

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

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
May 2 and 3, 2012

**Approved August 8, 2012**

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## INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of February 8, 2012** by Consent (Page 1).
3. **Move that the board accept the recommendations of the Compliance Committee with the understanding that those items that need to be expanded or described more fully will be presented at the annual meeting for review and approval by the board** (Page 5). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 6).
4. **Move to approve the long-term benchmark assessment and peer review schedule** (Page 7). Motion by Pat Augustine; second by Gene Kray. Motion carried (Page 8).
5. **Move to prepare a letter encapsulating the recommendations as presented in the document to the New England Fishery Management Council and the Mid-Atlantic as appropriate** (Page 13). Motion by Pat Augustine; second by Ritchie White. Motion carried (Page 13).
6. **Move to adjourn** by consent (Page 23).

## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
G. Ritchie White, NH (GA)	David Saveikis, DE (AA)
Douglas Grout, NH (AA)	John Clark, DE, Administrative proxy
Dennis Abbott, NH, proxy for Rep. Watters (LA)	Tom O'Connell, MD (AA)
Jocelyn Cary, MA, Legislative proxy	Russell Dize, MD, proxy for Sen. Colburn (LA)
David Pierce, MA, proxy for P. Diodati (AA)	Bill Goldsborough, MD (GA)
Bill Adler, MA (GA)	Jack Travelstead, VA (AA)
Robert Ballou, RI (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Mark Gibson, RI, Administrative proxy	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
Bill McElroy, RI (GA)	Louis Daniel, NC (AA)
Rick Bellavance, RI, proxy for Rep. P. Martin (LA)	Malcolm Rhodes, SC (GA)
David Simpson, CT (AA)	Mel Bell, SC, proxy for R. Boyles (LA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Spud Woodward, GA (AA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	John Duren, GA (GA)
Pat Augustine, NY (GA)	Aaron Podey, FL (AA)
Russ Allen, NJ, proxy for D. Chanda (AA)	A.C. Carpenter, PRFC
Tom Fote, NJ (GA)	Steve Meyers, NMFS
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Jaime Geiger, USFWS
Leroy Young, PA, proxy for J. Arway (AA)	Bryan King, DC
Loren Lustig, PA (GA)	

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

### Ex-Officio Members

Brian Richardson, Technical Committee Chair

### Staff

Vince O'Shea  
Robert Beal

Kate Taylor  
Danielle Chesky

### Guests

**Sign-In Sheet Not distributed**

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, Wednesday afternoon, May 2, 2012, and was called to order at 3:45 o'clock p.m. by Vice-Chairman Louis Daniel.

### **CALL TO ORDER**

CHAIRMAN LOUIS DANIEL: Welcome to the ISFMP Policy Board. I am not the chairman. He is hopefully back home safe and sound by now. I think we've got pretty much around the table. The agenda looks longer than it is, I hope. A lot of these issues should go quickly.

### **APPROVAL OF AGENDA**

CHAIRMAN DANIEL: The first item is an approval of the agenda and our proceedings from our February meeting. Has everyone had a chance to look over that? I have two other business items; one from Doug Grout on lobster and one from Bob Beal for the Sturgeon Board that just adjourned. Is there any other business that anybody would like to bring up at this time?

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN DANIEL: Are there any corrections to the agenda or the minutes? Seeing none, they are approved.

### **PUBLIC COMMENT**

Public comment; I don't believe I have anyone signed up to speak. Is there anyone from the public that wishes to address the policy board? Seeing none, we'll move on to Jim Gilmore. Bob is going to do Jim's report on the Compliance Committee.

### **COMPLIANCE COMMITTEE REPORT**

MR. ROBERT E. BEAL: As Louis mentioned, Jim Gilmore is the Chair of the Compliance Committee; however, he had to go home and Steve Heins is here in his place and didn't want to take on the report from the Compliance Committee, so Jim asked me to give the report. There are a number of folks around the table that are on the committee and they can fill in the blanks or fill in anything that I might have missed or provide more detail along the way.

The committee reported out at the February meeting on their initial conference call and their initial recommendations to the management board.

Following that meeting they had another conference call and talked about some of the outstanding issues that they wanted to further discuss and the policy board asked them to continue working on.

They came up with a suite of recommendations. Those recommendations are included in the supplemental material. There are also copies on the back table. It's a document with today's date at the top, May 2<sup>nd</sup>, and it has got the heading "The Final Report from the Compliance Committee". I'll just go through the recommendations and hit the highlights of those and a little bit of rationale from the committee.

I think following the recommendations, the question for the policy board is does the policy board endorse and agree with these recommendations and want to move forward on some of the things that the Compliance Committee is suggesting. There are six different recommendations. The first one is – and this was reported out at the February meeting also – is that no changes are needed to the ASMFC guidance documents regarding emergency action provisions or procedures for calling a meeting.

As the policy board will recall, two of the items that the group was asked to discuss was referring to are the procedures adequate and effective for calling meetings and are the emergency actions provisions in the Charter appropriate for the commission's business. The committee looked over those and felt that those were in fact appropriate and did not recommend any changes to those. The committee recommends those stand as they currently are.

The second recommendation goes to the question of what should the states be able to do under the commission's FMPs. I should have probably prefaced this a little bit more. This whole issue came up with the situation that occurred with scup last fall and some of the states implemented regulations that were not consistent with the fishery management plan.

However, those regulations did not appear to have a conservation impact, and the policy board was at a discussion point of what do we do about this and how do the states want to handle it certain states implement regulations that don't meet both criteria for a non-compliance finding. By both criteria I mean the fact that they implemented regulations not consistent with the FMP and there is a conservation impact.

If only one of those two items is tripped, how does the board want to handle those things? I think Robert Boyles started calling it semi-compliance during some of our call, so it's kind of the term that came up. The next few things are thought about or the committee developed these recommendations to deal with what is semi-compliant, if you want to call it that.

Recommendation Number 2 is to have the management boards open up their FMPs and consider increasing flexibility for in-season adjustments if a stock is in healthy condition, and that is an important part of this. If a stock is in bad shape and it needs rebuilding, additional fishing opportunities are not something that should be done on the fly and should be considered through the addendum process, if at all.

Part of this is if the boards want to consider in-season adjustments to allow greater fishing opportunity, they probably need to go in the other direction. If data is coming in that fisheries are occurring faster than they anticipated, the board may want to look at ways to slow down harvest rates as well. We probably can't have just one way for opening up fisheries; it needs to be considered in both directions.

The third recommendation deals with delayed implementation. Again, the committee recommended that the species management boards open up their FMPs and determine what type of penalties, if any, should be implemented for delayed implementation. Delayed implementation means any time a state essentially misses an implementation date, if a closure was supposed to occur on a certain date and the state either wasn't able to do that or did not intend to do that, there should be or can be penalties applied to those situations.

Some of our FMPs, lobster, summer flounder, scup and black sea bass already have delayed implementation provisions, but currently they're linked to the need for a conservation impact as well. If a state misses an implementation date but there is no conservation impact, the delayed implementation penalties cannot be invoked under the current FMP.

The committee recommended that these species boards look into their FMPs and if there are penalties that should be invoked for delayed implementation, whether there is or is not a conservation impact, that is something that should be considered by the individual boards.

The fourth recommendation is a list of specific species management boards that may want to or seem to be a reasonable group to take this task on first and open up their FMPs and look at these two provisions of increased flexibility and delayed implementation penalties and see if changes are warranted.

The committee felt that doing this across the board in a broad sweeping statement was not appropriate. It needed to be done or should be done by the individual species management boards. They know the issues better than the full commission and they felt that the individual boards know the provisions of their FMPs better than the full commission.

The committee came up with a suite of five management boards that should report back to the policy board. They did not put a timeline on this, but that may be something the policy board wants to consider. The first is summer flounder, scup and black sea bass, and those were considered for obvious reasons. That's the FMP that started this discussion about six months ago.

Bluefish is a similar position. It is fully rebuilt and right now there are no seasonal closures, but there is a potential down the road that they may be appropriate. Atlantic herring, while the stock is not fully rebuilt, the delayed implementation may be something that should be considered for Atlantic herring. If states miss days-out provisions or some closure in that fishery; is there anything that should be done or penalties that be invoked in the following season.

Striped bass, again, there are some in-season adjustments that some of the states have implemented in their recreational fishery management programs for striped bass. Northern shrimp; the stock again is not fully rebuilt but there is a strict closure date that is implemented by the Northern Shrimp Section. If a state misses that, is there a delayed implementation penalty that should be applied to that state.

Those are the five boards that the committee recommends looking into those FMPs and considering changes or at least reporting back to the policy board whether changes should or should not be initiated. Items number five and six are a little bit beyond the charge to this working group.

Number 5 is pretty straightforward. The commission should continue to use the standard or the existing non-compliance provisions in the Atlantic Coastal Act whenever a state is out of compliance and there is a conservation impact. That is still the most

appropriate tool when both the criteria are met. Item number six is something that came up on the last conference call. Part of this discussion is having boards get together potentially more frequently via conference call or web-ex meeting or something like that.

The working group recommended that the expanded use of conference calls and web-based meetings needs to be explored. There was an example of the Northern Shrimp Section Meeting that went essentially terribly wrong. Things went bad and then went really bad fast. I don't know, 90 members of the public were on there and there were a lot of very heated exchanges between the public. I won't go into this on the microphone because I will offend somebody if I go into those things.

The idea of how the public participates in these conference calls, what is their access and ability to provide public comment during conference calls and what sort of technological tools should the commission consider using; should it be things like only the section and board members are able to speak during the call; the other folks can dial in and listen, but they don't have the ability to speak. There are technologies that will allow that.

