

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

**Crowne Plaza Hotel  
Old Town, Alexandria, Virginia  
May 6, 2010**

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2. **Approval of Proceedings of February, 2010** by Consent (Page 1).
3. **Move to approve the five-year period for the stock assessment schedule as presented by the Assessment Science Committee** (Page 1). Motion by Pat Augustine; second by George Lapointe. Motion carried (Page 1).
4. **On behalf of the Weakfish Management Board, move that the ISFMP Policy Board recommend to the Full Commission that the state of North Carolina be found out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish** (Page 4). Motion by Roy Miller; Motion carried (Page 5).
5. **Move that the policy board request that the Weakfish Management Board direct the Weakfish Technical Committee to review the North Carolina Proposal** (Page 5). Motion by Louis Daniel; second by Paul Diodati. Motion carried (Page 7).
6. **Move to adjourn** by consent (Page 16).

## ATTENDANCE

### Board Members

George Lapointe, ME (Chair) (AA)	Leroy Young, PA, proxy for D. Austen (AA)
Terry Stockwell, ME, Administrative proxy	Loren Lustig, PA (GA)
Sen. Dennis Damon, ME (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Pat White, ME (GA)	Roy Miller, DE (GA)
Douglas Grout (AA)	Craig Shirey, DE, proxy for P. Emory (AA)
Rep. Dennis Abbott, NH (LA)	William Goldsborough, MD (GA)
Ritchie White, NH (GA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
William Adler, MA (GA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Bob Ballou, RI (AA)	Louis Daniel, NC (AA)
Seth Macinko, RI, proxy for Sen. Sosnowski (LA)	Williard Cole, NC (GA)
David Simpson, CT (AA)	John Frampton, SC (AA)
Lance Stewart, CT (GA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Robert Boyles, Jr., SC (LA)
Pat Augustine, NY (GA)	John Duren, GA (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Spud Woodward, GA (AA)
Gil Ewing, NJ, proxy for Asm. Albano (LA)	Jessica McCawley, FL (AA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	A.C. Carpenter, PRFC
Tom Fote, NJ (GA)	

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

### Ex-Officio Members

Vince O'Shea	Pat Campfield
Bob Beal	Toni Kerns

### Guests

Helen Takade-Heumacher, NC DMF	Wilson Laney, USFWS
Jaime Geiger, USFWS	Steve Meyers, NOAA

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 6, 2010, and was called to order at 10:45 o'clock a.m. by Chairman Robert H. Boyles, Jr.

### CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good morning, everybody. I will call the Interstate Fishery Management Program Policy Board meeting to order.

### APPROVAL OF AGENDA

CHAIRMAN ROBERT H. BOYLES, JR.: The first item on the agenda is seeking consent for the approval of the agenda. Are there any additions to the agenda? Seeing none, the agenda will stand adopted by consent.

### APPROVAL OF PROCEEDINGS

CHAIRMAN ROBERT H. BOYLES, JR.: Also, approval of proceedings from February 3<sup>rd</sup> and 4<sup>th</sup>, the minutes of which were included on your Briefing CD; any additions, corrections or deletions from those minutes. Any objection to approving those minutes? Seeing none, those minutes will stand approved as submitted.

### PUBLIC COMMENT

CHAIRMAN ROBERT H. BOYLES, JR.: Now is the time on the agenda where we provide an opportunity for the public to make comments to the ISFMP Policy Board on those items that are not on the agenda.

I would like to look to the audience to see if there are any members of the public who have joined us who would like to make a comment to the ISFMP Policy Board. I see none so we will move right along to Item Number 4, the Assessment Science Committee Report. Helen Takade-Heumacher will make a presentation on the Assessment Science Committee activities.

### ASSESSMENT SCIENCE COMMITTEE REPORT

MS. HELEN TAKADE-HEUMACHER: Good morning, everyone. The ASC held a meeting on March 25<sup>th</sup> of 2010, and we addressed a number of

issues. The first was the stock assessment schedule. If anyone has that printed out, the long-term schedule is on the second page. The changes that have occurred to the approved schedule since November is that coastal sharks, which is SEDAR 21, was delayed until 2011 for a review of sandbar, dusky and blacknose.

The River Herring Benchmark Assessment and the ASMFC external review was officially scheduled for 2012, but that may occur in 2011, depending on how that process goes. The ASC also reviewed the long-term stock assessment schedule, and we do not foresee any major issues. Striped bass right now is recommended for a SARC review in late 2012. The NRCC meets next week and that is where that will be discussed. The ASC approved the 2011 schedule.

There is one other recommendation that came from the ASC in regards to the schedule, which was the ASC recommended that bluefish be prioritized for a peer review. Currently it is not on the schedule for a peer review anytime soon. It is now past its five-year trigger for a peer review. We also recommended that bluefish research needed to be prioritized more highly. It is our understanding that the reason it has not been schedule for peer review is because there are a number of major outstanding research issues. That is all that we have on the schedule.

CHAIRMAN BOYLES: Thanks, Helen. Any questions for Helen on the schedule? We need to approve the schedule as presented then, and I'll be looking for a motion to do that. Pat.

MR. PATRICK AUGUSTINE: That was a good report, thank you very much. **I would move approval of the schedule as presented.**

CHAIRMAN BOYLES: Pat, are you referring to the Assessment Science Committee's recommendation for the long-term stock assessment schedule?

MR. PATRICK AUGUSTINE: Yes, could we add that to the motion, please. The motion is to move to approve the five-year period for the stock assessment schedule.

CHAIRMAN BOYLES: As presented by the Assessment Science Committee. We have a motion; is there a second? Second by George. Any discussion on the motion? Seeing none, is there any opposition to the motion? **Seeing none, the motion passes.**

MS. TAKADE-HEUMACHER: All right, the next matter that we dealt with at our last meeting was we had a fairly extensive and very good presentation on MRIP given by Rob Andrews. It was both an overview of the program and its structure and then he also discussed a large number of their ongoing pilot projects, so that the committee could have an understanding of where MRIP is going and what issues are being addressed in relation to MRIP.

After the presentation and the subsequent discussion, the committee had several recommendations in terms of dealing with this transition period as we're sort of moving from the old MRFSS system to MRIP. The recommendations were as follows. First off, the ASC recommended that MRIP representatives be involved in the data workshops where they're applicable.

The second was for the near term, which is over the next few years as the program continues to be developed, that we add a sub-category to the stock assessment terms of reference for all the applicable stocks for the data workshop participants to explicitly examine the MRIP data. My understanding is that term of reference is currently being drafted.

