PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

ISFMP POLICY BOARD

Hyatt Regency Hotel
Newport, Rhode Island
November 4 & 5, 2009

TABLE OF CONTENTS

INDEX OF MOTIONS

ATTENDANCE

Board Members

George Lapointe, ME (Chair) (AA)
Terry Stockwell, ME, Administrative proxy
Pat White, ME (GA)
Sen. Dennis Damon, ME (LA)
Douglas Grout (AA)
Rep. Dennis Abbott, NH (LA)
Ritchie White, NH (GA)
Paul Diodati, MA (AA)
William Adler, MA (GA)
Ben Mertens, MA, proxy for Rep. Peake (LA)
Bob Ballou, RI (AA)
Mark Gibson, RI, Administrative proxy
Kelly Mahoney, RI, proxy for Sen. Sosnowski (LA)
David Simpson, CT (AA)
James Gilmore, NY (AA)
Pat Augustine, NY (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)
Gil Ewing, NJ, proxy for Asm. Albano (LA)
Tom McCloy, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ (GA)
Leroy Young, PA, proxy for D. Austen (AA)
Eugene Kray, PA, proxy for Rep. Schroder (LA)
Craig Shirey, DE, proxy for P. Emory (AA)
Roy Miller, DE (GA)
William Goldsborough, MD (GA)
Tom O'Connell, MD (AA)
Russell Dize, MD, proxy for Sen. Colburn (LA)
Jack Travelstead, VA, proxy for S. Bowman (AA)
Catherine Davenport, VA (GA)
Louis Daniel, NC (AA)
Red Munden, NC, proxy for W. Cole (GA)
John Frampton, SC (AA)
Malcolm Rhodes, SC (GA)
Robert Boyles, Jr., SC (LA)
Spud Woodward, GA (AA)
John Duren, GA (GA)
Rep. Bob Lane, GA (LA)
Jessica McCawley, FL (AA)
Bob Ross, NMFS
A.C. Carpenter, PRFC

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

Ex-Officio Members

Staff

Vince O'Shea
Bob Beal
Toni Kerns

Guests

John Ward, NMFS
Sally McGee, Environmental Defense Fund
David Cupka, SAFMC
Derek Orner, NMFS
Peyton Robertson, NOAA
Bob Bowes, PRFC
Harold Mears, NMFS
Dave Gouveia, NMFS
John Pappalardo, NEFMC
Dan McKiernan, MA DMF
Gordon Colvin, NOAA
Chip Lynch, NOAA
Richard Robins, MAFMC
Mike Fogarty, NEFSC, NOAA
Arnold Leo, E. Hampton, NY
Bernie Pankowski, DE

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in Brenton Hall of the Hyatt Regency Newport Hotel, Newport, Rhode Island, Wednesday morning, November 4, 2009, and was called to order at 9:25 o'clock a.m. by Chairman George D. Lapointe.

CALL TO ORDER

CHAIRMAN GEORGE D. LAPOINTE: Good morning. This is the meeting of the ISFMP Policy Board. We will meet today and tomorrow, if necessary.

APPROVAL OF AGENDA

There was an agenda in your briefing CDs and there are agendas at the back of the room. We have two changes to post to the agenda. Agenda Topic 9, the update from the Economics and Social Science Report from John Ward is not going to happen. John did not get permission to travel outside of the Greater Metropolitan Area, so we'll pick him up, I guess, at the February meeting.

Gordon Colvin has asked that he be able to give an update on the NOAA Recreational Fishing Initiative under Other Business. Are there other changes to the agenda before we get started? Seeing none, the agenda will stand as changed.

APPROVAL OF PROCEEDINGS

We have Proceedings from the August meeting on the briefing CD. Are there any changes to the Proceedings? I have a couple of minor spelling things that I'm going to bring to Joe but nothing worth mentioning for folks.

Are there other changes? Is there opposition to their approval? Seeing none, they are approved.

PUBLIC COMMENT

The next agenda topic is public comment. We reserve this time for members of the public to speak to the Policy Board on issues that are not on the agenda. Are there any members of the public who wish to speak at this time? Seeing none, we'll go to Agenda Topic 4, and that is Dr. Fogarty is going to give us an update or a presentation on ecosystem-based management. Welcome, Mike.

PRESENTATION ON ECOSYSTEM-BASED MANAGEMENT

DR. MICHAEL FOGARTY: Thank you very much, George. I really appreciate the opportunity to talk to the commission today. It is good to see some old friends I haven't seen in a while as well, so thank you very much for this opportunity. I want to give you a brief overview of some of the work that is ongoing at the Center in terms of laying the groundwork for moving towards an ecosystem approach to fisheries management on the Northeast Continental Shelf.

In the 20 minutes or so that I have available to me, I can only touch on a couple of issues, so I've selected a bit of what we're trying to do to work towards implementation in our area and to lay options open for councils and commissions that would have the authority to implement this sort of work.

We're basically testing out a number of different approaches. Some of them I think you'll find familiar and general in terms of trading on the idea of production. Unlike what you're typically used to dealing with in terms of the production of fish stocks that really are based on things like recruitment, growth and mortality, we're going to be talking about the production for an entire ecosystem and actually try and to frame the issue in terms of how we might actually capitalize on that, to think about framing an approach to management that would really be based on fundamental ecosystem principles.

I'm going to start with basically three takes on what we mean either by an ecosystem in this context, as you see in this slide, or two other statements about what ecosystem-based management is all about. I'm sure you're all aware that there is both a national and a global initiative underway to move towards ecosystem approaches to management of the oceans, to adopt a more holistic approach to management.

