

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

May 11, 2006

DoubleTree Crystal City
Arlington, Virginia

ATTENDANCE

Board Members

George Lapointe, Maine DMR
Patten White, Maine Gov. Apte.
Dennis Damon, ME Legislative Comm.
John Nelson, New Hampshire F&G
Ritchie White, New Hampshire Gov. Apte.
Dennis Abbott, NH Legislative Comm.
Paul Diodati, Massachusetts DMF
Bill Alder, Massachusetts Gov. Apte.
Vito Calomo, Proxy for Anthony Verga, MA
Eric Smith, Connecticut DMR
Pat Augustine, New York Gov. Apte.
Brian Culhane, Proxy for Owen Johnson, NY
Tom McCloy, New Jersey DFG&W
Erling Berg, New Jersey Gov. Apte.

Leroy Young, Proxy for Douglas Austen, PA
Eugene Kray, proxy for Curt Shroder, PA
Frank Cozzo, Proxy for Curt Shroder, PA
Roy Miller, Delaware Div. of Fish and Wildlife
Howard King, Maryland DNR
Bruno Vasta, Maryland Gov. Apte.
Jack Travelstead, Virginia MRC
Preston Pate, North Carolina, DMF
Robert Boyles, Jr. South Carolina Leg. Comm.
Susan Shipman, Georgia DNR
Gil McRae, Florida Marine Research Institute
Jaime Gieger, USFWS
Steve Meyer, NMFS

ASMFC Staff

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

Brad Spear
Nancy Wallace
Mike Howard
Toni Kerns

Guests

Linda Mercer, Maine DMR

Matt Cieri, Maine DMR

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Summary of Motions

May 11, 2006

Move to Approve the 2007 benchmark and long-term assessment peer review schedule.

Motion made by Mr. P. White, second by Mr. Augustine. Motion Carries

Move to approve the long-term stock assessment schedule.

Motion made by Mr. Augustine, second by Mr. P. White. Motion Carries

-- Welcome; Introductions --

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in Washington Room of the Doubletree Hotel Crystal City, Arlington, Virginia, Thursday morning, May 11, 2006, and was called to order at 9:00 o'clock a.m. by Chairman Preston Pate, Jr.

-- Approval of Agenda --

CHAIRMAN PRESTON PATE, JR.: You've got the agenda for the Policy Board. Any suggestions needed to change the agenda? Any additions under Other Business? Jaime, is that what you wanted to do?

DR. JAIME GEIGER: Yes, sir, Mr. Chairman, I'd like to add another issue under Other Business, please.

-- Approval of Proceedings from February 23, 2006 --

CHAIRMAN PATE: Okay. Any objections to approval of the minutes? Then consider them approved. You have the minutes from the February 23rd meeting. Any suggestions or recommendations for changing the minutes? Motion approved by someone, please? Motion by John Nelson; seconded by George LaPointe.

Any objections to the motion? Consider those approved after having seen no objections.

-- Public Comment --

Anyone from the public wish to address the Policy Board? No public commented requested. We will move into Item 4, Review Suggested Changes to ASMFC Guidance Documents to Improve Stock Assessments. Bob.

-- Review Suggested Changes to ASMFC Guidance Documents to Improve Stock Assessments --

MR. ROBERT E. BEAL: Thank you, Pres. This is an agenda item responding to the

discussions that followed up on the MRAG Report that was presented about a year ago.

In a supplemental mailing that was sent to the policy board about a week ago, there was a document titled "Implementation of Task from the ASMFC's Response to the MRAG Report; Recommendations for Modifications to the Stock Assessment Process".

What this document has done is taken the response from the Management and Science Committee, the Stock Assessment Committee, and the staff and boiled that down into a task-by-task delineation of what tasks affect the Charter; what tasks affect our peer-review process document that drives how we do our stock assessments and subsequent peer reviews; some of the items that affect future action plans such as workshops and training sessions, and some other tasks affect the science program and staff job description, such as who's responsibility is it to do certain things within the stock assessment process; just to clarify whose job it is to get certain things done that are included in the report.

There's also Stock Assessment Committee Management and Science Committee; future tasks for their meetings. Then there are also come recommendations for the state directors to implement at home that the Commission doesn't directly have oversight to accomplish.

The Management and Science Committee, I think, went through a pretty lengthy discussion on this yesterday, kind of a line-by-line breakdown of whether they agree or felt that these were the right categorizations of tasks.

We're going to, as staff working with Management and Science Committee and Stock Assessment Committee, go through each of these items and suggest changes to the documents listed or the future action plans or whatever it is.

We should be able to report back at the August meeting, I believe, with some recommendations and draft language for changes to those guidance documents that will reflect the changes or reflect the suggestions made by the Commission's

standing committees on how to improve our peer-review process.

Mr. Chairman, that's just a brief summary of the status of implementing the changes suggested out of the MRAG Review Process.

