of the interviews, although Bob participated in several of the interviews. If we could go to the next slide.

The purpose of the study was to, in a fairly compressed timeframe really, only a few weeks, to diagnose problems in the assessment process,

particularly with reference to assessments that made it to the SARC process but were unable to pass review simply because the SARC didn't feel that the assessment was solid enough to provide scientific advice or assessments that were not completed on time, in other words couldn't produce a product to go into the SARC process.

We were asked to recommend on process improvements and specifically consider the cases of the summer flounder assessment as a, if you like successful in terms of timeliness and process assessment and weakfish which was one of the ones that did not complete it through the process and was unable to provide the advice the commission needed.

We were not reviewing the assessments. This was not an additional assessment review. We weren't redoing the work of the SARC or the assessment panels or anything like that. We were looking at the process not at, this was not a question of whether we felt that the assessment was the best assessment that could be done.

You have a very solid process for doing that already that has been running here in the Northeast for some time and for which you should be very highly recognized in the SARC process. That process has been replicated around the country as most of you know with some variation for different regions.

So we weren't redoing the SARC process or, for that matter, evaluating the SARC process itself. We were trying to look at the precursor to going into the peer review process and with particular regard to are there ways that it could be improved to ensure that the commission could receive the scientific advice it needs for its deliberations.

So, I may emphasize that again in the presentation, although I think you all realize this was a process review, not an assessment review. So we looked at the ASMFC stock assessment documents.

That was more to make sure that the team was familiar with the documentation, again, not to

review the weakfish documents or the summer flounder documents for completeness. We didn't provide a report on those assessments, per se, or the stock assessment framework.

These are well-established processes within the commission and certainly with the state, with each of the states and the fisheries service involvement and academic scientists involved so that was really a familiarization, make sure that we could have the proper perspective for the questions we asked.

Our methodology really was to interview your scientific colleagues and staff, including those from the commission, staff from the state, agency staffs from the federal agency staffs and some academic scientists.

We did 22 interviews in all. We did do a questionnaire to prepare for the interviews and then a standard set of questions as a guideline. We considered, after we did the interviews, trying to quantify the answers and produce all kinds of beautiful PowerPoint slides that would quantify the number of people who responded in certain categories.

And when we did that we realized it wasn't very useful so we didn't actually then try to quantify the 22 interviews so much as actually just extract the main themes from the interviews. So if you were expecting a whole lot of histograms and quantification, we actually went through that process but didn't find it very informative and didn't think that you would find it informative.

Of course, if there was some reason to look at the quantification while maintaining, we of course wanted to be confidential in terms of people's responses, we could have gone that route but chose not to. And that's certainly open for discussion.

In the interview results, then, I'll go through a few slides of interview results. Clearly a theme that is of undoubtedly no surprise to anyone in the room is the concern over availability of resources to actually do the assessments.

And I mean there is no reason for us to describe

the inadequate resource issue. You know that in your work firsthand as I used to know it in my work with the agency. There is always a struggle for how do you cover a huge number of tasks with a very small number of people and a small pool of other resources including fiscal resources.

And of course we recognized as was recognized in the interviews that the commission doesn't control very much in the way of resources. Of course there is a commission staff but the resources for doing assessments by and large are not controlled by the commission.

And I have indicated here that you all as commission members, the state directors, the agency, federal agency, regional administrator and science directors do control resources but you will note I put "some control" and just to recognize that that is constrained.

It's not as if you can do whatever you like with either the personnel or fiscal resources. And I certainly recognize that. You are very resource limited. But we need to recognize that in fact it is not a situation of because the commission doesn't have any control then there is no ability to influence how the resources flow because of course the commission members have at least some purview over substantial scientific expertise that goes into this assessment process.

The fact that you do have that ability and get together as a commission and can work through this process certainly has implications then for the data issues that came out strongly in our interviews as one of the major problems in, at least for those assessments that were not or did not come to fruition or completion.

It has implications for deciding how the leadership and management of the assessment process goes. Participation and timeliness certainly for the assessments as well as for the reviews are critically important to actually having a successful assessment and for the degree of consensus or what the policy will be regarding what product are you expecting from the assessment workshops and assessment panels that are formed to provide through the

SARC process the commission with advice.

I have no idea if the slides are going along or if you are just guessing. Thank you. It's a little hard to look over my shoulder here. The key issues that are discussed in the report came out of the interviews, that is that you certainly do have a continuing problem.

I think you are well aware of incomplete data, sometimes missing data, sometimes data of poor quality. In the interviews of course there is some divergence of opinion on the quality of different pieces of data that go into the process, and you would expect that.

For example, there isn't clear agreement on use of things such as the vessel trip reports nor is there clear agreement on different sorts of surveys that might be used in the assessment process. And that contributes to the difficulty of actually coming to closure.

And before I go on to the next point about models, as I pointed out, many of us or actually all of us in one way or another have been involved in assessments on the report team. Certainly Mark Mangle and I and Bob Trumble have spent a lot of years doing this stuff.

And we all agreed that, you know, assessments are 80 percent getting the data into a workable form and 20 percent actually doing some of the subsequent analysis, or, maybe it's 70/30. But an awful lot of the time and energy goes into trying to get a clear data set and understand what is in it.

And while we might argue a little bit about the percentages, that step is crucial and needs to be recognized as such in trying to plan for resources and give clear guidance on priorities for the scientists who are doing the work.

There was concern, broad concern in the interviews that sometimes models were used that really are not suited to the data. In other words, one way to think of this problem is that we were sometimes constrained to sort of force-fit to an existing model, assessment model or type of analysis because that's what was available and

familiar to most of the people at the meetings and it may not be appropriate. It may not be the right way to go. And there was relatively little time available and to consider alternative approaches.

And as with the points about data I will just relate to you from my own experience this issue was raised by almost every scientist in every assessment forum that I've ever participated in which is you know at least a dozen in various countries that they feel constrained about the amount of time to develop new modeling approaches.

That may be exacerbated in the process that you're working with here simply because of the time constraints and the large number of stocks but there are other places where it's equally true. The system that comes to mind -- I'm sure John Boreman can talk about this -- is in the International Council for Exploration of the Sea Process.

They can sometimes be extremely constrained for the 144 stocks that they assess every year by a particular model form and that is a problem. So this is, most of these issues are not unique to the commission work. They are quite general. This is one of those that is a continuous problem for a lot of the scientists working in the system.

The staffing issues I think is a major issue for consideration by the Policy Board and by the commission. We generally heard that the issue of competing duties or having inexperienced people ask to participate in a process was a real difficulty.

We heard less consistently, and I would say some comments, that people felt that some of the participants had you know very specific agendas coming into the process or not. I would just say that's not something we can evaluate.

We can relay the comment to you. Again, that's one that I've heard in an awful lot of assessment forums and lots of different places. But competing duties and having inexperienced people, while, again, that may be common in other systems is really a management issue that

needs to be thought through by the commission and by this board.

An important message from the interviews was that the participants generally felt that there was really no incentive to step forward and sort of lead the assessment process. There was no recognition for the fact that you, you know, that someone was designated as the lead on a particular assessment.

They really didn't feel like they had any authority in the assessment process to guide the process, nor any recognition for the difficulty of doing that work and not very much guidance on how to deal with issues of reaching consensus or not reaching consensus.

Organizationally these were real problems for the assessment working groups because the organization was too loose in form. Now there are certainly divided viewpoints on how strong the leadership should be.

And that is reflected in the report as I hope you'll note when you have chance to look it through, if you haven't yet. And that's an issue that needs to be resolved. But having no clear idea, at least amongst the participants, about how the organization of the working group should go is perhaps even more problematic than how strong that organization is.

There is certainly a complaint about insufficient time. I'm absolutely shocked by this comment because I've never heard of anybody complaining of not having enough time in fisheries processes. (Laughter)

But of course you can't dismiss it simply because we all know that everybody is under an awful lot of time pressure. It's, again, a matter of the sort of management and organization of the process. You know, thinking through what the time schedule is, is quite critical to having a successful conclusion and ties in, then, to the organization of the actual work and the leadership and so on.

And then there was general sentiment in the interviews from the participants that the

commission's role really needs to be as the sort of strong communicator to make sure that everybody knows what is going on and what is expected, what the mandate is from you all as a commission and what the timelines are and so on as well as communicating the data so that it is generally available.

The characteristics of the assessment flow directly from those results so I won't spend a lot more time on it. You know if you're going to meet the schedule you need good data, compatible models, a reasonable timeframe that people understand and some experienced assessment personnel. And if you don't have it you end up with problems. It's not that complicated a diagnosis.

One of the keys that the participants in the interview felt were the keys to reaching some kind of consensus again were these same points about good data, that if everyone could understand what was in the data set, they had enough time to work with it such that they could understand both its problems as well as its strengths.

That was a huge contributor towards coming to closure, reaching a consensus on an assessment, that a strong leader, particularly in the examples that we looked at in detail -- but you know we were referencing summer flounder and weakfish but the people we were interviewing of course have much broader experience with various assessments.

There was general agreement, I wouldn't say universal agreement, that a strong leader really helps in coming to closure. Some people felt the other way, felt quite strongly that you didn't want to have a strong leader, that it should be much more sort of loose collection or of independent scientists, that a strong leader might move toward consensus but that didn't necessarily give you the best assessment and so we should recognize that in the interviews and it's reflected in the report as the issue of no politics.

In other words, that the assessment was there to come to closure with regard to the scientific

advice with no other political issues in the room. Again, that's not something that we can really evaluate. We can only relay the comments from the people that we interviewed.

In order to come to closure, which I have labeled reaching consensus here, but come to closure in any form, it's pretty clear that the management organization needs to, everyone needs to know that that's a priority for the process.

They have to have a clear mandate that you know on timelines and amount of time that they are allowed to put in and how their participation should go in the process. And so clarity is a lot of the challenge here.

And certainly there was broad agreement amongst the people we interviewed that obviously better data and communication with clear milestones are essential in leadership, I think. As I indicated most people felt that having a strong leader was very important.

Some people felt that that might hinder the scientific work, although you know whether it's scientific work or advice are not necessarily the same things. And I can come back to that if people would like to discuss it.

In terms of recommendation, there is an urgent need to evaluate and standardize data sets, to hold data standardization and evaluation workshops which are done in some cases but not all cases as I understand it, and to make sure that there is sufficient time for those data workshops in advance of an assessment itself.

Again, if you don't have the data in a workable form and if the participants in the work are uncomfortable that they understand the data, can dig into the assumptions made and the calculations from the raw data, don't have the raw data available to them, it's very difficult for people to feel comfortable with the modeling results.

And conversely if the data work is done in advance that, whatever the number is, 70-80 percent, is done in advance then it's much easier for people to move forward. It's easier to deal

with the constraints on a particular modeling type.

There were a number of concerns about, as I indicated before, about sort of force fitting to a particular model approach. If the data is more broadly understood and available in a timely manner and has already been worked on fairly extensively then it's easier for people to see how another modeling approach might be applied.

So we would very strongly recommend that there be a strong focus on organizing data workshops with clear timelines and goals and some standardization of data sets. That they are available to the entire team.

And we would suggest -- I know that there are ongoing efforts to work on your data system comprehensively and have been for a number of years but in some cases as opposed to trying to do everything and standardize across all data sets, even standardizing for a species-specific data set and setting up a communication mechanism like a Web page for the weakfish assessment or one of the other assessments so that people can be communicating on the data regularly would be very valuable, even if you haven't reached the point where you have as much standardization across data sets for all the species as you'd like.

The full data sets need to be available, that means the raw data as well. It's very difficult in an assessment forum if someone comes in and says, "Here is the calculations I've done on my data of a set of indices" or age length keys and so on "for you to evaluate" and feel comfortable.

It's not because you distrust the person but because at some point some people like to go back to the raw data and see how the calculations were done and there needs to be at least the ability to do that.

I would also point out because you do have some inexperienced people coming into the process you're all hiring people when you can who may not have experience in a particular assessment or very much assessment at all.

They need to be able to understand the steps from the raw data to the synthesized data that goes into the assessment. And the only way they'll do that is if they see the steps. So we would recommend to you that you consider trying to make progress on species-specific data sets as an adjunct, if you like, to the overall effort to try to improve the statistics region-wide or commission-wide.

And to go along with that of course you need some training. You need to move away from the sort of doing everything in an Excel spreadsheet into using the more sophisticated systems of Structured Query languages or SAS or whatever the tools are.

Spreadsheets are wonderful because you can do almost anything in them but I assure you that they also are extremely difficult to error-check and it's very, very difficult for anyone to understand what somebody else has done in their spreadsheet just because of the nature of the calculations.

It's as difficult as it is in a, you know, working from somebody else's notes. They're just hard things to work through, even though they are a very convenient tool. And so we would recommend you shift away to a more structured approach.

In terms of the modeling there was real concern amongst the people we interviewed that needed to have the opportunity to try alternative modeling approaches, particularly alternative to the ADAPT methodology which is a virtual population analysis method.

There were some examples given. XSA stands for extended survivor analysis. It's the system used in the International Council for Exploration of the Sea. It is also a virtual population analysis tool. It is a little bit different but not fundamentally different from ADAPT.

CAGEAN is only used in a few places now. And I'm sure I can remember what the acronym stands for but it doesn't really matter. It's a statistical modeling approach developed by Rick Deriso some years ago.



And Stock Synthesis is used extensively on the West Coast. It was developed by Rick Method. It is, again, a flexible modeling approach that could be tried for some of these assessments.

Those are just examples of alternatives that people wanted to consider as well as the next bullet point, the use of production models where there might be more limited data or a longer time series of data but not quite so complete.

The one thing I would point out just as an aside is that you need to be cautious about mixing and matching results from different modeling approaches.

And they, the strongest example of that I can think of is, you know, if you utilize a production model for evaluating the status of the stock and you compare it to reference points that are generated by an entirely different modeling approach you can get into real trouble.

You need to have some consistency in where you generate your reference points as well as where you generate your estimates of stock status. And I have observed, not necessarily in your assessments but generally that that's an issue that can sometimes cause problems when people are trying to understand the results from the assessments.

So while you need to look at alternative assessment models you also need to make sure that you have some consistency within a particular assessment in terms of status versus reference points and other issues.

Many of the participants felt and we would strongly agree that you need to have more explicit feedback from your reviewers. In other words, it's fine to say that an assessment doesn't pass muster or has some problems but the working groups really need to have some very explicit suggestions.

One of the strengths of the SARC process is that it has quite a broad range of people coming in as members of the review panel which is actually not a feature in some other areas and is something that is critically important.

If you have the same people doing the review all the time, then you're not going to bring new ideas into the process. The SARC process tends to always bring in some new people to have a fresh look at assessments. And you need to utilize that better by asking them to be more explicit in terms of the recommendations they would make back to the panels.

There was a strong feeling in the interviews and we would strongly agree and support the idea that of additional training. The training doesn't need to necessarily be run by the agency although that's an obvious place to go for experienced stock assessment people.

I think this came out of the concern that it was not uncommon for people to have relatively little experience with some of the methodology coming into a working group but being given quite substantial responsibility and feeling that they were you know out on a big limb with a saw in their hand. (Laughter)

And you know that is an unfair position. And some of that relates back to some of the organizational issues I'll talk about in a minute. But I know that training has been held in the past. It needs to be regularized as much as possible.

I realize all of these things are resource constrained but that's a difficult position to put particularly a young scientist in when they feel like they've been given a substantial responsibility and they're struggling to understand the tools that they're supposed to use.

On the other hand, depending on how the workshops are organized, one of the best training tools you have is of course having young scientists participate in the workshops, in the working groups and being brought in as full participants so that they can see the work, "the sausage being made" if you like.

And, finally, there is a, we would recommend that you at least consider a triage of the assessment problems, of evaluating what the data issues might be and what the analysis issues

might be in advance as much as possible.

And in some cases it may be important to go outside and get some of the work done. This is not a promotion for us to do the work, although we do do that kind of work. It's more you have to go -- if you know that your people are being set up to not be able to complete the task in time it's better to know that early and to get a little bit of outside help.

And having some outside help, whether it be from academia or independent scientists, wherever it comes from, who have concentrated tasks to try to put the data together or to try to do an initial analysis can mean the difference between you know a working group where everybody gets there and says, you know, "I wasn't able to look at this until two days ago" and therefore not being comfortable with the results of analysis and having a completed assessment with the ability of people to work through and see what the steps were and then pick it up from there.

In general it's likely that it still will have to be the stock assessment workshops that produce the actual assessment to go into review. So at this point I wouldn't necessarily recommend except in an extraordinary circumstance that you farm out the assessment work itself because an awful lot of the value in the process is having people from the various states and from the agencies and whoever is on the working group work together.

And so this is not a recommendation that you contract out the assessment work because then you lose a lot of that value and comfort with the results. But in some cases doing a lot of the initial work upfront can sort of save you from a potential problem.

And then the last slide that I have, I think, is to talk about the management of the process. And this of course is -- you know many of the issues of alternative models and so on are not management issues, per se, they're science issues.

But management and organization needs to

provide enough time and hopefully the prioritization and so on to enable people to do that work by making sure that the data has been put together and so on.

We found that the people that we interviewed generally felt that they did not have very clear or consistent guidance from directors, from the commission and from the commission members at all levels on issues such as how high a priority is this, is this what I'm supposed to be doing or is this something I should be doing on the side.

I've come back to the issue of consensus here and I know that that can be a contentious point. But also there needs to be clarity in terms of direction from management, if you like. Is that the working model that the group should use.

It's entirely different if you as a scientist or if I as a scientist was asked to go into a process without guidance, you know just say whatever you think and if I'm asked to go into a process where my boss says my task is to work towards consensus if possible.

And you have all had that experience. I've had that experience both in management forums as well as in science. In doing any kind of discussion, which is always some kind of negotiation, whether it's science or management you need to know whether that's your goal.

And if it's not your goal then you're not going to expect that people are going to try to achieve it. I have to tell you that I'm of the assessment forum that I worked in, the dozen or so that I worked in around the world, I'm not aware of one that doesn't operate by consensus.

There may be one somewhere other than this one but that doesn't have clear guidance, that the intention is to come out with a consensus assessment. That doesn't mean it always happens but that at least is the working model.

And people need to know whether that is what they're supposed to do or not. They need to know whether this is a priority or this is not a priority. They need to clearly know from management what the milestones and schedule

is for the various products.

If there is a specific schedule for data then people need to know that and be tasked with it explicitly so that you can work out whether you've got a reasonable timeframe and can even expect that you will come to closure.

Team leadership is a really important issue, whether the Policy Board decides that you really want to have strong leadership and forge consensus or whether you don't want to do that. In any case, there was a general agreement that the people who were asked to lead stock assessments, present the advice and put in the time, were not recognized for doing so.

And this was in some cases, you know it was like the penalty box in hockey, you know five minutes for leadership. And it just can't be that way if you expect someone to come forward and lead a process very strongly.

The summer flounder process is led, you know does have a strong leader. And most agreed that it did, you know, do well in terms of — even though it was difficult at some times and people chafed against the leadership of the group that they had a good record of coming forward with advice and of people starting to understand the process and the data and get their data in and so on.

So there needs to be some incentive, both in recognition as well as in sufficient time for somebody to actually take on a leadership task. And it shouldn't be, you know, musical chairs, the last one left standing is the leader of the workshop because they didn't have enough experience to realize that they needed to get out of the way.