Those sorts of things need to be explored a little bit. There are a number of examples of board meetings that have occurred over conference calls that have been very productive and a good use of time and a lot cheaper than obviously flying folks all into one place and having that meeting. Those tradeoffs between the conference calls and public participation need to be considered a little bit more if this process expands in the future.

Those are the six recommendations. They're on Page 3 of the final report from the Compliance Committee. I can answer any questions; or as I said there are a number of committee members around the table that may want to fill in some details if I missed them.

MR. DOUGLAS GROUT: Bob, just one minor question under number four where there was a recommendation by the committee to have a list of boards and sections report back. Two of those were sections that are managed under Amendment 1. I'm curious as to whether there is really a need to look at it from a delayed implementation standpoint with sections being managed under Amendment 1 because the commission issues rules that we agree to implement. Did they discuss that as to whether it's appropriate or not for us to report back on that?

MR. BEAL: It was talked about briefly. As I said, both the Herring Plan and Northern Shrimp Plan have events during the year that change regulations that are implemented. There are days-out provisions or a full closure of area in the Herring plan or the entire fishery for Northern Shrimp. The thought was that maybe those two groups should look at is there a need for delayed implementation.

I think what you said is very fair, Doug, the two sections may want to chat about this; and if they agree everything works fine and they don't think there be a delayed implementation penalty change to the FMP, then that's the report back to the policy board. Again, these are just recommended ones. If the members of those two sections want to pull them off the list right now, that's fair game, also.

MR. THOMAS McCLOY: I guess I have a question or would ask for clarification on Recommendation Number 3 as it relates to no conservation impact. It is my impression that most of the states' programs we approve for the year all have been developed and calculated to provide some conservation goal for that coming year. Maybe you could provide an example of a situation where there isn't really any conservation impact through the late opening or delayed implementation.

MR. BEAL: I think the scup example from last year is probably a good example where there was a closure date – and I don't recall what it was – that the states in the northern region were supposed to close their fisheries on specific data. The review of the recreational data indicated that those landings were coming a lot slower than anticipated when the season was set.

Those states extended their season based on the data. They were saying if we open up our season through the end of the calendar year, we're still not going to hit the target that the FMP or the annual specifications allowed the recreational sector to harvest. Those states were indicating that even though this opening or extension of the season was not approved by the commission, they still wouldn't harvest their target and there would not be harm to the stock.

MR. PATRICK AUGUSTINE: In the case of summer flounder, scup and black sea bass would it require an addendum to the FMP because it's joint with the Mid-Atlantic or will we put language in here that describes what we would do but still have to notify the council through the process. It sounds like an addendum or an amendment.

MR. BEAL: The current delayed implementation language is already in an ASMFC-only addendum, and you guys can modify that wording if the board chose to through another addendum.

CHAIRMAN DANIEL: Okay, what is your pleasure with these recommendations from the Compliance Committee? Pat.

MR. AUGUSTINE: To the best of what I can read, accept them. I think it looks like a lot of work was done on it and a lot of thought was put into them. I think where we need to flesh a couple of the items, it would be good if we saw a follow-on commitment from this group as to what action we're actually going to take specific.

Some of the action items that you listed as possible changes may be over a longer period of time rather than by the August meeting or maybe at the annual meeting. I would defer to Bob and you, Mr. Chairman, as to what the timeline might be to get a response back as to implementation on these.

CHAIRMAN DANIEL: I think we can do that at the annual meeting.

MR. AUGUSTINE: You don't need a motion, do you? Can we just have approval from the board?

CHAIRMAN DANIEL: I think a motion would be better.

MR. AUGUSTINE: Mr. Chairman, **I move that the board accept the recommendations of the Compliance Committee with the understanding that those items that need to be expanded or described more fully will be presented at the annual meeting for review and approval by the board.**

CHAIRMAN DANIEL: Motion by Pat Augustine; second by Mr. Adler. Discussion on the motion? Bob.

MR. ROBERT BALLOU: I'm just not sure I understand. If the charge is to the species boards, I'm not sure the policy board is in a position to do anything at the annual meeting. It seems to be that between now and then or maybe then, for example, the Summer Flounder, Scup and Black Sea Bass Board, that would be an agenda item for them, perhaps.

MR. BEAL: I think my interpretation was that the five boards listed or three board and two sections

would report to the policy board at the annual meeting on what their recommendations are as far as opening up the FMPs and making some changes. Item Number 6, which is a further consideration of electronic meetings, would be further developed by staff.

MR. AUGUSTINE: Mr. Chairman, just a follow-on that, we don't have an animal called an Omnibus Amendment like we have in the Mid-Atlantic, but would it be possible to do this collectively, naming those five species, or is it better just to keep them simple; you know, keep it simple, Stupid, like each one of the items.

CHAIRMAN DANIEL: Keep them separate would be my suggestion.

MR. AUGUSTINE: That makes sense; thank you.

DR. DAVID PIERCE: Bob answered my question. I was going to look for some guidance on number six regarding how to deal with the web-based meetings and the conference calls. Staff is going to put some thoughts together and offer those thoughts to us, when; when might that be? Any thoughts, Mr. Chairman?

CHAIRMAN DANIEL: At the annual meeting. Adam.

MR. ADAM NOWALSKY: Mr. Chairman, I think as a member of the Compliance Committee, number two out of the recommendations here was really a driving force for a lot of the discussions that we had. Specifically with regards to a couple of actions that have taken place, two years ago we looked at an early closure of the black sea bass fishery.

A conference call was held. That board determined to take no action because of increased harvest rates and the sea bass fishery was ultimately shut down in federal waters by the National Marine Fisheries Service. This past year we kind of went in the opposite direction whereby you had decreased harvest rates which resulted in states taking individual action.

I think the ultimate goal here is to try to address utilization to the maximum extent practicable for our constituents and to try to build in and have some foresight to address these concerns specifically as we have exiting rebuilding plans now and we have a number of healthy stocks to deal with; and having the management mechanisms in place to help ourselves with a mechanism to management as well as having



the fishermen have some expectations about what may happen and what the processes would be would be beneficial to all of us, both here when we make decisions and at home when we have to go back and explain to our fishermen what has happened and what is going to happen.

I think that was really the impetus for all these things. Number 6 came about as well as a part of both addressing the public's actions at those meetings as well as potentially being a way to facilitate more prompt reactions to conditions as they're occurring with regards to harvest rates.

CHAIRMAN DANIEL: Thank you, Adam, for that clarification. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, looking at the motion it's not exactly what Mr. Augustine put up there, and there have been a couple of comments made around the table. It says the items needing further expansion will be presented. Just to be clear, who is going to do that; who is going to do the further expansion? Is that a staff thing or is it the Compliance Committee is going to do that or is this the four boards that are involved in the species?

CHAIRMAN DANIEL: My understanding is staff would handle number six on the electronic meeting, and then the board chairs of these five boards and sections would give the presentations for their various boards. They may not meet between now and the annual meeting.

If they haven't met between now and the annual meeting; perhaps at least to get the ball rolling at the annual meeting we'll have the board chairs for those five to handle that. That was my thought. Does that seem reasonable to everybody? Okay, any further discussion on the motion? Is there any objection to the motion? **Seeing none, the motion carries.** Pat, Assessment Science Committee Report.

## ASSESSMENT SCIENCE COMMITTEE REPORT

MR. PATRICK CAMPFIELD: I'll be giving the report from the Assessment Science Committee on behalf of the ASC Chair, Kim McKown, who could not attend today's meeting. Staff is passing hard copies of the ASC Report. The Assessment Science Committee held their most recent meeting April 2<sup>nd</sup> to address several issues; first of all, to go over the stock assessment and peer review schedule through 2015.

Notable changes since the policy board last approved the schedule include bluefish has been moved up about six months to go through a SARC Review in the summer of 2013 rather than the fall. Two coastal shark species will go through a SEDAR Review in 2013. From the Assessment Science Committee's discussions of the assessment schedule, they recommended a handful of additions and the changes, including scheduling tautog for a benchmark in 2014 as well as weakfish for a benchmark in 2015. Previously the next benchmark had not been set.

Also, they came to the conclusion that the black drum benchmark assessment, it may be best to shift that to 2014 for a possible joint review with weakfish as it is a first-time attempt as a stock assessment for black drum and to keep that timeline flexible. ASC did want to highlight and point out for the board's attention that this would lead to four benchmark assessments and peer reviews in 2014, which is essentially double what we typically can handle and that there may be a need to prioritize or shift one or more of those species, but that four of them is quite a bit for an individual year.

If the board approves the schedule as provided in your meeting materials, we would look for nominations for additional representatives to the weakfish stock assessment subcommittee which currently only has three members.

CHAIRMAN DANIEL: All right, we'll take these as they go. Any comments on the schedule? We're looking at tautog, weakfish, black drum for 2014. What is the fourth one?

MR. CAMPFIELD: Lobster.

CHAIRMAN DANIEL: Yes, we've got to do lobster. Any comments or questions or concerns? If anything needs to be pushed back – Rob.

MR. ROB O'REILLY: Well, I guess based on what Pat said that it's double the normal load, I think it's probably something that needs to be talked about as to prioritization. I don't sense that having half the load of four is that easy either.

MR. GROUT: Just looking at this from a regional basis, many of the people that are going to be involved with the black sea bass, tautog or weakfish are going to be on American lobster. It almost to me it would seem they would be very separate stock assessment committees. I don't know the actual makeup of them, so it seems like the real potential

logjam, if there is going to be one, would with the Mid-Atlantic and southern states.

MR. CAMPFIELD: The quick answer would be that they're fairly distinct. There is I think a minimum amount of overlap between weakfish and tautog, but that the black drum and lobster teams are separate.