MR. GEORGE LAPOINTE: Thank you, Bob. Any questions or comments from ISFMP board members? Eric.

MR. ERIC SMITH: So essentially you've gotten a lot of suggestions from Management and Science yesterday; and if we have any others, get them to you in the next two to four weeks and then you'll have a redraft of this document for August; is that how I understand it, or did I miss something?

MR. BEAL: The first half is definitely correct. If there's any recommendations or concerns or comments on this document, please get those to me in the next -- or Patrick Kilduff, either one of us -- in the next two weeks, four weeks or so.

We will actually take this document and refine it a little bit farther to put together draft language that would be included in the Charter; in other words, take the Charter itself and doctor it up to reflect these suggestions. We'll bring that language back to the policy board hopefully at the August meeting.

CHAIRMAN PATE: Any more questions of Bob; comments on this? We'll move to Agenda item 5, Update on Non-Native Species. Bob is going to do this also.

-- Update on Non-Native Oyster Activities --

MR. BEAL: Thank you, Mr. Chairman. This one again will be relatively quick. There have been no meetings of the Interstate Shellfish Transport Committee since the last update of the February meeting.

There have been a couple developments within the process of developing the EIS for oyster restoration within the Chesapeake Bay. The overall EIS planning process has approved a new peer-review process that will be used to review the environmental impact statement and

review the scientific work that's being done to support the development of the EIS. This new peer-review plan was developed to be consistent with the new federal guidelines, which are fairly stringent.

The plan development team that's working on the EIS feels confident that this is an appropriate way to review it and has approved this new peer-review process. This was approved last February. We can get that peer-review process that will be used out to folks if anyone is interested. I didn't include copies in your briefing materials.

It's a fairly lengthy document, but if anyone is interested in how the subsequent research and environmental impact statement will be peer reviewed, we can get that out to you.

The other status update is that the Executive Committee that's providing oversight to the development of the Asian Oyster Environmental Impact Statement -- and the Executive Committee are the Secretaries from Virginia and from Maryland, as well as a high-ranking person within the Army Corps of Engineers.

They are scheduled to have what they are calling a checkpoint meeting this June, which is just that. They are going to look at the documents, look at the research and see what the status of the development of the Environmental Impact Statement is. They've had informal discussions leading up to that meeting, and it's likely that the -- and the outcome of this meeting will be an indication that the process will not be done this summer.

The research is ongoing and it's taking a long time. There's quite a bit of data and modeling efforts that are going on right now, so just a longer process than they had anticipated. This is in anticipation of what is likely to come out of that meeting. It's not a definitive answer yet.

The preliminary discussions have not given any indication as to a new a timeline for the completion of EIS, but that's likely to come out of this checkpoint meeting in June. The other updates are that the research and analysis

continues. There's some additional funding that's been provided to conduct additional research in support of development of the EIS.

The next scheduled meeting of the Interstate Shellfish Transport Committee, which is the ASMFC group that's involved in this process, will be scheduled when the next round of research presentations are going to occur.

The way it's been progressing is that once enough projects get to a point where there's new information and new data available that can be presented to the project delivery team and our Shellfish Committee, there's a workshop scheduled.

The PIs are brought in and present their new data, and we'll bring our Transport Shellfish Committee to that meeting, hear what the status of the research is and then we'll have a break-out meeting of just our Shellfish Transport Committee, so that they can develop any recommendations back to the policy board that you folks can consider for possible forwarding on to the project delivery team.

So that's the status of the project. It's a lengthy project and there are some additional delays, but the research and the work continues.

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

MR. LAPOINTE: Any idea when that -- you said the Shellfish Transport Committee will get together when there is enough information for them to consider -- is there any idea when that might happen, fall, next spring, a year, two years?

MR. BEAL: All of those are likely options. We're hoping that the research will be far enough along by the end of summer to convene a meeting. August-September may be a likely timeframe.

CHAIRMAN PATE: Okay, thank you, Bob. Any more questions? We'll move to Agenda Item Number 6. Dr. Linda Mercer is going to present that. Thank you, Linda.

-- Management and Science Committee Report --

DR. LINDA MERCER: Good morning. Thank you, Mr. Chairman. The Management and Science Committee met yesterday and addressed the following issues. We have one action item that's being handed out to you right now. That was to approve the 2007 Benchmark and Long-Term Stock Assessment Peer Review Schedule.

We approved the schedule with the following changes that are listed on your handout: American Shad will be scheduled for an ASMFC External Peer Review probably sometime in 2007. The stock assessment is expected to be completed by the end of this year.

American Striped Bass will go to the SARC in the fall of 2007. Northern Shrimp will be a spring SARC in 2007, and Small Coastal Shark will be a SEDAR review. Are there any questions on those changes?

CHAIRMAN PATE: Any questions? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I have been told in the past there had been concerns because of delays in some of our species, that some years were heavily scheduled with peer reviews and other years were really pretty thin; so that while we have a 5-year standard, Mr. Chairman, that when stock assessments get delayed, then that puts more stock assessments into another year.