So rather than going by single species as we do in fisheries or more broadly by single sectors, we need to bring in the whole story in terms of all the impacts that are occurring in the ocean and what that means for the development of management strategies. In all of the statements you'll see about either the definition of what we mean by an ecosystem in this context or ecosystem-based management.

There are a couple of common elements that recur quite consistently, so there are minor changes in the ideas and wording but you'll always see, one, that we're talking about a geographically specified system, so we're talking about not, again, in the context of the fisheries perspective, individual stocks,

but developing an integrated management plan for an entire defined ecosystem.

Here the ecosystem is quite explicitly taken to include humans as an integral part of the system. It includes quite specifically considerations of environmental and climate change and then also the issue of interactions among the parts of the system. That's one of the things that's really important and why we really feel we need to take into account an ecosystem approach and ecosystem principles in developing management because a lot of the species that we're dealing with – for example, the ones that you're typically coping with – have interactions among them.

It might be predation on striped bass on menhaden, for an example; an issue that the commission is having to grapple with and to evaluate the evidence for that sort of an interaction. We really want to make sure that we have a structure in place that would allow us to explicitly take that into account.

This next statement about what is meant by ecosystem-based management comes from the UN Convention on Biological Diversity. Again, you'll see a number of these common elements including a quite clear specification that humans are a full part, an integral part of the ecosystem. You'll see that we're basically looking at needing to understand the interactions among the parts of the system.

One of the issues that I like particularly in this definition is this statement that we're focusing on levels on biological organization which encompass the essential processes, and I'll talk a little bit about what that means when we think about switching our perspective from having focus on individual species or stocks to a more holistic ecosystem approach.
And then, finally, just one more statement, and you'll see this one from the U.S. Commission of Ocean Policy. You will see the recurrent themes of humans as part of the ecosystem, that we're talking about a geographically specified approach to management or a place-based approach to management and needing to understand the interactions among the species and the effect of the environment and climate effects on these systems.

With that as a background, that is effectively the same kind of – those are the kinds of statements you'll see quite repeatedly in terms of what is meant by an ecosystem approach to management. I think one of the reasons that people are still scratching their head about what it really means in practice is that, of course, we need to tailor things quite specifically to our needs in a particular region to meet a specific set of objectives that we have for particular systems.

That is where things will become more concrete and things will crystallize in terms of what we really mean. I suppose a cynic might say that some of the statements that I showed you are apple pie sort of statements, motherhood and apple pie, but in fact what we really do need to do and what we're trying to do at the Center is try to lay the groundwork for what this might actually look like in more concrete detail.

That is really what I want to talk about in the time that I have available to me today. One of the critical things right up front that needs to be dealt with is a statement of what we actually want to achieve in an ecosystem-based management context; what are our overarching goals and what are the specific objectives that we have?

I'm here in this slide just giving two possible examples. One is a very broad-based statement; I'm calling it an aspirational goal. Let me back up for a moment and say I, of course, recognize that it is way above my pay grade to be talking about objectives. That is really the responsibilities of the councils and commissions that have the authority to manage, but I'm only saying this because I would like to give you an idea of what some of these things might actually look like.

Then ultimately, of course, the goals and objectives would be tailored to the needs, for example, by the commission or fishery management councils or whatever the appropriate management authority is. Basically, the overarching goal in terms of this aspirational goal is to protect ecosystem structure and function to allow sustainable harvest, so basically the bottom line is we can't protect fishermen and fishing communities unless we actually protect the ecosystems on which they depend. That's a very broad statement and, again, it is quite a lofty goal.

But then when you really need to get down to what exactly we want to achieve in a particular circumstance, and so here is an example of what a strategic objective might look like. For example, you might decide to maximize yield or maximize economic returns, and, of course, those are two very different things.

You might choose to have maximize economic returns but also minimizing year-to-year changes in management strategies. You would have the option to frame a number of different types of specific

objectives. The part that is important that brings in the set of ecosystem considerations and also social and economic ones is this idea of setting it up in a way that we'll have what we'll call constraints.

We're not saying we simply want to maximize, for example, the economic returns, but we also, for example, want to make sure that we don't drive any species to very low levels, and I will talk a little bit more about an objective later on that would be an example of a constraint. In terms of the social constraint, you might want to decide to keep elements of different fishery sectors intact even though their relative allocations might change depending on the decisions that a group might make. Then also economic structures could also come in as constraints.

The basic idea is you set a broad statement of what you want to achieve and something like maximizing yield or economic returns is basically pretty familiar to you from the things you're implicitly doing at least in terms of conventional fishery managements. Then the next thing is really then to bring in these constraints that bound the problem in a way that takes into account the ecosystem considerations.

You saw earlier that basically one of the things that is quite critical as a starting point and one of the first places that ecosystem approach to management would diverge from conventional management is you would be talking about developing management plans for an ecoregion. At the Center we have been working on trying to find objective ways to define spatial management units with the objective of having them be a manageable number of spatial units that we'd look at, and then also that they would have characteristics that are coherent from an ecosystem perspective.

We've done a set of analyses. This is one example of some of the kinds of results that are merging from an analysis in which we take into account physiographic or things like depths and sediment type considerations; oceanographic features including current patterns and factors such as stratification of the water column; hydrographic variables, which are temperature and salinity; and then a set of lower-level biotic variables, in particular the amount of plant production in the ocean that is going to fuel the rest of the food web.

A large part of what I'm going to talk about this morning for the remainder of the talk actually starts with looking at this idea of how much shellfish we'd expect an area to be able to produce under a set of environmental or climate conditions. I am actually going to give just one example of how we track through in that way.