And I'm making light of this but frankly we heard some of that. We heard quite a bit of it, that you know it was almost a punishment. And you know so that's a major contributor here.

Science-only assessments, we felt obligated to recommend that that should be reiterated, that the job of people going into the science teams was to work on the science not to make sure that

there was justification for a state survey or that a particular data set that they had worked on be included, that the role is for science or any particular management policy, of course. But I think you all you know realize that at least as well as I do, probably more so.

The commission really needs to take a strong role in the communication between teams and among teams, within the teams, to make sure that data sets are communicated, the timelines are communicated, that there is general agreement from this leadership at the Policy Board level, the directors of the agencies who are where the scientists work, federal and state, and commission, that everybody understands what the schedule is and what the priority is and what they're being expected to contribute.

People weren't sure of that right now. They didn't feel that that was adequately communicated. And I think that, you know, this is almost a point that probably occurs in every single report, that communication is an issue.

But in particular here I think that there was real consternation amongst the interviewees about what priority was set on the assessment work. Was this something that they were supposed to do as a major part of their job? Is it something they were supposed to be doing nights and weekends?

Or was it something they were supposed to be doing the week before? And without clarity there and communication of everyone has agreed to the schedule, everyone has agreed that this is a priority and they'll provide a certain human capital resource to the process then it will be difficult to improve the process.

And then finally we did recommend that we heard a number of comments pretty consistently that having working groups in hotels where you really didn't have access to data, access to other expertise and so on didn't work, that you really needed to be in an agency environment, in a university environment, which was much more conducive to a working-group kind of setting.

There is some sentiment that people wanted to

be able to move around as opposed to always have workshops in Woods Hole. But there are other opportunities there -- that doesn't mean that you can only do it in Woods Hole -- to try to provide the kinds of access and facilities needed.

And with all respect to the Radisson, Hotels are not the best places to do that work. And, Mr. Chairman, with that I'll try to answer any questions that the commission members might have. Thank you.

CHAIRMAN PATE: Thank you, Andy, for not only delivering on time a very good product but a very helpful explanation of your report as well. What I'd like to do now is entertain questions from the commission, get some sense based on those questions what you think about the report and what some possible next steps are and then give you an idea of how I perceive the process progressing from this point. So, Pat White.

MR. PATTEN D. WHITE: Thank you, Andy, that was extremely enlightening. There is a lot of the assessment process that I don't begin to understand and understand what we can change but I think one of the concerns that I had in the reports that you have was there wasn't enough time to do it.

And as we try and move forward making management decisions timeliness is obviously an important thing for us, both in the collection of data and in getting out an assessment. And so I guess I'm asking if that what you heard is that people don't have enough time to do it or is there not enough personnel to do it in the time necessary to make it a timely report, because you referred to it as "sufficient time."

DR. ROSENBERG: I think there are a couple of aspects to the timeliness issue. It's not so much the actual, well there is certainly an issue with the time between being asked to do the assessment and actually deliver it to the SARC that people feel constrained because some things such as putting together the data depend upon when the surveys are concluded and when the commercial information is completed and so on.

So there always will be some time constraint and

people will feel like they have to set the schedule so that they can make sure that the data pieces are completed, if you like.

Perhaps a more overriding concern, though -- everyone is used to that first concern of you only have so much time and they just finished the survey in September and you go into a November workshop and you have to have the data ready to go into a workshop.

Perhaps of more concern is the issue of priorities and whether people are actually tasked to do this or do they know that that's where they're supposed to be spending the bulk of their time or do they feel like we'll do all the stuff that you've been doing but plus, you know, remember you have this assessment to do in November.

And you know this is not something that we investigated other than doing our interviews but certainly there was at least some sentiment that, well, substantial sentiment that there was lack of clarity and it was not recognized that if you're going to ask somebody to do a major assessment that requires putting the data together, go to a data workshop, go to an assessment workshop, potentially a review workshop, then some other things needed to give.

And I can just relay the comment and also know, you know from my own experience, that I've heard that quite a lot over the period. So, the timeliness, a lot of it is being given the, you know clear the plate a little bit so that they can take on the major task of assessment, particularly for the people who are going to lead.

And I think that contributes a little bit to this problem of sometimes it's the last person or the person who didn't make it to the organization workshop or the one who didn't hear the music stop that ends up leading the assessment. And they're not given sufficient time then to take on that leadership role. We heard some of that, too.

CHAIRMAN PATE: I've got several people that have asked to be heard. Paul.

MR. DIODATI: Yes, I guess this isn't a question but it's just my comment, I guess. It

seems that our process, we seem to lack time, data, expertise, and leadership to do adequate assessments which is disappointing.

But, we also through this process have created management regimes that apparently maybe the data don't support. And I didn't hear a lot about that, Andy, in your presentation but I did read it in your report earlier. I was wondering if you can comment on that.

DR. ROSENBERG: To the first point, obviously those are the areas where you need strengthening. I hope it's clear in the report that, you know, you have a very deep talent pool in this region, from my opinion in working around the country, deeper than anywhere else.

And you know people are working incredibly hard and producing good stuff but it can always be improved and it's always going to be improved in those areas. So I don't mean to say that you don't have leadership, you don't have, you know, good data or any of those things but there is room for improvement in terms of improving the process.

I think the issue of whether the management system can be supported by the science advice is a difficult one. And of course we weren't really asked to look into the management system, you know, what were the specifics of the advice that is required but you can't help get some of that.

And in part it's a "chicken and egg" kind of thing. I think the big concern is partly tasking for the assessment. You know we the commission need advice on these things. Tell us the best you can and then tell us what the risks are of using that information.

And so in some ways I think it comes back to the clarity of the terms of reference for the assessment groups. I know that there are some situations where the particular management actions are difficult to support directly by the science just because people don't feel like they have detailed enough data, much the same as the enforcement issues.

You know, sometimes you have to take

management actions and you know that that's going to force the enforcement guy some problems but that's what you need to do. There certainly are those cases but my impression it's more in the tasking than it is that you really don't have the ability to support most of your management systems.

CHAIRMAN PATE: Tom.

MR. THOMAS FOTE: Andy, it was very interesting to look at the report and I really appreciate it. You know when I first got on the commission back in the late '80s and early '90s I went to a lot of technical committees just to find out how it was based and it was always an interest process.

What I saw then was there was a lot of biologists that really weren't stock assessment or trained as stock assessment people and they were basically pushing. There were a few leaders in there that would take and mentor people through.

One of the things we've been fighting in New Jersey for and we have actually accomplished is hire two stock assessment people. But I look at the agencies a little differently than I look at the states.

When you hire stock assessment people at the agency there is a career goal where they can move up and stay in stock assessment. And when you hire them at the agency there is not that same because they move on. And should we be looking at that in the states to actually have that same type of position?

Would that be helpful? Because you think about it, you've got people that are really trained to do really good stock assessment but in order to get a promotion or a raise or something they have to move on to something.

And the other question I was going to ask is, Part 2 is that have you talked to the people that have been around for a long time and asked for the comparisons of where we were in '92 and where we are in 2004, the people that have been around that long?

DR. ROSENBERG: Let me go to the second question first, if you don't mind, Tom. I mean some of the people we interviewed of course have been involved in the process for a long time and I think that sort of longer-term perspective is reflected in the report. And I hate to say it but I've been around for a long enough time so I have some of that.

I think that one of the examples relating to this sort of comparison "then and now" does relate to the summer flounder assessment where you had a number of people who have been involved for a long time. Mark Terceiro has been involved for a long time.

And there was recognition amongst the people who had been involved in the summer flounder assessment, both those who had been there for quite a while and those who were relatively new to the process, that it took them a while to get their footing and to be much more comfortable with bringing data to the table and to know what's in the table and with the modeling approaches. And so of course there is some evolution in the process here.

I don't think that we would have general agreement on the data quality issues but overall there certainly is more opportunity to look at alternative pieces of data in the process as the data has become more complete since, for example, from '92 to the present.

On the other hand there are some people who feel that some pieces of data such as the vessel trip reports aren't sufficient. Although I didn't raise it in the recommendations, it would be useful to put some of those issues to rest, vessel trip reports being a good example of that.

I've heard both sides of the vessel trip reports are absolutely worthless and the vessel trip reports are actually pretty good. And some of that is, you know there is a difference in the management arena versus in the science arena about what "pretty good" means or "worthless" means.

You know, trying to have some clarity on the quality of the information that comes in in the

vessel trip reports for different purposes in the science assessment would be very helpful so that you didn't have to have that debate in every working group.

And you know I do think it's something you can come to closure on, the same thing with a number of the survey indices. That takes some time but would be well worth it and I think the answer will be that, you know, you're in a much better data situation now than you were 10 or 15 years ago. But, you know that's just what I think the answer will be. Somebody needs to go actually do all of those analyses.

On the issue of the stock assessment people in the state agencies, you know the simple answer is, yes, it would be great if there were more people that had better promotion potential within the state agencies to participate in these actions but I recognize that that's a very difficult thing to do.

And you know probably because the staffs are smaller and the salary scale is different and the opportunities are much different. But it would be, you know it's always more helpful in the process if you have people who have more experience.

Now in some other regions like in the work that Mark Mangle does in California the way that they deal with that issue is by working with the university. We do much less of that on the East Coast than either Alaska or the Pacific Coast -- and I'm not looking for work in my university job, either.

But we do actually do less of it. And so there are alternative ways to get at that issue but it does help if you have, you know, people who can be more focused on assessments in their work.

CHAIRMAN PATE: Go ahead, Tom.

MR. FOTE: Yes, I mean, and we've tried having -- both routes are going on in New Jersey. We had Rutgers University has hired some people just for stock assessment and the division, after fighting with the previous

governor and the new governor, we've actually got two people hired for stock assessment. But it takes a lot of work and a lot of pushing.

CHAIRMAN PATE: Well, there are two problems. One, they are hard to find and then when you find one they're terribly difficult to keep. I've been victimized recently by this august body here of hiring away my stock assessment biologist to come here and for the first time have a stock assessment person on the staff's commission.

And I told him after I read this report it's Joe Grist who some of you all might have met that when I first read this report I told him I was reading his job description. He's going to be a real helpful addition to the staff and the process I think.

DR. ROSENBERG: Pres, can I just make a quick comment. You know I mean in fact as John can relay you know finding stock assessment people is hard at the federal level. It's becoming increasingly difficult.

The agency has a training program, you know, a fellowship program and so on. And there are ways to deal with that issue. I know in Washington and in Alaska and in California again there is much more direct connection with some of the university groups.

The difficulty is that there are fewer and fewer university groups who actually train people to do assessment. And I'd like to say that I was one of them but I'm not. You know I'm not training people in assessment.

But you know it's possible to encourage a little bit more of that kind of exchange. Andre Ponton, University of Washington, Mark Mangle in California, Terry Quinn in Alaska, all are you know really involved in assessment processes, both at state and federal levels from their universities.

CHAIRMAN PATE: Ritchie.

MR. WHITE: Thank you, Mr. Chair. Excellent report, Andy, and it's very helpful to me. On the

issue of the chair of the technical committee's leadership you mentioned financial and public recognition. Could you elaborate anymore on that, where you think those two come into importance.

DR. ROSENBERG: I mean I think they're important and relatively straightforward. In terms of financial recognition I think it is a major task to manage the job of herding cats for the year. It is just not, you know this is a difficult thing to do.

People hold their opinions dear to say the least in any science process. And financial recognition of this was not, you know we weren't talking about millions. We were talking about some recognition that in fact, thank you very much this is a hard job. And it's not just something that you do as part of the normal course of your duties.

And then actually recognition both from the immediate boss and from the commission that it's an important job and you know this is the person that we've asked to do it and each of you then expect your people who are contributing to that process to try to help them accomplish the goals is an important thing.

I mean, it's hard to lead if people don't want to follow. And that doesn't necessarily mean that the leader has to be the sort of one who decides what the best assessment is. There is no sense of that in the interviews or from our opinion.

The leader is not the decision maker in the sense of that's the person who makes the decision on what the best science is. But a leader needs to be somebody who can actually try to make sure that things happen that need to happen so that the group as a whole can resolve that question about what is the best science and be recognized for doing so and under substantial time pressure be given a little more time to actually do the communication that is needed and so on.

The risk of course is that by designating a leader everybody else says, well, it's his job or her job. And you really need to be careful of that because there is no way that any one person sitting in one

state or in NMFS can do this assessment, these assessments for your state-managed fisheries.

That can't happen. And so that's really how the commission agrees to task the group as a whole and the leader in particular. So it's tricky.

CHAIRMAN PATE: David.

MR. DAVID CUPKA: Thank you, Mr. Chairman, and thank you, Andy, for an excellent presentation. I really enjoyed that. Of course we've started a process in the Southeast called SEDAR and we don't have nearly the experience that they have with the SAW/SARC process but we were able to build on that and we think we've got a pretty good process started.

But one of the things we noticed fairly early on when we started doing, particularly the reviews and it has to do with the leadership role in the reviews, we use people from the Center of Independent Experts for most of our reviews and it became apparent very early in the game that in terms of leadership of that review that you don't want to ask too much of them.

You want to make sure you know what their role is but don't expect too much. And one of the things that we were doing is asking the fellow who was kind of facilitating the review to also participate in the review.

And that's a very difficult task to do, to actively participate in a review while at the same time trying to facilitate that review. So that is another element I think of leadership that they have to clearly understand, not only what's expected of them but you need to make sure that you don't ask too much of them if you want to get a good product.

DR. ROSENBERG: Yes, just a brief comment. I agree that it's part of this tricky mix of making sure that that person doesn't feel that they've been given the task to produce the assessment or to be the decision-maker on what is the best science.

That has to be a, in my opinion that has to be a consensus process but you set the rules for

whatever it is. That's a matter for you as a Policy Board to set those rules and then make sure that that role is understood.

The only other thing I'd add is that you know this is a difficult task and you want to make sure that the leadership tasks are shared around as fully as possible and some training there can help, too.

I mean there are a number of people around who are very experienced at sort of facilitating a meeting, getting it to come to closure and making sure everybody does what they need to but also doing that tricky part of making sure that people feel like it's their product and not the leader's product and that's a difficult thing to do.

CHAIRMAN PATE: Doug.

DR. DOUGLAS GROUT: Thank you, Mr. Chairman. Andy, I had a question from a stock assessment scientist viewpoint on this report. It is the commission's policy that has been clearly stated to us that is coming to a consensus on a stock assessment.

And they trained us as leaders in how to develop a consensus but there are, as you know, some times when scientists have very legitimate and defensible differences of opinion on assessments. And occasionally we have not been able to come to a consensus.

So I have two questions for you. I guess everybody has two. You can take them in whatever order you want. Is there any best way for the assessment scientists to present an assessment where results, assessment results where a consensus could not be reached?

I saw in the report that you know there was opinions that having minority opinions isn't really the best way to do it, but is there any best way from your experience to present those results?

And, I heard you also mention as an aside during your report that there are other entities where there have been other assessments outside the commission process where consensus has not



been reached and I wonder in your experience are there ways that the management entities have dealt with this, you know, having a non-consensus assessment report? How have they dealt with that before?

DR. ROSENBERG: Thanks for the questions. And they're clearly related to the first point. While it may well be the commission policy that that's what the role of the working groups is or the technical teams or whatever is to come to consensus from the interviews that is not generally understood by the people we interviewed.

A number of people said, no, there is no reason to come to consensus. I don't think it's appropriate and nobody has ever told me that I'm supposed to and, you know, frankly, it's a stupid idea.

Well, you know if some of the people going to the meeting don't believe that's their task then it's probably unreasonable to expect that in a lot of cases you are going to achieve consensus.

There also is some sense of not fully agreement on what consensus means, let me put it that way, which sounds a little strange. But in fact as you all recognize from your management discussions consensus doesn't mean that I agree with the opinion. Consensus means that I can live with the opinion as the best we can all agree on.

And that's a harder concept for people to work with in a science forum but it is generally done, at least in those places where you have a majority of the people in the room experienced in this kind of work.

But maybe it's something that just needs to be continuously reiterated. But there doesn't seem to be general understanding of that. There was too much of the how can I come to consensus because that's not the way I would have done it. Well, that's not what consensus means.

And so that is a tough task that needs to be dealt with straight on both by tasking of the people who are going to the meetings as well as direct requests from the commission, this is what we

want.

Now the second issue, of course just because you tell people that's what you're trying to achieve doesn't mean that you always will get agreement that this is the best advice that we can give.

The only successful way to deal with that is to try to be, that I have observed in various forum is to try to be as clear as possible about not so much where the technical problems lie but what the implications might be, in other words what the uncertainty is.

So, if someone feels that reference points were calculated using a wrong, you know they were uncomfortable with the approach to modeling stock and recruitment, to choose some technical example, and felt really that it should have been done differently, and really can't agree to the results unless that is reflected in the report, I don't think the solution is a minority report saying I would have done it differently.

The solution is to say, okay, as a matter of consensus, hopefully, we agree these are the reference points but managers beware if you use these and in fact another modeling approach, you know a generally accepted modeling approach happens to be correct you could be a little too cautious or a little bit too risky. And be explicit about what the consequences of a particular decision are.

The reason that I say that you should do it that way is because I have heard very long and acrimonious debates about taking a different approach where in the result it didn't actually matter in terms of the management advice.

Someone might feel deeply passionate about the fact that a different model should be used but the question for management advice is not whether — you don't care which model was used. You want to know is this the best result and if it's uncertain how badly wrong could you go.

And so the real issue is what is the direction of, you know, what problem might I get into if I assume this and in fact a different approach is

correct. And that's a tricky task as well and needs to be made clear in the instructions.

If there is some disagreement then you should reflect the prevailing opinion and also indicate where the problems might lie in terms of the advice because while I know many of you around the table and I respect your technical expertise I don't think it does you very much good to get a long technical description of one modeling approach versus another.

What you need to know for your decisions in a management plan is how badly wrong could I go. And so that's a matter of tasking as well.

CHAIRMAN PATE: Roy.

MR. MILLER: Thank you, Mr. Chairman and thank you, Dr. Rosenberg, for your lucid report today. One intriguing area for me that has already been touched upon by a couple of others on the board today concerns incentives for leadership or perhaps participation.

I see that as a problem area for states in particular. States, unlike private industry, generally lack the ability to provide bonuses, cash incentives, those kinds of things. Even bringing the subject up might be treading on new ground for the commission.

And I wondered if anyone else on the commission had some ideas of what types of incentives we could use for someone willing to step forward in a leadership role.

The commission does a wonderful job at recognizing lifetime achievements, if you will, or career achievements among its participants but perhaps it hasn't provided short-term recognition for achievements and maybe that's what is needed as that little added incentive for someone to step into a leadership role. Thank you.

DR. ROSENBERG: Thank you. I think you know I recognize that there are certainly administrative issues but I think you characterized it extremely well. I mean the lifetime achievements are great for the survivors

but you know along the way it's important to recognize when somebody has been asked to make an extra effort and, after all, you know it's usually that's what needs to happen is you have to ask somebody to really put in the extra time and recognize them for it.

I will tell you from, first of all that this was reflected in the comments of the interviewees. It wasn't something that we came up with but they felt that a little recognition would go a long way. And there are ways to be creative about that.