CHAIRMAN DANIEL: Can we do it all, Pat?

MR. CAMPFIELD: Well, one option seems to be to approve the schedule as presented or accept the schedule as presented, noting that there may be some flexibility needed down the line if we can't get all these assessments done.

CHAIRMAN DANIEL: So what is the pleasure of the board, to prioritize these? Pat.

MR. AUGUSTINE: Mr. Chairman, if Pat thinks they're able to do and this is what they're presenting to us, **I guess it would require a motion to approve the long-term benchmark assessment and peer review schedule as presented.** Is that appropriate?

CHAIRMAN DANIEL: If you want to try to do them all, that would be appropriate.

MR. AUGUSTINE: It they believe we have the ability to do that time-wise and staff-wise, it sounds like a very ambitious schedule, so you tell me whether we have the funding, manpower and time.

CHAIRMAN DANIEL: Well, I'd love to see them all done; but if we had to drop one off the list is there one that stands out? Vince.

EXECUTIVE DIRECTOR O'SHEA: Well, before you go to that, Mr. Chairman, just to be clear to the people around the table, the state directors know what is being said here. I'm not sure that the other commissioners do. What this is, is a commitment by the states to make their people available to do this. It is not the commission staff to do this. It's not really what you want to do; it's what other stuff isn't going to get done at home. Just to clarify what the question is.

CHAIRMAN DANIEL: Thank you for that clarification. Rob.

MR. O'REILLY: I think it would help to know the amount of time per assessment and how many of these could occur early, middle and late 2014, that way. I think what Vince just said is correct. It seems as if when it is talked about black drum and weakfish

sort of being companions, is it intended that way, that there would be one process for both species going on?

MR. CAMPFIELD: In terms of the timeline, a typical timeline for developing the assessment on average is 18 months, sometimes longer than that. The Assessment Science Committee didn't discuss specifically the short, midterm or late in 2014 delivery, but my sense is that again going from top to bottom lobster would be a late 2014 and that perhaps black drum and the other two would be earlier in the year; but I think more beyond that I'd be speculating.

CHAIRMAN DANIEL: That's a lot of meetings over the course of two years. One, I guess, game changer for – well, maybe not so much for these species but certainly the absence of a sturgeon stock assessment is glaring in my mind and the importance of that in terms of priorities. I'm not familiar at all with tautog. I don't deal with them. I don't know how important it is to have a tautog stock assessment in the next couple of years.

I don't know about weakfish. I know we're seeing some improvements in the weakfish population in terms of numbers of fish. Whether or not we'll be able to begin an assessment on them that is meaningful or not, I don't know. As far as tautog and lobsters I have no idea how important those are to get done and whether or not we want to even consider going down the sturgeon road to try to – I mean those are comments that I've heard in the audience and have heard from several board members what about a sturgeon assessment. Those are just points to ponder. Rob.

MR. O'REILLY: I guess just another question. Pat, do you see this as a three-meeting situation? In other words, there would be a data workshop and then an assessment part of it and then a review process before peer review?

MR. CAMPFIELD: Yes, that same format for each assessment.

MR. O'REILLY: And if I could follow up, I do think there will be overlap with the black drum and weakfish at least in Virginia. I don't know about the other states as far as personnel, and I recognize you're still looking for someone on the subcommittee for weakfish. I guess what I'm seeing there, having worked with Virginia Tech a little bit and Dr. Jiao, is that it is the reference points that are important there more than anything else.

At this point if you look to categorize these as far as need, there certainly is a need for reference points. With any type of rebuilding that does occur, at some point you're going to want those reference points. Tautog I think based on what has just happened over the last several months with the situation of a VPA still being used on a coast-wide process and already a missed benchmark, it seems like tautog is very important for that reason.

DR. PIERCE: I agree tautog is very important and I don't see any problem in getting that work done. Massachusetts, our staff continues to be totally committed to work on tautog assessment work; and Bob Ballou, his staff as well is also committed put in the necessary time relative to the tautog assessment, so I see no problem in keeping it where it is.

MR. TERRY STOCKWELL: I don't have to ponder very long about the wisdom of having a lobster stock assessment in 2014. Our staff is already starting to prep for it and we did have significant discussion at the board meeting the other day.

CHAIRMAN DANIEL: Any further comments? Do we have a motion yet? Mr. Adler.

MR. WILLIAM A. ADLER: I was just checking on the need for the lobster in 2014, and, Terry, did you say that, yes, you do? Yes, I agree.

CHAIRMAN DANIEL: Mr. Kray seconds the motion. All right, any further discussion on the motion? All right, the motion is move to approve the long-term benchmark assessment and peer review schedule. Motion by Mr. Augustine and second by Mr. Kray. Is there any objection to the motion? **Seeing none, the motion carries.**

MR. CAMPFIELD: The three other items that the Assessment Science Committee discussed and wanted to put forth to the policy board for approval; the first is the ongoing issue of Atlantic States stock assessment capacity. Previous recommendations that have been brought to the policy board include a recommendation to modify the assessment frequencies based on each species stock status and life history.

The ASC recommends that they work with the individual species technical committees to revisit and possibly redefine the assessment frequencies and would seek board direction or approval to go ahead and do that. I don't think we're looking for a formal motion but just the okay to do that or not. If they

move forward, ASC is prepared to bring assessment frequencies for the summer meeting.

CHAIRMAN DANIEL: Is there any objection to that by the board? Okay, so do it.

MR. CAMPFIELD: The Assessment Science Committee has also had on their plate possibly developing guidance for use of the new MRIP estimates that have recently been released currently for the 2004 to the current time period, but the MRIP and its working groups are looking at going back into the late nineties for developing new estimates.

The Assessment Science Committee thinks that there may be use in developing consistent guidance across technical committees and for the various stock assessments to go about using the new MRIP estimates consistently and again is looking for policy board direction or approval to move forward with that work.

CHAIRMAN DANIEL: Without objection; okay.

MR. CAMPFIELD: And then finally there are two tasks related to providing uncertainty characterization in stock assessments or other technical analyses. In the 2012 Action Plan, those are on the board and also in your handout. The first I'll just read quickly is to establish best practices for technical committee to provide risk and uncertainty estimates when presenting scientific advice. This would entail quite a bit of work for the Assessment Science Committee to dig into this and develop again consistent guidance on characterizing uncertainty, and so they wanted the policy board either to say go ahead with this or not.

CHAIRMAN DANIEL: Without objection; okay.

MR. CAMPFIELD: And then the last item is just an FYI that the commission's stock assessment training program for 2012 and into 2013, ASC approved the next advanced stock assessment course on an introduction to a new statistical programming software. You should receive a memo in a week or two with the details on that training program.

Then following that in November we will have the next intermediate stock assessment training program on age-structured models; and finally we'll hold the next introduction to stock assessment training opportunity in January of next year. Thank you.

CHAIRMAN DANIEL: Thank you, Pat. Any questions for Pat? Rob.

MR. O'REILLY: Pat had mentioned early on the need for additional personnel on the weakfish stock assessment subcommittee, saying that there were three members now, I believe. I don't have anything in particular in mind other than perhaps the ASC through that process could be finding some personnel.

The other thing I would recommend is the history of the weakfish assessments has had a National Marine Fisheries Service representative for most of that time, which was very important. Really, when weakfish was starting up in full management in the very early nineties, the Mid-Atlantic Council was the lead briefly, so that it makes sense to have someone from the National Marine Fisheries Service on that committee.

CHAIRMAN DANIEL: Steve says that's fine.

MR. STEVE MEYERS: Thank you, Mr. Chairman; we'll find someone to assist the committee.

CHAIRMAN DANIEL: Thank you, Steve. Anything else for Pat? Thank you, Pat, good job. Mr. Robson, Law Enforcement Committee.

## **LAW ENFORCEMENT COMMITTEE**

MR. MARK ROBSON: The Law Enforcement Committee met yesterday. We have a couple of new members on the committee – at least it's their first meeting – Captain John Rutherford is there now representing Delaware. We also had Lieutenant Elizabeth Buendia who is the new U.S. Coast Guard representative on the LEC, and she is going to be posted to us for the next three years. We welcome to our committee.

Under sort of the category of information requests, Toni Kerns from the Atlantic States staff came and visiting with the LEC and we had some discussion about her desire to find out what kind of information or at least to be able to characterize the level of illegal catch that is documented in terms of the amounts among the different states.

The LEC members shared some of that information with her, and I'll be following up with Toni and the LEC members to kind of see what other information might be available, so that we might be able to actually characterize some of the levels of harvest that is part of a case or part of a seizure. Under state and federal coordination, we had a very healthy with the representative from the NOAA Office of Law Enforcement on ways that we can, as a committee,

enhance our input and our support for NOAA's Office of Law Enforcement and particularly how we can coordinate with them regarding Office of Law Enforcement priorities and staffing and funding.

There was general agreement I think across the board to continue using the twice annual meetings of the LEC to really hash out any coordination or communication issues that we have among the states and our federal partners. There are always things that do need to be hashed out, of course. The LEC is going to continue to actively engage in NOAA's Office of Law Enforcement priority-setting process, which they have just come out with for this year.

We're going to take the opportunity at our fall meeting to address what we would like to see added to those priorities or modified in their priorities for 2013. There was a good bit of discussion along those lines about the need not only at the high levels of law enforcement coordination between state and federal partners but also at the level of the officers working in the field.

Because of things that NOAA's Office of Law Enforcement is trying to do at the field level, it was stressed that there really is a need to continue that kind of boots-on-the-ground, if you will, coordination and focusing a lot on some of the local and regional needs that we have in working with the Office of Law Enforcement and NOAA. It was a very good discussion.