I'm just curious if there was any discussion about trying to spread that work over by maybe moving some critical species up and maybe delaying some other species. Thank you.

DR. MERCER: We did look at the schedule for the out years and it looks manageable at this point. I think that some of the recommendations that came out of the responses to the MRAG Report will help to address that in future years.

One of the things was for us to look at perhaps not having to do benchmark assessments as frequently for some species; if there were other types of target tools that could be used for

assessments, and perhaps spreading those out a little bit more at the stock assessment level would also take the burden off of the peer reviews.

But in looking at the peer-review schedule yesterday, we thought that it wasn't too backed up, that any delays that are currently in progress couldn't be handled.

CHAIRMAN PATE: Thank you. Linda, is that all you had to say about those peer reviews?

DR. MERCER: Yes.

CHAIRMAN PATE: Okay, anybody have any questions to Linda about the peer-review schedule? **I would like a motion to adopt those changes.** Moved by Pat White; seconded by Pat Augustine. Any objections to the motion? Seeing none, we'll consider that approved. Linda.

DR. MERCER: We held an Observer Workshop yesterday morning. I think it was a really worthwhile discussion that we had. The topic for discussion included funding initiatives; observer program design standards; use and access to observer program data; observer supervision and safety training; looking at any existing working agreements between the states and the National Marine Fisheries Service for exempted fishing permits; and identifying state and federal priorities for observe coverage by species and fisheries.

We had some excellent presentations. Blake Price from North Carolina presented information on their North Carolina Observer Program that takes place in the estuarine systems there. And Lisa DesFosse from NOAA gave an overview of the National Observer Program.

We also had David Potter from the Northeast Fishery and Science Center and Jim Nance from the Southeast Center there to provide some pretty good insight on what is happening at the federal level in terms of observer programs. So, all in all, we had an excellent discussion. There are a lot of good background and guidance documents out there.

We did not feel like there was a real need to come out with a long guidance document. Based on this workshop, we're going to use what's been done at the ACCSP level in terms of developing priorities for species, and also standards. The ACCSP bycatch standards are very similar to the National Marine Fishery Service standards.

These are all documents and protocols that can be used as guidance for any new observer programs that the states develop. It's clear that funding is the major issue in terms of developing any new observer program, and that's something that we'll all have to work on pretty clearly.

But, big issues for observer programs are really safety and liability issues are huge and something that the National Marine Fisheries Service and states that have developed any kind of observer programs are really taken seriously. So that's one thing that we really emphasized in our discussion.

CHAIRMAN PATE: Linda, can I interrupt you a minute and comment on that? I was glad that Blake had the opportunity to come up and present the results of the program that we've had going for a couple of years, which just had tremendous contributions to our management and monitoring efforts in North Carolina.

But as Linda noted, it's very expensive. We fund that program mostly out of sport fish restoration money to the tune of about 280 grand, I think. We do it through contract with the local universities, but unfortunately we're going to have to suspend about 80 percent of that observer program this year because of lack of funds.

We'll continue an observer program that is necessary for our compliance with the Section 10 Permit that we have for our Sea Turtle Management Program, but it's unfortunate that more money isn't available and the opportunity for the states to participate more actively in those observer programs, because it's just tremendously helpful information that you get.

We're hopeful that we can put it back in next year when our fishing license revenues come on line. We'll have a gap, but hopefully that can be a long-term proposition for us. Thank you.

DR. MERCER: We discussed an upcoming Creel Survey that's going to be funded with the ACFCMA add-on money. This will be a pilot survey and has not yet been designed. We formed a subcommittee to develop a strategy for this, and this is for conducting up-river Creel surveys for diadromous fish species.

The subcommittee members include Russ Allen from New Jersey; Wilson Laney with the U.S. Fish and Wildlife Service; David Taylor from North Carolina; and Harley Spear from Maryland.

Also a member from the ACCSP Recreational Technical Committee will also be invited to participate in that planning process. This will be a pilot survey.

Then finally, as Bob mentioned, we discussed in pretty great detail the recommended tasks coming out of the MRAG response document and provided some additional comments to staff to take into consideration as they review those comments and work at implementing some of those.

There will also be proposed changes made to the Stock Assessment and Peer Review Procedure Documents that will be presented to us next fall.

CHAIRMAN PATE: Roy.

MR. ROY MILLER: Russ Allen probably mentioned this, but the Delaware Basin jurisdictions had a fairly successful upstream creel survey effort for shad and striped bass a few years ago. That program was coordinated by the Pennsylvania Fish and Boat Commission.

I didn't hear any representatives on your subcommittee from the Fish and Boat Commission, but Leroy may want to suggest someone from their organization to help provide some guidance to your subcommittee. It was a fairly successful effort and I think it might serve as a model, perhaps, for the committee's

deliberations. The members of New York, New Jersey, Delaware and Pennsylvania participated in that survey. Thank you.