Attending a national meeting for a lot of scientists is great recognition, not just to present a paper but you know somebody to recognize the fact that somebody has been working really hard and leading a process for them to be funded to go to a national meeting, whether it be American Fisheries Society in Alaska this year or it be whatever meeting that really interests them, not because they have a chore to do but for their own scientific growth.

I don't think this was a matter of people felt like they needed a big bump in pay. I'm sure they'd be happy to have a bump in pay but that's not really the issue. It's, you know, you worked really hard and you deserve to be recognized for the fact that you worked really hard. And there are some creative ways to do that that perhaps might not either break the bank or violate some of the things that you need to be cautious about in any of the federal or state government agencies.

CHAIRMAN PATE: Howard -- Roy, did you have a follow up to that?

MR. MILLER: Briefly, yes. The subject was broached by Pres and that is retention of stock assessment scientists has been a big problem for the states. My agency, you know we've had a revolving door on a position of that nature.

It seems as soon as someone is trained then financial incentives appear to go do the Mid-Atlantic Council or to university systems or something like that. And I, frankly, haven't found a solution for that problem and don't know what to do about it and suspect that other

states share in that difficulty.

CHAIRMAN PATE: Who got one of the last ones I lost, Roy? (Laughter) Howard.

MR. HOWARD KING: Yes, thank you Chairman, thank you, Dr. Rosenberg. Using your case studies of weakfish and summer flounder and the discussion we've had concerning leadership it would seem like leadership is perhaps one of the priority elements in your recommendations.

Is it safe to assume that leadership is inseparable from the assessment of the available data and the application of that data? And is leadership and the data element top priorities for the commission to address? Thank you.

DR. ROSENBERG: Yes, I think it is. Leadership and being clear with guidance on the process so that everyone agrees to the schedule, everyone agrees how it's going, what the priority is and what the contribution of people and time to the process will be and then ensuring that the data there is, both the effort, the requirement, the effort and in fact the organization to get the data into appropriate shape.

MR. KING: So It sounds like there is a leadership responsibility on the part of the commission as well as on the individual within the committee that accepts this responsibility.

DR. ROSENBERG: Yes. And if I wasn't clear about that, I mean we did talk to of course a number of people who have led or are currently leading assessment groups and there was the sense that they didn't feel like the leadership tasks had been as clearly laid out as they might have been and that's the responsibility of the commission as well as their individual directors, of course.

You all can figure out how the tasking works better than I as individual directors of agencies or commission. That was the point about the commission doesn't necessarily, you know can't directly task people. It does it through your participation of course.

CHAIRMAN PATE: Okay, Mark.

MR. MARK GIBSON: Thank you, Mr. Chairman. I have a question for you, not so much for Andy. Is your intention to have a general board discussion about how to respond to this report and plan a response to that? Is that going to be done at another time?

CHAIRMAN PATE: That was going to be my concluding comments to Andy's presentation today, Mark.

MR. GIBSON: Okay, I can wait for that. I have points to make but they're not questions for Andy, per se.

CHAIRMAN PATE: I'm sorry, say that again.

MR. GIBSON: I said I have points to make relative to where I see the deficiencies but they're not so much questions to the report or to Andy.

CHAIRMAN PATE: If it's okay if that would be healthy in segueing in to my comments, we'll get to that.

MR. GIBSON: I just want to make sure we get to that, that we have some kind of a planned response to this report.

CHAIRMAN PATE: We'll get there. Bruce.

MR. BRUCE FREEMAN: Thanks, Mr. Chairman. The comment I had perhaps is a question and it gets somewhat into what Mark was leading into. Was I see as one of the difficulties is the fact that the stock assessment people come from the individual states and the priorities of that state may be quite different than what the stock assessment group is doing which creates the problem of sufficient time.

I think that's one of the difficulties. And the question I had of you, Andy, is you indicated several different ways this is done in different parts of the country and my question is, are there recommendations you would have to improve this system? Your report certainly shows some of the difficulties but my concern, is there a

better way to do it or is there a better way to try to do it than what we're doing?

DR. ROSENBERG: Well, I mean I think the issues that I've raised in terms of data, leadership and sort of agreement on the rules, if you like, organization, all would improve the existing process.

And I understand and I don't understand the pressures that you're under, if you see what I mean. Obviously within each state there are a whole set of tasks that you need to deal with and our job was to try to look at it from the perspective of the work that you agree to do within the commission.

I will tell you that you know of course this commission is in some ways the strongest, in many ways the strongest of the state commissions because you have a direct management mandate, stronger than the others in other parts of the country.

And I guess you know it's for you to decide as a matter of policy and interaction with your states how you reflect the needs of your responsibilities to the commission in your own state, within your own state agencies such that you can, you know if in fact you need and want the stock assessment advice on particular species or stocks that you make that a priority within your agency and then can carry forward into the commission itself.

In other states again the linkages to universities sometimes has been very helpful. The use of outside people to try to pull together a lot of the data resources has been very helpful. Really careful agreement on the data sets and where and how they will be used and regularizing the process of developing the data for assessment purposes is extremely important and is something that improves the process so that there is a much clearer understanding for the individual assessments about what needs to be done, the sort of "no surprises" rule of all management.

And then I think being clear in your discussions as a commission about what you think your

individual agencies can provide and can't provide because there are ways to work around it if, you know, data isn't going to be available or you're not going to provide people to the process.

But there aren't ways to work around it if you find that out two weeks before the workshop or at the workshop. And unfortunately we heard some of that. You know, well, we had people coming to the workshop and saying, "sorry, we're not able to deliver the data this year."

And you all as managers know that surprises are never good. So there are some specific improvements like that, agreeing schedules and making sure that they're lined out in advance and that everybody buys into those schedules -- state agency directors, federal agency directors and so on -- to try to minimize the cases where people say what happened.

I think a lot of it is that kind of organizational stuff. And just very quickly as an aside, I mean, obviously our role was to try to make suggestions to make things better and you know you have a really strong scientific staff.

They were great in terms of participating in the interviews. They are very, very, very, very competent and know what they're doing and the process generally works but it can be better. So my job is to criticize it but I don't mean to leave that as the only thing in the room as if it's all bad.

MR. FREEMAN: If I may just continue.

CHAIRMAN PATE: Quickly, Bruce.

MR. FREEMAN: The thought I had was is there, would it be more effective for example if the commission had a core group of stock assessment people and then the states simply participate with that group so that a certain amount of work gets done? You'd just have more control.

And my thought goes back to the center process where originally most of the data was in the center, you committed people to look at these

stocks and that has been done for a long period of time.

And then the commission came in and the states came in and we expanded the system. But it really seemed to work because you had committed people under your control that did these things and you also had the great majority of the information, the data at hand. And I'm just curious if you've given thought to that technique working more effectively for the commission.

DR. ROSENBERG: We did, actually. I mean we thought of you know improvements to the existing system which are most of the things which I've been talking about, the possibility of doing things outside altogether, either contractually or whatever the arrangement is for either the front end of an assessment or for the analytical work or somewhere in the process, or having the commission have a much stronger core group with more responsibility.

And all of those can work but all of them are constrained by the fact that many of the data resources are managed by the states and having people participate in the process is a huge part of sort of acceptance and comfort with the results.

And so if you had a strong stock assessment group at the commission might you come to closure more completely on it on assessments? Yes. Would you have as much buy-in and participation and development of staff and all of the things that go along with having the working groups? No.

And so while I think in extraordinary circumstances you might go outside and use that model to produce a piece of the assessment, I think we concluded that the process really needed to have the sort of workshop amongst the state scientists format, better participation from the commission -- always as much participation from the science center as possible, bring in some academic people but you still have to have that component of people participating, bringing their data to the table, improving their data as they continue to participate in the process and so on, even with all the turnover issues and

everything else.

CHAIRMAN PATE: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Thank you very much, Dr. Rosenberg, for this presentation. I had a quick, easy question and then maybe a little bit more involved and sensitive question. Let me do the easy one first.

There has been discussion both in your report and this morning to us about data but there is no mention in your report at all of ACCSP. And I just wanted to know whether any of the respondents used the term "ACCSP" or that concept and you all didn't report it or whether the term wasn't even brought up in the report. And then I have a second question.

DR. ROSENBERG: Thank you. I mean the ACCSP process was referred to and clearly there is a long, ongoing process that you know a quite complicated process there. I know it's on your agenda and I was involved in it much earlier on and it's been going on for quite some time.

I think we, because the task was to focus on diagnosing problems with individual assessments we felt that it was more important to look at, as opposed to that overarching data program what were the issues that come up with individual assessment working groups.

I mean ultimately as ACCSP matures a lot of the data problems will become easier to deal with. But in the meantime you still have the need for advice. And that's why we recommended that you consider for certain species that have rather complex data sets, like weakfish, sort of jumping ahead in the process there as opposed to trying to do the whole, big, complicated ball of wax focus a bit of attention there to try to make some progress.

EXECUTIVE DIRECTOR O'SHEA: Thanks and, Mr. Chairman, a follow up. I won't get into the details of why I think this but you've dropped some hints both in your report as well as your comments this morning about certain groups knowing the timeline, certain groups

understand the ASMFC policy on consensus, some disagreeing with it.

Imbedded in all that to me is a slight implication that some of this may be personality driven and I'm wondering during the course of your interviews if you picked up on that theme and whether if you did pick up on that theme, the role of personalities, whether discussions that you all had in putting this report, what those discussions might be as you put the report together. Thank you.

DR. ROSENBERG: Well, let me start by answering by saying I just came from another meeting at a National Academy of Sciences review where there was a long discussion about politics involved in developing some of the what are called "high profile" papers in fisheries that have come out over the last couple of years.

And at the end of the discussion I told them that I was entirely shocked that there were any politics involved in discussions of fisheries or fisheries management and advice and that how could this be.

And I have to say the same to you. I mean, of course there are personalities involved and personality conflicts and you know people who have been in the process a long time and people who have been in this process for a year and, you know, the whole issue of who has moved on to other positions or for promotion.

All of that sort of comes through to some extent and is something that the individual managers of each of the agencies of course have to deal with. The best way that we can recommend that, I mean all of that comes into the overall process of trying to produce the advice.

And the more clarity the commission and then each of the commission members in their capacities within the state agencies and federal agencies can bring the clearer they are in terms of what the job is and what you're asking people who work for you to do the better.

And you know I've spent a long time in administrative positions and managing scientists

and you know "herding cats" is the nicest thing that you can say about managing scientists so I understand that problem, being one myself. On the other hand anybody who I have ever worked for has been entirely delighted with managing me. (Laughter)

But that's the task. I mean they still do work for you. I don't recommend that you manage their science opinions but you still have to deal with their personality issues just like any other management situation. There are some of those problems in the assessments. Some of them are long-standing. All of them are solvable, in my opinion.

CHAIRMAN PATE: Paul.

MR. DIODATI: I don't have a question. I think my comments are more in the area of resolution and moving forward, kind of like what Mark Gibson referred to earlier so I will wait.

CHAIRMAN PATE: Okay, well, maybe there are some others that I've got cued up that have some of the same ideas that they wanted to share. I think the next step that we need to take and a strategy that I've talked with Bob and Vince about is to have the staff prepare a white paper with some suggestions of how to address some of the issues that we've identified today during this discussion and that the MRAG group identified in their report.

And we'd vet that through a series of reviews from the Administrative Oversight Committee initially then to the commission and ultimately passing that report with its recommendations to the stock assessment committee and ask that committee to report back with their findings and recommendations to the commission, probably not at the August meeting because of the timeline but at the one after that, the Annual Meeting. Paul.

MR. DIODATI: Then maybe I should make my comments now, then.

CHAIRMAN PATE: That's fine, go ahead.

MR. DIODATI: I guess in response to what

Bruce was asking about should the commission be forming a new bureaucracy, my response to that is absolutely not. I don't need another group to argue with, another group of scientists to argue with, that's for sure.

So I prefer not to go in that direction but primarily because I think that the state expertise is very deep. I think you know we have people at the state level that are very, very familiar not only with the science but the fisheries and the activity, the performance of those fisheries, that go along way in terms of assessing their conditions and the stock parameters.

You know also I don't think that we could ignore the important nexus between our work and our technical folks. I think what we might need, in fact I know what we need is a review of the ASMFC management process to follow this and to go hand-in-hand with this.

I think that not to recognize that we are culpable here in this in a very important part of this process would be a big mistake. I have a lot of confidence in our technical staff. What they lack very often are the questions. And I think given the right questions they're going to give you very good answers.

And I think 99 percent of the time we are not giving them the right questions. And I think so there is a matter of improving our role as leaders and having more involvement with directing our technical staff, driving them to provide us with the advice that we really need.

And I don't think it helps us building management regimes that don't fit the information that we have. That's something that we're going to have to recognize and maybe change our direction in terms of management. So I'll look forward to Bob's white paper and add comment at that point.

CHAIRMAN PATE: Thank you, Paul, and I couldn't agree with you more. I know we've all had experiences in the past where we've been silently or openly critical with the advice that we get from our technical committee and it's due to nothing more than we asked them the wrong

question or we didn't have clarity in the questions that we did ask them so I don't think there is any doubt in my mind that we are culpable in causing some of the problems that Andy has expressed today. Vince, real quick.

EXECUTIVE DIRECTOR O'SHEA: Yes, real quick. I think in that case as the staff goes to put this paper forward if some folks have some things they feel strongly about in their hip pockets if they could start articulating them and getting them to them.

So Paul obviously has some ideas in his mind. I'd encourage him not to wait until he sees our paper. Let's let us at least put it on the table and we'll either say it wasn't the right place to incorporate it or that makes a lot of sense, let's get it in as soon as possible. Thank you.

CHAIRMAN PATE: I agree. I'd like to go back to Mark now.

MR. GIBSON: Thank you. I thought the report was well done and I thought the interview process was valuable. I participated in it and it helped me to frame my comments. I think the report hits on the key elements that a good assessment comes from I think three elements.

I like to think in terms of the Venn diagram that all come together in a target. And I don't know why thee is the appropriate arithmetic but it works for me. But you need good, quality data, and available data.

I think the commission is making a lot of initiatives there with the ACCSP program, the new ACFCMA money that is going to be plowed largely into data collection. We had discussions with the regional administrator this week about scup data deficiencies.

Another element of good assessments is the management support that the agencies and the commission provides: guidance, timelines, setting assessment priorities, agency commitment of staff. I know we heard from New York how they're doing that to the exclusion of other important pieces of work. So I think things are happening in terms of that.

The third leg is the training of quality assessment scientists in strong leadership of that group. And the training programs are going on. States when possible are hiring assessment scientists.

So I see progress on the three legs of a good assessment except for one place and that's in the strong leadership, the assessment team leadership. And I don't see any initiatives there. And what is happening is the assessment leaderships are not empowered to drive the process to a conclusion.

They don't have any basic authority over their team members. In all instances, whether it's a federal scientist or state scientist or even an outside expert they don't have any direct authority over the team members.

Each one of those people has a boss back home who may not even be associated with the commission process so there is no real authority there. And that to me is the striking element that came out of this.

And not only in my past experiences but in the report if that team leader can't drive the assessment, doesn't have authority and doesn't have the wherewithal to drive that process to conclusion it probably won't get done, contrary to the case of a private business.

If MRAG was hired to do an assessment it would be done. It would be done on time and it would be done in a quality manner because their future business depends on that, depends on delivery of a product.

There is no such incentive here at the commission level so I see that as the greatest deficiency in those three pieces, that we need to find a way in this white paper to empower the team leaders to drive these processes forward.

And I don't have any insight into how to do it, whether it's paying them and how you give them authority over other states' staff but that's a real deficiency.

CHAIRMAN PATE: Thank you, Mark.

Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I raised my hand so long ago I forgot what I was going to ask or say at that time. (Laughter) But I'll say now that I want to thank Andy and his associates for I think a report that very effectively addresses the objectives that they were given in their contract.

And I really appreciate its clarity and specificity in terms of its suggestions for how we proceed. And I also want to just give a nod to Vince O'Shea and Pres Pate for having the wisdom to undertake this effort.

It clearly was a timely and important thing to do. And I've been sitting here all morning and I guess the basic attitude is "chafing at the bit" to get at it so I appreciate the chairman's suggestions on how to proceed.

I'd like to suggest one more thought that you consider in terms of how to proceed and that is that in addition to soliciting input for the staff's consideration in this white paper that you might even want to consider a small ad hoc committee of this body, including the two gentlemen who spoke just before me, to work with the staff and with the stock assessment committee on this very important process. I think keeping them engaged would help ensure success. Thank you.

CHAIRMAN PATE: Thank you, Gordon. Dennis Abbott, I had you next. Is your memory failing you, too?

MR. DENNIS ABBOTT: Not quite, Pres. Thank you, Mr. Chairman and thank you, Dr. Rosenberg. A simple question from me would be, listening to all the comments made and in reading your report during the meeting this morning would it be helpful if a broad template was prepared which would address all the issues of the participants in their duties and the time of their duties so that everyone would be clear? Is that something that you could provide as an organization?

DR. ROSENBERG: I think it would be helpful to have a clear framework and then agreement



by the Policy Board and commission members on what needed to be done. Well, I think we could provide that.

It's not clear to me that we could be as complete as perhaps the staff could be working with commission members simply because we didn't do an exhaustive look at all the various assessments. We tried to take an overview approach.

But if we can be helpful in terms of drawing up such a framework, if that's the way you decide to go we'd be happy to do so. I do think it's important that there be something very clear that indicates what, you know, how timelines are set, whatever that mechanism, as Mark pointed out very clearly, whatever that mechanism for trying to instill some authority and accountability in the process is given the complications of working across many different agencies so that everybody knew the rules of the game and what the timelines would be is very valuable and if we can help do that I'd certainly be happy to do so.

CHAIRMAN PATE: John Nelson.

MR. JOHN I. NELSON, JR.: Thanks, Mr. Chairman. Actually the points that I thought were going to be, I wanted to raise, have been raised. I think they've been raised several times since I raised my hand so I'm not going to repeat those.

I would just thank Andy for coming through with the recommendations that he did. I think what this helps us do is to focus our attention on this area of need for improvement on the commission process.

And I think we've all been saying, well, we've got to do something to improve how we're doing the stock assessments. This gives us some good guidelines to focus on, especially amongst the data aspect of it which I think is really critical to making this go smoothly.

And I agree with your process that you've laid out, Mr. Chairman, so I'm going to leave it at that. And, Andy, again, thanks very much.

CHAIRMAN PATE: My Dave was David Cupka.

MR. CUPKA: Thank you, Mr. Chairman. I was just going to say I agree wholeheartedly with the comments Mark Gibson made earlier and I do think it's extremely important for this commission in that we do have a responsibility in terms of providing leadership on these but I also think we have a big responsibility in terms of communicating just what we want to get out of those things.

And to me you know a little bit of time spent upfront on some of these things like developing a clear set of terms of reference so that people kind of know what the benchmarks are I think is time well spent.

And I hope that we would continue to do that and maybe spend even more time so that people have a little clearer idea of just what is being asked of them and what the expectations are. I think those terms of reference are extremely important and are well worth time upfront before the process even begins.

CHAIRMAN PATE: Doug.

DR. GROUT: Just a suggestion to both you and Vince from the stock assessment committee's standpoint, I think it would be good if you could e-mail out a copy of this report to the stock assessment committee with a clear idea of what the process that you're describing here -- a white paper going to the AOC, and then eventually it will make it down to you for comments -- because I've had at least two or three members of the stock assessment committee who were interviewed by Andy's group already indicate that they had gotten copies of it and would like to make comments on it. So at least if they knew what was going to happen with this and made it clear to them, that would be very helpful.