Under the category of species issues, I and Lloyd Ingerson briefed the committee on the results of our Striped Bass Management Board discussions from yesterday morning. They were pleased that their recommendations were agreed to be incorporated into the draft document that is going out for public comment. They also expressed their continued support for engaging in that process; so as that continues on we want to continue to make our voice known particularly with regards to the tagging program and the consistency of that across the states.

We had Chris Vonderweidt from staff come in and kind of update us a little bit on where things are at with tautog. There was some discussion of some of the previous positions of the LEC regarding some enforcement issues, which are not familiar to me in my role as the new coordinator, but I'm going to be researching and reviewing some of those previous positions.

We will continue to work with staff down the road on what we might be able to do to contribute to tautog

management discussions. We also had representatives from the United States Fish and Wildlife Service present from their law enforcement staff and updated us on some of the glass eel fishery issues that are occurring.

There are obviously very high market values and so there has been significant illegal harvest and sale issues that have become a concern, and so there was some discussion about how we can coordinate enforcement efforts in the future. We also in the discussion of species issues – and it has become apparent to me in my new role we don't always know exactly who the current representatives to the various management boards are from the LEC.

I think it would be a big help for us to update that and make those folks available to you all and to the management boards. We kind of got that updated and I'll provide that to staff and then that can be given to the management board so we know clearly who your LEC representative will be going forward.

We also had a pretty good discussion about our page on the ASMFC Website. I have been working with Tina on staff in trying to update some of the Law Enforcement Committee's information. Some of it was a little bit dated. We are talking about some ways that we can add more information to keep it more current and updated, including possibly featuring some law enforcement success stories or some features that we can rotate in and out featuring the states and the federal jurisdictions as well so that you get an idea of what is going on in the law enforcement world out there in your various jurisdictions or areas of interest.

We also had a real nice visit from Chairman Paul Diodati. In a very busy day he came by and was able to visit with us briefly to talk a little bit about his thoughts regarding law enforcement and its role in the fishery management process. I think the LEC was very appreciative of him being there and hopefully we can have some additional discussions with the Chair or even the Vice-Chair at some point in the future.

What we're trying to do now is think a little bit about Law Enforcement Committee planning and setting our own priorities so that we can continue to do the job for the ASMFC that we do on a regular basis and that you're familiar with in terms of responding to your requests for advice or information on addendums or amendments to various species plans and to discuss with you the enforceability of proposed options.

But in addition to that, we want to start thinking in terms of at least on a yearly basis or maybe looking out two years on a horizon like that to some of the things that might be priority issues that we can identify and bring to you in a more proactive way. We also discussed a good bit about how we can continue to plug into the management board process in developing addenda and getting in comments and suggestions and advice as early in the process as possible. I hope we will continue that discussion of some of our short-term planning and prioritization as a committee. We had a very good meeting and, Mr. Chairman, that concludes my report.

CHAIRMAN DANIEL: Thank you, Mark. Questions for Mark? Pat.

MR. AUGUSTINE: Mark, an excellent report. As I indicated to you and others in the Law Enforcement Committee yesterday offline, that report that you gave us on the action we were taking on striped bass was absolutely excellent. I would hope in the future that anytime we're developing an addendum or an amendment where it requires a position on law enforcement, that you present to the board your reaction to each of the items. Clear-cut, direct and we took action on it.

I would also ask, Mr. Chairman, if we could ask or remind the Law Enforcement Committee that we really need to go back and take another hard look at enforcement for tautog. As you recall last year the meeting ended rather abruptly. There was some suggestion made by law enforcement. One included tagging for all retained blackfish that met with a lot of opposition, cost, tracking, et cetera.

But one of the other items that had been talked about extensively at the time was somehow to dispose of that fish, kill it; whether we want to call it euthanize it or whatever; give it mouth-to-mouth resuscitation, suffocate it, whatever. The point is we have not made one dent in the illegal blackfish market. It just seems to me that we've got it back on the table at our next meeting in August or later in the year. I hope that subject comes up again and we go back and readdress it. Just by curtailing fishing and retention by commercial and/or recreational anglers is not going to solve the problem. I think I've said enough on that, Mr. Chairman; so if we could take some action on that, it would be greatly appreciated.

CHAIRMAN DANIEL: We can handle that. Any other questions for Mark? Tom.

MR. THOMAS FOTE: Mr. Chairman, I was going to bring this up, but I forgot to add it to the agenda. There have been a number of states where these bills are going through to try and ban the sale of shark fins that are taken in a legal manner. I don't know which committee we should put that, maybe to law enforcement, to basically explain what the rules are for the sharks.

I don't know if you're familiar with what I'm talking about, but there is a bill in New Jersey that would ban the sale of any shark fins in New Jersey. So on dogfish that you harvest shark fins, you could not bring them into New Jersey anymore. There is a bill in New York that would do the same thing. I think in quite a few other states they're proposing these bills.

The Humane Society is running around doing that. I really wanted to put a white paper talking about enforcement and whatever else when we have to go defend these regulations and talk to our legislators, because I'm getting all kinds of calls on this, to basically handle that. I'm not sure where exactly that fits in the policy board.

CHAIRMAN DANIEL: I'm not even sure what you're talking about. It sounds like those are state-level legislative issues.

MR. FOTE: Right, but what will happen is you legally harvest shark fins in North Carolina, if this bill passes you will not be able to bring them into New Jersey for sale. The Humane Society is going from one state to another proposing this and it will be in North Carolina sooner or later. What I'm asking for is a paper that explains that there are federal regulations that deal with shark finning and that this law is totally unnecessary because of the guidelines and the regulations and the laws we have in place; that there is no necessity to ban the sale of shark fins.

It would be like banning, as I use it, you take a cow and you use all parts of the cow when the cow is harvested and the same thing with a deer. You take the tongue, you take everything else, and the same thing when a shark is legally harvested you should be able to use all the parts. If it's not legally harvested, that's another point.

I'm just saying this is going on and I don't want to close markets to other states because of what happens in New Jersey or what happens in other states. Once they have success, they're using that success to go from state to state. I'm basically asking for some help and some guidance maybe on putting all the regulations together so when I get all these calls I'm

getting from legislators that are putting the bill through, that we can basically say here is what is really done and here is what is necessary and this is not necessary at this time, and it won't stop you from legally exporting it to New Jersey anymore.

CHAIRMAN DANIEL: Yes, let's talk about that tomorrow during the Spiny Dogfish and Coastal Shark Board because we'll have some of the NMFS folks here that are familiar with that as well and they may be able to add some insight into how to approach that. Is that fair?

MR. FOTE: Yes.

CHAIRMAN DANIEL: Okay, anything else for Mark? Yes.

MR. LOREN W. LUSTIG: I was very interested, sir, in your report especially as it relates to the law enforcement page or link on the commission website, which I think is an excellent initiative. I'm reminded of the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission having a proactive ways and means to introduce the work of their waterways conservation officers or wildlife conservation officers to the public through magazine articles and the like. I think it is well received by the public and is to be encouraged, and so I wanted to provide that encouragement. Thank you.

CHAIRMAN DANIEL: Anything else for law enforcement? Thank you, Mark. Bob is going to take us through the ASMFC comments to the New England Council on Atlantic Herring Amendment 5.

#### **ASMFC COMMENTS TO THE NEW ENGLAND COUNCIL ON ATLANTIC HERRING AMENDMENT 5**

MR. BEAL: This recommendation came out of both the Atlantic Herring Section and the Shad and River Herring Management Board. I will be working off this kind of multi-colored document that was handed out at the beginning of the meeting. The section and the management board provided their recommendations on what comments should be sent to the New England Council on Draft Amendment 5 to the FMP.

The council has a public comment period open right now and the National Marine Fisheries Service. Both groups worked up these comments. I'll go through them pretty quickly and explain what the colors mean. I think the policy board's job is to essentially

reconcile the comments that came out of these two different boards and provide one sort of unified comment to the National Marine Fisheries Service and the New England Fishery Management Council.

I think that's a fairly easy task, and I think the comments are essentially additive. There are some comments that both groups agreed on, and then there are comments specific to river herring that the River Herring Board made and there are comments specific to sea herring that the Sea Herring Board made.

I think at the end of this, if everyone is comfortable with it, we'll adopt all of these points and turn them into a letter and send them off to the council and NMFS. I'll quickly run through those. The red text is comments that the Shad and River Herring Board only provided. The black text is comments that both groups agreed on. The green text is comments that the Atlantic Herring Section only provided.

The fact that some of these comments came from only of those entities doesn't mean that the other body disagreed with it. It's just that they provided additional comments beyond what the other board provided. Moving through it pretty quickly, the first paragraph there in red just highlights the River Herring Board's comments of approving Amendment 5 and the Mid-Atlantic Council's Amendment 14 should be as close as possible; and wherever they cannot be consistent, there should be sort of minimize the amount of difference between the two.

I think the overall comment under Item 3.1 is the language there in black, which the working group is supportive of any measures that will improve accuracy and accounting of catch reporting for all species. The River Herring Board added some river herring specific language to that. Item 3.2, both groups recommended 100 percent coverage. Both groups recommended that all of the measures, Items 2A through 2F, under 3.2.2.1, which improve by the sampling by the National Marine Fisheries observers are included in the final version.

Under the states as service providers for observer coverage, both groups recommended that the states become service providers. The Herring Section recommended under the net slippage section, that the working group supports measures that discourage and reduce net slippage. It goes on to where both groups again recommended a hundred percent observer coverage.