MRIP should explore expanding surveys to rivers and estuaries to better capture the recreational data on anadromous fish. This isn't necessarily a discrete project, but it is an ongoing concern and it has been raised at both the ASC and at the individual species' levels, so we felt it was important to reiterate that.

Then finally we requested that MRIP staff give a presentation to the policy board providing an overview of the anticipated changes to the survey and to MRIP catch estimates so the policy board is also aware of the ongoing changes. I can take any questions anyone has over the MRIP presentation and our recommendations.

CHAIRMAN BOYLES: Helen, thank you for that. Any questions for Helen? Next we are going to turn to Pat Campfield for the Management and Science Committee Report.

## **MANAGEMENT AND SCIENCE COMMITTEE REPORT**

MR. PATRICK A. CAMPFIELD: I have one more addition on the ASC Update, if I can. In addition to the MRIP activity, the ASC also talked about the roles and responsibilities of that committee. One of the results of that discussion at their March meeting was to send out a memo to all of the species' technical committees and stock assessment

subcommittees to remind each of those bodies what the Assessment Science Committee is there for in terms of providing guidance to the individual committees when completing benchmark stock assessments or other miscellaneous analyses.

A memo has been drafted by our staff and circulated to the ASE for review. That will be sent out to all of the technical committees as well as this policy board in the next couple of weeks. If I may continue with the Management and Science Committee update, Pat Geer is the chairman of the Management and Science Committee, but he could not stick around this week, so I am going to provide a quick update.

The Management and Science Committee met on Tuesday of this week. There were a number of items that they covered and discussed. The first was a continuing discussion on how to incorporate forage fish into the commission's process. Over the last several months a subcommittee of the MSC has developed a weakfish forage summary as a case study.

This includes a compilation of qualitative and quantitative information on the weakfish prey species. The Management and Science Committee recommends presenting the forage information at the August meeting to the policy board and the weakfish board to seek guidance on how to incorporate this information into the weakfish management plan.

The MSC was also updated on activities of the hybrid team that has been tasked with developing a strategy for ecosystem-based fisheries management for the commission. This EBFM Team consists of members from the Habitat Committee, the Multispecies Technical Committee as well the Assessment Science Committee and a subset of commissioners.

The early work so far by that EBFM Team has been an update to the 2004 ASMFC Multispecies Implementation Plan, and they have also subsequently developed a draft strategy, which is currently under review by the EBFM Team and will also be provided to the MSC for input. In terms of timing of development of the EBFM strategy, we're looking to present that to the policy board in November for consideration.

Another topic that the MSC covered was hybridization between species. Most notably this has come up for weakfish and sand seatrout in the Florida/Georgia region. I'll just leave it at that. I think that has been discussed at some length at the weakfish board. The MSC also discussed the

workload of the technical committees. As tasks are provided by the various boards, there is some concern that some of the technical committees may have an excessive workload.

The request and recommendation from the Management and Science Committee is to have staff develop and track technical committee workload schedules and to come back to the MSC to review that and then again provide it to the management boards. Finally, there was just a quick discussion and round robin among the states' activities with regard to climate change.

There was one presentation that kicked off the MSC meeting on Tuesday about the MRIP Program. Rob Andrews from Silver Spring came down and gave a similar presentation to what the Assessment Science Committee received at their March meeting. Rob provided an overview of a number of implementation projects that have either been completed or are underway toward addressing the NRC recommendations for the recreational survey. There is a recommend, as Helen mentioned, to have a similar presentation given to the policy board possibly at the August meeting.

Finally, just a few quick updates that the MSC received about the continued development of the commission's fish-aging manual, which feeds into stock assessments. Half a dozen aging protocols have been drafted and reviewed by an aging subcommittee. Those include protocols for croaker, red drum, striped bass, tautog, weakfish and winter flounder. Our staff, in combination with that subcommittee, is beginning work on the next aging protocols for a number of species including bluefish, fluke, black sea bass.

The MSC also reviewed the newly developed tagging data base and website that houses information on tagging programs along the coast. Finally, the MC heard updates from the Assessment Science Committee as well as the Atlantic Coastal Fish Habitat Partnership and its recent progress and an update that Wilson Laney provided from the Habitat Committee.

The final piece I'd like to mention is that Pat Geer is our new chairman. He has stepped in for Harley Speir from Maryland who has recently retired. The MSC also nominated and approved the vice-chairmanship for Mike Armstrong from Massachusetts DMF. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Pat, thank you; any questions for Pat on the MSC Report. Tom.

MR. THOMAS FOTE: Was there a discussion on Vic Crecco's paper on looking at the numbers and trying to collate what is the difference between the Fish and Wildlife Service numbers, the National Marine Fisheries Service numbers and our participation?

MR. CAMPFIELD: There was not a specific discussion of Dr. Crecco's paper and the subsequent response by the National Marine Fisheries Service. The MRIP presentation that Rob Andrews gave was a broad overview of all the projects. A couple of the MRIP projects include evaluating catch-and-effort estimation methods and possible changes in those methods, but that was the extent of the discussion.

MR. FOTE: Since we do have those three sets of numbers – and I know why some of them are different because I've looked into it myself and realized there are some things that one doesn't count and one does count, but probably for the public's mind and for a lot of our minds it would be interesting to look at Vic and look at a few other statements and come up with a report that we could basically look at to basically justify in our minds we're comfortable with what is going on. I mean, because, you know, to have that discrepancy sitting out there and without answering it just adds fuel to the fire, and I would like to at least get some qualifications on what is going on there.

CHAIRMAN BOYLES: Tom, my sense of things – correct me if I'm wrong – my sense of things is the Fisheries Service was looking at that. I guess my question would be is this something that the commission owns or is this something that the Service owns? Dave.

MR. DAVID SIMPSON: As I reported on at the Striped Bass Board, the Service, principally through Dr. Van Voorhees, provided a very nice review and assessment of Vic's work and made it clear that while they shared some of the concerns that Vic had about bias, they felt their ongoing approach was correct and that was they're doing two or three different pilot studies to look at the kinds of issues that Vic has raised.

They're looking at changes as to how they do the survey in the future. I certainly agree with their approach, and I think it is being handled as best as it can be now. We will all live with the uncertainty in

the meantime, but I think they're on the right course to a solution.

CHAIRMAN BOYLES: Thanks, Dave. Any other questions? The other thing is I think you're looking for a blessing to have the MRIP presentation back here in perhaps August. I'm seeing general consensus that seems like a good idea. Okay, I'm seeing some head nods. Okay, Pat, thank you. The next item on the agenda, review non-compliance recommendations; I am going to look to Roy Miller.