DR. MERCER: Russ did mention, I think, that survey, and it would be good to have an additional member who was involved with that. Thank you, Roy.

CHAIRMAN PATE: Linda, is that your report?

DR. MERCER: That's my report.

CHAIRMAN PATE: Thank you very much. Any questions of Linda before she gets away? Thank you, Linda. Item Number 7 is a report of a workshop we haven't had yet, so we'll skip over that and go to Number 8, Update on Review of Charter and Rules and Regulations. George.

-- Update on Review of Charter and Rules and Regulations --

MR. LAPOINTE: Thank you, Mr. Chairman. You will recall a couple of meetings ago I raised the idea of looking at the Charter to make sure that it's up to date. Then at the last meeting I reported Bob and I hadn't done that.

Following the meeting in New Jersey, we did go back and look at the Charter, and it's my sense and I think Bob's sense that in reviewing it, that there aren't changes that are warranted at this time.

There may be minor ones; and if anybody has anything -- well, I encourage everybody to look at the Charter and see if there are changes they think we need to our process and procedures. But at this point, I would report that we don't need to make changes, and I will be happy to work in another year and look at it again.

CHAIRMAN PATE: Thank you, George. Any questions to George on that item? I was just handed a real agenda for this meeting, which includes a Stock Assessment Committee Update by Patrick Kilduff that we skipped over. Patrick.

-- Stock Assessment Committee Report --

MR. PATRICK KILDUFF: Thank you, Mr. Chairman. The Stock Assessment Committee met on March 15th of this year, and the only action item that we have to report is this similar one, the same issue that Linda reported as far as approving the long-term and 2007 benchmark stock assessment schedule.

As there was a comment earlier concerning looking ahead and both the MSC and the SAC have looked well in advance to determine the -- there doesn't seem to be any problems in the long-term schedule nor for 2007 as far as the number of scheduled assessments and how they relate to the assessment scientists' workload at this time. Then the SAC has three updates I'll report to you briefly.

CHAIRMAN PATE: **Pat, let me interrupt you a moment because we do need approval for the schedule for the stock assessment as presented in the report.** Any questions of Pat on that subject, the Stock Assessment Schedule?

Can I get a motion for approval of that? Motion by John Nelson, seconded by Pat Augustine. Any objections? Seeing none, we'll consider that approved. Thank you, Pat.

MR. KILDUFF: Thank you. I have three brief updates for the Policy Board. The first is regarding the MRAG Response Document and the recommendations to improving the ASMFC peer-review process.

The SAC reviewed all of the recommendations that were made in the MRAG and also had a couple of additional ones that were designed to improve the communications between staff and technical committee chairs and the board and provide additional oversight to the management of the process and try to help streamline the stock assessment process to make it more efficient.

Staff will work to include those into the updated Benchmark Stock Assessment Process Document that we have. The second update is the Stock Assessment Committee reviewed

several --through the last several peer reviews there were some questions concerning the reference points and biological reference points that have come out of the Commission's stock assessments, and the SAC formed a subcommittee to try to look at developing some guidelines for developing reference points based on the data available and the models that are used and stock assessments to try to come up with some consistency in our stock assessment process.

The subcommittee is going to look at that and report back to the Stock Assessment Committee in the fall. It consists of Matt Cieri, Jim McGowan, Steve Correia, and Laura Lee.

My final update is to give the commissioners a heads up on the advanced Stock Assessment Training Workshops that are scheduled for 2006. The first workshop that we're working to coordinate, which is scheduled to occur sometime in late July or early August, is a workshop that will look at the data analysis from fish-tagging projects.

The second workshop that we're looking at will more than likely be held in the late fall. That one is called "Sampling of Fishery Resources", and the goal of that is to discuss sampling theory and for fisheries-independent surveys, as well as commercial catch and recreational programs to help provide the design theories so that all of the sampling programs up and down the coast can be improved, if need be.

And, additionally, if there's enough demand, which I think there is from what I've heard, is to have another basic stock assessment training, which we held this past fall. It was taught by Joe Dellataris, and he's also available to do it again in 2006. That concludes my report.

CHAIRMAN PATE: Thank you, Patrick. Any questions for Mr. Kilduff. Thank you. We are now at the Review of any Non-Compliance Recommendations. There were none from the meeting, so we're in to "Other Business". I had the request from Jaime Geiger to present something. Steve, I've got you down already.

-- Discussion of National Fish Habitat Initiative --

DR. GEIGER: Thank you, Mr. Chairman. What I'd like to briefly talk to the board about is the National Fish Habitat Initiative, as well as the National Fish Habitat Initiative Action Plan.

As you are aware, in 2001, at the international meeting in Wichita, the nucleus of the National Fish Habitat Initiative was kicked off. At that point in time, we had a representative that was active in the ASMFC at that point in time, and that was Andy Manus. And Andy was adamant, along with the CCA representative at that time, that coastal habitat issues need to be part and partial of any habitat initiative.