The red language on the back should not be struck through. That's sort of a formatting error. That

language should be added or is a recommendation from the management board. The River Herring Board does support the closed area sampling provisions. One of the highlights that both groups recommended was the SMAST, Division of Marine Fisheries, Massachusetts, and the Sustainable Fisheries Coalition approach toward river herring bycatch avoidance; they both fully supported that.

Then the groups went on to talk about triggers. The River Herring Section went on to say if triggers are used and there are certain conditions that they would like see implemented if triggers are employed. The group went on to sort of reiterate the working group is supportive of improving accuracy and accounting of catch reporting, and again specific river herring language.

The group doesn't have specific comments on Section 3.4. Those are the combined comments from both of the groups. As I said, there is no inconsistency or discrepancies between the groups. There are essentially additive comments from the two different bodies. I think the recommendation that the policy board would like make would be to take all these comments and turn them into one unified comment and send that on to the National Marine Fisheries Service and the New England Council.

CHAIRMAN DANIEL: Is everybody comfortable with that letter? Steve.

MR. MEYERS: Mr. Chairman, I need to abstain on this as it is an action ongoing with the councils. Thank you.

MR. ADLER: I fine with this except for the SMAST, DMF, SFC approach. Is that the state that is going to have to fund this, Massachusetts, or is that just using something they've got and funded by whoever?

MR. BEAL: I don't think this necessarily implies it is going to cost the state money. I think it's essentially the concept and including support for that concept in the final amendment. I don't think the federal government will obligate Massachusetts to spend money to maintain this observer program or this monitoring program.

CHAIRMAN DANIEL: Anything further? David.

DR. PIERCE: I thought this was going to be a softball because of all the scratched-off text, but Bob said the text stands. I support everything that is in the document except I note that the River Herring and

Shad Management Board has decided that the river herring protection areas would not be automatic; that is they should not be set; that they should be implemented through a trigger system.

At this point in time, because I'm on the New England Council and I'm still reviewing public comments on this particular issue, I'm not convinced that the trigger mechanism is the best way to go since river herring protection areas are basically river herring hotspots and triggering may not be the best way to go.

I'm not going to vote in favor of this only for that reason; because if I vote in favor of this then it means that I am supporting a specific trigger system as opposed to an automatic closure of areas. I won't oppose the motion but I will be turning to my colleague to my left to cast a vote. I'm going to abstain on this one. As I said I thought this was a softball, but it has taken on a different light.

CHAIRMAN DANIEL: Any additional comments? If not, there may be some objection or at least abstentions so I will accept a motion to approve the letter or not.

MR. AUGUSTINE: **Mr. Chairman, I recommend that we prepare a letter encapsulating the recommendations as presented in this document to the New England Fishery Management Council and the Mid-Atlantic as appropriate.**

CHAIRMAN DANIEL: Motion by Pat Augustine and seconded by Ritchie White. Is there any discussion on the motion? Seeing no discussion, all those in favor raise your right hand; opposed same sign; abstentions, 4 abstentions null votes. **The motion passes.** Rob, are you ready for a NEAMAP Report?

### NEAMAP REPORT

MR. O'REILLY: Ready. The minutes are being handed out from the February meeting that provide a summary, so you'll have those. At the back you'll see information about the three principal surveys as far as data collection are in terms of what has been provided so far in terms of the assessments and management efforts by the SNE/MA – that's the Southern New England/Mid-Atlantic Survey, the one that is conducted by the Virginia Institute of Marine Science – the Maine/New Hampshire Survey and the Massachusetts Survey.

In the past you've had a few technical presentations from VIMS concerning the Southern New England and Mid-Atlantic Survey that started in the fall of 2007 as one survey point, and then each year thereafter so far there have been two additional surveys, spring and fall. Most of this you can just read in terms of the content.

I think the last time you did have a presentation from Frank Almeida which included some of the information here that you will see as an update, and so you know the NEAMAP has had several types of development, but primarily the survey development has been by Virginia Institute of Marine Science, but there are some changes that are recent, and I think they are encouraging with NEAMAP.

This is just the statement of purpose as to what is involved in NEAMAP in terms of collecting different types of information from the fisheries, including the usual length, weight, age but also diet composition. So far it has been an industry-based process, commercial vessels. This gives you an idea of the scope of some of the collections.

Six million is a rather large number. This is in terms of the Southern New England/Mid-Atlantic, which I think it took a while to come up with that nomenclature, but that is the standing nomenclature of that survey, covering from Massachusetts down to Carolina. You can see the length measurements are extensive.

At this time there has been work on the web portals done by VIMS and you can see at the very bottom slide the types of stock assessments where data has been involved from this survey, the Southern New England/Mid-Atlantic Survey. Those are the species of interest. I think it was about November, a year ago in a meeting where Linda Mercer proposed that they always have some difficulty with getting funding and really it wasn't the intent of NEAMAP from the beginning to be a coast-wide process.

Everyone agreed with that and that was really the start of looking beyond just the single survey but for now at least incorporating, which may be a bad word, but having the Maine/New Hampshire Inshore Trawl Survey for the data purposes right now as part of NEAMAP, and it certainly has provided information as you have in your handout to the assessment process.

A presentation was made by Linda in February of the survey and you can pretty much see that this has about an 11-year time series so far aboard the Robert Michael and seasonal abundance indices for about 25



species of finfish invertebrates. At the bottom you can see the assessments where that data has been provided.

At the same meeting Jeremy King of Massachusetts made a presentation for the Massachusetts Survey, and it's an even longer time series, 34 years, just aboard the Gloria Michelle, and David Pierce could probably tell us that it extends back a little further than that. Over the time series almost 6,500 stations and biological data from 169 species of finfish invertebrates, and at the bottom you can see the assessments where this data has been very useful.

One important component is that the indices in a lot of cases are age-specific and even sex-specific. Those are the abundance indices. What I found interesting about this slide is some of the overlap but also where there isn't overlap in terms of a particular species, so you can see for American lobster it's really the Maine, New Hampshire and Massachusetts surveys that have contributed.

Black sea bass; you can read through there; both the Southern New England and Mid-Atlantic and the Massachusetts survey, so it's a situation where you would expect at some point there might be more overlap as time goes on. We recently completed the five-year management plan, and it really is intended to highlight the full regional scope of NEAMAP.

One interesting part of this process which started I think in February was no one was really sure what the analytical committee did. It was part of the historic documentation from NEAMAP, but no one really had too much information as to its purpose, but now it's fairly clear that committee will be valuable.

It is made up of ASMFC technical committee chairs. The idea is for them to have the input for the stock assessment process, which types of data are the best to forward on in the assessment process. The comment at the bottom I think is something that Russ Brown of the Center worked on and maybe had some help.

The idea is there was a meeting in Woods Hole probably four years ago where there was a thought that the Duranar with Captain Jimmie Ruhle conducting the Southern New England and Mid-Atlantic Survey, that there might be a vessel change at that time. The talk was at that time, well, how do you go about getting the standardization process and what might be involved there.

Of course, the vessel change didn't happen, but I think what is indicated here is to have NEAMAP be able to look at those situations as definite possibilities for the future and how is that going to affect the catchability. A new event, which really in talking to the personnel from VIMS about six months ago, they indicated the workload, the workload can be pretty extensive.

They could operate on the Southern New England/Mid-Atlantic Survey, which is twice a year, with about nine participants. The tasks are sort of a Round Robin situation where everyone is able to do each of the specified tasks, whether it's working with the fish, working with the net, doing the measuring and collecting, whatever it might be; but in most cases what the VIMS participants told me was that they usually ended up with a short-handed situation where they might have just six for most of the leg and six would be staying on for long periods of time.

At first I think they were skeptical but we did, as a committee, look at ways that we can have a pool of participants, and so far there has been some sign up, and this is not exclusive, of course, to the Southern New England/Mid-Atlantic Survey. It's really for all the surveys, whether it's a state survey – like Rhode Island I think expressed interest in having a pool there – whether it's the Massachusetts, which already does get support from the Center, you know, whatever it might be, so in time the idea is that it's tough thing maybe for the states to look at down in the future, but at least there would be people who would be willing.

There would be some lead time of notification and that way whatever the survey might be, there could be participation and it wouldn't stretch the personnel to the nth degree. In terms of funding, the numbers are there. I think the one thing I do know from about April 11<sup>th</sup> or whenever it was that the Mid-Atlantic Council it was interesting that the staff of the Mid-Atlantic Council, when they talked about the RSA funding, they were recommending to the council that NEAMAP be the sole recipient of any RSA funding.

There was quite a discussion at the Mid-Atlantic Council about that. Eventually that wasn't done. There were comments if there are some pot surveys for scup and sea bass, that although they haven't received the rigorous peer review that NEAMAP has, that they shouldn't be counted out and there should be some opportunity for other types of surveys, although everyone who vouched for additional types of surveys indicated their support for NEAMAP.

So for right now as far as the RSA through the council process it is status quo to the way it has been, but there were quite a good number of support comments for NEAMAP. Right now the Southern New England/Mid-Atlantic you can see that it is about \$812,000 with a contribution from CFRF and about a million dollars is the total.

Maine/New Hampshire, you can see that usually the amount received is less than the \$375,000; and for Massachusetts it is a Wallop-Breaux funding, \$416,000. I know that there was talk I guess about a year ago as far as getting some long-term support as there always has been for NEAMAP.

I remember from the very beginning there have always been talks about getting long-term congressional support, but for right now it has been the RSA for the Southern New England/Mid-Atlantic Survey and these other two sources for Maine/New Hampshire and Massachusetts. That is really most of it. I was very encouraged by the February meeting. I think this is the type of process that for the last several years VIMS has been conducting the survey; not the full region. I think there is renewed interest even on a data-sharing process for right now to have the full region involved. Any questions?