### **NON-COMPLIANCE RECOMMENDATIONS REVIEW**

MR. ROY MILLER: Mr. Chairman, I believe staff helping tee up a motion for us to consider. On behalf of the Weakfish Management Board, **I move that the ISFMP Policy Board recommend to the Full Commission that the state of North Carolina be found out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish.** On behalf of the Weakfish Board I make this motion.

CHAIRMAN BOYLES: Thank you, Roy. It is a board motion and does not require a second. Is there discussion on the motion? Louis.

DR. LOUIS DANIEL: I've thought a lot about this since Tuesday and I know the board made a tough decision, and I appreciate that. I've had to do it myself. North Carolina has a good track record of getting our regulations in very quickly; I mean, oftentimes well before most other folks do. We really do have a problem here though; I would love to be able to fix this in some other way.

The only option I can come up with that may be acceptable to the board might be to give us the opportunity to submit our proposal for conservation equivalency to the technical committee for review. If it passes muster and it passes the board's review, then we would implement that and come back into compliance with it by the August meeting. If that is something this board could accept as one last-ditch

effort for us to get our ducks in a row, I would appreciate some consideration of that.

MR. FOTE: As the maker of the original motion to basically set up this addendum and basically get it approved, it does not allow for conservation equivalency. It was not put into the addendum that went out for public hearings, and basically there is no conservation equivalency. Basically, it was just a simple fact that everybody had to do what was required under the hundred pound bycatch and the one-fish bag limit. Florida's proposal is not a conservation equivalency; it was basically looking at where the weakfish took place, and that was a whole different operation.

I can't see postponing it for conservation equivalency since it is not part of it. It would take an addendum to the plan and that would take a period of time to go through, so that is why I can't support delaying the vote on this.

MR. PATRICK AUGUSTINE: In addition to what Mr. Fote said, it would just seem to me that maybe a more correct direction to go would be to have North Carolina look forward to developing an addendum to correct this situation. As Mr. Fote pointed out, there is no allowance in the structure of the addendum the way it is now. Thank you, Mr. Chairman.

MR. JACK TRAVELSTEAD: The problem that Louis has described for North Carolina is a problem in other states, and I think that should be of concern. I quite frankly would like to see North Carolina's proposal examined by the technical committee. We may learn something from it. I don't think that necessarily excuses North Carolina from not being in compliance with the management plan, those decisions having been made, but I wonder if this board might be willing to ask the weakfish technical committee to go ahead and look at that proposal, anyway. It may be enlightening.

MR. SIMPSON: I think the heart of the issue is that when we set the hundred pound bycatch limit, there was a presumption that would change behavior out there so that we weren't just turning landings into discards, but it would modify the behavior. It is clear that there are a number of fisheries where that bycatch or that level of catch of weakfish is not going to change based on the hundred pound bycatch, and that is an area we haven't addressed in this plan.

In other fisheries, in other jurisdictions you see fisheries that have to be in effect certified not to contain more than 5 percent bycatch for a certain



number of pounds; and if they can't, then that fishery either has to be closed or modified in such a way that that conservation is actually affected.

I'm certainly in favor of the technical committee coming back and reporting on the likely effectiveness of simply saying you can't land more than a hundred pounds and how much that is likely to reduce mortality. We may have a much bigger problem here than – we may not have done enough with the hundred pound bycatch to actually affect conservation.

MR. PAUL DIODATI: I guess just procedurally the way I see this going is voting on this particular motion and then it would seem there would a recommendation from the policy board back to the management board to instruct their technical committee to review North Carolina's proposal along with any other that might benefit a future modification or addendum or amendment to the plan, so it doesn't prevent us from moving forward.

DR. JAIME GEIGER: Mr. Chairman, for the record could you or the staff review the timeline for compliance. Should this board declare North Carolina out of compliance, could you review briefly the timeline for the next 60 to 90 days, please.

MR. ROBERT E. BEAL: If this board were to pass this motion, it would recommend an action at the business session later today. Assuming that were to move forward as well, the executive director has ten business days to send letters to the Secretary of Commerce and Interior based on that decision. Following that, the Secretary of Interior has 30 calendar days within the Act to make a decision relative to the compliance of North Carolina.

Then following that, the secretary also has a six-month discretionary window on when to implement the moratorium. The secretary in the past has used that when a state was moving through their regulatory process in anticipation of regulations being implemented on a specific date.

DR. GEIGER: I believe also there is a window in there for obviously a state to appeal and provide additional information to the Secretary of Commerce in consultation with the Secretary of Interior before that determination is made.

MR. BEAL: Yes, that is within the 30-day decision window that I mentioned.

CHAIRMAN BOYLES: Any other discussion on the motion? Seeing none, we will take a vote. All those in favor of the motion signify by raising your hand; all opposed raise your hand; null votes; abstentions. **All right, that motion passes 15 votes in favor, 1 against, zero null votes and 2 abstentions.** Louis.

DR. DANIEL: **I would like to make a motion that the policy board request that the Weakfish Management Board ask the technical committee to review our proposal.**

CHAIRMAN BOYLES: There is a motion by Dr. Daniel; there is a second by Paul Diodati. Any discussion? Bill Cole.

MR. BILL COLE: Mr. Chairman, I'm not sure if it won't happen, anyway, but I think that the technical committee really needs to take a look at, as someone on the other side of the table there suggested, whether the hundred pound limit is the line that gets us where we want to be or whether it is some other line.

I would hope that the guidance to the board or least the guidance that the weakfish board gives its technical committee will be rather broad and help us go through this. We're going to have to monitor this thing. These measures are either going to do something rather rapidly to improve the condition of the stock or they're not, and the technical committee needs to be constantly monitoring and evaluating and advising us on what actions are necessary.

DR. GEIGER: Mr. Chairman, for clarity can I ask Dr. Daniel to more fully describe exactly the nature of the proposal that he proposes to recommend to the technical committee, please.

DR. DANIEL: I would just like for them to review what we present to you and have Lee Paramore of my staff have an opportunity to talk with the other state technical committee members and see if there is a percentage that we can live with that will end the directed fishery, that will result in substantial savings, but avoid the waste and discards, and that is my intent there.

MR. AUGUSTINE: Maybe I'm asking the wrong question but would it be inappropriate to ask whether North Carolina intends to review the bycatch for their various gear types as possible way to resolve this issue in the short term and whether or not that information might be also forwarded to the technical committee for review.

DR. DANIEL: They have that information. It is in the report what the bycatch is and compared to other species as well. Since the motion has been approved, and I guess we've got to do this one more time, but my intent is to implement what we proposed as soon as I get home and have something in place, and then we'll see what happens with the commission next week.