And certainly since that time, the National Habitat Initiative has continued to evolve. It was recently endorsed by the International Association of Fish and Wildlife Agencies, and it also has recently been signed -- the action plan was signed by the Secretary of Commerce and the Secretary of Interior at Fletcher's Point two weeks ago.

This initiative currently has five pilot joint ventures, so to speak, that are funded under a \$1 million congressional add-on in the 2006 budget. All of these pilot areas are inland areas.

The two that are maybe most familiar to the folks in this room are the Eastern Brook Trout Initiative from Maine down to Georgia, as well as the Southeastern Aquatic Resources Program or Project in the southeastern part of the country.

What is missing right now, and what is acknowledged that is missing, is a joint venture related to coastal habitats. I would propose that -- well, let me back up. In the FY-07 budget for the Fish and Wildlife Service, the President has asked for \$3 million for the National Fish Habitat Initiative.

Our congressional sponsors, as well as our recreational constituents, the ASA, Bass, and so on and so forth, have indicated that their goal is to increase the funding to that to 100 million over the next couple of years. In addition, I

believe our NOAA Fisheries colleagues have analogous initiative called the "Rivers Initiative" in their FY-07 budget that also will focus on habitat issues.

So, Mr. Chairman, I think the time is very appropriate and very right for possibly this body to consider developing or proposing a joint venture considering coastal aquatic habitats. What I would propose to this group is that we certainly have the infrastructure through the various boards and subcommittees.

We certainly have the coastal interest. We certainly have, I think, the visibility. I think our fisheries management plans now indeed have habitat provisions within them, and I think the time is more than right for this body to consider putting forward a joint proposal to establish possibly a pilot joint venture that possibly could be considered for funding in either the FY-07, which is currently being debated by the hill, or FY-08 budget cycles.

What I would like this body to consider is possibly charging our Habitat Committee with the charge of developing a proposal or a pilot joint venture for consideration or presentation to this Policy Board not later than the annual meeting in October.

I realize this is a relatively quick timeline, but I am concerned that without somewhat quick action by this Commission, our opportunity to have a joint venture on the books, and to be considered for possible funding in FY-07 would be significantly reduced.

I am aware that other parts of the country are actively engaged in developing joint ventures. I know our Great Lakes partners are actively considering putting a joint venture together to support habitat activities on the Great Lakes. As you are aware, the Great Lakes are considered in some legislation to be coastal in nature, and certainly they would be well received by a variety of the constituency groups.

But certainly from my perspective, the ASMFC offers an excellent vehicle, a body of formation, a group of individuals that has a history of

focusing on meaningful habitat actions and issues and has the infrastructure and the administrative processes in place to be a very effective joint venture.

Mr. Chairman, I would ask for your consideration on this. I would certainly be glad to entertain any other questions, but I do think the time is right for this Commission to start considering it. Thank you.

CHAIRMAN PATE: Thank you, Jaime, and I personally agree with your suggestion that the Commission takes a position on this, and it's very appropriate for the Habitat Committee to be the vehicle to develop that joint proposal.

So, we'll take some comments and think about how you would like to word a motion for that so that we'll have it clear what we're tasking the Habitat Committee to do.

We'll try and work on having a meeting of that group convened maybe in conjunction with the August meeting, but certainly before fall to have something done and bring back to this board. Roy.

MR. MILLER: Very quickly; Jaime, what is the required match on those joint ventures?

DR. GEIGER: Right now there is no required joint match. What it is are projects are considered – certainly, one of the conditions that at least the pilot programs have considered is the amount of other contributing funds that may be available to support these habitat projects.

For example, the \$1 million in the Fish and Wildlife Service Budget for FY-06 is being leveraged with additional outside sources, probably to the effect of 3 to 1, which is really excellent. A lot of that has been driven through the Eastern Brook Trout Initiative and the SARP proposal down east.

CHAIRMAN PATE: To that point, Roy, it's very timely because I'm hooked up with the Nature Conservancy now in developing some planning initiatives for the southeast that involve Georgia, South Carolina, and Virginia to take

advantage of some funding that they have available.

If we can leverage that funding into a greater amount from the source that Jaime is suggesting, then that really would be a good opportunity to seize. Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. Jaime, you mentioned that there were five pilot programs that were already within the inland structure. Could you enumerate those?

DR. GEIGER: I'd be glad, Bruno. Going from east to west, the Eastern Brook Trout Joint Venture again is an established pilot project. In the southeast it's the Southeast Aquatic Resources Program; in the Midwest, it's the Western Driftless Area, primarily related to again, trout activities.

Out west there's the Western Trout Initiative that entails basically the entire western part of the country, including the Rockies; and there's a special initiative related to Alaska relating to inland salmonid production and habitat issues.

Those are the five that have currently been approved and are being funded in FY-06 under the Fish Habitat Initiative through the Fish and Wildlife Services Budget Process.