One of the initial analyses that we did shows that – for example, Georges Bank shows up as a discrete unit. The edge of the Shelf shows up another separate unit. The Mid-Atlantic Bight is yet another and then two areas in the eastern and western Gulf of Maine, including for the eastern Gulf of Maine the Scotian Shelf.

In our work we're now updating the analyses that I'm showing you here to include more variables, and we're also looking at whether there are changes over time blocks and what these boundary definitions might look like. This is only meant to give you a rough idea of how some these would develop in terms of specifying potential spatial management units.

Once we go through that step, of course, the other part that we need to do is look at how that meshes with the way humans are working and interacting with the system; for example, the patterns of human use in the system. On this diagram you see on the side is just – this map is just a plot of otter trawl effort for the last five years, roughly, and the locations with warmer colors indicating higher levels of effort by otter trawl.
We've complied this kind of information for all the gear types we have in our data base, but we can begin to get an idea of what the overlay between how humans are working in the system and how it might map to the areas that we're defining. Some of the work we're undertaking right now, we're looking at it on a port-by-port basis, actually. If you want to get down at a finer level of detail, we can do that.

When we defined hopefully a manageable number of spatial units, we recognize that in fact there are nested within that areas that you would want to take into account for special reasons, so we're not thinking of just a block area that wouldn't necessarily have additional spatial management considerations within them; for example, where we would place marine protected areas.

One of the things that is relevant to the work of the commission, in the kinds of spatial management units overall that we're looking at, we would probably want to have special considerations for the immediate coastal zones. This is an area, of course, that is quite important to the considerations of the commission.

The reason I say that is that, of course, there are a whole host of human impacts that occur in the immediate coastal zones that don't necessarily occur on the Outer Continental Shelf, and we do need to be able to take those into account, so we're envisioning this as something where we would have quite explicit considerations for the area of interest of the commission and other groups that are looking at and focusing on immediate coastal area, embayment sounds and so forth.

The next step in trying to actually take the plunge into deciding what you want to consider for a spatial management unit would not only be these ecological boundaries that I've mentioned but also how it meshes with how people are actually working in the environment; again with the idea that humans are considered to be in all these definitions and an integral part of the ecosystem.

I'm going to tell you just one approach that we're considering among many for how we would actually take the next steps to make this a little bit more concrete. The one that I'm going to talk about takes a quite broad level of ecosystem production and function. As I mentioned at the beginning of the talk, there are other options that might actually end up, for example, looking at modifications to existing management plans, putting them in a more geographically ecosystem context – geographically specific and ecosystem-specific context, but might be a little bit more familiar to what we're typically doing right now.

In the interest of time and because I have a limited amount of time, I'm just going to give you one approach that takes a different tact altogether. It is much more transformative in how we would think about these systems. I have often been joking that my interest in doing this more radical approach is because I grew up in the 1960's, but that's not the only reason for thinking about this.

I think there is a lot of reason to think that what we want to do is look for a system that not only changes things but looks for ways to make them simpler. I have a couple of guiding principles. One of them is do no harm, and that means build on the advances that we have had with stock assessments in terms of knowing the limits to vulnerability of individual species, and we can build that into the system.

I also have this idea that we should keep it as simple as possible as an approach to this problem. We already have a very complex system as it stands; and my worry is that if we just keep adding on more considerations to existing structures, that in fact we'd end up having a problem because of the complexity overall of the system.

Then the final point that I think is quite important is making sure this is a transparent process; so when we're making decisions even starting at defining the objections, that it is a transparent process and everybody understands what we're trying to achieve and how it is being done. The parts I want to talk to you about we're calling floors and ceilings.

The first step in this is determine the fishery production potential conditioned on the environmental state. I'm going to show you how that would work next. Then we need to decide on what a sustainable exploitation rate from an ecosystem perspective might look like in a way that would maintain ecosystem structure and function. I'll give you an example of one of the options we're looking at in that way.

Then, of course, as you well realize, it is not sufficient just to go ahead and talk about having an overall ecosystem set of guidelines because the marketplace, the fishermen and others are interested in individual species, so we do need to bring it down to the individual species level. This is where the floors-and-ceilings part comes in.

We need a step that will involve specifying what I'm calling an allocation strategy for individual species subject to the constraint that once we decide on what a safe level of overall removals from the system would be, that we couldn't exceed that level, so that's an upper cap or what I'm calling a ceiling.

The floor part deals with these constraints that make sure we protect the individual species that are involved. That basically can involve not only ecosystem considerations, but there are sets of social and economic considerations that also come in that way. What I want you to understand is that I know that you do have to ultimately go down to the individual species level and set plans.

The approach that we're following is perfectly adaptable to the idea of having annual catch limits ultimately for individual species so there is no worry about not being able to fit into some of the current guidelines that we're operating under, but it comes from a different place in terms of what we're trying to achieve and what we're actually doing.

At the Center we've got a number of different operating models that vary quite bit in the complexity

that we're operating and also what I'm calling holism. As you go down this list of models that we're using – and the operating models are pretty important in terms of dealing with what we're really interested in with setting strategies and evaluating how we think they would work.

They run from these simple ones up top and the examples I'm going to show you are simple ones that include this idea of what I'm calling production potential, but as you go down this list they become more detailed in terms of and including modifications to single-species models that, for example, take into account predation effects between species and that kind of thing. There is a whole spectrum of options that we are considering at the Center that you could take advantage of depending on which level you wanted to choose to focus your activities.

But to try to crystallize what we're doing in terms of the change in perspective, this is kind of a crude box diagram of what we might think about in terms of an ecosystem. At that really bottom level we have these sets of populations. That's where we're operating right now in terms of individual species management plans.