CHAIRMAN BOYLES: Louis, thank you for that. I was aware that your commission is meeting next week, and the question of timeframe comes to mind. My sense of things is that in order to give everybody a sense of what is going on, that the letter from the commission would go out as soon as practicable so that your commission formally is notified from this body. Do I have consensus on that? Okay, so everybody is on the same page. Tom.

MR. THOMAS McCLOY: I understand this was North Carolina's proposal and I'm still confused whether it was a conservational equivalent proposal or otherwise. It has been commented on a number of occasions both at the weakfish board and here that other states may have the same situation and maybe not to the extent of North Carolina, but I think it would be worthwhile, if the technical committee is going to be looking at this, to look at the other states and see to what extent they may be impacting this situation also.

MR. FOTE: I guess we also have remember why we took this very dramatic step was the fact that the stock assessment report on weakfish showed that the commercial and the recreational catch has tanked, that there is no fish out there that is basically being landed. We're not going to see this problem until the stock starts really increasing again.

Even Louis has said that if you looked at the historical data for like the last year, it wouldn't make the impact because there wouldn't be a bycatch to begin with because there wasn't that many fish around. If I'm not mistaken – and I don't want to speak – and we understand that, too, Delaware Bay doesn't really have a catch of weakfish.

My hope is that we start having a bycatch problem. The problem is that we've taken dramatic measures for the last – over the last six years and haven't seen that increase there and it hasn't been because of catch and we don't know what is causing it, and it is really an interesting situation that I don't like.

You know, you'd think if you cut back on fishing you should be able to increase as stock, and we did

everything we were supposed to do with weakfish. North Carolina took their drastic steps and so did New Jersey and so did other states. We eliminated whole fisheries and yet we have not seen this fishery come back. It did for a period of time and then it went the other direction. We should put that in the context of where we're looking at all this.

MR. DIODATI: Just to clarify that approval of this motion does not alter the previous decision to find North Carolina out of compliance. That has already been done by this board so this would just provide North Carolina and perhaps others with an opportunity to get more information from the technical committee possibly to improve future changes to that management plan.

CHAIRMAN BOYLES: That is my sense of it as well, Paul. Thank you for that. Roy.

MR. MILLER: Mr. Chairman, very quickly; I just wanted to address the point Tom McCloy brought up. I think this motion is probably worded in that it does not mention a charge of examining conservation equivalency. We're not charging the technical committee with reviewing – I say we're not.

I'm asking everyone's collective guidance in this regard, but I gather we are not requesting that the technical committee review the North Carolina proposal as a conservation equivalent approach. Rather, we're asking for a general review of the methodology in the proposal that may be useful at some point in our future deliberations on weakfish. Thank you.

CHAIRMAN BOYLES: Thank you. Any other comments or questions? Dave.

MR. SIMPSON: As I alluded to before, I think the task or the charge needs to go a little bit further and request that we get some insight into the extent to which unavoidable bycatch in non-directed fisheries is undermining the rebuilding goals for this stock. Again, we were making a choice back in Addendum IV, was it, between a moratorium and some low level of bycatch with the purpose of reducing fishing mortality to as close to zero as possible.

I think what we need to see is a list of – I mean broadly, you know, that list of species where unavoidable bycatch exceeding a hundred pounds exists and what actions in terms of mesh size, season or other constraints on that fishery could be applied to reduce that bycatch.

DR. DANIEL: I was just going to respond somewhat to Roy's comments in that my hope would be that we would see the nature of this problem and have our technical committee look at the nature of this problem and perhaps recommend a new amendment or a new addendum to address those concerns if the technical committee believes it is warranted and the board agrees. I think that is the only step we can take at this particular point in time.

CHAIRMAN BOYLES: That is my read on it and I think that reaffirms the point Roy was making is that this is not a review of conservation equivalency. Any other comments on the motion that is before us? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, before you vote on it, it would be my understanding that the intent of this motion is that – if this motion were to pass, it would be guidance to the chair of the weakfish board to refer this to the technical committee, which is sort of our normal practice in the absence of a meeting of the Weakfish Management Board, but the intent here would be to get this thing going and not wait and put it on the agenda for the next meeting of the weakfish board.

CHAIRMAN BOYLES: I think that was the spirit within which it was offered and seconded, and I think that is consistent with the discussion as well so that we won't wait necessarily on this item. The motion is to move that the policy board request that the Weakfish Management Board direct the Weakfish Technical Committee to review the North Carolina Proposal. Motion made by Dr. Daniel and it was seconded. Any further discussion?

All those in favor of the motion signify by raising your hand, please; opposed raise your hand, please; null votes raise your hand; abstentions raise your hand. **That motion passes by a vote of 18 to zero to zero to zero.** Okay, next we go to the Update on the Quota Working Group activities; George Lapointe.

### **UPDATE ON THE QUOTA WORKING GROUP ACTIVITIES**

MR. GEORGE LAPOINTE: Mr. Chairman, this is going to be a fairly short update. Since our last meeting, Bob and staff provided to you in your meeting materials some things that people asked for. One is a summary of state-by-state quota transfer provisions in ASMFC's Interstate FMPs. Another one discusses quota rollover provisions currently in ASMFC FMPs. The list is a summary of existing catch share programs that the staff could chase down.

I, in honesty, have not spent a lot of time with these. The other material or action that this group worked on and then brought to the full commission was the commission's formal comments on the NOAA Catch Share Policy. I want to thank everybody for the review of that. I want to thank staff for their help. We got that letter out. It wasn't in the meeting materials, I think, because it was sent out previously.

MR. BEAL: It was.

MR. LAPOINTE: Oh, it was in the meeting materials, okay. I guess my intention, because I have been busy and I haven't concentrated on this, is to meet with staff and come back with some recommendations for next steps to the policy board.

CHAIRMAN BOYLES: It sounds like a good plan. Any questions for George? Any opposition to that course of action? All right, George, we'll see you in August. Are you going to turn it over to Jack or am I going to turn it over to Jack? We have got a proposal and Jack is going to talk about Black Sea Bass Commercial ITQ Management. Vince.

EXECUTIVE DIRECTOR O'SHEA: Well, two things; one, you mentioned a proposal and this is really an informational briefing. The setup here is there have been three catch share workshops held in the last four months in the New England, Mid-Atlantic and South Atlantic Region, so it is clear that the Administration has said catch sharers are a priority so it is out on the street.

The councils have been working on that; and in conjunction with that, this presentation was presented at the Mid-Atlantic and since it is a jointly managed species with the commission we thought that it would be informational for the policy board to see what at least one of our states has already done with regard to catch shares. It is not a decision by the commission to move towards catch shares; it is an informational thing consistent with what other management bodies are doing, and that is looking at it.

CHAIRMAN BOYLES: Thanks, Vince, my syntax there. Jack, are you all set?