CHAIRMAN PATE: Paul.

MR. PAUL DIODATI: I'm highly supportive of this concept, and I think that these five projects that are on the table now are an example of the Marine Fisheries Organizations not being at the table. I think that's why we don't have a coastal component already included up front as one of the five pilot projects.

I urge us to take this very seriously, that there's a lot of competition in our coastal areas to do work. I'm convinced that our fisheries agencies are the key agencies in all of that work. I'm very supportive of this. I hope we move forward.

What I am concerned about is that I don't think we've done a good job with EFH in Magnuson. But I think there are other opportunities here; and if we're going to approach ecosystem management seriously, this is the way to begin that process.

CHAIRMAN PATE: Thank you, Paul. Robert.

MR. ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman. I'd just like to echo what Paul said and also what Jaime said. We've been involved with the SARP in the southeast. My sense has been from staff that it has been decidedly focused on freshwater issues.

I think Jaime is right, we have the infrastructure in place. We may have been a little late in getting on board, but because we have this infrastructure in place, I think this is the appropriate way to not only catch up but also get out in front.

CHAIRMAN PATE: Thank you. Jaime, have you got your motion?

DR. GEIGER: Well, Mr. Chairman, if I could also add an additional piece of information. Certainly, the Fish and Wildlife Service on both the northeast region and the southeast region, as well as our Washington office staff, would be more than happy to assist the Habitat Committee or any other committee that this body may chose to assist in not only giving the background of joint ventures, but also giving a review of the current joint ventures in place, as well as assisting the Habitat Committee in putting together the necessary proposals or infrastructure to make it a good, solid, viable proposal.

CHAIRMAN PATE: Given that offer, Jaime, maybe a motion isn't necessary. With the agreement and support from the board, we'll just refer this to the Habitat Committee with the understanding that you'll make that presentation on behalf of the board and the Service to make sure they're headed in the direction that we anticipate. Are you okay with that?

DR. GEIGER: Yes, I'm very comfortable with that, Mr. Chairman.

CHAIRMAN PATE: Okay, George.

MR. LAPOINTE: At the State Directors Meeting, I made the comment that the federal agencies and certainly NOAA were directing a lot of their effort at the International Association of Fish and Wildlife Agencies, now the Association of Fish and Wildlife Agencies, and I made the comment that I used to work for those guys, and I love them, but they aren't the coastal agencies.

So we've got to maintain a relationship. We need to specifically invite probably Eric Schwab from the International to that Habitat Committee to make that connection. We've got to start with a connection, we've got to maintain it and keep it strong.

DR. GEIGER: Thank you, Mr. Chairman. I heartily agree with what George has just said. In fact, Eric Schwab has been a champion in all of the other joint ventures and in his interactions on encouraging us to develop a coastal habitat joint venture.

I know Eric – again, I can't speak for Eric, but I know he would be very excited to have an opportunity to make a presentation at the next Habitat Committee meeting, as well as assist us in any way possible to make this a reality. Thank you.

CHAIRMAN PATE: Thank you, Jaime. Any more questions of Jaime or comments on this initiative? I had a request from Steve Meyers to update us on the EEZ opening on Striped Bass.

MR. STEVE MEYERS: Good morning, Mr. Chairman. We in NOAA Fisheries have ourselves in an open comment period relative to the issue of Striped Bass in the EEZ. We have a draft DEIS out for the public's review and comment. The comment period will close on May the 24th. If anyone here has not seen this document, please let me know and I will get you a copy right away. Thank you, Mr. Chairman.

CHAIRMAN PATE: Thank you, Steve. Paul Diodati; excuse me, Howard.

MR. HOWARD KING: Steve, what's the timeline, then, once the comment period closes? When would the agency be in a position to make a decision?

MR. MEYERS: We would have to review the comments; we would have to have internal discussions, and then a timeline will be developed as to what actions we would or would not take and what the future will hold on this issue.

CHAIRMAN PATE: Any more questions of Steve on that item? Paul, you had something you wanted to present?

-- Update on Striped Bass Addendum I --

MR. DIODATI: Yes. This was the first time in quite a while that the Striped Bass Policy Board didn't meet, so I held a little support group for some of the commissioners that were feeling down over that. It was very productive. (Laughter) So anyone else who wants to call me over the next couple of months and talk it through, we'll do that -- 1-800-STRIPEDBASS.

But the real update is that we agreed not to have a board meeting this month in order for a subcommittee of commissioners to meet to talk about the addendum of Amendment 6 that has been on the table for most of the past year, I guess.

We agreed that this has to do with bycatch and discard monitoring programs as compliance for the states. Recognizing the expense involved in developing those kind of new programs, we thought it would be beneficial to task the Striped Bass Technical Committee to review and evaluate the level of information that they have in providing assessments and management guidance and report back to us relative to whether or not such added programs are necessary to improve the information they're already providing. So, they're going to report back in August at our August meeting. We'll have an August meeting, I believe.