In the cases where we've got aggregate groups of species that are part of a single management plan, we're still actually not often, if at all, dealing with the fact that there are interactions among those species, so we're operating that bottom level. The next level up is one that I'm calling a guild, and what that simply means is groups of species that use the environment or the ecosystem in the same way.

That might be groups that have similar predation characteristics; they might feed principally on fish; they might principally feed on bottom-dwelling animals and so on. That's what I mean by guild, and those come and form communities of fishes. And then, finally, this upper level; I'm calling it here production domain, but it is really the ecosystem that I'm talking about.

When we're talking about an ecosystem approach, and the way that I'm going to approach it right now or deal with it right now, it is sort of in those middle areas that we'd switch our focus from the population level to the guild and community levels in terms of operating. One reason that is important is that we can take advantage of some properties of these aggregate groups of species that is more stable than the individual parts, so this is a plot of tropic guilds.

Again, they're a pelagic fish that are mostly feeding on plankton, there are pisivores that are feeding on fish, there are benthivores that are feeding on bottom critters and so on. A couple thing you'll is that the total of all these is actually much more stable than the individual parts, and we want to try to find ways to take advantage of those kinds of properties.

If I broke this down further and looked at just the pelagic fish or the piscivorous fish, you'd see that the parts that go into that total grouping there are also themselves more variable than the picture that I'm showing. We want to take advantage of some of these. There are properties of a system that are different than the properties of the individual parts because of these interactions, and in some cases that makes things more predictable and more stable and we want to try to take advantage if we can.

This fishery production potential calculation that we're going to start with here trades on a pretty simple idea; that there is a flow of energy right down from the base of that pyramid with microscopic plants when you're out on the Outer Continental Shelf or in some cases when you're dealing in embayments and estuaries, of course, there are also vascular plants, seaweeds and so forth, that are also part of what I'm going to be talking about in terms of primary production.

These feed up through the food web in a number of different ways, but the calculation is pretty simple that we're doing. We're finding out how much primary production – and I'll show you a little bit in a moment about that is done – how much basically plant life is being produced and how that gets translated up through a food web.

We need to know what the energy transfers between different parts are, and that's another part of this story that is brought into play. Then we also need to figure out, well, what levels in this ecosystem we want to begin extracting things out, and that's where this trophic level idea comes in, the mean trophic level of the catch. If we're taking out a lot of shellfish, particularly species like surf clams, ocean quahogs, scallops and so forth, they're feeding pretty low in this trophic level picture.

They're actually feeding on these phytoplankton that you're seeing right at the base of the food weed overall. On the other hand, if you're talking about piscivorous fish, whether it is bluefish or striped bass or any one of a host of others, they're feeding pretty high up in this trophic hierarchy that we're talking about.

The starting point is this primary produces – and the largest part of what I'm calling primary production comes from these microscopic plants, and here are some pictures of a particular set of microscopic plants that you find in the ocean. These are called diatoms. They're quite beautiful, but, really, this is really the base of the food web for a lot of what fuels the production and what we can take out in fisheries from there.

Now we have a couple of different ways to try to understand what this primary production – how much plant life is being produced, actually, over time. One of the ways we're trading on right now deals a lot with principally looking at satellite-derived pieces of information. The figure that I'm going to show you next, I'm going to show you a little animation of how things change over a part of an annual cycle in terms of the amount of plant production satellites can pick up on chlorophyll, so the same stuff that makes grass green is what we're looking at from the spectral characteristics of the satellite.

You're going to see a couple of things I want to draw your attention to as I show this movie. One, the red area, the dark areas – sorry, the warm-colored areas are the areas that have the highest production overall. You will see right away the areas that you're really interested in particularly are the highest productivity areas.

That is because there are a lot of nutrients that come in from different sources that fuel this plant production; in some cases with artificial nutrient enhancement that recreates problems overall, things like anoxia and hypoxia, which you also have to deal with. Basically, the whole thing is driven by nutrients, and ones that you'd be familiar with in terms of nitrogen and phosphorous that go into fertilizers on land and so forth.

You're going to see actually changes over time where things light up. As we're going to come in, we're starting out on August 1 in this animation and you're going to see it come in through mid-October, and you're going to see the development of what I'll call fall bloom where you're going to see areas like Georges Bank and other parts of the areas in addition to the ones that are highlighted right now or lit up right now as becoming quite important for this production cycle.

You're also going to see some other things like these circles that you see right here. These are warm core rings that are being spun off the Gulf Stream. These are cool colors because the Gulf Stream is actually quite poor in nutrients and also in terms of plant life overall, but you're going to see these warm core rings come in and draw things off the Shelf.

(Whereupon, a video was shown.)

So you're seeing an animation. At the top you will see a track through time overall, and you're beginning to see things warm up, for example, on Georges Bank and in the Gulf of Maine, particularly in the immediate coastal areas. Now it is getting quite warm on Georges. You're also seeing these warm core rings pull through, and in a minute you're going to see it pull off a streamer of chlorophyll. You see it coming off the top here, right there where it is pulling off, and you'll see that happen more directly in a minute.

You are also going to notice that there are some streamers that are coming off of Cape Hatteras and off of Pamlico Sound like the one that is showing up right now. These are the kinds of patterns that we can use directly from satellites in order to make an estimate of how much plant life there is over time.

What we're really doing in our work is to look at integrated picture over an entire year and put it in that model that we showed. Here in this upper left you're seeing an average over the year, an integrated picture over the year would look like over a number of years. Again, Georges Bank shows up as a hot spot overall. The highest productivity is in the bays and sounds, as you would expect, and in the immediate coastal zone.