CHAIRMAN PATE: And that's a good idea, Doug. I've already distributed it to my staff who were interviewed and asked them to comment back to me which they've done. And we'll take care of that immediately after the

meeting. Ritchie.

MR. WHITE: Thank you, Mr. Chairman. I think I agree with Gordon's suggestion on how we proceed. I guess I would add to that at some point during the process as we start to compile some ideas that we run those ideas past the chairs of some of the technical committees to get their feedback on how they view being empowered and compensation and recognition and get their sense on some of our ideas.

CHAIRMAN PATE: Thank you, Ritchie. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Two points, one of clarification, when this report came out I distributed it to all the state directors and some folks had called back and asked for guidance on distributing it further and I basically encouraged them to share it with their staffs.

But I thought it was important given the nature of the message and the nature of the situation that frankly symbolically the report come through the state directors to their scientists in order to encourage the dialogue at that level as opposed to the commission sort of stepping over the state directors and injecting this report into the staff, so that's Point Number 1.

Point Number 2 is sort of a place marker. Imbedded in Dr. Rosenberg's report and imbedded in many of your comments this morning what I am hearing is a clear, you know given the impacts the stock assessment process is having on our overall management process but imbedded in all of this quite frankly is we're going to have to confront the reality that we're really going to need to put more time and attention into this, both at the commission level, commissioner level as well as the state director level.

And we're not going to bring about any changes in my view unless we sort of acknowledge that upfront. And I think the fact that we're not getting stock assessments done on some of these key species should indicate to us that the additional time is warranted for us to try to fix

that problem and get this process back online again. But it's going to take time and attention from everybody at all levels to do this.

CHAIRMAN PATE: Thank you, Vince. Vince was the last speaker that I had cued up. Tom, one more comment.

MR. FOTE: Yes, as I said, when I first got involved in the process I went to a lot of the stock assessment. I went to participate and learned real fast that I was really there to observe and to learn the process.

But it also taught me a great respect. And I probably haven't been to a stock assessment meeting in probably about 15 years but I know the difficulty that goes through there, the hard work and the dedication.

And I would encourage any of the commissioners that have never been to watch one of these technical committees going through a process like that go to and just watch and observe and see how difficult it is sometimes and see the questions, see the play that goes back and forth. You have a better feel and understanding and respect for how the process goes on.

CHAIRMAN PATE: Thank you, Tom. Anyone else, some closing comments? Seeing no interest in that I will thank Dr. Rosenberg on behalf of the commission for a very well-prepared report and hope you'll follow our progress, either formally or informally.

DR. ROSENBERG: Okay, thank you very much. Nice to see you all. (Applause)

CHAIRMAN PATE: Okay, we're ahead of schedule. As you will note on your agenda we have a buffet lunch scheduled to begin at 11:45. We've got about 50 minutes between now and then so I'd like to proceed with the next item on the agenda which is scheduled for after lunch and that's an update on non-native oyster activities from Bob Beal.

**-- Non-native Oyster Update --**

MR. BEAL: Great. Thank you, Pres. Just briefly on the non-native oyster issue, the environmental impact statement that is being developed by the states of Maryland, Virginia and the Army Corps of Engineers is proceeding. They commission, as I mentioned before, the commission holds a seat on the Project Delivery Team, the title of the group that's developing the environmental impact statement, and kind of overseeing that process.

The intention is for that environmental impact statement or the timeline for that is to get that finished sometime early fall of this year for public review. There, as Pete Jensen I think mentioned and gave you the membership of a group, a new advisory panel group to the Asian oyster project that has been formed, that group is going to meet I think in July, late July is the timeline, to review the interim progress and interim steps of the environmental impact statement so that meeting is going to occur.

The commission's involvement in the process still is, the intention is to engage our Interstate Shellfish Transport Committee in the process. They will meet most likely June-July timeframe this summer to review the process that has been going on so far, get more or less brought up to speed on all the research that's going on, where the environmental impact statements stands, you know inform them on the options that are going to be included in that environmental impact statement when it's completed.

And the process will be once the shellfish committee meets they will develop their comments, forward their comments back to this Policy Board. The Policy Board will then determine what sort of policy-type statements or guidance they want to feedback into the Project Delivery Team as they finish up the environmental impact statement and also later on review the final impact statement once it's completed.

So overall I don't have any specifics to report to this group right now other than where the process is and the timeline for hopeful completion, as I mentioned earlier, early fall sometime this year. So that's a short summary.

I can answer any questions on any details if you would like.

CHAIRMAN PATE: Any questions of Bob? Seeing none we'll move to the next item. Linda Mercer, front and center, NEAMAP update.

**-- NEAMAP Update --**

DR. LINDA MERCER: Thank you, Mr. Chairman. The NEAMAP Board met on Monday and reviewed a couple of issues. The first one was the NEAMAP Website that has been developed by Elizabeth Griffin and commission staff.

It looks terrific. They really did a fantastic job on it. You can see it at neamap.net currently. It will be on the commission Website. We feel this will be a very useful tool for sharing information for the NEAMAP program and helping to gain a little more recognition for the program so I hope you will all take the opportunity to look at it.

The other major item of discussion was the allocation of the money we are receiving from the additional \$2 million in ACFCMA funds. Most of you know about this but Bob will be reviewing all of the areas that are being funded after this item.

There are two items that are being funded as part of the NEAMAP program. The first is a pilot survey in the Mid-Atlantic area. Two hundred fifty thousand dollars has been allocated for that program.

The other item will be a gear comparison effort with the Maine and New Hampshire trawl survey looking at net performance under different conditions of tide and depth and \$50,000 was allocated for that project.

Our main discussion focused on the new pilot survey for the Mid-Atlantic area and we developed a process for reviewing proposals to conduct the pilot survey. The staff is going to develop an RFP that will go out very shortly.

It will be distributed first to the NEAMAP

Board for review, by May 20<sup>th</sup>. We will get comments back on that as quickly as possible and expect to send out the RFP by May 27<sup>th</sup> to all NEAMAP partners. It will be posted on the ASMFC Website.

We are asking that interested parties submit a letter or an e-mail of intent stating their interest on submitting a proposal so that we'll have a heads up of how much interest there actually is out there for conducting this survey.

And that deadline will be June 10<sup>th</sup>. The deadline for full proposals will be July 1<sup>st</sup>, 2005. It's an ambitious schedule but there is a need to get this going as quickly as possible. We had a lot of discussion about NEPA reviews and the fact that this may take quite a bit of time. But that will be a heads up to whoever is proposing or putting in a proposal for this.

We also developed criteria for reviewing the proposals and some of the criteria will include experience in conducting trawl surveys, the ability to commit to getting a vessel for the survey — there are not too many research vessels available out there — the project description itself, a cost evaluation, adherence to specifications in the planning document, and degree of association with a host agency if the agency proposing is not a state agency.

Those are the main items that we want to look at and the process for reviewing will be that the Operations Committee will do the review, submit their recommendation to the NEAMAP Board and then the NEAMAP Board will forward their recommendation to the Executive Committee.

The other item of business was a presentation on the Trawl Advisory Panel by Chris Bonzek. Chris has been serving as proxy for Vince on the Trawl Advisory Panel. A net has been developed for the federal survey. It is going to the Plume Tank I think later this month or early June for testing.

And one of the recommendations that has come from this group or from Chris is that we might use a scaled-down version of the NMFS net for

the NEAMAP program so this is something that will be taken under consideration as this pilot survey is developed.

And we expect that the successful project proposal will work closely with both NEAMAP and with the Trawl Advisory Panel to assure that we have a good net developed for the survey design. That's it. Any questions?

#### **-- Update on Summer Flounder Quota Transfers --**

CHAIRMAN PATE: Thank you, Linda. Any questions of Linda? Very good. I'm going to reverse the order of the next two items to make sure that we get Number 10 in before lunch. I'm thinking that it is a possibility we could lose a few members after lunch and I want to make sure that we have a chance to adequately cover an item that was brought forward from the Summer Flounder Management Board on Monday morning relative to the last addendum that we did to that plan which required some transfer of quotas from four states to other recipient states so that those recipients could apply the transferred quota to programs that were developed to address discards in various fisheries.

The states that were required to transfer quota were: North Carolina, Virginia, Rhode Island, and New Jersey. As we received the update from the staff Monday morning on the status of those transfers it became apparent that New Jersey had not yet completed their obligation.

And Bruce was not here to participate in that discussion and provide us an explanation of the status of his review of the plans that were submitted by the recipient states. And I wanted to make sure that we had a chance to leave this meeting with a full understanding of what New Jersey's plans are to proceed according to the addendum so I asked that the item be put on today's Policy Board agenda and now I'll ask Bruce, if he will, to update us on where you are with your review of those plans.

MR. FREEMAN: Thank you, Mr. Chairman. Our position is presently to review the various

proposals. We will make transfers to those states where in our belief that the transfer will go to reduce the bycatch problem.

However, we also are looking at several state plans which we do not accomplish that and essentially allow those states to increase the catch and perceive this as simply a transfer of quota from one state to another.

We will contact those states where we see difficulty, at least as we understand the proposals, and indicate our concern. We will then determine whether in fact the transfer will occur.

However, we see a number of states where their plans are certainly constructed so that it does overcome the problem of some of their bycatch problem. We'll make those transfers. But we have not completed that process as of this date.

CHAIRMAN PATE: Can you project your completion date, Bruce? And let me state my interest before you do that and that is that if there is anyway possible that those decisions could be made and transfers be completed prior to June 1<sup>st</sup> which is the deadline for the compliance reports for summer flounder than that would greatly facilitate how we proceed past this point and address the decision that you made in the next board meeting in August.

MR. FREEMAN: We would hope to complete that by the end of this month.

CHAIRMAN PATE: Very good. Roy.

MR. MILLER: Mr. Chairman, I'd like to seize this opportunity to bring up a subject that's a little delicate. Some of the states have transferred some quota to Delaware and some have not. The reason being that Delaware's flounder commercial fishery is largely a bycatch fishery in our gill net fishery and we land a few thousand pounds a year.

But those thousands of pounds a year have been building up as a deficit when viewed by the federal government, the Mid-Atlantic Council, until we now have a deficit of about 50,000

pounds because they don't have the same recognition of de minimis that the commission does.

And so one or two states have objected in transferring flounder quota to Delaware just to reduce Delaware's deficit. I would just like to point out that any quota transferred to Delaware you could look at it as a conservation savings.

In other words, if you transfer quota to us, those fish ostensibly would be available for other sectors of the fishery or other states to harvest. Thank you. That's all I wanted to say in that regard.

CHAIRMAN PATE: Thank you, Roy. Any other comments from the board members? Gordon.

MR. COLVIN: Yes, I appreciate Bruce's comments. I understand the sensitivity of the issue and the importance of New Jersey assuring itself that the transferred quota will be used for the intended purpose.

A couple of us had submitted our plans as early as the last meeting of the board so we're kind of chomping at the bit here and we very much appreciate the efforts of Virginia and North Carolina and Rhode Island to get those transfers communicated to the regional administrator.

And I think of those one has now been completely transferred as a result of all the other states accepting and the other two are pending. One of the things to bear in mind is that we've made representations about how we want to try to act within the current year to use the transferred quota to assist in the discard problem.

We only have one transfer so far that has actually occurred and it is May 12<sup>th</sup> I believe today. And the fish are moving inshore where we would, at least in our state, hope to focus some of that effort.

The longer it takes, in other words, before the transfers occur the less likely we are to be successful in implementing the programs that we

outlined to you and, quite frankly, I think that needs to be thought about in the context of evaluating these programs in the future.

And I would urge those states that have not yet responded to the regional administrator with respect to the quota transfer offers from Rhode Island and North Carolina if that is holding that up to do so, so that the RA can complete those two transfers.

And I would urge New Jersey if they can to at least clear the transfers on those of the states plans that they have reviewed that -- and I appreciate the favorable comments that I've heard from Bruce on the New York plan -- and perhaps we can get the ball rolling and I can get with our industry and put that plan in place as soon as possible. Thank you.

CHAIRMAN PATE: Thank you, Gordon. Any more comments? Eric.

MR. ERIC SMITH: Thank you, Mr. Chairman. I just wanted to quickly echo Gordon's comment of appreciation to North Carolina, Virginia and Rhode Island for their efforts in this. We understand it's a difficult challenge. The addendum was difficult itself and we appreciate those efforts.

And Gordon's second point is the things that are holding up the conclusion of the transfers from North Carolina and Rhode Island are not in any way based on lack of activity from North Carolina and Rhode Island.

It is the so-called "recipient states" who need to send a letter to the service to complete the paperwork approval of this and then the service can do the job that they're waiting to do. So I would encourage everyone to recall that part and do it. Thank you very much.

CHAIRMAN PATE: Thank you, Eric. Okay, no action is necessary on that, then. We'll move to the skipped over item which is Number 9, the update on the additional ACFCMA spending plan. Bob Beal.

#### **-- Update on Additional ACFCMA Funds**

#### **Spending Plan --**

MR. BEAL: Great, thank you, Pres. I think I've given kind of parts and bits and pieces of this spiel at three or four different meetings this week and there seems to be some confusion or lack of clarity as to exactly where the process is.

So what I did was I put together a few PowerPoint slides here and what I plan to do is kind of quickly go through the process of where each project is, what we will would like to get from the states in order to facilitate this, you know getting the money out to the states.

So I will briefly do that but just as background I think you all know that the commission received an additional \$2 million from the Atlantic Coastal Act from Congress. We've received notification from the National Marine Fisheries Service that following a rescission and a percentage for overhead we'll have about \$1.87 million to actually spend on projects. I think a letter was passed around detailing the math to get to \$1.87.

Based on an assumed number that we had to actually spend on projects the Executive Committee approved a spending plan for about \$1.85 million so it's pretty close. I think the few thousand dollars either way I think we can pick up in different projects and come out to the right total even with the spending plan that we have right now.

That spending plan was e-mailed around to everyone, e-mailed from Vince to everyone I think probably about a month ago now. It was also handed out at the beginning of this meeting in case folks didn't bring that with them.

The plan to actually get this money to the people that are doing the work, we'll put together two grant proposals that will be sent to the Northeast Regional Office through Harry Mears' shop in particular.

There will be two different types of projects. That's why we'll have two different grant proposals. The first will be projects that I call the "easier projects," the things such as data

management, data collection, covering travel costs for meetings, those sorts of things that have no environmental impacts.

They're projects that will be categorically excluded from any of the NEPA requirements. They'll be the, you know the things such as that we do with the bulk of the ACFMA money that the commission gets such as fund meetings like this and staff work and staff travel and those sorts of things. So those are the easy projects and I'll kind of highlight which is which as I go through my presentation here.

And the second group of projects or the second proposal will be the more kind of "on the water/in the field" projects," fishery-independent survey type work or tagging work, those sorts of things that actually may have a component that has some mortality on the target species or it may impact some other species that are of concern to the federal government as well as the state.

So that's kind of the process. I think I'll just start flipping through. As you all will remember there has been, when the leadership went to Capitol Hill and lobbied essentially for this money there were five areas that we promised Congress we could address with additional money.

Those are: American lobster, menhaden, red drum, near-shore trawl work and then eel, sturgeon and shad. So I'll just start going through the projects briefly and just give you a status of where they are.

The first one is the American lobster project. The first activity there is the port sampling and sea sampling work. There is \$240,000 set aside. \$60,000 for four states, the states of New Hampshire, Massachusetts, Rhode Island. And the intent here is to collect some landings and size distribution data for the offshore statistical areas.

As the technical committee has gone through the current assessment that they're working on they highlighted kind of the lack of information from the offshore areas so this project is designed to

get some of that data that they have highlighted as severely lacking in the latest assessment effort.

New Hampshire put together a proposal to do their portion of this work. I've taken that proposal and expanded that to cover the other three states that are listed here. That proposal has been distributed to the states I think the middle of last week for a review and I think we're, as far as getting the proposal together for that project I think we're in pretty good shape.

The next project is the catch reporting in the state of Maine. I've talked to Linda Mercer there about getting that proposal together and I think we can proceed and get something from the state of Maine. Seventy-five thousand dollars has been set aside for that.

Activity 3 is the Lobster Health Steering Committee. There is \$20,000 set aside for this. What this money will be used for is meeting costs and travel expenses for members of the Lobster Health Steering Committee.

As you all know the lobster health group that worked on Long Island Sound lobster health issues, that group is currently being expanded to cover the range of lobsters and deal with the lobster health issues throughout the range of American lobsters.

And this money is not intended to fund any of the research or conduct projects associated with getting a handle on the health of American lobsters throughout the range. It's simply to fund meeting costs and travel expenses. And staff will put together the proposal for that one. It's pretty straightforward.

Activity 4 is the ventless trap survey. There is \$300,000 set aside for this. The notion is that this project will be implemented from Maine through New York. We currently have the proposal from Massachusetts on the study that they have been conducting and I think in Massachusetts Bay for the last couple of years.

And what staff is working on is expanding this out to cover the neighboring states in the range

of from Maine through New York. I think this is definitely a project we need some more technical committee and state input to get this proposal wrapped up and into the package that we'll send up to the Northeast Regional Office.

So in the next couple of weeks if I could work with some of the state directors and some of the technical committee members to get this one moving along I think that would be real helpful.

Moving on to menhaden, I updated the Menhaden Board on the details of the two menhaden projects. They're pretty straightforward. The first is the LIDAR study. There is \$300,000 set aside.

This is a remote sensing project to survey the Chesapeake Bay to determine the abundance and potential localized depletion issues associated with menhaden. This Year 1 will be a pilot program to see if this is a feasible technology to use.

We have received a proposal from Maryland and the Fish and Wildlife Service and I think we're in good shape on moving this one forward to the Northeast Regional Office. Activity Number 2 also under menhaden are predator/prey studies, larval studies, exchange studies between the bay and the coastal areas as far as juvenile and adult menhaden go.

There is \$100,000 set aside for this. Staff has been working with the states of Maryland and Virginia as well as the staff at the NOAA Chesapeake Bay Program Office to figure out what programs the NOAA Chesapeake Bay Office is going to be able to fund and what projects that you know we should use this additional \$100,000 for.

We'll continue to coordinate with the two states and the NOAA Office and I think we can pull some proposals out of some of the existing proposals that are out there and fund some of the work that is consistent with the technical committee's priorities. So, at this time I think we don't need any input from the states other than continue to work with Maryland and Virginia on this one.

The next study area is red drum. Red drum was listed a little bit differently in the spending plan. There were three activities listed with one dollar amount total. The three activities are: tagging studies, archival pop-up tags, and the long line survey.

The red drum technical folks got together and they decided that the best bang for the buck would be putting the majority of the money in the long line survey for this year and it would be conducted in the states of North Carolina, South Carolina, and Georgia.

We have received the proposal to get that work done. I think we're in good shape there. We shouldn't need any additional input from the states until we -- there may be some NEPA implications for this project. We may need to go back to those states and talk about some of the potential impacts of the long line study.

There was another component on red drum which is a few thousand dollars going to the state of Georgia for angler-based tagging surveys. And I think, again, we're in good shape there. The technical committee folks agreed that the archival tag project is probably not the best bang for the buck right now. We should forego that project right now and focus on the long line study and the angler-based tagging study in Georgia.