MR. DAVID SIMPSON: Thanks for the report and all. Because there is so much money coming out of Scup RSA for this survey, I noticed in the summary that biomass indices were being used but I always make it a habit of asking if some of the indices at age have been developed and how much they're contributing or how much might they contribute to the stock assessment. One of the shortcomings of the assessment is the need older indices at age of older ages, three, four, five, six and older fish.

MR. O'REILLY: Certainly, Toni can probably respond to part of that, but my recollection is David Pierce brought this up at the last meeting we had that we still need to get to that stage with at least the Southern New England/Mid-Atlantic Survey where you can have those indices of abundance available. Now, for the other surveys maybe Toni can say something.

MS. TONI KERNS: The other surveys that we are getting older aged fish for scup or how we use NEAMAP for the older aged scup; the assessment had not used the NEAMAP survey as an indices yet because of the timeframe that had been in existence. There is not a scup benchmark assessment on the schedule right now.

Because there is not one on the schedule, I would think by the time we do have one on the schedule the timeframe would be long enough for it to be considered as an indices to be used. Rob would have to remind me if it's the fall or the spring that does pick up some amount of older aged scup. It is the fall that does pick up older aged scup.

MR. O'REILLY: So Toni and I have given you the same answer, and it's the data right now.

DR. PIERCE: That's good job summarizing where we are with NEAMAP, and I'm glad that Rob highlighted the fact that at our last meeting I did make note of the fact that it will be very important for NEAMAP to demonstrate if it can actually produce that which is going to be a principal value for NEAMAP, and that is indices of abundance.

I'm very glad to see that we have under the data management task, task number one, inventory data utility and specific questions data should answer for use in stock assessments, so that appears to be a task that will enable us to better understand where we are right now with NEAMAP relative to coming up with indices of abundance that will be useful for the Northeast Fisheries Science Center and for us with all the assessments that we do that scream out for indices of abundance.

In the report to this board from the NEAMAP Board I was glad to see that under loligo squid – and by the way it is no longer loligo. The scientific name has been changed and frankly I'm chagrined especially the new scientific name is almost unpronounceable. Anyway, to me it's always going to be loligo. Swept-area biomass estimates used in 2011 assessment, I didn't realize that, so indeed if that is true, and obviously it's here so it must be true, we already have had some good use of NEAMAP for coming up with biomass estimates. I didn't realize that for scup the biomass indices were used in the update for 2011, so that's good news.

Once again, it feeds into that particular task that is so important for us to accomplish because in order for us to continue to – me in particular; for me to continue to be so sold on NEAMAP and so supportive of NEAMAP, I have to see some evidence that we're actually getting indices of abundance information.

A lot of other information comes out of NEAMAP that can be acquired in other ways. There is a lot of expense for NEAMAP. A lot of fish go into the research set-aside that is auctioned off for this

purpose. Those monies could be used for other things if NEAMAP does not prove to be useful with indices of abundance.

So, we're getting there; we're getting to a point where we can do a good assessment of the situation, really analyze where we are and then commit in an even greater way to supporting the continuation of NEAMAP. I'm hoping that is indeed what the conclusion will be. I'm optimistic that will be the conclusion.

MR. O'REILLY: I just wanted to say some of the reasons that you're surprised at what you're seeing is there is very effective coordination of this process from Melissa Paine. She is very patient as we go through this process so that has been a real good part of what is going on with NEAMAP.

MR. FOTE: I have been pretty quiet today and not giving you a hard time; but when I look at research set-aside, this puts me a very difficult situation. I support NEAMAP; I think it's important. But remember where research set-aside came from; it was basically commercial and recreational anglers saying let's tax our quota so we could do research that is not being done by anybody else.

This was research whether it was gear reduction, whether it was a survey on recreational anglers, that was the purpose of the research set-aside. What happened was it now has become a slush fund for NEAMAP, and that is not what it was designed for. That is not what commercial and recreational fishermen went to the councils to basically say tax us to help pay for research.

That is a job NMFS should be doing because that's their charge is to do stock assessments. They should be paying for the winter trawl surveys and all the other surveys that go on here the same way as they paid for years in the South Atlantic. This has stopped us from doing the necessary research in the commercial fisheries and the recreational fisheries.

I find it upsetting that some of the fisheries that have put the most money on it are not the ones that are basically important and don't get surveyed that well by NEAMAP. That's why as you noticed that New Jersey in the last couple of years have voted against the research set-aside for that purpose. It was designed so we could go outside the box to universities and work with them to get research that was needed on particular items in certain species that wasn't being done and not stock assessment work. That is NMFS job and that is where the money

should be coming from. I'm sorry, this is not a slush fund for NMFS and that is not what it was designed for.

The reason that most the groups supported this when they came to the council and said, yes, tax us, and I find out in the state every time we basically say, yes, tax us for this reason, and the state legislators diverts it for other causes and that is exactly what happened here. I needed to get that on the record.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I think the states need to take a lot of credit for this because the history of this, if you recall, was actually in the Plus-Up that we received for the Atlantic Coastal Act in 2005. The states went and got that money, used that for the prototype season for NEAMAP, and this policy board actually formed a working group of state directors to try to among the states raise funds to pay for the NEAMAP cruise.

That was not productive. In 2005, 2006, 2007 we had a \$2 million Plus-Up and some of that monies, this policy board and the executive committee and the states decided to put towards NEAMAP and the combination of that led the decision by the Mid-Atlantic Council to go into RSA, but the states deserve a lot of credit for raising the initial funding to get this thing from a concept that the NEAMAP Committee designed to a net in the water with VIMS and a boat and the whole nine yards. They deserve a lot of credit for doing that. It was hard money up front to start this thing, not RSA money.

CHAIRMAN DANIEL: Anybody else? All right, Wilson.

DR. WILSON LANEY: Mr. Chairman, one other thing I'll note with regard to the NEAMAP data is that they are very useful for establishing habitat use by organisms in addition to just looking at all the basic biological statistics. One of those organisms, if you noticed on the chart, happens to be Atlantic sturgeon.

The only reason I bring this up is because I've been talking to Jim and Chris about us pooling the data from the Cooperative Winter Tagging Cruise and from the NEAMAP cruises to do a paper on Atlantic sturgeon nearshore habitat use. That causes me to ask Rob if he knows whether or not Jim and Chris have already initiated a process with NMFS with regard to getting the NEAMAP cruise permitted or whether that is a task that has yet to be done? If they haven't, then they need to start, I guess.

MR. O'REILLY: No, I haven't heard anything, Wilson.

MR. STEVE HEINS: Wouldn't the Southern New England/Mid-Atlantic Trawl Survey be considered a federally funded survey since it is being paid for by RSA and would it therefore have to be covered under a Section 7 consultation with the National Marine Fisheries Service. That would be my guess. I don't think that VIMS should be going out and getting their own Section 10 permit for that.

MR. O'REILLY: I'm not sure about that, but I know that the Fish and Wildlife Service did contact us and also VIMS concerning CHESMAP; so far as the offshore part of it, I don't know. I just know about the Bay.

EXECUTIVE DIRECTOR O'SHEA: Sorry to drag this out but real quick, at the last council meeting we had an opinion from NOAA General Counsel saying that the RSA Program needed to be considered as a federal grant program. That was the answer back to some sort of innovative types of ways they wanted to administer the RSA Program. When the comment was made that couldn't you consider RSA to be federally funded to go to the NEAMAP thing, I was nodding my head based on that memo from Joe McDonald. I think that would be the first thing to explore. I think, Mr. Chairman, that Connecticut, I was told that they had already started a Section 7 permit for a survey they're doing that is being funded by Fish and Wildlife funds, so it would be the same logic.

CHAIRMAN DANIEL: Anything else on this? All right, moving on, Vince.

### **INITIATE 2013 ANNUAL ACTION PLAN**

EXECUTIVE DIRECTOR O'SHEA: This will take two seconds, Mr. Chairman, but just a reminder I sent an e-mail out before this meeting, but our annual action planning process says that at the spring meeting the executive director announces that the process starts. That process is the staff through the summer will be talking to board chairs of the different fishery management boards and committees about what sort of work and projects they anticipate for 2013.

The point of this announcement is for commissioners, if they have ideas thinking ahead of what needs to get done in boards that they sit on in 2013, to share those thoughts with their board chairman so when the staff coordinators contact those chairmen they'll have

some input for it. That process is outlined in the back of the Strategic Plan Booklet that commission has for your Strategic Plan. I'm making this announcement because this year, remember, we're having the annual meeting in October so it moves up the whole cycle almost a month, so that's why I'm mentioning it now. Thank you.

CHAIRMAN DANIEL: Our favorite topic today, it seems like, research set-aside, Bob.

### **DISCUSSION OF RESEARCH SET-ASIDE PROGRAM**

MR. BEAL: Well, I think some of the discussions may have handled some of this already. The Summer Flounder, Scup and Black Sea Bass Board had a conference call about a month or six weeks ago to finalize the recreational specifications for the black sea bass fishery for the recreational side for 2012.

One of the items that came up was the administration of the research set-aside program and where the money was being used and how some recreational groups were accessing research set-aside and the permitting burden that put on the states and a bunch of other things. The Summer Flounder, Scup and Black Sea Bass Board was focused on getting the black sea bass specifications done during that call, and they recommended that any concerns or a discussion about research set-aside should be moved to this meeting and occur here.

I think a lot of the discussion was what Tom just mentioned earlier when we were talking about NEAMAP. That probably covers some of it but I think the question for the policy board is there anything going on with the administration of research set-aside that we want to comment to the National Marine Fisheries Service or the Mid-Atlantic Council. The ASMFC does have a seat.