Now I told you we needed to know what level we're extracting landings from, at what trophic level, and this upper plot here shows actually that has been changing over time. As we've been actually having a higher contribution on the Shelf from shellfish, particularly, as I said, scallops and other bivalves.

We're taking things down at a lower level in the food web and also to some degree with the pelagic fish, which also tend to feed lower in the food web overall. We have transfer efficiencies of how much energy goes through when you start off with this base of the phytoplankton up through these different levels that come from a number of different modeling activities.

I won't talk about them right now, but the bottom line is that we found that for the Shelf as a whole, going from Hatteras up to the Gulf of Maine, that we're looking at about 5.7 million tons of fish production under current conditions overall in terms of the climate conditions and also where we're extracting

things. Our estimate goes from 4.7 to 6.9 million tons overall.

That is the production that is coming in overall to these fishery harvest levels that we're particularly interested in. The next step is to figure how much of that we could take out. We're using a couple of different approaches. This one actually trades on the idea of using a multispecies model. This happens to be one that was developed for Georges Bank.

The blue curve that you're looking at is one that would be pretty familiar to you. It is the kind of production curves that you look at all the time, these dome-shaped curves. This has 21 species of fish in it. Basically, the bottom line is that for the model itself, the maximum yield overall would occur at an exploitation rate or a fraction that we would remove of 0.45.

The other line that I want to bring your attention to is this one, this step-shaped function. This is an indication of the number of stocks that are actually collapsing are being driven to low levels as we increase the exploitation rate. The maximum here for the sustainable yield is at an exploitation rate of 0.45, so just under taking half of it out, but unfortunately it is also saying that if you did that, about 40 percent of the stocks that are in this model would be driven to very low levels and the production would all be coming from others.

You can make a really simple modification to that and say what if we only set the exploitation rate at 20 percent, so that is what this line is showing here; it turns out that if you did that, you'd really lose very little yield as you can see overall, but the really critical thing is far fewer here, and in fact less than 10 percent of the stocks would be driven to low levels; so from an ecosystem point of view the place that gives you good yields and also minimizes the impacts.

This is an example where you could really draw and get quite important benefits from having a lower exploitation rate you'd have very little loss in yield according to this model. In fact, probably economically it would be much better to do it this way because you're expending less in terms of fishing effort in order to get there. Again, it is having less of an impact in the system as a whole.

This is one example of this idea of actually going from the production potential to having an exploitation strategy. If you took an exploitation strategy of 0.2, you'd have just over a million metric tons that you'd say you could take out of the Shelf as a whole under the current conditions in terms of yield in the way that we're currently harvesting at these different trophic levels. It is an example of trying to move to a concrete way of dealing with this.

I will just close with a couple of other points. One is that basically this ecosystem approach, although it might look quite different, it is really going to use the same basic tools that we have available to us under conventional fisheries management, but our objectives would change, the mix and the emphasis we might put on different categories here could differ quite a bit from what we might have for conventional fisheries management.

To give just one example, if you're thinking about it from a single species or a single stock point of view and you want to reducing fishing mortality rates, then you have available to you options such as effort limitation and output controls. And probably a less direct way to do that and probably just from that limited perspective, a less effective way to do it would also put in marine protected areas.

However, if you had an ecosystem objective that says you want to preserve habitats, you want to preserve certain species that are particularly vulnerable and so on, then you might put a much higher priority in your overall setting of the tactical tools that you use on something like a marine protected area.

It is just to say that an important part of trying to figure out what we want to achieve means getting the right tools for the job once you do that. We probably would see different kinds of strategies employed in order to do that in terms of the tactical decisions about the management tools that we have.

I'll just close by thanking the folks from our Ecosystem Assessment Program at the Center. It is a group that we formed a year ago to try to tackle these kinds of issues head on, so we'd be in a position to try to provide concrete advice to the councils and the commissions on what it might mean for an ecosystem approach. These are the members of our team who have been working on these kinds of problems together.

Again, I didn't have a chance to tell you about some of the other kinds of approaches that we're talking about, but at break I would be happy to fill you in a bit more. I'll just say that we also brought a booklet that we had prepared some time ago to give out to stakeholder groups – and it is on the table outside – that says a little bit about what this ecosystem

approach is all about. It kind of recaps some of the things I've just told you in the broad outlines of ecosystem structure and function. Thanks very much.

DISCUSSION ON COMMISSION NEXT STEPS FOR EBFM

CHAIRMAN LAPOINTE: Thank you, Mike; questions for Mike? Mark Gibson.

MR. MARK GIBSON: Thank you, Mike. It's always good to see you. You're one of the most famous graduates of the Fish and Wildlife Division in Rhode Island.

DR. FOGARTY: They were good years to me.

MR. GIBSON: One of the things that I'm struggling with here at the commission, and I think it relates to ecosystem-based management or with a sensibility of some of the things we're doing, is that we seem to have recurring evidence and greater belief the natural mortality rate is increasing in many of our managed fish stocks and that growth rates are declining in a number of them, and it cuts across many taxonomic groups.

We have evidence or belief in crustaceans, lobster and blue crabs and high-level predators like weakfish and striped bass; low-level prey species like shad and river herring, and I guess there is evidence for it in cod and some of the New England Council managed species. Given what we think we know about the stability of ecosystem biomass production irrespective of the component parts, the regular ordering we seem to have are scaling between biomass; you know, body size scaling for important vital rates like the natural mortality rate, production to biomass ratios; I'm having trouble understanding how we could have this happening across a wide – there needs to be winners and losers, but all we seem to see are losers.