The near-shore trawl survey, I think the Linda Mercer summarized the process for this. The first activity is the NEAMAP pilot study. There is \$250,000 set aside to do this. We'll work through the NEAMAP Board process and get together a proposal to submit to the Northeast Regional Office.

The second project under the near-shore trawl survey effort is the or the second activity is some gear calibration work in the states of Maine and New Hampshire. We have a proposal that we're going to, with input from those two states I think we can modify that proposal and get it into the package. We will be in pretty good shape there as well.

The final area is eel, sturgeon and shad. The



first activity which we probably need to have at least some discussion on today is the creel survey work. There has been \$150,000 set aside to get a handle on what is going on as far as landings in the upriver systems, kind of beyond the scope of the current MRFSS program.

They wanted to you know focus on eel, shad and sturgeon and obviously the other anadromous or diadromous species that end up in those areas and are caught in those areas by recreational and commercial fishermen.

There has been, as I mentioned earlier, kind of limited activity on this proposal. This \$150,000 set aside isn't linked to any one particular state. We've had some discussions at different meetings this week that this money may be better used for kind of designing surveys and not conducting as much field work and we need to you know which I think is okay and within the scope of what the Executive Committee had in mind when they put this project in there.

I think it's just how do we get a handle on what is going on in these upstream areas is the real question. So we can discuss that at the end I think. The second activity is Hudson River sturgeon tagging.

There is \$50,000 set aside. We intend to work with the state of New York to develop a proposal to get that work done and get something to the Northeast Regional Office. So I think we will need some input from New York but we can work with Gordon on that one.

And the final project out of all these or activity is eel data analysis. There has been \$11,000 set aside to analyze some long-term eel data that has been collected in New Jersey for the last, since 1986 I believe or '89.

It's a 15-20 year time series of glass eel data that was collected by Rutgers University. We have that proposal finalized and actually I believe the analysis may have already started so we're in good shape on that one.

The timeline that we need to adhere to which is probably the real take-home message here, is we

probably need input from the states and finalize all those state activities within the next two weeks or so and that will give us time to pull together the two proposal packages and get them to the Northeast Regional Office by mid-June.

It will give the Northeast Regional Office a couple of weeks to work on those and they have to have all their work done I think by the end of June if I remember, if not sooner is the word we're getting.

So the timeline on getting this wrapped up is pretty quick. We need to get a comprehensive, detailed package to the Northeast Regional Office. And that includes the NEPA statements for the more, as I call the, the more difficult projects.

So, there is a fair amount of work to do in the next, you know, month, but I think we can do it. If we can get the input from the states on the proposals I think we can pull it together. So I can answer any questions if you would like, Mr. Chairman.

CHAIRMAN PATE: Bruce.

MR. FREEMAN: Bob, under American lobster Activity 4, was there discussion on actually covering the full range of lobster so you can get an assessment over the range of health rather than just from Maine to New York?

MR. BEAL: This was, that range was based on input that I received talking to some of the members of the technical committee. It wasn't based on, you know, full technical committee consensus but it was based on the fact that the majority of the population occurs throughout the range and maybe give this is kind of a pilot study to see how well the ventless trap surveys work let's start in that kind of subset of the overall range of American lobsters and start in that area.

MR. FREEMAN: Well, my thought is that it's primarily going to be working with industry and collecting these samples. And it may be only one-time money so this may be it. It may be more useful simply to select, and there is only a

handful of fishermen that fish south of New York but contact them and get a sample covering the entire range, if you're looking for health of the stock.

And we've heard reports from our lobster fishermen they're starting to see increased incidence of shell erosion which would indicate it's not just confined to the Rhode Island/New York/Connecticut area and Southern Massachusetts but it may be more extensive.

CHAIRMAN PATE: George.

VICE CHAIRMAN GEORGE LAPOINTE: I think it's important to recognize the ventless trap survey isn't for lobster health like shell disease. It is looking for sublegal lobsters. It's trying to develop a proportion of sublegal lobsters and so for the kind of things that you're talking about, Bruce, I don't think this particular survey is appropriate.

CHAIRMAN PATE: Okay, Gordon.

MR. COLVIN: I'd like to come back to the point that Bob raised about the river surveys. We had some discussion of this yesterday at our informal northeast directors get-together with Pat Kurkul.

The difficulty we have is that those of us who have done surveys, rec surveys in the rivers -- and I know Roy spoke about the multi-state effort in the Delaware. We talked a little bit about the Hudson -- is that we find that because the MRFSS style process to get effort data doesn't work, we end up having to develop effort data with techniques that are much more labor-intensive and costly.

And \$150,000 would probably not be enough to do one year's survey on one river. We're looking at more than that for the Hudson River annually, for even just a limited survey. So it seemed to us that what the real challenge here is to find a more cost-effective way to get the information that we need for management about the removals of these species from these river systems in a manner that we can all really do in a practical sense and that we can afford and that

gets us data at the level that we need it.

And for that, to that end our suggestion was, and I commend it to this board, that we instead of simply throwing that money at a survey somewhere that we use it to try to work in consultation with those parties that we would need to consult with to try to develop a model approach to getting that kind of data in river systems that will meet all of our needs.

CHAIRMAN PATE: Vince, can you give us some information about the funding cycle and the deadlines that we might be facing on committing this money? Are we at risk of losing that or can we carry it forward as long as we have some obligation?

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Actually, I'm going to put Anne Lange on the spot. A couple of years ago the joint enforcement agreement money was absorbed or taken away or whatever at a certain time of the year because it hadn't been obligated.

I think that's what you're getting at. And I can't remember when it was. It seemed to me it was around July. They found it in the box and then took some action on it. The other part implied in your question is you know at what point do we need to sort of go back to, what is a key date for us to have to go back to Congress to say what we did with this money as a level to what they do in the '06 budget.

And last year that budget determination really wasn't made until around December or so. So, you know, I have gotten one call from Senator Gregg's office who was a major player in us getting this money. And they were asking questions about how we were using it with regard to lobsters.

So that interest up on the Hill that we suspected might be out there had manifested itself in one telephone call. But bottom line I'm thinking around July was when we lost the, when the agency lost the JEA money.

CHAIRMAN PATE: Anne, he put you on the

spot.

MS. ANNE LANGE: I guess I'm on the spot. As Bob has indicated, the grants management division at Headquarters, NOAA Grants Management, is the group that needs to get the proposals in order to start the process.

Initially our grants people in the region were told that those, all the proposals needed to be in to Grants Management by June 1<sup>st</sup>. My understanding from an e-mail that both Bob and I received from Susan Olson of Harry's staff was that Grants Management is looking to have that maybe even earlier.

So I think Bob's estimate of a June 1<sup>st</sup> or excuse me an end of June submission by Northeast Region to Headquarters is the very last date and it's likely sooner than that. The other part of that as far as losing funding, we have the ability to use the monies over a longer period of time than just this year so the projects don't necessarily have to stop or end within the fiscal year.

I think we have up to three years. And the guidance that the Northeast Region has given to Bob is that what the window for the overall grant or in this case two grants, the categorically-excluded projects versus those that need actual NEPA documentation, again two grants, the earliest start date and the farthest out start date should be the timeframe that is included for the grant project.

As long as those dates starting dates encompass the timeframe that the states are expecting to use the monies over then there shouldn't be a concern about losing them, again, losing the funds, as long as those proposals are submitted in time.

CHAIRMAN PATE: Okay, that's very helpful. Bob had a suggestion on an alternative way to possibly use that \$150,000 along the line that Gordon was suggesting. So you either had your hand up to comment or if you did do that and then address that point I just made.

MR. BEAL: Sure. Yes, as far as spending the

\$150,000 for the survey work I was thinking it may be helpful if we set up just a subcommittee or a little group or three or four folks that can help me out in the next two weeks put together an idea -- I think Gordon has some experience in this category or this area and so does Roy -- just to figure out kind of what do we put in this package to kind of, put it bluntly, spring the money from the Northeast Regional Office and then we can apply it to the actual projects.

So I think the short-term problem is what do we want to say we want to do with this money and just \$150,000 worth of design work for studies seems like a lot of money just for design work and meetings but we need to put together a scope of work for that. And then the other -- okay, just go ahead.

CHAIRMAN PATE: Gordon.

MR. COLVIN: To that point, Bob, I think it would be very useful to touch base with the MRFSS staff, with Dave Van Voorhees and Tom. They were in New York about a month ago and we got into a sidebar discussion of this with our Hudson River staff and Dave has some ideas. And I think it's worth consulting with them.

CHAIRMAN PATE: Okay, John.

MR. NELSON: Thank you, Mr. Chairman. Whether they need to go through the NEPA process or not it sounds as if we have a short timeframe to finish up working with staff to develop those proposals and so I guess my sense is that we need to get that stuff in to the commission as soon as possible so that we make sure that we have it to Harry and his staff in a timely fashion so that they can then submit it in a timely fashion.

And hopefully some of the things that are not NEPA-driven and at some point I think we need to just figure out which ones those are and which ones aren't and we can plan accordingly for the dates of the activities.

Obviously the lobster information and I'm sure some of the others are season sensitive and

certainly we were hoping to start those early on so that we wouldn't miss a lot of the information that we could get from this coming season.

So I know the service has been very helpful in trying to get this going and I would hope that we can continue that type of interaction and cooperation and make sure that we can get it going as soon as possible. Thank you, Mr. Chairman.

CHAIRMAN PATE: Thank you, John. And I think Bob's plans are to go to the Northeast Region and sit down face-to-face with the staff there to identify directly which ones of these projects qualify for the categorical exclusion and which ones have to go through the full-blown NEPA process. Bob also had a follow up question for Anne.

MR. BEAL: Anne, one of the questions that I've been asked as I've been going through this process is under the expanded authority provisions what opportunity do the states have to start spending some of the money, you know, prior to actually receiving the contract or the grant from National Marine Fisheries Service.

MS. LANGE: Well, not being the grant staff and not having, it's been a while but my understanding in the brief discussion -- this came up in our conference call with the Northeast Region and there was only a brief comment about it but I believe it's up to the commission.

The commission I think -- and maybe Laura came to the table about that, I think the commission qualifies so the question is the risk the commission is willing to assume, I believe, to commit those funds prior to actually the final granting or grant process. So I think, and, again Laura came to the table.

MS. LAURA LEACH: We do have expanded authorities. We have 90 days before the start date of an award to spend funds. We don't know what the start date of the award is going to be yet so that concerns me a little bit.

CHAIRMAN PATE: Paul.

MR. DIODATI: Mr. Chairman, I'd like the board to have an opportunity to discuss funding initiatives in general and I wonder if it's appropriate to do that now or under other business.

CHAIRMAN PATE: Let's do it under other business, Paul, if you don't mind waiting that long. We have our lunch scheduled and I asked them to bring it out a little bit earlier, the chairman's prerogative of getting hungry probably quicker than anybody else does. (Laughter)

So if there is any more questions of Bob on this ACFCMA money I'll certainly entertain them. If not, we'll break for lunch and convene as soon as you can get back with that.

(Whereupon, the meeting broke for lunch at 11:40 o'clock, a.m.)

The meeting of the ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Thursday, May 12, 2005, and was called to order at 12:20 o'clock, p.m., by Chairman Preston Pate Jr.

CHAIRMAN PATE: Can we get the board members back to the table, please. We had an opportunity at the Awards Ceremony last night to listen to the comments that Dave Cupka made and his announcement of his decision to retire and that this would be his last meeting and it sort of caught me off guard.

And the comments that I made last night were certainly minimal to express the appreciation that the commission has had for his dedication and service and felt like we needed to do a little bit more to recognize Dave's long-standing participation in this program so I asked the staff to scrounge around and find a small token of our appreciation.

Dave, it's one of the commission's pewter clocks. And come on up and I want to have the pleasure of presenting this to you and tell you that it's preset and permanently set to alarm

every night at 8:00 p.m.

And when you hear that you can say, "Well, the Striped Bass Board might have just now been ending." (Laughter) So thank you, Dave. (Standing Ovation) I know we all wish Dave the best of luck and hope that you won't be a stranger. Every time you have the opportunity to interact with us I hope you'll take it. We really appreciate what you've done.

MR. FREEMAN: Pres, did you tell him it was solid gold? You didn't tell him that.

CHAIRMAN PATE: No. He figured that out on his own. (Laughter) Okay, back to the agenda if I can find it. Next is the discussion of the request that we received from the National Marine Fisheries Service regarding coastal shark management.

**-- Discuss Request from NMFS Regarding Coastal Shark Management --**

Okay, we're getting the letter being passed out now by staff. And there has been some discussion off and on amongst the commission members individually and in an organized way about the letter that you are receiving.

And it reflects the concern that the National Marine Fisheries Service has about their attempts to comprehensively manage the many species of coastal sharks that they are trying to cover under their updated and improved HMS fisheries management plan.

And they recognize that there is a need for support from the states in their management program since the habitat of critical concern and the nursery areas for many of these species of sharks occur in state waters.

They've noted in their letter a wide range of management measures among the states and inconsistencies of those management measures with the current federal guidelines and probably even more important those that are potentially going to come out of their updated HMS plan which was presented to you Monday night I think.

So they've sent this request to me asking that the commission reactivate the Spiny Dogfish and Coastal Shark Management Board to start developing an interstate plan for shark management in state waters.

We had a little bit of discussion about this at some point and, Paul, you were making a recommendation on how to go about this. It was during the discussion of the action plan when Vince was noting that we thought we could fit this in under this, at least the initial stages of it in the current budget and not be inconsistent with the action plan as well. So, Paul, if you've got some discussion on that.

MR. DIODATI: Yes, just that I agree with the letter from Bill Hogarth that the commission has not addressed the needs of other coastal sharks very well over the past few years. And I know that that left the commonwealth of Massachusetts without many regulations on coastal shark, such as white sharks, dusky, sand, tiger and so forth.

And we've had a need for that in the past year and we've recently implemented some. But I think something that the commission should strongly consider is splitting the Spiny Dogfish and Coastal Shark Management Board into two separate boards, one being that for spiny dogfish and one being the coastal shark management board.

I think by doing so we'll properly address both types of fisheries appropriately. And I see the same kinds of concerns when we deal with marine mammals, whales in particular. We spend all of our time on whale committees working on right whales and we often don't spend any time dealing with all the other species that need attention as well. So that's what I would recommend here. Maybe in 2006 would be the appropriate time to do that.

CHAIRMAN PATE: I think when we developed the action plan for 2006 we could recognize the distinction between those two boards, Paul. For the remainder of this year because there is not a whole lot that we really need to do until we do convene that new board

we'll continue to work under the Spiny Dogfish Board to set the stage for the 2006 initiative. George.

VICE CHAIRMAN LAPOINTE: Yes, a question and a comment I guess kind of rolled together. We talked this morning about our stock assessment process and how we need more focus on doing the job right rather than doing more jobs.

And so I'm not saying that coastal sharks don't need attention. In my state the same technical people who are, you know we were observing that we're overworked and stretched thin in the stock assessment process do technical work on a lot of other issues.

And we commissioners do the same thing on different boards so I'm just curious about other people's perception of the workload involved. You know, it's another board. Our meeting weeks are already packed up.

And so is it going to make this commission do more plans but more plans less well? And I think that's something that we really need to pay attention to. I would also direct that to Bob and Vince for a question from the staff perspective because your staff is busy as well.

CHAIRMAN PATE: Any response/reaction to that? Eric.

MR. SMITH: Actually, I'm glad George raised the point. It may be very important to do but I would think that comes about because we looked at all of our priorities and said that one is a high priority and something else has to slide.

And I think what we're responding to is the letter of concern from Bill Hogarth which is okay. We should always be responsive to that. But I don't know if that means that the issue should -- I'd like to know what we're not going to do if we do this.

And if that's not the issue, and I heard Vince I thought today say that because of the relative inactivity in the future on spiny dogfish that -- maybe he was speaking from a staff perspective

that -- it was a fit where this comes in place of spiny dogfish.

But George is quite right, from a state perspective you have to stop and look at, well, who is going to be active on this from a board as well as a technical committee perspective and it would be helpful to know that this was a higher priority than the things that don't get done.

CHAIRMAN PATE: Those are certainly good points that you and George both have raised, Eric, and I want Vince to address those. I think what is key to remember in making the decision about how high a priority this needs to be and how much we want to dedicate to the task is the, I wouldn't say "commitment" as much as it was the recognition years ago that coastal sharks do need some management in the state level.

And we certainly gave the indication to NMFS and created our own recognition that once we completed the spiny dogfish plan that we would move forward with the coastal sharks. And we're at a stage now where the management of spiny dogfish seems to be in a maintenance mode.

I think we've pretty well got a long-term program set out with the minimal catch allowances and the low trip limit so I don't foresee a whole lot of activity for that species in the future. But, Vince, do you have any information to add to the questions they've asked?

EXECUTIVE DIRECTOR O'SHEA: No, I think it's pretty much said. Just to clarify my comments this morning with regard to staff resources and commission resources, I didn't mean to imply speculation as to what the states' ability to support additional work might be.

The second thought occurred to me, though, and I'm looking at Bob but you know our de minimis standard is as this board sees it. So one of the ways, one of the things to think about this -- this is obvious an issue that may be more important to some states than others and that may tie into resources and that may be another way to address some of the state-specific

concerns about being able to support this. Thank you.

CHAIRMAN PATE: Thank you, Vince Gordon.

MR. COLVIN: Thank you. Just kind of following up on the sentiments expressed by George and Eric, I would urge that we not rush to respond to the invitation from the service to develop an interstate management plan for coastal sharks.

I don't think it's necessary that we do so. I think we should, our response should be measured and that we should take the time to consider these issues that have arisen today. Sometimes I like to think of it as "if I had another dollar to spend, where would I choose to spend it."

And the simple answer to that question in the context of the interstate program from our selfish perspective from New York would probably not be on Atlantic coastal sharks but it might well be to address some of the very difficult problems with existing management programs that have arisen even this week. Scup and weakfish come to mind.

Another kind of similar way to ask the question would be if the interstate program decided that it could start a new fishery management program which species would that fishery management program address?

And I would like us to address that question as a body before we respond to this because there may well be other opportunities and needs for interstate fisheries programs that are more important to us as a group than this one.

Now this is not to say that sharks is not important and it's not to say that I disagree with Paul Diodati because I don't. But I just think we ought to take the time to think this through before we respond.

The other question I'll pose, and I'll put Anne on the hot seat I guess a little bit here, is that one intriguing element of this is that it invites us to work in partnership with a NOAA Fisheries

Office that we don't normally work with, the Highly Migratory Species Office.

I'm wondering if the Highly Migratory Species Office has some resources that it would be willing to contribute to this effort. And that's my question.

CHAIRMAN PATE: I don't know the answer to that.

MR. COLVIN: I was kind of looking at Anne. (Laughter)

CHAIRMAN PATE: Anne.

MS. LANGE: Well, I feel at a little bit of a disadvantage. I was expecting Margo Schultz-Hogan who is the acting division chief for Highly Migratory Species to be here before we started this discussion but she is not here yet.

I expect that there is some assistance available. And I think one of the reasons that this has been elevated within the agency is not just our need under Magnuson Act to follow through on the coastal shark to help supplement what is going on in the EEZ but also some individual state concerns about differing regulations across state lines or in adjoining states for shark management in state waters.