Vince represents the commission on the Mid-Atlantic Council's Research Set-Aside Committee, I think they're called. He carries the views forward from the commission there. I don't know if there is anything in addition to what has already been said that needs to be taken forward to that group. As Vince mentioned, they just had a ruling or an opinion offered by Joe McDonald on the administration of the program. It doesn't sound like there is a lot of flexibility in changing how that program is administered under the opinion that Joe McDonald offered to the Mid-Atlantic Council. That is kind of

where this agenda item came from and I don't know if there are any questions or additions.

MR. McCLOY: Mr. Chairman, I wasn't at the Summer Flounder, Scup and Black Sea Bass Board so I'm not sure of the discussions that went on there regarding RSA. I have been around enough over the last few years to have the opportunity to talk either at the Mid-Atlantic Council or here about RSA and the permitting and monitoring concerns that New Jersey as a state has with essentially needing to rubberstamp a federal permit for RSA boats.

With the exception of if a boat happens to have a violation, if they have a federal permit they're going to get a permit in New Jersey. It's just a political reality. The amount of work that is involved for us in issuing that permit, monitoring the activity under that permit and enforcing that permit is unbelievable.

It was bad when we were just dealing with commercial fishermen; but when the for-hire fleet got involved in this as a way to extend the season for the various species, it became extremely onerous especially on the enforcement actions. I have heard some scuttlebutt through the grapevine that there have been some enforcement concerns to states to our north. I don't know if that's public information yet or whether it has been resolved or whether it was just a rumor, but I have some serious concerns at home regarding the enforcement of this program just because we don't have the people to keep an eye on it.

The only good news from my perspective is a number of for-hire boats that have been involved in the program over the last couple of years have actually dropped off because it didn't pan out to be the gold mine they thought it was going to be. I still have concerns about quite frankly the lack of coordination between the federal agency and the states when it comes to issuing these permits.

We get the letter, if you will, three weeks after – by the time it gets to me it's three weeks after the time for comments was in from the National Marine Fisheries Service, so it's a little late for that. I think a little discussion up front would go a long way at least letting us get our concerns expressed in the federal process. Like I say, once the federal permit is issued, politically we don't have a choice but to issue one. Thank you for indulging me.

MR. HEINS: I just wanted to follow up on some indication there that there were some problems to the north, and I think he was referring to New York. I

just wanted to say that I've been kept in the dark. There was recent law enforcement activity. The National Marine Fisheries Service was involved. We received the report at the recent council meeting about that. It was kind of broadly hinted it was associated with RSA. I don't know anything about that and I couldn't on it if I did. I can assure you if it does pan out that it has something to do with RSA, it could have some very serious implications about the future of the program.

DR. PIERCE: This particular topic is a pet peeve. I'm going to be addressing it at the Scup, Sea Bass and Fluke Board meeting that we will have some time in the near future I believe in concert with the Mid. The last time we met with them I asked the Mid-Atlantic Council in particular about their progress in evaluating the Research Set-Aside Program, specifically how the fish are auctioned off to recreational fishermen as well as commercial fishermen.

It was supposed to be for commercial fishermen and it has evolved to recreational fishermen as well. Again, that has created all sorts of grief for states; to the point where there are some states that won't issue Letters of Authorization for use of research set-aside in our states by recreational fishermen. It creates all sorts of competitive disadvantages.

It's not a good scene, to say the least. I was told that the Mid-Atlantic Council's committee dealing with this issue would provide a report that would address my concerns and other related concerns. I have not seen that report. If it's available it should be distributed to all the policy board members because it has great relevance to ASMFC functioning, especially as it relates to scup, sea bass and fluke.

Again, the enforcement concerns, what is happening with that; what about the auction; what changes should be made to auction, if any. It has great relevance to how we do our business. I'm not going to make any motion regarding this issue because I don't think it's the purview of the policy board.

I just wanted to give you a heads up that I'm not going to let this one go because this is a real important one. I don't think that the Mid-Atlantic Council has met its commitment to at least the states in New England relative to their providing us with a detailed assessment as to how successful this program is relative to enforcement, tracking of the fish that are caught and then landed relative to state quotas and all the like.

There is a whole host of issues that need to be addressed. I could be wrong; the report may exist. I'm going to do some more digging to see if it does exist, but I would again encourage Bob and staff to pursue this because to me it's a hot-button issue and it is going to get hotter as time goes on.

MR. FOTE: I wanted to clear up one fact that Dr. Pierce basically I think made a mistake. When this program was designed, it was not designed just for commercial fishermen. It was designed to have an auction and the people that basically wanted to pay the highest price to get the fish would basically be the ones allowed. That is how the auction was designed. It was not strictly for commercial fishermen. I'm not saying I agree with the way it is being conducted right now, but that is not the way it was. It was to raise the most money from the fish available to be put toward research, and that was how it was designed.

### **OTHER BUSINESS**

CHAIRMAN DANIEL: Anything else on the RSA issue? All right, if not we'll go into other business. Well, just one point of interest that just came through for me. We had a conference call today at 2:00 o'clock, I believe it was, to review our Section 10 Permit Application for sea turtles and it had been out for regional review and peer review and through the Federal Register Notice, et cetera, et cetera.

They have asked for us to resubmit a new draft, so not a revision but a new draft, and want to rewrite the whole thing. We're essentially starting over after two years. What is interesting about that is, number one, they've got you over a barrel; but, two, at least for us in North Carolina we have a closed area, the Pamlico Sound, which is our primary southern flounder fishing area that is federally closed on September 1<sup>st</sup>. If we don't have a permit by September 1<sup>st</sup>, then I can't open the fishery and so we lose about a two and a half to three million dollars X vessel value fishery in state waters.

Now with this decision there is no way we'll have a permit, so it come this year for the first time in thirteen we may not have a permit to be able to open the Pamlico Sound Gill Net Restricted Areas this year; and after two years starting over. Just a further lesson to add into the coffers and for folks that haven't had this experience to be prepared for what these Section 10 Permit Applications can bring you. Doug Grout, would you like to address your concerns?

MR. GROUT: Mr. Chairman, I'll try to be brief. I'm bringing forward a request from the Lobster Board and I'll try to explain to the non-lobster board members where this is coming from. The New England Fishery Management Council as part of both its habitat management plan and groundfish management plan has a closed area referred to as Closed Area 2 on Georges Bank.

The council is contemplating some time in the next year potentially removing that closure; one, because we've discovered via analysis that the habitat closure area may not be in the proper place. There is more sensitive habitat to the west. Also because of our catch share and our quota program for groundfish, there really may not be the need for groundfish mortality closures, one of which is Closed Area 2.

Their Groundfish PDT is exploring the possibility of removing those closures. Well, this closure is basically to mobile gear, and there is still a lobster fishery out in that area. It was brought to my attention that during certain times of the year there are tremendous amounts of berried females out there that the lobstermen discard per regulations.

To the extent that the amount of berried females in some months exceeds the total harvest in that area, the offshore lobstermen are very concerned about this. I had my staff do some analysis and I sent a letter of caution to both the council and the commission's lobster board saying we need to be aware of this in case the council does decide to remove the prohibition on mobile gear in that area.

The Lobster Board has also tasked the technical committee with looking at the effects of mobile gear on berried lobsters. The Lobster Board would also like to recommend that the policy board send a letter to the New England Fishery Management Council expressing the commission's concern for potential impacts on lobster if Closed Area 2 is reopened to mobile bottom tending gear.

The letter would let the council know about the Lobster Board tasking the technical committee to look at the impacts of mobile gear on lobsters. The letter would also request the opportunity to comment on any action to open Closed Area 2 prior to the council taking action. We are asking that the policy board approve this letter to go out to the council. I'll take any questions that you have on that.

CHAIRMAN DANIEL: Any questions for Doug? Bill.

MR. ADLER: Doug, if you want to make that motion I'll second it.

CHAIRMAN DANIEL: If there is no objection, we can move forward without a motion. Is there objection? You can abstain.

MR. MEYERS: Okay, thank you.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, because of the sensitivity of this and the importance it is to the people that are behind it, I think it may make sense to give us the flexibility to run a draft past Mr. Grout as we're developing this being as he has brought this and he has a sense of what would be helpful in the New England Council. Even though it's a letter that is going to come from the commission, if you give us the flexibility to do that I think it would be helpful.

CHAIRMAN DANIEL: I'm very comfortable with that, without objection.

DR. PIERCE: Well, not so much an objection but a suggestion. When this letter is drafted, it would be useful to have in the letter a source of information that the council can reference. Because there have been all sorts of claims about what might happen to all these berried lobsters, that would suggest that the policy board has information in hand that would suggest that is true, so anything that can be offered up to support this concern I think would go a long way towards helping the council focus on the importance of the issue.

MR. SIMPSON: I guess as I said at the Lobster Management Board, it's a complex issue that they're facing reopening a closed area. The fact that there may be some berried female lobsters in Closed Area 2 is one of probably a hundred things they're going to have to think about. In fact I can imagine a scenario where it actually would be beneficial to lobsters if Closed Area 2 were opened because it may change the total number of trawl hours, for example, that are required to take the TAC as opposed to fishing more time in less productive ground. I think the tone of the letter should just be add this to your long list of things to think about.

CHAIRMAN DANIEL: Any other comments before I go back to Doug? Doug.

MR. GROUT: Yes, just to respond to both of those. First of all, in the letter that I sent to the commission and the council there is that information. There is VTR information and sea-sampling information and

maps showing where this occurs. I think that would be appropriate to include it. To Dave's point, that's the whole point of this letter is to say we're making you aware of this issue and this is coming from the commission that manages lobsters, and we want to be able to comment on this so that you can take this into consideration when making the management decisions.