Where are the winners, and does it make sense to you that we can have all of this increase in the natural mortality rate. I'm not aware that anybody has reported increased growth rates or reductions in natural mortality rates. It is starting not to make sense to me in a mass balance sense across wide ecosystems, and I wonder if you could comment to that? I'd also like you to comment on the appropriateness of focusing on natural mortality rates when there is residual fishing mortality going on. You know, it is demonstrable and in my view it needs to be managed. Thank you.

DR. FOGARTY: Thanks, Mark, those are good questions. Well, it is definitely true that we've seen changes in productivity patterns for a number of the stocks, as Mark mentioned. Some of them have to do with changes in the environment, so any particular areas that you've got species that are at the southern extent of their range, for example, in a given area, as the water temperatures have been increasing they've had shifts in their productivity patterns overall.

In some cases that might translate also not only to changes in growth, but as Mark was saying changes in the natural mortality rate. There are some other species that we're dealing with that are currently at quite high levels of abundance. It appears that one of the reasons that some of the productivity characteristics there are changing is that they're at quite high levels and they're competing with each other, so there is what we would consider to be density-dependent effects that changing. It is definitely true that some of these shifts are occurring.

In terms of winners and losers, what we're seeing is some parts of the story that relate to changes in the environmental conditions. I will just mention briefly that at the Center we recently put out something called an Ecosystem Status Report, and it can be found on our website, the Northeast Fishery Science Website. It tells you about some of the changes in the environment and climate and aspects of the ecosystem overall and how they're changing in response to different drivers.

Some of them are human-based drivers and some of them are climate-based drivers. There are winners and losers, though. They're coming related quite directly to some of the ecosystem and climate changes effects. Overall what we're seeing and part of what I was showing in that one graph is that at least within the timeframe that we we're looking at, if you think about abundance measured in terms of overall weight and think back to that picture that I talked about, it is more stable than – I will try to get to it as I talk – it is more stable than the part.

There are tradeoffs going on, too, Mark, so everything is not going down uniformly, but because as some species are driven down by different forces, whether it is by human forces or driven by climate changes, others have been increasing, and that's one of the things. That's the kind of thing I was talking about when I meant interactions.

That's one of the things that are keeping, at the upper levels – you know, if you're talking about a guild or the ecosystem or fish community as whole, things are a bit more stable. But it is unquestionably true that there are a number of them that are changing and in ways that are not favorable. In our area it is less severe than it is in some areas.

In Canada where it has been the kind of issue that Mark is talking about has been absolutely devastating in some parts of Eastern Canada. We're definitely seeing parts of that here but not to the same degree. And then, finally, I'll just try to say in terms of understanding these natural mortality rate issues, that it is definitely a critical issue.

I agree with Mark that we need to understand what changes are occurring and how we can bring them into the evaluation of what the best strategies are. In some case the mortalities are probably increasing because of changes in predation on some of the species of interest. In other cases it is due to these overall factors of changes in the environment overall. For those species that are declining and experiencing both reduced growth and higher mortality, they're experiencing adverse effects because of changes overall in the system.

The bottom line for us, thinking about it from a management point of view, is that we need to understand those changes and take them into account because it means we have to change our reference points for management if there are factors. Even if they're not due in any way to human activities but they result in a decline in the productivity, then that needs to be taken into account and we need to adjust our exploitation strategies downward. On the other hand, as I said there are going to be some winners and those you would say could perhaps take higher harvest rates. I hope I covered it, Mark.

MR. PATRICK AUGUSTINE: Mike, as usual outstanding presentation. I've been using that book for all my presentations. It is a very good document. It is interesting that we're moving forward in ecosystem management and everything is based on that direction now, but what would your sense for timing as to, in your opinion, when we finally get a full-blown ecosystem? We have the eight areas identified, so there are two parts to the question. Is your group focusing on any one of the eight centrally located groups or are each of those being dealt with separately? Are they dealing with changing from single-species management to ecosystem management and then a final question after that one is addressed?

DR. FOGARTY: Pat, when you say the eight areas, are you talking about the eight fishery management councils?

MR. AUGUSTINE: Yes. Well, the areas that were originally identified – I think it was you, Mike, and it was Steve Murkowski , when you put out the overall approach to the X number around the world of our ocean.

DR. FOGARTY: Yes, thanks, that's an important point. Well, basically, Pat, in each of the areas that we identified back then, there are ongoing efforts, but there is quite a difference in the amount of available information to take on ecosystem considerations, so there is quite a range in the different areas in terms of how this is developing.

We're fortunate in the northeast that due to some very long-sighted research programs that were in place years ago that actually look at basic ecological properties, that we have that kind of information to draw on now. The areas that probably have the richest information bases to work with are in the northeast region and also in the Gulf of Alaska and the Bering Sea.

We are sharing information with all the other areas, too. We had meetings including a group that we have that was devised to set up what is called integrated ecosystem assessment for the different areas. Those integrated ecosystem assessments are the kind of analogs to single-species assessments. We have working groups on a national basis where we're working together and trading ideas and sharing information to try to move forward with that.

In terms of when it all would be implemented, which is another important question that you raised, part of what I'm talking about actually would need further legislative or regulatory changes, particularly when you think about having to deal with tradeoffs between different species. As you know, under the current fishery management regulations, everything is oriented towards individual species, and that does set some constraints on how far you could bring this.

There is a part of the story in terms of implementation that would require ultimately at least changes in the regulatory framework. Now whether that would come up with the next reauthorization of the Magnuson Act or other activities, it is a little unclear right now, but we'd need to deal with those kinds of things, Pat, as a first-order priority.

But what we're trying to do is work out examples of what it might look like so that we're not waiting for that happen and then try to spring everything all at once, so that is the reason that I'm was quite keen to be able to come and talk to you today to try to tell you a little bit about what we're trying to do.