CHAIRMAN PATE: Thank you, Paul. It would be interesting to go back in the record and see how long it's been without a Striped Bass Board meeting. I was sensing some of that withdrawal myself this week. Any questions of Paul on that matter? Okay, seeing none, we'll move to Eric Smith who wanted to add something.

-- Discussion on Public Comment Summary and Presentation --

MR. SMITH: Thank you, Mr. Chairman. I noted, and I think everybody else did, the absolutely Herculean effort of the staff in bringing all of the comments on the Horseshoe Crab public hearings into the fore and organizing them and reporting them to us on the screen presentation.

There were 14,000-plus comments and they just did a remarkable job. As I sat and watched the presentation, I said, "God, that's an awful lot of work. Is it helping me make a decision?" And my conclusion for myself was not really.

That's not to disparage the effort of the staff. Again, it was magnificent. I just wonder if there's a more efficient way we could do that in the future. Particularly when it's Menhaden and Horseshoe Crabs, anytime we do something on them from now on, we're going to get 15,000 comments and 14,500 of them are going to be e-mails.

It's just the way of the world. I'm wondering if it wouldn't be better -- maybe we need to have a little group look at it, but the thought I have is bring them all in, organize them, put them on a CD, mail them out to board members. I'll be happy to look through them at my own leisure, or whenever I choose to; or, I'll choose not to, and every board member has the right to do it.

I think its information that should be available to us. Whether we need to -- whether a forty-minute presentation on the summarization of it helps us or not, I'm just not sure. I want to get the comments that's useful information, except for one letter from Connecticut, and it provides us with information.

But I don't know how we get it in the meeting, whether that's useful or not. I just want to see if there's anybody else who agrees or whether we think we could form some little group. The other part of it, too, was the electronic stuff.

I know, from talking to staff, that it overwhelms them to get these e-mails flying through. And I've gotten my share of them; we all have. Some of the environmental groups have been very adroit at electronically -- all you have to do is plug in your name and address, and it automatically goes on a form letter, it goes to the body they want to influence, and it's effortless from their point of view, but we get all the e-mails.

If we could develop an electronic way of collecting them, filing them electronically, put them on to a CD, send them out to the board members; if that could be done in an automated way, that would eliminate a lot of the staff burden on this. So can we be more efficient on how we collect large volumes of comments and then disseminate them to the board? Thanks.

CHAIRMAN PATE: George.

MR. LAPOINTE: Acknowledging that there's a large impact on staff, I think we have to recognize that e-mail is here and public comments are going to come by e-mail. We might want to have staff look at a way to slice and dice the comments less, but I think in terms of it's worth staff's time for our process to present those during the board meetings so that it looks like we aren't blowing off public comment.

I think the short-term gain by limiting staff's work would be offset by the very groups who are adroit at not only putting in e-mail comments, but writing to my governor and your governor and probably everybody but the pope about those kinds of things. I think we might want to have them look at a way of spending less time on the summarization, but still I think it's important to put it all out there.

CHAIRMAN PATE: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Commissioner LaPointe made one of points. Just as background, there is one fishery management council that does not accept e-mail at all, but they've had that as a long-standing policy, and that's certainly different than any other group considering not accepting e-mail.

I sort of sense two issues here. One is the staff workload, which I appreciate commissioners being sensitive to. I think the other issue is I was a little disappointed to hear the utility of the presentation. That may be a valid comment. It may be something we need to look at; is there a way we could present this material more efficiently so that it would be a bit more helpful to commissioners?

I think you need to keep -- there's a tension here, and the sense is if you're not going to make your board meetings public hearings and tell the public that, any investment that we put in representing their comments previously submitted to the board will balance that policy call.

I kind of see two things. Can we put these things together in a more efficient way and present them in a way that would be helpful to you all? I would welcome help from commissioners that are interested in this in giving us their ideas rather than giving us a blank piece of paper and try to come up with something. Thank you.

CHAIRMAN PATE: I had Roy Miller next.

MR. MILLER: MR. Chairman, I have another issue I wanted to bring up under the other business, so if you're done with this one, would you --

CHAIRMAN PATE: We're not done. I had a couple of people that wanted to comment on that. Jaime.

DR. GEIGER: Thank you, Mr. Chairman. There's another issue related to e-mail, and that's mass marketing and mass solicitation of e-

mail responses. I think we got a taste of it during the Horseshoe Crab meeting, but also I think all of us have been impacted more or less by having our personal and professional e-mail addresses being inundated by mass e-mail solicitations by various constituency groups.

I know it happened to us frequently, especially with endangered species issues, cormorant issues, a variety of other contentious issues. I would just urge the Commission to be aware that I do notice that we put our e-mail addresses as part of the public record on some of the management board meetings.

Some we do, some we don't. I would just urge possibly that we may want to consider a single point of contact for e-mails for public comment. We may not want to have our various e-mails widely distributed to avoid just the potential of getting hit and literally having servers shut down with mass solicitations. Thank you, Mr. Chairman.