### **PRESENTATION ON VIRGINIA BLACK SEA BASS CATCH SHARE PROGRAM**

MR. TRAVELSTEAD: With that in mind, what Vince has said, I'm certainly not here to implore you to follow Virginia's lead in developing an ITQ on any one of your fisheries. This is strictly informational. It is a program we have put in place a

number of years ago; and in my opinion it has worked quite well.

I know that a couple of the other states have done likewise, and I think they're going to brief you on that as well. This is, unfortunately, a lengthy presentation and I'm going to breeze through it pretty quickly. I don't think you need all of the details that are here. We've had an ITQ in our striped bass fishery for about a decade and a half, and our fishermen have grown pretty fond of that program.

It has presented a lot of benefits to them; and I think as a result of having that in place, back in 2002, somewhere around there, our black sea bass fishermen came to us and said, "We would like to see this same type of program put in place for black sea bass. We think it will work for us." The devil is always in the details, but we were able to get through that with industry.

We were able to work over a period of about a year to develop an ITQ for the fishery. Is everyone in the state absolutely enamored with the program? Certainly not, and I think those of you who attended the Williamsburg meeting heard from at least one Virginia fisherman who wasn't particularly happy with some of the allocation methodologies, but that individual in fact has done quite well in the sea bass fishery in spite of his unhappiness with some parts of the program.

Going into it we had four goals in mind. Previously we had had a number of examples of really a derby-type fishery where the quotas were overrun pretty quickly and no one, quite frankly, benefited at all economically from the fishery. We did develop both a directed and bycatch fishery for sea bass.

The directed fishery, you had to meet a certain percentage share of the fishery within a certain time period. That time period happened to be the time period when mandatory reporting of sea bass catches was required. We also set up a bycatch fishery to allow those who occasionally catch sea bass to still have an opportunity to do so.

There was a very small quantity of sea bass quota set aside for hardship cases. I think over the last several years we've only had five or six of those individuals come forward and be granted fairly small shares of the quota. I don't think I need to go through all of the criteria, but obviously there were qualifying periods and certain harvest levels that the individuals had to meet to qualify for a share of the ITQ quota.

One of the big issues that came up was the potential use of VTR data to qualify. We did go that way, but we did require verification of those VTR data with dealer receipts. Those are the specific criteria. You had to land at least 10,000 pounds of sea bass over that period of time. The bycatch criteria are presented there as well.

Again, there was this issue of using VTRs, and we did require documentation to verify those numbers. As you know, VTRs aren't particularly thought of as being very reliable, but when we audited the dealer receipts we were able to back up those numbers; and when we could, we did utilize them. I think most of this is pretty standard, so I'm going to skip through a lot of this. As I said, there were hardship provisions.

One thing that I did want to make clear – and I made this point in Williamsburg – was Virginia's ITQ was not an attempt by Virginia to exclude participants from other states. It was not an attempt to save Virginia's quota just for Virginians, and I think this slide makes that point. We do have fishermen from quite a few states participating in this program. We do allow transferability of those shares, and they are quite often transferred to people who are not Virginians.

I think one of the big benefits that we have or the fishermen have seen from the ITQ is, of course, we got rid of the derby-style fishing, and in this period, over the last three or four years, where the quotas have been quite small, because fishermen have ownership and a certain share, they have been able to play the markets, if you will, selling their product when they can get the best price for it.

I know several fishermen in the fishery who consistently get seven, eight and nine dollars a pound for their product, which I think everyone would agree is pretty exceptional. They have fairly small shares of the quota, but they're able to maximize their profit by taking larger fish and playing that market. I'm going to skip through a lot of this, and, of course, if anybody wants a copy of this I'm sure staff can provide it.

Obviously, there are reporting requirements to ensure that no individual exceeds their quota. I was asked the question in Williamsburg whether the paperwork associated with the ITQ was significantly greater than under the original fishery, and I can tell you that the paperwork is minimal in enforcing the ITQ. It is quite easily dealt with.

I think you will remember the old days when we had trip limits. I mean you virtually had everybody on staff trying to figure out when you were going to hit the quota and how the trip limits needed to be modified and when to shut the fishery down. All of that has gone away; paperwork is relatively minimal.

We have one person on staff who tracks the individual ITQs and monitors the fishery for us. We do allow transfers. We also allow something called the use of an alternative vessel. Quite frankly, it is nothing more than a short-term, temporary transfer. Lately the fish have not been offshore of Virginia, and that is troublesome for the potters who can't move north or south in search of the fish, and so they are afforded an opportunity to transfer their quota to a trawl vessel, who can catch the fish for them.

Of course, there is some business arrangement between the two to see that that gets done. I don't think I need to go through a lot of this. The number of vessels in the fishery has not changed a great deal. When the quotas started to drop, one thing we did do to accommodate the directed fishery vessels was to actually move quota from the bycatch fishery, which was not being utilized, and provided it to those in the directed fishery so they would not feel the economic detriment of a declining quota.

I guess this is the bottom-line point that I made in Williamsburg is that Virginia has put itself out on a limb by developing an ITQ that solely pertains to Virginia's quota. We do not control the overall harvest quota. We don't necessarily control the state-by-state allocation. We know those two things could change.

Obviously, there is great interest at the federal level in pursuing ITQs on a coast-wide basis. I guess my concern would be that if that were to happen in the black sea bass fishery, that would nullify everything that we have been able to build with our industry in Virginia with our own ITQ. It could virtually be wiped off the books if some type of coast-wide federal program was pursued. Of course, I know Maryland has I think an ITQ as does New Jersey or Delaware, so I'm thinking they would have similar concerns. I think that is the end of the presentation.

CHAIRMAN BOYLES: Jack, thanks for notes about your program. Questions for Jack about the Virginia Program? Louis.

DR. DANIEL: Jack, how did you deal with the folks that got left out? Did you have a lot of fishermen that were disgruntled from that part of it?

MR. TRAVELSTEAD: Not really. Most of those that were, as you say, left out qualified for the bycatch fishery. In fact, there are vessels in the bycatch fishery, even with those small trip limits, that are able to land more sea bass than some of the directed fishery boats that have pretty small quotas.

## **PRESENTATION OF OTHER STATES CATCH SHARE PROGRAMS**

CHAIRMAN BOYLES: Are you ready to make a couple of comments about the Delaware Program?

MR. CRAIG SHIREY: Delaware has three fisheries presently that we manage with a catch share program. Some may look at it as sort of rudimentary compared to what it could be, but our striped bass fishery, we have 111 commercial gill net fishermen, and we divide our state quota equally among them. They are allowed to transfer that quota to other fishermen.