MR. AUGUSTINE: A final question; it seems as though we've moved in that direction. We've put more and more constraints on the ability of our commercial fishermen to harvest. You say there are winners and losers. The difficulty I see in looking at the big picture is our aquaculture approach to replacing commercial fishermen, if you will, to a degree for a balance; is that coming along fast enough so that the winners turn out to be the importers to our country and we see further dollars leaving to support the needs of our seafood for our country?

It seems like we're somewhere in excess of 85 or 90 percent imports of all seafood, and now I see we're doing this. What is that piece of pie going to look like? I know the face of commercial fishing and even recreational fishing is going to change significantly. The broader question is do you see enough emphasis by our government to develop aquasystems and aquaculture to offset that or do you envision just more and more imports to support our demand for seafood products?

DR. FOGARTY: That's another important question. Well, it is definitely the case that, of course, aquaculture production globally is increasing as a fraction of the overall yields. At the moment a very large part of that, if you think about it from a globally perspective, is actually coming from freshwater systems and a lot from Asia in particular and some parts of Africa.

It is clear that aquaculture has a place overall in this production set of considerations. However, aquaculture, when you think about it from an ecosystem point of view, also has some potential – at least potential adverse ecosystem impacts that also need to come into play. So when we think about the balance between natural harvest and aquaculture and think about it particularly from an ecosystem point of view, that we want to think both for the benefits that could come about with aquaculture, but also some of the negative ecological impacts that would come about, so it is that kind of a balance that we need to strike.

But one thing that we are overall looking towards is this idea – as I said at the beginning, if we protect these ecosystems and get them restored, then we protect the fishing communities that depended on them, but that also means the store of fish that could be sustainably harvested should increase from that point of view. We would hope to see some kind of resurgence in terms of that consideration from natural production, but we just want to sure we do it from a way that is sound ecologically.

MR. ROY MILLER: Mr. Chairman, Dr. Fogarty has already covered my primary question so I'll try a secondary question, if I may. Do you foresee a need to shift exploitation and management, perhaps, from a single-species perspective as we've done historically to attempting to manage species or species groups to the benefit of species that may have a higher value of society resulting from their exploitation intent?

To give you a specific example, do you think it might be time to seriously think about attempting to manage species such as spiny dogs for the benefit of species that may be at least partially controlled by the abundance of spiny dogs, assuming that these species may have a higher value both recreationally or commercially? Thank you.

DR. FOGARTY: Well, that would be an important set of considerations in terms of this idea that I was talking about in terms of dealing with tradeoffs and constraints. Right now, of course, under our current regulatory framework, we are aiming to get all species biomass at MSY levels. If these species are interacting, you can't actually have them all at Bmsy levels, and we need to take that into account and that's one of the things we're trying to do with this overall.

You could think about, within limits and within carefully controlled limits, modifying the abundance of some species that would give higher yields of others. However, the key thing in this and the critical thing that we really have to be cognizant of and careful about is that all these species, even though they might be considered – a number of species that might be considered to be nuisance species play an important role in ecosystems overall.

What we don't want to do is disturb things to any degree that would actually disrupt this basic ecological function and structure of the system. My basic answer is that with a change in regulatory frameworks you might have, within limits, the ability to do some manipulations in that way.

Again, I will say right off the bat that in all of this a healthy dose of humility is called for because actually saying we're going to control one part and automatically get a response in another part is a difficult proposition. The caveat that has to be kept clearly in mind all the time is that to the extent that you can attempt these things and be careful about them, you don't want to do it in a way that is going to disrupt the overall ecosystem structure. I hope that answers it, Roy.

CHAIRMAN LAPOINTE: I've got Pat White and Tom Fote and Ritch White, but I'm mindful of our agenda, and we're burning up our time. This is cool stuff and necessary because we all believe in motherhood and apple pie, and we've got a pile of wheat and a bag of apples and we're trying to figure out how to make the pie.

I'm going to try to take those last three people. Brevity is right under cleanliness and godliness, remember that. Then Bob has a paper to help us guide our further actions. Again, I'm not trying to take away from Mike's presentation of the importance of this issue, but I want to stay on track. Pat.

MR. PATTEN D. WHITE: I'm a little confused about my bucket. Mike, thank you very much for the presentation. In your early slide you had depicted how you had decided on ecoregions. I was interested to see that the white coastal area was small to insignificant, and I had always thought of our coastal and inland waters as being very important in the primary production of not only flora and fauna. Your primary production areas were more offshore and changed as the seasons went by, but it never seems other than a few areas in the mid-coast to increase on the coastal areas much.

DR. FOGARTY: Thanks, Pat, that's a very really important point. I didn't have time to get into this, but the information that we're using to develop these maps comes from satellites, but it also comes from shipboard operations. A lot of the work that we're doing at the Center – as you probably know from the size of the vessels we have, we can't get really close inshore. Now, of course, the state programs can do that, and they're not in the data base that are used to devise these.

These areas that you're seeing for white, basically on this one, Pat, those are areas that we couldn't get into, but what we are considering – and this is the part that I was trying to get at with the more nested view of once you define these areas, how do you actually take things into account spatially is that we actually would consider to go right up to the shoreline and in fact ultimately to consider the watersheds that are important in these areas.

The part I was saying earlier, too, is that those probably would actually need – so, for example, if we looking at the Mid-Atlantic Bight, our perception of this would that ultimately we would include considerations of Delaware Bay, Pamlico Sound, Chesapeake Bay and so on as part of the actual management unit, but you might have a set of specific considerations particular to the needs of those coastal zones because it is a much more complex environment both in terms of the human impacts and other sources, that you would bring that in as maybe a special band where you'd have a nested structure of trying to take that into account.