CHAIRMAN DANIEL: Okay, is everybody clear and comfortable? So ordered. Thank you, Doug, Bob, hopefully this will be it.

MR. BEAL: Two items came forward from the Atlantic Sturgeon Board that met immediately prior to this board. I think the first one is pretty simple. Georgia has submitted a Section 10 Application to the National Marine Fisheries Service for Atlantic sturgeon and shortnose sturgeon. A Federal Register Notice has been published on that application.

There is a public comment period that is open right now. Georgia asked the Sturgeon Board and the Sturgeon Board concurred that the commission should ask the policy board to send in a letter supporting Georgia's application. The question before the policy board is that okay if the policy board sends a letter to the National Marine Fisheries Service in support of Georgia's application.

CHAIRMAN DANIEL: Well, let me ask one question just as a policy decision. I have absolutely no problem sending a letter of support for the Georgia application. I want one, too, and I'm sure everybody is going to want one, too. I'm assuming that if we do this, we're going to be supporting all of our individual Section 10 Permit Applications. Is that the understanding around the table or are we going to do them on a case-by-case basis?

MR. AUGUSTINE: Mr. Chairman, I would say a blanket. I'm assuming that each state that fills out the paperwork will have crossed the T's and dotted the I's and made sure it is going to be appropriate and support them with a letter. The only question I have for you is why do you have to go back to zero on your situation? But, yes, if we made a blanket motion to cover it all, fine, Mr. Chairman, I would move so.

CHAIRMAN DANIEL: It's just a full revision so whatever that means. I don't know if that means zero or just starting over from various other things. Without objection, we will send a letter supporting Georgia's application for their Section 10 permit on

Atlantic sturgeon and shortnose sturgeon. Seeing no objection, we will do that.

MR. BEAL: All right, the second item that came from the Sturgeon Management Board was a motion made by Dr. Pierce regarding additional analysis and questions for the technical committee and for the National Marine Fisheries Service regarding the recent listing. Toni, has the motion up on the board right now.

The effect of the motion is to send a letter asking a series of questions and to charge the technical committee with meeting and producing a number of products. I don't know if there are any questions. Dr. Pierce is probably the best person to respond to questions, but this is a recommendation on behalf of the Atlantic Sturgeon Management Board.

CHAIRMAN DANIEL: Is there any objection to us sending this letter? I think this is just a formality but I think most of the folks around the table were actually at the Sturgeon Board Meeting. Without objection from the policy board, we will send that letter. Is that acceptable to everyone; no objection. Then that is what we will do.

(Whereupon, the following motion from the Sturgeon Management Board was accepted without objection from the Policy Board:

1. Send a letter to the National Marine Fisheries Service requesting a meeting of the agency's Protected Species staff with the ASMFC Sturgeon Technical Committee to receive a detailed update from the National Marine Fisheries Service staff on the Atlantic sturgeon listing under the Endangered Species Act;
  - A. Following this meeting the technical committee will review the scientific basis for the listing with a focus on the methodology and data used to generate the listing and associated conclusions; and, the methodology used to generate bycatch and discard estimates by gear type, season and area; and
  - B. After this review, the technical committee will advise the board as to the appropriateness of the methodology used in the NMFS analysis and then recommend ways to improve the analysis and how the analysis can be used to reduce sturgeon bycatch;

2. Request the NMFS Protected Species staff provide the board with a detailed description of the methodology, the process, the timeline and description of any public process mechanisms NMFS will use to formulate a so-called batch biological opinion specific to Atlantic sturgeon; a detailed explanation of the baseline population data being used to estimate the condition of each DPS; the rationale that will be used to determine whether jeopardy exists for each affected fishery; and how the incidental take statements will be calculated in relation to DPS population condition for each affected fishery; and then a draft biological opinion on sturgeon following the precedent set with the Pacific Councils with the potential ESA listing involving the North Pacific groundfish in Hawaiian swordfish fisheries; and, then finally providing a time period allowing for adequate board review of and public comment on this biological opinion.)

CHAIRMAN DANIEL: Thank you, Dr. Pierce, for putting that together. Anything else to come before the policy board? All right, if not, we are recessed.

(Whereupon, the meeting was recessed at 5:42 o'clock p.m., May 2, 2012.)

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MAY 3, 2012

THURSDAY MORNING SESSION

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The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, Thursday morning, May 3, 2012, and was called to order at 11:12 o'clock a.m. by Vice-Chairman Louis Daniel.

CHAIRMAN DANIEL: All right, if everybody could take their seats for a brief policy board business session, I am going to try to handle this very quickly and try to kill two birds with one stone. We do have a continued policy board meeting as our next scheduled meeting. There was one issue for the policy board that I wanted to bring up and maybe have some discussion and maybe not, depending on how you react to my idea.



After the last meeting I went home and got hit pretty hard because I didn't know how the commission had voted on the spiny dogfish quota. It failed; I think it was eight to nine and it needed a two-thirds majority vote. I was asked who voted against it and I was like I have no idea who voted against it. There was no roll call vote.

"Well, you didn't look around the table to see who voted one way or the other?" I was like, well, not really. I said I was just looking at the hands and knew that we didn't have the votes. Anyway, that's the reason I asked for the roll call vote today because I had told my constituents that I would ask for a roll call vote on that final action.

It got me thinking about just our general procedures. If you don't have a roll call vote you don't know how people voted. I don't know if that sends a good message if our constituents back home say how did it go and you don't know. My thought is to maybe have a new policy that whenever the commission takes a final action on an item – I'm not talking about when we're going through PIDs like we did with menhaden the other day, but if we take a final action, just ask staff to record the opposition votes just to have some sense of who voted in what way. That way if you do need to know for whatever reason who voted for or against the specific final action, we would have it recorded and at least have that information. That is what I wanted to bring up. Tom.

MR. FOTE: We always had the policy that if anybody requested – and I have requested over the years a roll call vote. It's very simple to do and there has never been an objection to doing a roll call vote. I think on a controversial subject, yes, we should have a roll call vote, but I still think it's at the discretion because there are a lot times we have vote on a final action that there really is no controversy about it.

It takes time to go around to 15 states and doing a roll call vote because you can't just record the opposition. If you need to do a roll call vote, you've got to do a whole roll call vote. If you want to go through the format every time we have a final action of going through the 15 states and the two services and the Potomac River and Washington, D.C. and always getting reports that they're not at the meeting they're supposed to be, some of the people, that would also be listed. I'm a little hesitant to do that unless somebody calls for a roll call vote because nothing ever stops anybody calling for a roll vote.

MR. SIMPSON: I'm comfortable with doing it how we do it now. I've always been kind of a pain in the neck about asking that the vote be recorded, how many for and how many against and so forth because I think that's an important part of the record was this a clear and decisive decision or is it very close. I think that's important to capture sometimes. I think leaving it to the discretion of those at the table at the time if they'd like a roll call for clarity on who went which way we will do it, but otherwise I think it takes a bit more time and isn't always necessary.

MR. ROY MILLER: Mr. Chairman, I'm in agreement with David and Tom in this. I think considering how we take our votes, in some cases we have three people caucusing for a vote and if two people are present obviously they determine the vote or whether there is a null vote; and if one person is present it is pretty obvious how that particular delegation felt on an issue. I just don't see any purpose in taking a roll call vote unless there is a specific need for one.

DR. PIERCE: I will add my voice to the choir. If someone feels strongly about a particular issue and they really want to know what the record is and who voted for what, then the call would be for a roll call vote. I'm satisfied with the way we have been doing business. I can sympathize with what you said, Louis. I have been in a similar situation in the past, but despite that similar situation I think doing it the way we have been doing it consistent with Robert's Rules is the way we should continue to proceed.

CHAIRMAN DANIEL: Yes, that's fine. I thought it was an issue that we could have some discussion on and it sounds pretty clear the direction the board wants to go, so I'm fine with that, absolutely. Bob.

MR. BALLOU: Mr. Chairman, for the record I've delegated my seat on the policy board to Mark Gibson so I'm now speaking as a member of the audience. I just want to note that from a Robert's Rules parliamentary procedure standpoint the only issue that I think might be particularly relevant is if there is a need to move to reconsider or any action to bring back before the board an issue that has already been voted on, it's important to know whether you were in the majority or minority in order to do that.

There needs to be a record I think to – in other words, the point being it may seem routine at the time, but there might be a subsequent interest in bringing back an issue and that can only be done – and I'm forgetting now the actual rules, but I believe you

have to be in the majority to be qualified to bring an issue back.

I just want to note that because I think it actually speaks to your interest in a separate way but an important way, and it may be that we're looking at each other wondering whether the person who wishes to bring an issue back or the member of the board who wishes to bring the issue back is qualified to do so based on their prior vote. If we don't have a record of that, I don't know how that would happen. Thank you.

DR. PIERCE: I'd have to check my Robert's Rules but I believe at the same meeting that applies, that if you voted in favor then you can bring up the issue again for reconsideration at the same meeting. But once you go to another meeting on another day, that rule no longer applies. Again, that can be checked but I'm fairly certain that is the case. I understand where Bob is coming from, but I don't believe it really is an issue.

CHAIRMAN DANIEL: Okay, enough said; I know when I'm whooped. Tom.

### **ADJOURNMENT**

MR. FOTE: Mr. Vice-Chairman, if we have no other business, I would make a motion we adjourn.

CHAIRMAN DANIEL: We can do that. I don't believe we have any other business. No objection; we're adjourned.

(Whereupon, the meeting was adjourned at 11:20  
a.m., May 3, 2012.)