Presently, of that 111, about 65 choose – it has been pretty stable – about 65 have chosen not to fish but to transfer their quotas to other fishermen. Most do it for a percentage of the share. We don't get into what kind of deals they make. It has allowed for some really good economic gains with our fishermen.

They're able to play the market a little bit better with a relatively small quota. If they didn't have a catch share, I'm sure that as soon as the striped bass either came in our coastal waters or entered the bay, that they would immediately jump on them and very quickly catch that quota; whereas now they wait until the markets have dried up a little bit so that the prices regain from when Virginia and Maryland are actively harvesting.

Before they would maybe get a buck or a buck and a quarter a pound, now some of the fishermen, if they wait long enough, can get almost four dollars a pound. Even though some fishermen may not fill their quota because they wait too late, they are still able to make more money by handling less fish. It has worked out fairly well, but as Jack said you do have some disgruntled fishermen.

We quickly had two camps of fishermen; those who were in favor of the transferable quotas and those that believed that if you're going to call yourself a fisherman, then you need to get out there and fish. You're keeping me as an active fisherman from improving. It is sort of a moot point.

We have a black sea bass fishery, relatively small. You had to have a history of landings in order to

qualify for that. That is half a dozen fishermen. Again, we equally divided our state quota between them. It also extends into the hook and line. You have to sign up with intentions to participate in the black sea bass fishery, and then we take that number and divide that into a portion of our allowable catch.

Also oysters; I don't know if any of the other states have a transferable quota for oysters, but we have 120-some licensed, and growing, 120 licenses and that number is growing even though our oyster quota that we have set upon ourselves is reducing. That is probably the one fishery that we have a significant problem in that we haven't effectively limited the number of people that can slowly enter that fishery.

As soon as they qualify, then they get a license and then they get their share, and it is not based on history. It is just they're one of many and that has created some problems. We certainly don't have 126 oyster boats in Delaware Bay. We only have a handful. That is a problem especially for some of the fishermen who have been in the fishery for generations. It has become a hardship on them. Those are our three fisheries. They all have quotas and that's we've dealt with them.

CHAIRMAN BOYLES: Craig, thanks for that. Questions? Tom.

MR. McCLOY: Regarding sea bass, New Jersey has a limited entry program but not an ITQ system. Our ITQ systems are limited to surf clams and oysters.

CHAIRMAN BOYLES: Thanks for that. Questions for Craig? A.C.

MR. A.C. CARPENTER: We also have limited entry on a number of fisheries in our system, and we do have an individual quota for striped bass through our tagging system. It is not necessarily a poundage quota. It is more a number of fish. We calculate the average and then issue striped bass tags in advance of the season to the fishermen who are entitled to them.

We have limited entry in a number of fisheries. All of the striped bass harvest is through limited entry. We have limited entry in our crab fishery. We have some experience with limited entries, but we don't allow the transfer without the transfer of the license. We control the number of licenses, and that is allowed. There are a number of variations on the theme that are available to you.

CHAIRMAN BOYLES: Tom, how about some comments from Maryland's perspective.

MR. THOMAS O'CONNELL: We have an ITQ system for black sea bass. It is very similar to what Jack explained to you. Some of the differences are we have 14 individuals in that fishery. The qualifying criteria are a similar time series as Jack described. We do allow transfers amongst the individuals up to 30 percent a year.

We had been allocating it amongst individuals by gear type. That is changing this year. We're trying to provide more flexibility to the industry. Each individual will be given an allocation and they can harvest that allocation by whatever gear they choose to. It is something that has been working very well Maryland. It has been industry driven and they have expressed a lot of support for it. Other species, horseshoe crabs, we have a limited entry system with a quota. We don't have an individual quota system yet and we do have individual landing limits based upon prior history. That has been well received by the industry.

One thing that we're undergoing now is using some of the funds we got from our Federal Blue Crab Fishery Disaster is we're evaluating alternative management systems for blue crabs, include catch share type systems. That is a much more complex fishery with 5,500 eligible participants at this point in time.

We're really looking at the next year just educating our fishermen, and we're doing some fishery exchange trips across the country. We're doing several listening sessions, bringing in fishermen from across the country that have experience, positive and negative, with catch shares. We really see this catch shares as an industry decision.

We have management principles as the management agency and we can apply those management principles under the current management frameworks or alternative. We really see this catch share discussion as being an industry-driven process to see if there are things that they find attractive to catch shares; and if so, we may also see some benefits as a management agency in the economics and the sustainability and the accountability. We're getting educated ourselves right now, but we have seen some positive results in our limited fisheries in Maryland.

CHAIRMAN BOYLES: Comments or questions for Tom? Okay, good discussion, thank you. The next item on the agenda is a discussion of funding of ASMFC research priorities; Bob.

## **DISCUSSION OF ASMFC RESEARCH PRIORITIES**

MR. BEAL: This is a follow up from the February Policy Board meeting. During that meeting there was a discussion of priorities for ASMFC relative to a number of research projects that have been historically funded through federal dollars. At that meeting Dr. Chris Moore requested that it would be very helpful for him, as he goes through their budget cycle, if he had some feedback from ASMFC on research priorities and funding priorities.

The policy board tasked staff, working with the AOC, to develop those comments. This is just a followup work that that work has been completed. The feedback from ASMFC was transmitted to Dr. Moore through a letter from the executive director on May 3<sup>rd</sup>. The letter comments and provides feedback on four or five different research programs, the Cooperative Winter Tagging Cruise, the Horseshoe Crab Benthic Trawl Survey, the NEAMAP Trawl Survey.

Associated with that is the Maine/New Hampshire Inshore Trawl Survey, and the final program is the Northern Shrimp Gulf of Maine Survey. This is just to wrap it up and let the policy board know that this information was transmitted to the National Marine Fisheries Service.

DR. GEIGER: Mr. Chairman, I certainly appreciate having an opportunity to look at this letter. Certainly, I would hope that we continue to look for cost savings on all our programs and not just one. Certainly, I would look at all opportunities – certainly from both agency and state activities, look for opportunities to always fund the highest priority research projects that add to consistent and efficient management of coastal resources.

Certainly, I am looking forward to later on at the ACCSP discussions – certainly, I think some of these projects that have been identified in Vince's letter may be eligible and may be appropriate for ACCSP consideration and funding in the out years. Certainly, this is something I think we need to discuss further. Thank you.

CHAIRMAN BOYLES: Thanks. Chris.

DR. CHRIS MOORE: Mr. Chairman, I just wanted to let the board know that in fact we have received the letter and I wanted to thank the commission for sending it to me.