But as far as assistance, the Highly Migratory Species Division is part of the Office of Sustainable Fisheries. It's another division in that office, as is my State-Federal Division. And I expect that there would be support at some level for working with the states on development of an FMP.

MR. COLVIN: Well, I'd hope we'd pursue that, Mr. Chairman, after all if you think about it historically sometimes this is how we've jumpstarted new management programs that a member of the board has had a strong interest in.

And I think of Delaware's support to get us jumpstarted on horseshoe crabs as but one of many examples. And if the service wanted to bring some extra resources that might help expedite the kind of review and deliberation I've

been suggesting. Thank you.

CHAIRMAN PATE: Thank you. And I apologize to Anne. She and I had a conversation about the timing of this discussion today and that Margo was planning to come here. And, Anne, I'm sorry. I forgot all about that and maybe jumped it ahead earlier than I should have.

But, I can certainly follow up with Jack and Margo and the proper people with NMFS to discuss with them the possible availability of funding. And there is a keen state interest in this on behalf of one state and it's the chairman's.

We have a very aggressive shark management program in state waters. In fact our state waters are closed to the harvest of sharks. And we are additionally affected by their being a very large closure of the EEZ off the coast of North Carolina, maybe the only closure that there is. And its all being done in the effort to try and rebuild some of these coastal species.

And it has had some very dramatic effects on the shark fishery in our state. And I was hopeful that not only could we assist the National Marine Fisheries Service in its efforts to rebuild some of these stocks but we could get a more comprehensive interstate management plan in place that would help address some of the inequities that we're experiencing in North Carolina.

And you might say that the proper action that we should take is to reopen our state waters. And as a matter of fairness to some of our fishermen there are some that would like to see that happen.

But I am very disinclined to do that because I know the value of those near-shore waters as pupping grounds for many of these species that are at low population levels and really have no intention of opening state waters at this time.

I think a more responsible approach would be to develop an interstate plan that would expand those closures, if necessary, or at least come up with a much more comprehensive program that

would correct some of those inequities and help rebuild the stock.

So I'll talk with Vince and Jack some more about this and follow up with Margo and others on the availability of funding and go from there. George.

VICE CHAIRMAN LAPOINTE: It strikes me that as this goes forward it would be worthwhile if staff could put together, I mean what we always call a white paper, just an update on what it would mean to put a plan together, what species would be involved, you know the range of those species, et cetera, because I don't know that at this point and that would help me as we further deliberate this. You can use another color if you don't like white, Bob.

CHAIRMAN PATE: Yes, if you have anything to say.

MR. BEAL: Well, yes, I think you know the range and the species that are involved in the federal plan and the range of those species can be pulled together pretty quickly so we can pull that together before the meeting in August fairly easily.

CHAIRMAN PATE: Maybe that will be a good next step and secondary starting point for this process. Pat Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I agree with George in not wanting to have a second board created and a special or separate FMP. But looking at the request here in the second paragraph we're talking about, Bill referred to those states that currently mirror the federal regulations for Atlantic shark and he lumps them together.

And I'm wondering if a first, initial step before we even consider going down that road of a possible FMP at a later date will be to query those states that do not have reflective measures in the federal waters and see if in fact we could not address some of the concerns there which would I think possibly alleviate the process of going to an FMP.



Also, it would seem that if all of the member states on the Spiny Dogfish Board are similarly affected by coastal shark that it would also seem rather foolish to go ahead and create a separate board; whereas, the one could handle the two if you find you get to a secondary FMP. Thank you, Mr. Chairman.

CHAIRMAN PATE: Thank you, Pat. And I'll recognize Margo Schultz and Carol Brewstergeist from the Highly Migratory Species Office that just came in on the tail-end of our discussion about the request from your office, Margo, for the commission to start developing an interstate plan.

Sit down over at the public mike. We have some questions. And I have already apologized to Anne for not being a little bit more patient for your attendance. I forgot all about it, to tell you the truth. So I'm glad you came when you did.

And the question came up relative to funding of our ASMFC process and we've spent a lot of time the last few days talking about funding limitations and the need to prioritize the limited funds that we do have. And there is recognition exhibited in the comments today that the request that we've gotten from the National Marine Fisheries Service is one that we want to give serious consideration to but what would facilitate a decision on how high a priority this could be both in terms of need and resources is whether or not there might be some HMS funds that would be available to the commission for starting this process because we've had some recommendations today to set up a separate board for this to keep spiny dogfish from getting mixed up with the coastal sharks. And if we did that, and whether we did it or not actually, we are going to be incurring some expenses associated with the board's effort. So if you've got some insight into that.

MS. MARGO SCHULTZ-HOGAN: Well, I would need to concur with Anne here on just basic process but certainly we are interested in working with the commission and will, you know, see what we can do to facilitate that. If funds are necessary, and I'm not sure on process so we would need to check on that and see what

we could do. I think we can look into it and see.

CHAIRMAN PATE: Okay, thank you. Wilson.

DR. LANEY: Well, just a comment to make with regard to Gordon's comment about priority. I think one factor the board should consider when discussing what new species to add into the mix of existing FMPs is the biology of most of the coastal sharks.

I think everybody is pretty much aware that they have very long periods of time to reach sexual maturity and most of the time they have pretty small broods so from a biological perspective the longer you wait to try to put effective management measures in place throughout the range for a species like that the worse shape in which you get because of their reproductive history.

And the second thing was just to say that I agree with Pat Augustine about splitting it or creating a new board. It seems to me that all the same people would be on the same board and originally the Spiny Dogfish Board was established to handle coastal sharks.

And there was some discussion this morning about trying to avoid establishing additional bureaucracy. And it seems to me if you add another board that you know further complicates things so it seems to me the same board can handle both these issues.

CHAIRMAN PATE: Margo, everyone received a copy of the letter that I got from Dr. Hogarth. Is there anything that you want to add to that or any comments about what led up to that request?

MS. SCHULTZ-HOGAN: Sure. I guess we were encouraged when the commission a few years ago decided to proceed with a coastal shark plan. What we have found for federal management is that clearly cooperation with states is important.

A lot of the shark nursery grounds and some fisheries are in state waters. And so having compatible regulations is important for stock recovery as well as for enforcement. We've

gotten a lot of concerns from enforcement that due to the differences in regulations between state and federal waters it hampers their ability to enforce the federal regulations.

And some of our stock assessments have said that if federal regulations were followed then we could get significant gains in stock recovery. And so on a number of aspects we are really looking to the commission to help us in working together and developing compatible regulations.

And you know we're moving forward now with a draft consolidated plan and looking at what we need to do for a number of things. And so it seemed a good time to approach the commission again now that spiny dogfish are basically -- I don't know if "done" is the right term but seems to have you know reached a point where it's appropriate and timely for the commission to look at doing a coastal shark plan again.

CHAIRMAN PATE: Thank you, Margo. Dave Cupka.

MR. CUPKA: Thank you, Mr. Chairman. Yes, I can't speak for any other states although I suspect at least Georgia is in the same situation we are. We are very interested in coastal sharks and in fact the reason we declared an interest in it was because of coastal sharks and not spiny dogfish.

I mean we're de minimis for spiny dogfish but we've gone through all that and joined the board just to participate in anticipation of when we would get to coastal sharks which is where our real interest lies. And I suspect that, like I say, part of that may be true for some of our partner states or neighboring states as well.

CHAIRMAN PATE: Does that mean if we start you'll hang around. (Laughter)

MR. CUPKA: No, it just means if you set up another board we might get off of the spiny dogfish and just go to the other one. (Laughter)

CHAIRMAN PATE: Jack.

MR. JACK TRAVELSTEAD: I wanted to go

back to a point that Pat Augustine raised and actually Margo hit on it even more so and what I need to understand is, is most of this issue about the states simply mirroring the federal regulations? Or is there a need for additional work and that's why we need an FMP at the interstate level?

If the answer is we need the states to mirror the federal regulations, and I can't make any promises at this meeting but I would be willing to say that a letter you know from Dr. Hogarth to Virginia asking that that happen would go a long way in seeing that process occur in Virginia. I can't speak for the other states.

CHAIRMAN PATE: Very good point. Margo, would you feel comfortable addressing that?

MS. SCHULTZ-HOGAN: Well, sure. The federal plan right now covers shark management from Texas to Maine and the Caribbean. And to the extent that we can and it's appropriate, you know, the species distribution differs and so the management can differ as well by region.

We have been limited to a degree to do that because of the distribution of the fisheries. But we are interested and willing certainly to work with the commission and individual states to you know look at what would be compatible but not necessarily identical regulations. So if that answers your question.

And you know a lot of the states I want to say have come a long way in shark management and doing regulations that are you know pretty conservative. And we still have some issues and I think a commission plan would go a long way to resolving some of those.

CHAIRMAN PATE: Thank you. Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. The issue on coastal sharks is somewhat complicated in our situation. When the plan was first put in place a number of states had regulations that were more conservative than what the feds and then later on there were modifications in the federal regulations which a number of states commented on, us included, not

finding justification for some of those restrictions.

But the federal agency nevertheless moved forward with more restrictive regulations, therefore many of the states had different ones.

Another problem we had is a very active recreational fishery and in that fishery fishermen, particularly in small boats, were very interested in keeping a quality product and they would head the fish, tail the fish, keep the trunk on ice, and to require them to keep a whole fish was not necessarily the best thing to do.

And in our instance we had regulations that would allow the keeping of the eviscerated trunk lengths which I don't think the federal regulations allow. So there are reasons for differences.

There is needs that particularly in our case that we had that apparently were not considered important by the agency and so there are differences. In some instances we have much more stringent regulations compared to what they have and in other instances not so. So it's not simply that you know it's going to be a simple process.

CHAIRMAN PATE: Believe me, I had no illusions it was going to be a simple process. (Laughter) I hadn't figured sharks out in the last many years and doubt that I'm smart enough to do it in the next few. But others will and can. John Nelson. I've got you down, Roy.

MR. NELSON: Well, keep looking, Mr. Chairman. I accept that. (Laughter) I'm sure you didn't catch what he said, Mr. Chairman and it was irrelevant, anyways. (Laughter) I would hearken back to what Jack had said as far as trying to look at the federal agency providing some information on their management of sharks to us prior to us deciding to develop an FMP.

As I recall a couple years ago we went through somewhat of the same iteration and the service had provided to us or was asked to provide to us, well, what do you want to have in place as far as

regulations, what are the federal regulations.

And I remember the northern states, I remember distinctly sitting here saying, "okay, what do I need to put in place to have complementary measures?" And it turned out that we really didn't need to have anything put in place and it was basically, as you pointed out, maybe trying to protect pupping areas and whatnot which were more to the south.

If that's changed and we can do something on a basis that streamlines it so that our FMP doesn't have to be as complex, if we have to go that route, I would certainly be in favor of that. So I would recommend that the service provide us with that type of information so we can evaluate that before we make that type of a decision for embarking on the FMP.

CHAIRMAN PATE: Well, maybe the next logical step would be to convene the Spiny Dogfish Board for the August meeting and based on the questions and information that have come up today we can ask Margo or someone from her staff to plan to attend that meeting and give a little bit more comprehensive presentation on their plans for shark management within the HMS bigger plan and clarify exactly what you would want the benefits of an interstate plan to be and based on that discussion make a decision about how to proceed for the future. Does that sound good to you, John? I think that's a good recommendation.

MR. NELSON: A-okay, Mr. Chairman.

CHAIRMAN PATE: Roy.

MR. MILLER: Mr. Chairman, I just wondered in the interim considering the critical nature of habitat for a species like sandbar shark and so on and the already referenced lifecycle of these animals and potential vulnerability to continued fishing pressure, I wonder if there is a mechanism if we could hearken back to the pre-stripped bass act days when the commission would pass almost resolutions, if you will, they were non-binding.

I wonder if a non-binding resolution being

passed by the commission recommending that states that have not done so make interim efforts to mirror federal regulations for sharks within state waters would have any benefit for those states who would like to do something along those lines but have not had an opportunity to do so.

CHAIRMAN PATE: That may be a useful alternative, Roy, and we'll consider that when we get the further clarification from HMS about exactly what they want to achieve with this process.

MS. SCHULTZ-HOGAN: Pres, can I just respond.

CHAIRMAN PATE: Certainly.

MS. SCHULTZ-HOGAN: I don't think that we're necessarily asking for the exact same regulations. If the states want to do that, great. But I don't think we want to presume that and the ability for states to have some flexibility or some differences that are appropriate.

I mean what fisheries and species there are in New Jersey may be different from what there is in Georgia and South Carolina. And so there is some natural differences that may fall out of a cooperative dialogue and compatible regulations.

And so if what I'm hearing is you want us to ask you to mirror exactly then that may be one thing but I don't want to give the sense that there is not the desire for the states to have some of that difference based on the fisheries that they have and the species and issues locally.

CHAIRMAN PATE: We're not requesting that we receive the request from the service that our regulations mirror theirs. I think what we're looking for is a mechanism that will allow us to complement the federal program in state waters that will achieve what you need to rebuild these stocks.

And there may be an alternative short of developing a plan that would reach that goal. And as Roy suggested, the resolution or some

letters directly from Dr. Hogarth to the states asking them to become or at least to review their shark management programs within those states and bring their regulations up to date in terms of what the management needs for the various species are.

And all of that is going to be facilitated with a little bit better understanding as to exactly what the service wants to achieve with your plan and how the states can best supplement that plan with restrictions within state waters. And we'll plan to do that at the, hopefully at the August meeting. And thanks for coming.

MS. SCHULTZ-HOGAN: Thanks for talking about it, considering the request.

CHAIRMAN PATE: Any more questions of Margo, Anne or anyone on this subject? Okay, we'll move to the next shark-related item which is down the list on the agenda.

#### **-- Spiny Dogfish Multi-Year Management Addendum --**

MR. BEAL: Number 18. Despite all this talk about spiny dogfish management activities being more or less wrapped up, the Mid-Atlantic Council has initiated a framework to allow for multi-year specifications for spiny dogfish. Under this framework they'll have the authority and ability to implement one, two or three year quotas for spiny dogfish.

And since the Spiny Dogfish Board did not meet at this meeting and if the commission wants to have that same tool available when the Spiny Dogfish Board sets the quota later in this year we'll need to initiate that discussion at the August meeting of the commission.

So staff's recommendation is that we take the document that the Mid-Atlantic Council has developed, essentially put our cover on it, and bring it back for board consideration at the August meeting to see if that is the direction that the Spiny Dogfish Management Board wants to go in to allow multi-year specifications.

Then we can bring that document out to public

comment and have final approval at the Annual Meeting if the board chooses to take that course and then we can stay in lock-step with the federal government if that's the direction that the board chooses to go in.

So, this agenda item is more of a request or a question to the Policy Board to see if there is any objection to the staff going ahead and working on this document and bringing it forward for consideration at the August meeting.

CHAIRMAN PATE: Any objections to staff heading in that direction? Seeing none you are so requested. Okay, the next item on the agenda is the Stock Assessment Committee report. Doug Grout are you here? There is Doug.

**-- Stock Assessment Committee Update --**

DR. GROUT: Mr. Chairman, in the interest of being efficient here there is a couple of items that cross boundaries here and so Linda and I are going to do a tag-team match here between the Stock Assessment Committee and the Management and Science Committee report.

And I'll start off with a couple of items that are exclusively Stock Assessment Committee and then the two items that both of us will be reporting on is the long-term benchmark stock assessment and peer review schedule that you'll have to approve and then also final approval of the benchmark stock assessment process and peer review.

So while the staff is passing out some of these documents I'll go with the easy one and that is an update that the Stock Assessment Committee in cooperation with the staff is planning on conducting a couple of training sessions for stock assessment biologists.

The first will be a two-week technical stock assessment training in the fall or winter of 2005 for state fishery scientists. So if you have anybody that you feel should be, would like to have this basic training please talk to staff, Patrick Kilduff in particular.

And then that will be followed by an advanced

stock assessment training workshop in the fall. This workshop will cover statistical catch at age models and Bayesian methods and this is targeted at current stock assessment biologists. So that's the easy part, the update.

The next Stock Assessment Committee only item is the need for you to approve the terms of reference for the MSVPA-X peer review that is going to occur at the SARC this fall. I know this looks like, if you look at the first page of the handout a rather lengthy terms of reference.

Our committee felt that we needed for the terms of reference a little preamble to it. And what these preambles are is our internal review panel's, the internal ASMFC review committee, things that we feel the MSVPA can be used for and what it cannot be used for from our opinion.

And I think at least in your future workshop that I hear is going to occur in August these may be good things for you to look at prior to or have available prior to your discussion of multi-species implementation plan.

So, anyway, it's the first section here, you see a whole series of bullets. You can look them over. It was something that our committee felt needed to be as a preamble to the terms of reference. And then there is a second set of bullets that address what the model should not be used for.

And then finally you get on Page 2 to the terms of reference. And these are fairly standard terms of reference that you'll find in ASMFC stock assessment peer review processes. They are fairly standard. So with that if you have any questions about the terms of reference I'll be glad to answer them.

VICE CHAIRMAN LAPOINTE: Jack Travelstead.

MR. TRAVELSTEAD: Just one comment. I'm kind of surprised on the second page where the panel notes that the MSVPA should not be used for examining local abundance or depletion. And yet you know at the menhaden workshop that was held last fall it was noted by many that the MSVPA that was going to be out at the end

of this year would go a long way toward answering those kinds of questions.

So, I don't know, I guess we all sitting around the table had sort of come to some high hopes that that model would help us with those kinds of issues and now it appears that's not the case so I guess I'm disappointed.

VICE CHAIRMAN LAPOINTE: Doug, can you respond to that.

DR. GROUT: Not having been at the menhaden workshop I don't know who said that and what said this. This came out of the, as I said, the committee that actually did the peer review and has been helping develop this model. And so I would think that their judgment in this matter would be what we'd be going by. That's their recommendations.

VICE CHAIRMAN LAPOINTE: I guess if I might make a comment, it strikes me given Dr. Rosenberg's comments this morning about separating management questions from assessment questions that's more of a management than an assessment question, although it's a necessary assessment question so it doesn't bother me that it's not in the terms of reference.

But, I was under kind of the same understanding that Jack was, that in fact if you go for multi-species models in time you'll be able to use them to look at multi-species interactions and that's one of the assumptions in the localized depletion argument. And so I think that's, again not for these terms of reference but something for us to consider further.

DR. GROUT: I think it is something to consider. This is a coast-wide model. Now possibly from what I've heard that they were, there is some movement to try and use something like this in Chesapeake Bay alone.

That's the only thing that I could think of is that maybe it might be applied just, you know take the data just from Chesapeake Bay for these species and put it in but not for this particular iteration of it because the assessment data that is

going into this is coast-wide.

VICE CHAIRMAN LAPOINTE: Bob.

MR. BEAL: Just a comment to Jack's point, I think a lot of the comments at the menhaden workshop were aimed at, were saying that we could or will hopefully be able to use the multi-species model more to get a handle on some of the predator-prey relationships and the dietary demands of the higher predators.

My recollection is the folks at the workshop weren't looking at localized depletion as much as they were -- they weren't looking to use the MSVPA to deal with localized depletion as much as they were to use that model to deal with the dietary needs of the predators that are in the system right now.

So I think there is still some valuable tools with respect to the menhaden management as far as what, you know, given the current levels of predators that are out there what are the demands on the population.