CHAIRMAN PATE: Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. One break in that report; not only does it tell the public that we're looking at them and we're trying to take some action on it, it just seems that one place in that report there should be a way of identifying those that are basically form letters that don't give any reason as to why we should take a particular action.

Horseshoe Crab was a perfect example; form letters; no reason, just shut it down; moratorium. Maybe that is a statement, when whoever our staffers is who is reading off that information, is these letters came with no reason or no justification other than just a reason to do it.

That, I think, will send a very strong message to those folks; either identify a technical or scientific reason as to why you would do that. But I think having it out the way it was, although it was long -- this one was very long, but it was important that the public saw it.

And for us to not go in that direction, we're going to be faced with freedom of information lawsuits, and we don't need any more lawsuits.

CHAIRMAN PATE: Thank you, Pat. Any more comments on that? Vince, do you need any clearer guidance on what to do? Well, I've got some mixed signals from the board. One is to keep on like we are or come up with some better way.

I think Pat's suggestion is good, to try and identify, when we're dealing with matters of volume, how much of that volume is provided in the way of a form letter as opposed to the individual comments that have more substance to it. So that's maybe something we can work on in the presentation. Ritchie.

MR. W. RITCHIE WHITE: Thank you, Mr. Chairman. I guess I would support the report as it was presented. I think it was very well done, and I guess my concern would be not how it was reported to us, but staff time. That's the direction I think is important, to try to limit staff time, but the report, I thought, was very helpful to me as it was presented.

CHAIRMAN PATE: John.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. I don't see how we can get away from reporting the various communications. I know on the New England Council we have a tendency of getting a lot of form letters, and they are summarized as one and give perhaps a number or a numerable number of these were received.

So, quite frankly, that's easy enough to do. You can read one of them and just say we received a large number of these. I would suggest that I think staff has to continue to do as they've been doing, and maybe there's some way of condensing it a little bit more, but overall it's getting public comment out there. The only other thing I would point out, Mr. Chairman, is a lot of times letters, especially from Connecticut, are to the point.

CHAIRMAN PATE: Vince.

EXECUTIVE DIRECTOR O'SHEA: Again, while I appreciate the concern about staff, and you probably heard me say this before, Mr. Chairman, but I'm very respectful of the time and the expense to get our 45 commissioners in a room for these meeting weeks.

One of the ways I look at it is we've got a tremendous leverage by putting staff time into summarizing a big volume of material. But then if we can boil that down -- maybe forty minutes is too much, but if we can give you a flavor of the bean in an accurate way in twenty minutes, times forty-five people, and allow you to make decisions with the remaining time, that's a tremendously effective use of staff time in my mind. Thank you.

CHAIRMAN PATE: Thank you. Okay, any other business to come before policy board? Roy.

-- Other Business --

MR. MILLER: Thank you, Mr. Chairman. I'm going to carefully phrase my words concerning this matter I wish to bring up. I had the benefit last evening of some discussion with our colleagues here on the ISFMP, a couple of them; in particular, Maryland and Connecticut, which gave me the benefits of hindsight, which is always 20/20.

I think perhaps we neglected to do something that we maybe able to correct in the future. That's specifically yesterday; the Weakfish Board took action to accept the peer review of the Weakfish Stock Assessment.

It occurred to me sometime afterwards that what the Weakfish Board has yet to do is offer any formal acceptance of the Weakfish Stock Assessment and Technical Committee reports.

So on one hand we had a formal acceptance of the peer review, but we never accepted the stock assessment. It seems to me that perhaps if we could encourage the board chair of the Weakfish --and I would be happy to work with him on crafting a letter acknowledging the considerable efforts, if not entirely successful, certainly the

considerable efforts of the Weakfish Stock Assessment Committee Group and the Weakfish Technical Committee, attempting to do the very best job that they could considering their time constraints and their other state obligations, making due with the best available data they had at their disposal.

I think it might help a little bit in boosting morale among that particular group of scientists who, after all, are working colleagues and employees that we have to deal with on a day-to-day basis.

So I offer that as a suggestion, of course, and I'd be more than willing to work with the Weakfish Board Chair on crafting such a letter. Thank you.

CHAIRMAN PATE: Thank you, Roy. Does anybody have any objections or disagreement with the idea that Roy has fostered here? I think it's a good one, Roy, and I'd like for you to work with Louis on that. I'll make him available to your needs and we'll get that letter to the technical committee.

They did do an excellent job in putting together some information that got us to the point that we are clear that the information they were working with was deficient in a number of ways, that we need to be very diligent about correcting and correcting fairly quickly also.

Any more items of business for the Policy Board? We are about fifteen minutes ahead of schedule of convening the workshop, so I'd like to take a break until 10:15 and come back and we'll start that. We are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 9:55 o'clock a.m., May 11, 2006.)