CHAIRMAN BOYLES: Thanks, Chris. Further discussion on the letter? Okay, I think we're going to talk about the Cooperative Winter Tagging Cruise next; Bob.

## **COOPERATIVE WINTER TAGGING CRUISE**

MR. BEAL: At the last policy board meeting and throughout the February Meeting Week that was discussion on the Winter Tagging Cruise and the funding issues associated with that. Following the meeting week, there was a working group put together to start a discussion on a review of the Winter Tagging Cruise.

On that group there is ASMFC staff, both Pat Campfield and me. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service representatives are on the working group as well. This group has had a couple of conference calls and started having a discussion on what dimensions should be considered in a review of the Winter Tagging Cruise.

As the discussion developed, it appears there are a number of dimensions. Those are the striped bass data needs that are needed by the striped bass technical committee and the management board to assess the striped bass population. The other dimension is the importance of the data generated in the Winter Tagging Cruise; you know, is that a key element of the stock assessment, is it sort of an ancillary nice-to-have information. That is part of the discussion.

The other thing on the Winter Tagging Cruise that has evolved over a number of years is data is collected on a number of other species, spiny dogfish, Atlantic sturgeon, horseshoe crabs, shad and river herring and a number of other species are encountered, obviously, on that cruise, and data is collected there.

One of the dimensions will be what is the importance of that data and is this much more than a striped bass tagging cruise, as it originally started. The next dimension is the efficiency of the methodology that we're currently employing. Is it most efficient to contract a research vessel, go out there with trawl gear and collect striped bass and the other animals and tag them and then collect the other data?

The final dimension that is being discussed is opportunities to combine other projects on the same platform. This has obviously occurred to some

degree so far with the spiny dogfish, sturgeon work, et cetera, et cetera. We have been able to put a number of different scientists on that cruise and conduct a number of different projects.

The question that this working group is developing is are there opportunities to sort of synergistically find funding overlaps and find ways that we can piece together a number of different funding sources to continue this Winter Tagging Cruise, if that is the appropriate platform and type of project that should go on offshore of North Carolina and Virginia in the wintertime.

This group is going to continue their work. They will send a recommendation most likely to the ISFMP Policy Board for how to move forward with a review of the Winter Tagging Cruise. Obviously, one of the key questions is who does the actual review of this program. At one point it was discussed that maybe we get some CIE folks, but I think we have backed off that.

That is a pretty expensive and cumbersome way to go. I think there are probably a number of people that are familiar with the data and familiar with the cruise and can also provide an independent review of that program and hopefully will provide some valuable feedback to the two federal services and the ASMFC on how this program should move forward. That is a quick summary of the discussions that we have been having since the February meeting and this meeting.

CHAIRMAN BOYLES: Any questions or comments? Jaime.

DR. GEIGER: I gratefully appreciate that explanation by Bob, and, again, the Fish and Wildlife Service appreciates being part of the evaluation process. I want to thank the National Marine Fisheries Service and the ASMFC for allowing our participation, and we're looking forward to the results. Thank you.

CHAIRMAN BOYLES: Okay, any other questions or comments on that? Bob, I think you've got what you need to carry forward. The next item is the Law Enforcement Committee Report; Mike Howard.

## **LAW ENFORCEMENT COMMITTEE REPORT**

MR. MIKE HOWARD: The Law Enforcement Committee met on Tuesday from 8:00 to 5:00 p.m. Chairman Steven Adams of Georgia called the

meeting to order. There were 15 members present. Several important issues I would like to bring to your attention. Catch share implementation in the northeast is a new process. It started last week for groundfish.

Although it doesn't directly affect ASMFC, it does affect their law enforcement officers. NOAA in direction with the IG's report will be hiring eight uniform and one technician positions to monitor some 700 catch share registrants from New Jersey to Maine. States to work with federal counterparts to institute work plans for this new activity.

The Joint Enforcement Agreements Annual Meeting is next week, and there is hope that funds from that will be used to assist states in enforcement efforts. There is training ongoing and it is going to be a substantial learning curve for officers and fishers. There was a significant discussion on last year's EEZ enforcement efforts.

The Mid-Atlantic's officers are preparing for the upcoming season already in joint operations, but they're putting this all in perspective of other jobs that they have to do. They have not reduced significantly the amount of violations in the EEZ in certain areas. Multiple v-notch definitions and other regulations in the lobster fishery continue to be problematic for law enforcement in areas where they exist.

New federal regulations that are different than state regulations are also initially causing confusion and further complicate enforcement's effectiveness. The Sportfish Registry is on track to be implemented through state fishing licenses in every state if not already are in place, as you know. There are no significant problems.

We do encourage states that are creating a new license to think about law enforcement in that the funding scheme in a small portion of the license goes to enforcement of that new statute. The LEC is also requesting JEA funding for the federal enforcement in the EEZ of this new fish registry.

The Potomac River striped bass investigation has led to new cases. This sort of had some spin-off things so you'll be hearing about some other results similar to the ones before in the foreseeable future. JEAs continue to assist law enforcement efforts with funding for equipment. This funding by the JEAs – the federal funding from their asset support picture has been critical to ongoing law enforcement efforts in these times of diminished resources.



The LEC concluded an ongoing discussion on measuring compliance with a consensus from the states that it is just too difficult and time consuming at this time to undergo such a task without appropriate technical help and financial assistance. The current data collection system on violations between states lacks consistency and is not compatible with information needed by fishery managers. I think that was brought up in the Striped Bass Board.

We had one motion which was to encourage states to allocation a portion of funds from the new fishing license sales to the respective state's law enforcement unit. That passed unanimously. Any questions?

CHAIRMAN BOYLES: Thanks, Mike. Any questions for Mike on the Law Enforcement Committee? All right, thank you, Mike, great job. I appreciate that report. I have got a couple of items for other business, if you would indulge me here for the last couple of minutes. I am going to call on George Lapointe.

#### **OTHER BUSINESS**

MR. LAPOINTE: Mr. Chairman, the first one is in my role as chair of the Menhaden Committee. You will recall we had a motion that did a number of things, and one of them was the final sentence; request that the policy board task the Multispecies Committee to work with the Menhaden Technical Committee to account for predation in the alternative points. Because the policy board does the tasking to the Multispecies Committee, I am here to just – we all sit on it so I suspect we'll get concurrent, but I think we need to take formal action to do that.

CHAIRMAN BOYLES: All right, George, thank you. It is a coast-wide board, would you like to do that in the form of a motion or do we just need to move by consensus? Is there any objection to us approving this? Okay, seeing none, George.

MR. LAPOINTE: And then the other issue is just one of information. People may have heard the Northern Shrimp Section met a little while ago and took emergency action to close the fishery early. We actually did it because fishermen came to us and they were concerned about harvest levels being in excess of the target harvest levels. We don't have a hard TAC.