VICE CHAIRMAN LAPOINTE: Anne.

MS. LANGE: Yes, I guess I'm assuming that when you said this was one of those issues where you're separating management from science that it would be the advice, that the advice from science not to use the model for allocation or abundance or depletion, the science would be who makes that decision not the managers.

I mean the science is providing the information and if it's their feeling that it's not good to be used for local issues for local abundance or depletion then the managers probably shouldn't do that. Is that what you were getting at or the opposite?

VICE CHAIRMAN LAPOINTE: I wasn't quite sure. (Laughter) It struck me that, I mean when we've been looking at localized depletion it was from a management perspective. And one of the cautions this morning was to separate management issues from the science issues that are being addressed in an assessment and so just

I saw some difference there.

Other questions or comments. Doug, I have one question. You sat through this morning's discussion, again, and there were some fairly specific comments. And I know we're going to have a white paper and look at it in the future, does your perception of today's discussion about our assessment program change your views of the terms of reference that are before us this afternoon?

DR. GROUT: No.

VICE CHAIRMAN LAPOINTE: Thank you. If there are no other comments, you're looking for approval of these terms of reference?

DR. GROUT: Correct.

VICE CHAIRMAN LAPOINTE: Are board members ready for, that to approve or disapprove? I see heads shaking. I'll do it easier than that, Pat. Is there objection to the terms of reference that were put before us by the Management and Science Committee? Seeing none they are approved by the ISFMP — Policy Board.

DR. GROUT: Okay, are there any other questions for the Stock Assessment Committee because this is the part where Linda and I are going to start doing a song and dance together. (Laughter)

DR. MERCER: On the table. (Laughter)

DR. GROUT: Okay, Item Number 2 here, we're looking for approval of the 2006 peer review schedule and the long-term benchmark stock assessment. And before I turn it off to Linda I just want you to be aware we made some minor adjustments to some of the long-term scheduled stock assessments, going out to 2009-2010.

But that may change depending on what happens this year. This is a very busy year in 2005 and we want to see what comes out of that before we start setting up schedules for future updated assessments and benchmark assessments.

DR. MERCER: The Management and Science Committee is recommending that the Policy Board adopt the schedule that is in your package for 2006. There are two benchmark assessments scheduled for 2006, spiny dogfish and Atlantic herring.

And as Doug has just said the outcome of a lot of the 2005 work may affect what happens next year and in the future. But there is kind of a logjam coming up in 2009 and '10 so we are looking for that approval for 2006.

VICE CHAIRMAN LAPOINTE: Questions for Linda. So you are asking for the **approval for herring and spiny dogfish for 2006?**

DR. MERCER: That's correct.

VICE CHAIRMAN LAPOINTE: Gordon.

MR. COLVIN: **So moved.**

VICE CHAIRMAN LAPOINTE: Moved by Gordon, seconded by John Nelson. Vince, a question or comment.

EXECUTIVE DIRECTOR O'SHEA: Just a question. One of the things we heard this morning was and inside the MRAG report was that the schedule for stock assessments and SARCs was perceived by some as being put together in a vacuum from consultation with the fisheries scientists but I'm just wondering is there a sentence or two you could tell us why the stock assessment guys might be included in this or have been included in this recommendation?

DR. GROUT: Why the Stock Assessment Committee, you say stock assessment guys have been?

EXECUTIVE DIRECTOR O'SHEA: Well, I mean how the stock assessment scientists have been consulted in developing this recommendation. The report we got this morning was that some people felt that the schedules were being built without consulting the people that had to do the work so I'm just looking to see if you guys are confident that people had been consulted that are going to be,

that need to do this work.

DR. GROUT: They've been consulted via the Stock Assessment Committee to the extent that most of the species have stock assessment biologists on the umbrella committee. And we have a list of all the people that are on the various stock assessment committees and when we're putting together schedules we look to make sure that any one person is not too overloaded.

And as a basic guidance what we've developed is that we don't want to have people involved with more than two benchmark assessments in a year. Now obviously sometimes those things slide.

We may recommend a certain thing but for example we thought lobster was going to go ahead last year and it slid into this year. And there is not a heck of a lot you can do about that unless the management is willing to bump another scheduled peer review benchmark assessment. Does that answer your question?

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. It did, thank you.

VICE CHAIRMAN LAPOINTE: Are we ready for the question? Is there objection to the approval of these two assessments or the motion which is for these two assessments to be done in 2006? Seeing no objection the motion passes. Thank you.

DR. GROUT: All right, Item Number 3 involves the data and assessment workshop and peer review document. Now you have previously approved each of these documents separately but it was the thought that these would be something that would be a good two parts that could be put together to have a complete listing and description of the commission's stock assessment process, stock assessment peer review process in one document.

In doing that, putting the two documents together, of course you had to make some edits here and there. That document is in, was in your

briefing book. The comments, the edits that were made by the Stock Assessment Committee are incorporated in there to give you a brief overview of those edits.

There was -- if you give me a minute here. Okay, on Page 4 from the Stock Assessment Committee's standpoint if you look at the bottom there is five bullets there that talk about participation guidelines.

The edits we made there were basically softening up the language there. It was kind of harsh at first. And you can take a look at it but I think it basically outlines that all participants must work to achieve a consensus which is what a commission policy is.

And we expect them to, we are expecting that the participants attend the whole meeting and to keep the results of a stock assessment, do not broadcast out the results of a stock assessment until the board has approved it, basic things like that and then if you decide not to adhere to those guidelines you won't be asked to come back.

So that was one of the major edits. And then the other thing that was put in here is on Page 19. At your last meeting you adopted guidelines for annually updated stock assessments and guidelines for previously rejected stock assessments.

And those were the two major things that the Stock Assessment Committee changes the Stock Assessment Committee made to it. And then do you want me to let Management and Science go over the changes that were made, the edits that were made for the peer review before you adopt the whole document?

DR. MERCER: The changes in the peer review section of the document are mostly editorial in nature. The only substantive changes are the addition of the description of the SEDAR process and the TRAC process as part of the peer review process, as options for the peer review process. So those are now included in the document. That's about it.

VICE CHAIRMAN LAPOINTE: Questions for



Linda or Doug. I will ask the same question I asked the last time, would what you heard this morning change, want you to go back and make changes to this document?

DR. GROUT: It depends on which way the, what the commission decides to do with those recommendations that were brought to you this morning by the MRAG group. My personal opinion is that a lot of the things in their recommendations are already in here or are already part of the stock assessment process or are about ready to be implemented.

But until we see what some of the recommendations from the Administrative Oversight Committee, that's difficult to say. That being said, one of the things that we talked about at Management and Science was that instead of publishing this document into a hardbound book that we should just put this up on the Web so that it is easy to change.

So we were considering the potential, that possibly that the report that was given to you might result in some minor changes but then we'd come back to you and we'd make those changes.

VICE CHAIRMAN LAPOINTE: That makes sense to me. Gordon.

MR. COLVIN: Mindful of that response, Mr. Chairman, and recognizing the excellent work that both committees have done to develop this, I concur in their perception that while there may well be some further changes to be made and this should be a living document in any event as a result of the report we heard this morning, that it makes sense to adopt what is before us and to continue to improve it through whatever means are available to us in the future.

Mindful of that **I move that the Policy Board adopt the ASMFC benchmark stock assessment process, data and assessment workshop, and peer review process as recommended to us today by the Stock Assessment Committee and the Management and Science Committee.**

MR. WHITE: I'll second that.

VICE CHAIRMAN LAPOINTE: Seconded by Pat White. Is there discussion on the motion? Seeing no discussion on the motion, is there objection to the motion? Seeing no objection to the motion it passes. Thanks for your report and your hard work. Now are we switching to the Linda part of this show for the rest of the MSC report?

### **-- Management and Science Committee Report --**

DR. MERCER: If you would like to I think we have three or four more items for the MSC report.

VICE CHAIRMAN LAPOINTE: Please carry on.

DR. MERCER: Okay. Item 3 if you have this report is an action item on approving the Power Plant Panel report. The MSC received a presentation of the report. This panel was formed back in 2000, if you recall, to assess the coast-wide impacts of entrainment and impingement from power plant intakes of egg larvae and juvenile fish.

Although Atlantic menhaden wasn't originally the species in mind when this study was begun Atlantic menhaden was chosen as the pilot species because it has a coast-wide distribution and a standard VPA type of management or assessment for it.

The panel developed a method to assess the impact of entrainment and impingement on Age 0 menhaden. And this was using standard fisheries assessment equations. And they used power plant mortality and treated that as fishing mortality and power plant losses and treated them as fishing losses. So it's very similar to doing a VPA but adding that Age 0 year class to it.

The first job was to compile menhaden data from the power plants along the coast. And what they found was that there was not sufficient data on menhaden to do a coast-wide

assessment so they ran some simulations on the model.

And what we basically have is a new tool in the toolbox where there are good data available for a species to treat mortality on Age 0 year classes of fish. This method could also be used to evaluate the effects of other sources of anthropogenic mortality including loss of habitat, effects of toxic substances, fishing mortality and fishery bycatch.

So, the Management and Science Committee is asking you to approve this report and recommend also that the report be submitted for publication which the panel would like to do.

VICE CHAIRMAN LAPOINTE: Questions or comments for Linda. Gordon and then Bill Adler.

MR. COLVIN: Thank you, Mr. Chairman. I believe this effort originated back at our annual meeting up in Connecticut, if I am not mistaken, at which time New York made some proposals which the board was good enough to carry through on to initiate this important work.

And so we stand now at its completion and I am grateful to the very dedicated, committed efforts of the group of people who participated in its development and **I would like to move the approval of the report.**

And I would like to also ask that assuming that motion is approved that the commission give appropriate recognition -- and, again, I'm thinking back to this morning's meeting as well -- to all of the parties, both those affiliated with the commission and those from outside the commission who assisted us in its completion. Thank you, Mr. Chairman.

MR. WHITE: Second.

VICE CHAIRMAN LAPOINTE: Seconded by any number of people. I'll pick Pat White just because I heard him the loudest. Bill Adler, you had a comment.

MR. ADLER: Yes, I just had a question. Back

when you were saying about what was put into fishing mortality, what was that comment you made about the power plant and I guess the very small young of the year fish? What did you say about that?

DR. MERCER: Well, just like you have fishing mortality, we measure fishing mortality on older fish, what they did was include Age 0 fish, eggs and larvae basically, of menhaden using standard fisheries assessments models. And they treated the power plant mortality just like you would fishing mortality. So that was sort of --

MR. ADLER: Okay, they treated it like but they didn't add it to fishing mortality?

DR. MERCER: Well, it was, with the older age classes. What they did was instead of doing a VPA, a typical VPA on your recruited age classes to the population for menhaden they added the earliest age classes along with the older age classes. So it wasn't fishing mortality on those early age classes it was power plant mortality.

MR. ADLER: Oh, they didn't separate them out? I mean that they contributed to fishing mortality?

DR. MERCER: They separated them out in terms of the age classes in the assessment.

MR. ADLER: Okay.

DR. MERCER: Does that make sense?

VICE CHAIRMAN LAPOINTE: Anne and then Wilson.

MS. LANGE: Bill, this wasn't a fisheries model. What they were doing is using the same type of model that is used to estimate fishing mortality and use the power plant as a vessel. So the fishing mortality, it wasn't fishing mortality. It was impingement or entrapment mortality. But they used those fishing mortality models, the same models as they use for fisheries.

MR. ADLER: I've got you now. Thank you.

DR. MERCER: Yes, they took all of the age classes from zero to the oldest age classes. But on the youngest age classes the mortality was from power plants not from fishing.

VICE CHAIRMAN LAPOINTE: Bruce Freeman.

MR. FREEMAN: I think one of the critical elements here, though, and I applaud what was done, I think it is very important but Bill to further explain that. That mortality from the power plants would normally be either ascribed to natural mortality or to fishing.

Well, they didn't come up with an answer but they tried to. And as I understand it, the problem is we don't have mortality numbers for all the power plants. For some of them we do but not all. But if we did have that information that number could be used in the technology that was developed by this group.

VICE CHAIRMAN LAPOINTE: Other questions or comments. I want to add my thanks to the group for advancing something that has been of interest to the commission for a long time. And a part of the motion, Gordon, is I assume for this to be submitted to publication which will make it, **part of your motion was to agree that it be submitted for peer review publication so it becomes all the more useful for us in the future?**

MR. COLVIN: Yes, Mr. Chairman.

VICE CHAIRMAN LAPOINTE: Thank you. Other questions or comments. Seeing none, is there objection to the motion to approve this document? Seeing none it is approved and thank you to all the people who participated.

DR. MERCER: Okay, our fourth action item is related to conservation engineering. And the Management and Science Committee is recommending to the Policy Board that a fishing gear technology working group be formed in response to your charge to evaluate the need to reconstitute the Conservation and Engineering

Committee.

We had a discussion about what we would include in a conservation and engineering group and there was discussion of other things than fishing gear technology like fish passage, entrainment and impingement issues.

At this point we're recommending that initially at least the fishing gear technology working group be formed. And this group would be charged with three things initially: to identify and evaluate studies of fishing gear selectivity, bycatch reduction, gear effects on habitat, and impacts of a single gear used in multi-species fisheries as an effort to get at ecosystem planning.

The second charge would be to develop an annual report of gear work along the coast, to evaluate the work to see if it is ready to be implemented in the management process and identify research recommendations; and, third, to determine the transferability of such studies to other species and geographic areas.

There is a lot of, we recognize there is a lot of gear work going on along different parts of the coast. It's not clear that the results of that work is getting into the management process and I think it would be very valuable for this group to look at that work.

The recommendation is that the fishing gear technology working group would report to the MSC and we're recommending that the group address gear issues only rather than including fish passage technology and power plant entrainment because the expertise that people have would be different for those different issues.

We did discuss the need for such a working group, however. And in terms of the membership of the fishing gear technology group we thought that each state should have a member and on a regional basis outside we'd also like to have other gear experts in the regions from NOAA, universities and whatever participate in that. So we're looking for approval of a new working group.

VICE CHAIRMAN LAPOINTE: Thanks, Linda. I have a question about, did you discuss at all what the funding requirements would be for this effort? I mean it strikes me people would need to get together and it's different than other people who get together. Was that part of your discussion?

DR. MERCER: We really didn't discuss a budget for the group. We recognize that the commission would have to look at their budget and see whether there was available funding at some point in time to support this effort. It certainly would require several meetings a year I'm sure.

VICE CHAIRMAN LAPOINTE: Board member comments. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. Do I understand correctly that you're going to be querying groups such as the science center, their gear technology, where they are and where they've gone with it? maybe the Mid-Atlantic Council, New England Council?

Any of those existing gear, well, gear testing that's going on now substantially in the Mid-Atlantic? And as a result of that you will come up and recommend possible gear changes that we should do in state waters only?

DR. MERCER: Yes, the idea would be that the group would be comprised of people from those groups as well and that one of the initial charges would be to compile a bibliography or list of work that has been done and see what might be appropriate to take into the management process for ASMFC species.

MR. AUGUSTINE: Thank you.

CHAIRMAN PATE: My sense is that we can do this without a motion unless there is objection by anybody which I don't think there will be and the chair will work with staff to make sure it gets incorporated into both the action plan and budgeting as, you know in conjunction with other priorities.

DR. MERCER: Okay, thank you. Item Number 5 relates to multi-species groupings of ASMFC managed species. And we are requesting some clarification of the charge from the Policy Board I think from your February meeting regarding developing lists of multi-species groupings of ASMFC managed species.

We had quite a bit of discussion about this. ASMFC staff had prepared a draft list of groupings of species based on predator-prey sorts of relationships. It wasn't clear to us entirely what the purpose of putting this list together was.

We had comments from some members about it needing to be more based on issue, it being more issue oriented, for example, the weakfish issues that arose at this meeting in terms of predator-prey relationships and that sort of thing.

So we are happy to reconvene our multi-species subcommittee to address this charge and report back at the Annual Meeting this fall but are looking for a little more clarification on what the Policy Board is looking for here.

We are also recommending that perhaps a workshop and I don't know if it would be appropriate to include this with your implementation, multi-species implementation discussions at the August meeting or a future workshop on both multi-species and ecosystem modeling as it might be useful for future management.

CHAIRMAN PATE: I was trying to escape a snowstorm during the February meeting week so this has gone right over my head. Do board members the context within which this was discussed? I see a lot of heads shaking no, Linda. John, the man with a memory.

MR. NELSON: No, my memory is not any better than some of the others, Mr. Chairman, but what I was going to suggest is that staff could pull together some groupings based on their knowledge and provide that perhaps to the board that we could take a look at and then be able to give feedback back to the committee. Maybe that would be helpful.

VICE CHAIRMAN LAPOINTE: Linda, your sense, would that be helpful? And then I'll get Anne.

DR. MERCER: Well, I think we've done that. We've kind of taken that step. We do have such a list or a draft list. We could further refine it. It's just we weren't clear what the purpose of it was, if it was to expand the multi-species modeling, if it was in relation to the formation of a multi-species board and technical committee.

VICE CHAIRMAN LAPOINTE: Anne, can I go to Bob and then go to you? Thank you.

MR. BEAL: This whole issue I think came out of the multi-species discussion that we had in February and someone asked the question kind of where are we going in multi-species management.

We have the one model that has menhaden, striped bass, bluefish, weakfish in it and then there was a discussion on, you know, once that project is finished do we have direction for more work.

Are there other groupings of commission species or beyond commission species that we would deal with after we go as far as we can given the current data on menhaden and those other species? Kind of where do we go from here assuming that you know we'll get the MSVPA peer review done or conducted in December of this year and then what as far as multi-species.

So I think the request went back to the Management and Science Committee asking them to see if there is any logical groupings or any logical next steps as far as multi-species management to draw in additional species or kind of provide more direction on where we go next with multi-species management.

VICE CHAIRMAN LAPOINTE: Please.

DR. MERCER: And I guess our concern were there are a lot of groupings we can come up with. Some of them need to include other species that aren't managed by ASMFC and so it, you know we can come up with quite a list of

groupings but then what I guess. And we're more than happy to do that if that would be helpful to get further discussion started.

VICE CHAIRMAN LAPOINTE: Anne and then Wilson.

MS. LANGE: I think we were looking at where within the management regime of this commission are we seeing things, for instance the weakfish, where there are some things that aren't explained by the fisheries, the things we can do with fisheries, with managing the fishery itself, that may be attributed to multi-species.

You know menhaden was being looked at because of concerns with striped bass populations and the forage base and we had discussions about what we're presuming is a high natural mortality that may be attributed to predator-prey relations with weakfish.

Are there instances in our management of the various stocks that might benefit from being looked at in multi-species manner? And what groupings of species would be appropriate for that?

VICE CHAIRMAN LAPOINTE: Are we getting closer, Linda or just circling in the water?

DR. MERCER: Well, maybe Wilson can add some other views from our discussion the other day.

DR. LANEY: Yes, one of the things that I think a number of us felt very strongly about, specifically myself and Harley Speer from Maryland and Louise Barbieri from Florida was that you know we can put together lots of different groupings.

And our sense was that staff had done a good job putting together groups but that they were sort of administrative groupings from one perspective and maybe ecological groupings from another.

And our concern was that if we're really trying to do something that gets us further down the

road toward incorporating ecological considerations and heading toward ecosystem management, whatever that might be, that we didn't want to spend a whole lot of time putting together potential groupings for multi-species VPA models when there might be some other tools out there that might be better.