They were concerned about small shrimp in the fishery and the impact of the harvest of small shrimp on future years' harvest, and so the Section met and

took action. The fishery closed yesterday at midnight, I believe. We met last Friday by teleconference and we gave boats that were out on multiple day trips to get in and for people to clear their inventories. That is just a bit of an update.

Pat White had to leave early and he had written some comments to the policy board, which I believe have been handed out to everybody. They were his concerns and reflections on meeting management. I actually thought some of the issues might go better under the discussion on how we achieve meeting management issues pursuant to the survey. He asked that it be handed out. Clearly, he has given some thought to it, and we should just take those thoughts into account as we discuss our meeting management issues, et cetera.

CHAIRMAN BOYLES: Thanks, George, and again I think everybody got a hard copy of Pat's comments so I refer those to you. One last item, if you will grant me just a little bit of privilege here, speaking of meeting management, my first meeting as chair of the ISFMP Policy Board, you suffered through with my lack of meeting management experience.

I think we tried to craft four letters by committee. What I would like, as we wrap up here and get ready for lunch, is I would like just a general agreement that perhaps if there are appropriate letters to be sent from the commission, that we work on those and that perhaps the discussion at these meetings be done about general principles, but we don't try to get into the mode of crafting the actual letter in the meeting.

Again, I apologize for that but if I could get that forbearance from all of you in the future, then we will proceed that way. We have got a great staff who I think are quite capable of gleaning our comments and our interests and putting those to paper. If you would indulge us on that, and again I'll for your forgiveness now after we have made it through without having to try to craft a letter today. I thank you for that. With that, is there any other business to come before the ISFMP Policy Board? Craig.

MR. SHIREY: Mr. Chairman, I'll try to make this quick and I apologize for not bringing it to your attention for possible inclusion on the agenda before. Our division has been asked by our advisory council about making voluntary reductions in creel limit for tautog, especially during the wintertime when surrounding states have either closed or greatly reduced fisheries.

We seem to be attracting a lot of fishermen and fishermen are concerned about that. We've been asked to reduce this limit, say, from ten fish down to some other number. We were wondering if we did do that voluntarily – we pointed out the potential problems in the future if through the management process it is declared that the states must reduce their catch by 10 percent, 20 percent – is there any mechanism for banking any voluntary reductions if those reductions could be quantified. I'm not sure if that is a question that should go before the policy board or not.

MR. BEAL: This has come up a number of times or a number of plans that as allocations are being made and states have had more restrictive regulations in place during allocation periods, there is no provision necessarily to get credit for those fish. A number of management boards have taken those things into consideration and more conservative measures taken by the states when they got to the allocation period, and they have done different things.

One is not require those states to take as significant a reduction if that is what is necessary or they've compensated those states in some way through increased shares as allocation program have move forward.

MR. AUGUSTINE: Mr. Chairman, I may be out of order on this one, but we're having an issue trying to determine how to control the live black fish market and coming up with a mechanism for either being able to kill the black fish in the recreational fishery when you catch them and they're on board they have to be killed. I don't know where we could bring up that subject within the ASMFC and have the board look at it from an overall point of view. Would it be a subcommittee, would it be a part of the advisory panel for the black fish board or what? I would like some advice on that, please.

MR. BEAL: We've had some initial discussions at the staff level of what is occurring with recreational and commercial landings for tautog. We have heard anecdotal stories of people switching off black sea bass and a number of other species on to tautog because of the restrictions or the regulations aren't quite as strict for tautog.

The landings data through '09, we haven't seen the commercial landings' data necessarily compiled, but the '09 recreational landings don't show a huge spike in tautog landings, but it is something that we can keep an eye on. It sounds like we're overdue for a Tautog Management Board meeting to start talking

about some of these issues. If members of the policy board – and we can send out a reminder or a request to the Tautog Management Board to send in your issues and we can put a Tautog Management Board meeting on the agenda for August and start hashing some of these ideas that are out there.

MR. AUGUSTINE: To that point, Mr. Chairman, to be more explicit it appears that because of the number of busts that we have by our enforcement people of live tautog in the various restaurants and so on in New York and Greater New York area, the fish we're talking about aren't being picked up as being caught recreational.

They're recreational people keeping live black fish for the live black fish market and unless they're caught they just slip through the crack. We have so many reports on an ongoing basis that I don't believe our enforcement people can keep up with it. What our group seems to be struggling with is could we get – well, for the other states who are having similar live black fish issues on the black market, could we come up with a discussion again to talk about maybe we could recommend as a board that if you are a recreational angler in the tautog fishery, that you cannot have live tautog on your vessel. I'll leave it at that. I don't want to go into any detail and I don't want to detract from this meeting.

MR. SIMPSON: I just want to say I think it is a good idea to convene a tautog or black fish board to address a number of issues, but specifically we're hearing a lot about the black market for tautog, the high value of that live fish market, and the incentives that provides, especially in lieu of the lobster disaster that we're facing in Southern New England and some of the other motivations to land tautog under the table. I think it would be good to convene a tautog board.

CHAIRMAN BOYLES: All right, we'll work on that. Tom.

MR. FOTE: They're not recreational fishermen; they're poachers. Let's be clear about that. If you're selling fish you're a commercial fisherman and you're doing it illegally, so it is a poacher.

CHAIRMAN BOYLES: Good point, Tom. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, of course, as a reminder the states retain their right to be more conservative than the ASMFC plans so there is nothing that stops the state from putting on regulations that are more restrictive within the state.

I understand the issue of adjacent states and all, but the commission respects the right of the state to put whatever regulations in that are more conservative than the ASMFC Plan.

CHAIRMAN BOYLES: Good point. We will work for a tautog meeting in August, work towards that. Tom.

MR. FOTE: Since there are many years since we've had the Tautog Advisory Panel together, maybe it would be a good opportunity to get the advisory panel together to see if they have any thoughts on it. I was looking at the advisors' list and they haven't met in probably ten years.

MR. BEAL: We can do that. I think Pat Donnelly has been the chair since 1996, so that gives you an indication of how long that group has been going, but, yes, we can get them together. Probably Step 1 will be to contact them and see who is interested in serving, and we may go back out to the states and try to fill some vacancies if people are no longer with us.

#### **ADJOURNMENT**

CHAIRMAN BOYLES: Okay, any other business to come before the ISFMP Policy Board? All right, is there any objection to adjourning the ISFMP Policy Board? Seeing none, we will stand adjourned.

(Whereupon, the meeting was adjourned at 12:10 o'clock p.m., May 6, 2010.)