And so from our perspective that's why we decided ultimately as an MSC to recommend to you this workshop. And one of the things we suggested was that the board be given some presentations on some of the ecopath models that have been developed and what capabilities those might have with regard to shedding light on decisions.

Now, having said that, I know Anne has some strong feelings about the inadequacies of those with regard to giving management advice and maybe there is something out there that would provide some middle ground that would be more useful.

But that was kind of our thinking in terms of not giving you a list right now. We did want to seek more advice from you all as to whether you were thinking about additional multi-species VPA type models that could be developed or whether you wanted something that goes beyond that and gets us further down the road toward ecosystem management.

I guess a big concern was, yes, getting back to the discussions we had this morning, we have limited resources and we want to maximize the efficient use of time to get us further faster, if you will.

VICE CHAIRMAN LAPOINTE: Gordon.

MR. COLVIN: As usually the Management and Science Committee has given this a lot more thought than clearly any of us have and I think us sitting here making ourselves look more stupid by continuing to discuss it is probably not a good idea.

I suggest that we accept their very wise recommendation to try and have a workshop on this subject and get ourselves to where we can

render intelligent advice on the matter. So I don't think I need a motion but I'll make it if need be to accept that recommendation. Let's do the workshop.

VICE CHAIRMAN LAPOINTE: Is there any objection to his recommendation? I was trying to figure out how we were going to get un-stupid so that's a great suggestion. (Laughter)

DR. MERCER: We went round and round on this.

VICE CHAIRMAN LAPOINTE: Gene.

DR. KRAY: If there hasn't been a second to that, Mr. Chairman, I'd like to second that motion and also ask that when they come up with the groupings I'd like to see some of the rationale that went into it in terms of why are these particular species.

And I wouldn't, quite honestly, care whether it came within the purview of, it wouldn't necessarily have to be fish that we manage. I don't think we should put that restraint on them.

VICE CHAIRMAN LAPOINTE: I took the prerogative of the chair and said a motion wasn't necessary so it's already done but thank you.

MR. COLVIN: Thank you. And may I commend the representatives of the Management and Science Committee for the diplomacy with which they have presented this issue to the board. (Laughter)

VICE CHAIRMAN LAPOINTE: That means being kind to commissioners.

DR. MERCER: My final action to bring before you, we were charged with reviewing the recommendations in the Pew Oceans report and the U.S. Commission on Ocean Policies. And we have begun that process.

A subcommittee has reviewed all of those recommendations that relate to what we thought would be issues of importance to the commission. We did not have time to get through all of them at our meeting yesterday and

we'll resume that at the Annual Meeting but we did one to bring one before you.

And this one is related to the U.S. Commission on Ocean Policy Recommendation 19-8 which recommends that the National Marine Fisheries Service, states and interstate fishing commissions should require all saltwater anglers to obtain licenses to improve in-season data collection on recreational fishing.

This is one where the Management and Science Committee thought it would be very useful if the Policy Board would form a subcommittee that would be comprised of commissioners, technical and outreach people who would be charged with evaluating options to implement this recommendation to look at recreational fishing licenses in all of the states.

A number of the states mentioned the difficulties they had had in trying to implement such licenses and thought it would be useful if the commission were more involved with this, that it would help them in their individual states perhaps pass a recreational fishing license. So we offer that to you as a recommended action item.

CHAIRMAN PATE: Linda, can you restate what the request is from the committee for me, please?

DR. MERCER: Yes, the request is to form a subcommittee that's comprised of commission members or commissioners, rather, technical and outreach people that would evaluate options to implement, to assist states I think it should say with implementing recreational licenses in their states.

VICE CHAIRMAN LAPOINTE: With all due respect to the chair of the Management and Science Committee it strikes me that the impediments to putting, I think if you asked any one of the directors around this table if Santa Clause came to town if they would like to implement saltwater licenses they would say yes.

And a subcommittee of this commission won't

help -- I'm just speaking selfishly or from the Maine perspective -- won't help us get through the political minefields and hurtles to put a license in place so it doesn't strike me as a useful concentration of our time right now. But that's just my opinion. Gordon.

MR. COLVIN: A couple of observations, one, on the specific issue of the licensing stuff, I think that came up in St. Pete. It has come up in the NGA's response to the Ocean Commission report.

There is going to be a dialogue on that and let's back up and point out that I think at the present time in terms of any licensing we're only talking about a limited geographic area of the nation, much less the commission.

And in terms of some kind of standard license, that's a different issue. But that is certainly part or what the federal government is looking at. I suspect that state directors are going to continue to be engaged in that as a follow up to the St. Pete meeting.

I don't know that we need to do anything separate here. The bigger issue for me is that with respect to the Pew and National Ocean Commissions reports the governors have commented. I'm not sure that continuing to expend resources to review those reports is something the commission necessarily needs to do.

Whereas on the other hand subsequent actions of the administration with respect to its ocean agenda, again which were discussed in St. Pete and what Congress may begin to do as it addresses those things will be quite something else and the commission will doubtless engage through its normal process. So I'm just wondering whether, you know, there's a real need here to continue to pick apart those two reports or whether we've moved past that point, Mr. Chairman.

VICE CHAIRMAN LAPOINTE: Roy.

MR. MILLER: I'm not going to let Linda and Doug dangle here alone on this. I happened to

sit in on that particular discussion with Management and Science.

I just wonder if without going into a full-blown review of this topic and expending a lot of time and energy on it if a simple statement or resolution from the commission urging states who have not done so to consider for all of the good reasons we all know about, consider implementing some form of marine licensing would be appropriate.

If the time comes, if there is a Congressional review or a state level governor's office review it sure would be nice to have a resolution or a piece of paper from the commission saying, "yes, the commission has considered this and yes they're basically in support of this concept." I think such a piece of paper being able to be produced rapidly might be very beneficial. Thank you.

VICE CHAIRMAN LAPOINTE: I have Vince and then Paul and then Gene.

EXECUTIVE DIRECTOR O'SHEA: Well, we've sort of gone back into a lower level thing, what Gordon was commenting, but I just, you know as I go about my representational duties as I describe the commission's position on recreational saltwater licenses, that the commission is in support of that, many of the commission member states have adopted that, but all of the states are respectful of the fact that that's a decision that needs to be made by the individual states and we're respective of that.

And if that's not the policy and that's not the position I'd be happy to be corrected. And any state that would like that in writing, I'd be very happy to put that on commission letterhead and send it to them. Thank you.

VICE CHAIRMAN LAPOINTE: Paul Diodati.

MR. DIODATI: I just wanted to acknowledge that through the ACCSP process and our recreational technical committee work some time ago there was a fair amount done with licensing and recommendations that were made to the Coordinating Council relative to the

benefits of saltwater licensing so that's available.

VICE CHAIRMAN LAPOINTE: Thank you. Gene Kray.

DR. KRAY: Thank you, Mr. Chairman. On the Mid-Atlantic Council I serve as the chairman of the Magnuson Reauthorization Committee. And the issue of saltwater licenses was in our high priority that we sent to Dr. Hogarth. Of the 13 issues that was one of the top five.

VICE CHAIRMAN LAPOINTE: Thank you. Roy, did you have your hand up again? It strikes me that with the discussion and the position that Vince has put forward that that puts us in pretty good shape, vis-à-vis the rec license.

Is there disagreement with Gordon's point that the calendar and events have lessened, probably taken away the need for the Management and Science Committee to do additional work on the two ocean policy commission reports? Seeing none, Linda is that enough direction so that you can devote your energies to other issues?

DR. MERCER: That sounds fine. Thank you.

VICE CHAIRMAN LAPOINTE: Great, thank you. And thanks for the thorough report.

CHAIRMAN PATE: Thank you, George, for taking over the chair. I had lost my focus in the shark discussion. We make a good team. I appreciate that. The next item on our agenda is the Committee on Economics and Social Science report, Elizabeth Griffin.

**-- Committee on Economics and Social Sciences Report --**

MS. ELIZABETH GRIFFIN: The CESS has had a busy year this year. We have several ongoing projects, two of which are the socio-economic sections for the Atlantic herring and Atlantic croaker FMPs.

We're also working on a guidance document for the plan development team and technical



committee representatives from CESS. And we're working on a research needs list that will include an annotated bibliography of all the references relating to commission-managed species.

We have also begun discussing the socio-economic implications of multi-species management. And the CESS has designated a subcommittee to start talking about multi-species management and some of the implications for the commission.

We had our workshop yesterday and we're going to look at the feedback we got from that and continue planning future workshops. You guys had approved previously doing a workshop in 2006 on conflict resolution in fisheries management so we're going to move forward with planning that one.

And the biggest thing we've worked on recently is a policy paper. And the title of that policy paper is, "The Cumulative Social, Cultural and Economic Effects of Seasonal Closures on Fishing Communities."

And there is a copy of that policy paper in your meeting materials. If you don't have a copy of it, it's in the big packet that was on the back table and we have a couple extra copies if anyone needs one. I'd be happy to take any comments on this paper. And if there are no comments, we'd like to have you approve it today.

CHAIRMAN PATE: Pat.

MR. AUGUSTINE: **Without objection I would move that we accept the report and go forward.**

CHAIRMAN PATE: So moved. Any objections from the board?

MR. WHITE: Second.

CHAIRMAN PATE: Second by Pat White. Eric.

MR. SMITH: Just a quick question, Mr.

Chairman. I think I know the answer but this is all new territory so I want to ask the question again. When the commission and this body votes to accept a document we're receiving it with open arms with our appreciation to the staff and the members who put it together, understanding we haven't read all of the details yet and may have interesting observations after we've been able to read what is a fairly lengthy report. I just want to be sure that's the nature of when we accept a report.

CHAIRMAN PATE: Your observations are correct.

MR. SMITH: Thank you.

CHAIRMAN PATE: Any discussion on the motion? Any objections to the motion? Seeing none, we'll consider the report accepted by consent. Thank you. Elizabeth, could you just, 20 seconds worth of more details about the conflict resolution workshop.

MS. GRIFFIN: This is something about a year ago the CESS got together and started talking about workshop topics. And the two that they came up with that they thought were really important to talk about were the economic models we discussed yesterday and then something on conflict resolution in fisheries management.

And the idea was for this to be a more interactive workshop to bring in someone who, I know of a couple different people at NOAA who do this, and actually have an active workshop on conflict resolution. We haven't decided who would do it and what the timing would be but we're definitely, we'd like to pursue doing that.

CHAIRMAN PATE: That's good. I'd like to talk with you a little bit more about that at some point. It parallels some initiatives we have at home.

VICE CHAIRMAN LAPOINTE: You have conflict in North Carolina? (Laughter)

CHAIRMAN PATE: No, everything is just hunky-dory, peachy. Okay.

MS. GRIFFIN: The one other thing I had is that this policy paper came from the Policy Board in 2002. It's something you guys would like to see done. And if you have other suggestions for topics on policy papers, the CESS was very happy with the way this one turned out and would be willing to do other topics if you have things you'd like for us to report on.

CHAIRMAN PATE: Okay, any questions or comments directed to Elizabeth? Thank you very much. I had written down under other business Paul Diodati's interest in bringing up a funding issue from earlier today.

**-- Other Business --**

MR. DIODATI: Actually it's a very generic topic and I almost hesitate bringing it up as one of the last items of the week because I think it's very important but it's my personal observation that this commission and its membership and other states, coastal states around the country, are in dire need for a new funding initiative to help fuel a lot of the good work that we do.

And I think that the MRAG report that was presented to day is, it's not an example of a failure of our staff, I think it's just an example of just additional institutional collapse that we're suffering from.

The states have not had increased funding at the state level for a number of years now, although the decline seems to have stabilized. It's not improved. And I think our traditional sources of funding are beginning to dwindle and become diluted.

I think that the newer sources of funding that have come along are more competitive in nature and not designed to support the institutional infrastructure of state agencies and organizations such as this one that are necessary to build expertise and critical mass to address all of the management and science questions that we have to deal with.

And it's not just at this interstate level. Our councils certainly take up a lot of our staff time as well. So I feel pretty strongly that this

commission having perhaps the most authority of all commissions in the nation should take the initiative to lead a national effort to bring some new funding into our organizations.

I think that with the Ocean Commission report, the Pew report and many individual state efforts that are ongoing in the area of ocean planning, I think the timing is probably good, better than it has been in the past 20 years.

I think there is more attention on fisheries, on ocean resources, their proper utilization, the competition for space out there. I think it's a good time to do that. And so that's my very strong suggestion. And I'd like to have some discussion at the appropriate time how we might implement such an initiative.

CHAIRMAN PATE: Do you have any suggestions for a strategy in how to advance that initiative?

MR. DIODATI: Yes, my suggestion would be that the three commissions from around the country join together. And I also think that we need to fund that initiative. That isn't something, it's not a letter to Congress that we're talking about.

This might be a two or three year effort in order to bring some proper fruit back to us. But I do think that there is a potential. I think that the three commissions need to cooperate with the councils of course.

But you know I think that there are models out there, that the International Fish and Wildlife Agency or association of agencies has demonstrated that by working together the states could harness a fair amount of power in bringing funding back to the agencies.

And the coastal states in particular I think working together, we have half the residents of the nation live within 50 miles of the coastline. I think that we're a very, very powerful constituency and I don't think that we're focused right now.

But I think that the three commissions are in an

excellent position to work together to coordinate and I would recommend that a subcommittee of the three commissions be formed and perhaps draft a white paper on what this would be.

But I'm suggesting some type of legislation, sweeping legislation that would bring proper funding to all the coastal states in the country.

CHAIRMAN PATE: Thank you, Paul. Gordon.

MR. COLVIN: Thanks. I couldn't agree with Paul more. I think I've said it before and it certainly was discussed again in St. Pete and there is a follow up item that from that meeting that has been, we'll all see when we get the final report that is very consistent with his suggestion.

I think something visionary is needed. And I suspect that in order to succeed it will have to be a multi-year commitment and it will have to be a large one and probably we will need, the fisheries folks are going to need to work with the coastal folks so that there may need to be an alliance with the Coastal States Organization, somebody that we have not worked as closely with as frankly we probably need to and I heard that message in St. Pete, too.

And so I think we need to work on putting together some strategies of that nature and look to a long-term commitment. I think there are also probably some shorter term things that we need to work away at and I commend Eric for keeping the issue of something for the states in the Magnuson Reauthorization in front of everybody.

I also think that if we're -- and I'll just throw this out -- that if our staff's excellent efforts and our leadership's excellent efforts to get us some increase short-term in ACFCMA funds is going to continue that we need to seriously think about recommending a substantial change to the current formula such that more of that money can go back to the states through a formula-driven process.

I think if we had taken that \$2 million this year and simply applied it to the current ACFCMA formula we would have been very disappointed

in how that seemingly big increase in our appropriation actually paid off to individual state grants. And I would ask that we revisit that process as part of this overall dialogue as well.

At the same time I recognize that it could be easy for us to get lost in short-term measures, in an ACFCMA measure or a Magnuson measure and get distracted from what I very much agree with Paul is the need for a long-term visionary effort that is well-coordinated and nation-wide in scope.

So I think all these things are needed. Maybe some strategic planning that brings us to an opportunity for a major strategy session at the Annual Meeting might be in order, something along that timing.

CHAIRMAN PATE: Thank you, Gordon. And I agree. I think we've probably out of no fault of anyone's missed a good opportunity to partner with CSO and develop a real strong ally with them for increasing federal funding for both of our programs.

What I would suggest is that we'll take this as an initiative to consider for the future. I'll talk with Vince about it between now and August and see if we can develop a strategy to get started on it. So thanks for bringing that up, Paul. That certainly has major implications for our future. Anne.

MS. LANGE: Thank you, Pres. I think this ties in very well with, as Gordon said, something that was raised during the state directors' meeting in St. Pete. My hope is over the next few months to do regional sessions with the states in our regional offices and science centers to identify the priorities in each of the regions for the current funding that we have.

And I think the first step and in order for the states to be looking for additional funding is to identify what current funds are being used for. We don't have very much money that comes through IJ.

When you look at \$2.5 or \$2.8 million it goes to 35 different states, it's not very much. But it's authorized at a significantly larger amount of

money and, again, that's a pittance compared to what is needed overall, I realize that.

And the same thing with the anadromous grants and the Atlantic Coastal Act that we process through our office. But I think the first step in looking for additional funds is to identify where the gaps are in what is being used now, not only from what the states are using but also what is going on in the NMFS regions.

You know what monies does NMFS have in those areas for our own staff's to address issues and where are the gaps where additional funding to the states will help, help the whole process?

CHAIRMAN PATE: Okay, thank you, Anne. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. You know as we start to put together some ideas for you all to consider I would encourage you to think about sort of the sound-byte sell behind this. And it seems to be, one of them, a key area would be how does the world get better with additional money?

And some of the discussion that has been going on in the past is how we've been struggling and limping to get by. But frankly from the budgeter's standpoint the fact that the system has gotten by sort of proves that those resources were adequate. That's the argument you get back.

So saying that we've been hemorrhaging, saying that we've been hampered, saying that we've been squeezed tight may be true and may be painful but it's not persuasive in terms of getting more money.

What I think is most effective is either one or two things. You either say here specifically how the world gets better, and ACFCMA was a good example. The world would get better by having comprehensive management plans with a tight compliance requirement that brought results and it was based on the success you all had with striped bass. That was the model how you got \$7.2 million into the process. You could point to results.

And I think we need to look at how does the fishery management process improve, how will we predict or expect fishery management performance to improve with additional funding. That's not an answer to be given today at this discussion but we need to think long and hard about that.

The second awareness or reality check in partnering with the other two commissions, they have a very different mission. They don't manage fish. In one case they're a pass-through for a considerable amount of money, at least and maybe more than tens of millions of dollars, maybe a hundred million dollars for Pacific states.

And the other issue is our counterparts in the Gulf, what their mission is. So our strategy needs to be, you know you need to go in there with your eyes open realizing that we may end up with a pretty complex message to the budgeters about what we're trying to accomplish.

And I'm not trying to discourage this initiative. I just want to make sure that we're sort of aware of the issues and encourage you to start thinking in those directions. That would help us develop this strategy. Thank you.

CHAIRMAN PATE: I heard him and I'm ignoring him. (Laughter) Okay, thank you for those comments, Vince. Paul.

MR. DIODATI: Yes, and just in response to that. I don't think the strategies will be that difficult for us to demonstrate. Back in Massachusetts in the Port of New Bedford you know I think just our scallop industry this year is going to surpass nearly three-quarters of a billion dollars in value and it's all because of added survey work and good management that is going on there.

The striped bass resource has generated millions and millions and millions of dollars in our recreational fisheries throughout the eastern shores of the United States because of good management and good research.

So I think there is adequate demonstration out there that we provide the fuel for a very large economic engine. And I think that's a great argument. On the other hand I don't think we're going to be asking, I think we need to demand.

I think that we, as I mentioned earlier, harness a very, very powerful constituency and I think it's time and the timing is right to put that to work for us.

CHAIRMAN PATE: Thank you, Paul. Is there any more business to come before the board? Seeing none then the board is adjourned. And since we have no compliance measures to take up in the business session and no FMPs to approve then there is no need to convene that group. Therefore we are adjourned.

(Whereupon, the meeting adjourned at 2:10 o'clock p.m. on Thursday, May 12, 2005.)

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