The basic thing is that you're quite right to say that the immediate coastal areas are important. The way we frame this in the paper that we're working is to think about these areas that are adjacent. Even they're showing white here, they would be included in the management unit and then also have special sets of considerations.

MR. THOMAS FOTE: I'll make it real short. I'd just like to get a copy of the PowerPoint presentation if we could.

DR. FOGARTY: Sure, yes, no problem.

CHAIRMAN LAPOINTE: I'll note that is probably the shortest time that Tom has ever given; thank you. Ritch White.

MR. G. RITCHIE WHITE: Excellent presentation. I think my question will be referred to Bob's presentation coming up next.

CHAIRMAN LAPOINTE: Mike, thanks again for the time. It is incredibly important stuff, and we have to build into it in a step-wise fashion. The more we can order our thoughts and our actions, that's the way we're going to build into this.

MR. P. WHITE: Mr. Chairman, did Mike say he was going to be around for part of the day today for more questions?

DR. FOGARTY: Yes, I can do that.

CHAIRMAN LAPOINTE: Bob.

MR. ROBERT E. BEAL: On the briefing CD there was a discussion paper on ASMFC's approach to address ecosystem considerations. The top part of the paper provided some background on ecosystem issues, noting that there is a change in leadership at NOAA, and the climate may be changing with an increased focus on ecosystem considerations within NOAA.

The idea is following up on what the chairman just said about a step-wise progression for the ASMFC moving forward with ecosystem management. The document presents a few options for developing sort of a roadmap or a plan for ASMFC to move forward with the ecosystem considerations in the Interstate Fishery Management Program.

There are a series of options here, and the idea is that we probably need some group other than the 40 or 50 folks around this table to put together some options and proposals on how to move forward and then bring it back to the Policy Board and have a follow-up discussion on how the Policy Board wants to move forward.

The options for that working group or a group that will develop the roadmap and proposals for moving forward; the first option is to use an existing group within the ASMFC process, such as the Management and Science Committee, to look at the state of the world as far as ecosystem management and look at the state of ASMFC management and decide how to make progressive steps forward toward ecosystem management, if that is the direction the commission chooses to go in.

The second option is put together a subset of commissioners to work on this issue and bring something back to the Policy Board. The third option presented here to develop a working group which is a hybrid of a number of groups such as the Management and Science Committee, the Multispecies Committee, Habitat Committee, a subset of commissioners, those sorts of things which are all the different groups within the ASMFC structure that deal with sort of the pieces of ecosystem management that need to be integrated to come up with one overall ecosystem management approach.

I think the idea now, within these suite of options or even a hybrid of those options, is what is the best way for a proposal to be developed within the ASMFC process, brought back to the Policy Board for consideration at a future meeting.

CHAIRMAN LAPOINTE: Thank you, Bob. When I looked over this and I talked to staff about it, my thought is I like the idea of using the Management and Science Committee – I haven't asked Harley what he thought about this – and then letting them develop that. My suggestion would be a combination of one and three; use the Management and Science Committee but let them grab other people as they see fit, like Mike's members of the working group and others who can add to the conversations.

That we have an established body, we know how they work, but we get to pull other people into that circle as they make recommendations. The other that strikes me that might be worthwhile, given the complexity and the interest in this issue, is maybe a commissioner workshop to we can dig into it in more detail. With that, questions or comments? Ritch.

MR. R. WHITE: I think an important part of the results of that workshop should be some talk about resources. Number one, what resources are we presently putting into ecosystem management from the commission right now? Then the options of going forward, that they have attached to them the dollars that it is going to take. Working on a zero balance, something else would have to go by the wayside to do this, but I think it is important. I think that aspect should be a part of it.

MR. DOUGLAS GROUT: Mr. Chairman, I agree with your direction on this. I believe the Management and Science Committee in the past has already undertaken at least a framework for this when we were trying to develop the Multispecies VPA Model and using our Multispecies Technical Committee and our Habitat Committee to work with them to try and develop at least a white paper or some direction for us to go in a step-wise process would be very good. Then once they develop that, have that commissioner workshop where we can talk about this with the Management and Science Committee and maybe a few key members from the Habitat and Multispecies would be good.

CHAIRMAN LAPOINTE: Thank you. Other questions or comments? Is there concurrence on that approach?

MR. AUGUSTINE: Mr. Chairman, when would we expect that group to be together, immediately, and when would we have a report or a guideline as to the direction they would want to go? Are we talking as early as February or would you think the May meeting?

CHAIRMAN LAPOINTE: Well, if there is concurrence on the idea, I think Management and Science is meeting today and they are going to report to us tomorrow. I would – and I see at least a couple of members here – task them with giving us some idea about the timeline. Does that make sense to folks? Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Mr. Chairman, I thought I heard from Doug a variation on the theme that came from the Chair. You had indicated you thought Management and Science would be good to pick up on this, and I thought I heard Doug indicate that the Habitat Committee might also play a role.

I'm not sure how he meant that would work, but it does seem to me that would be a key component that could be value added to this process. There is a precedent for that. The Habitat Committee and the MSC have worked together before on cross-cutting issues, so that might be something to think about.

CHAIRMAN LAPOINTE: I guess my thought would be to use the MSC as the focal point and then – and again in stealing the part from Number 3, the working group – they can add whomever they see fit. Obviously within the constraints that Ritch talked about, they can add members from the Habitat Committee, they can talk back and forth, but I'd let them to sort that out. Certainly, my thought wasn't to just say they can just work with Group A and B and not C. Is that a plan? I see heads shaking yes. Any other comments on this? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, one of the thoughts might be from a metaphor – and I'm glad Dr. Fogarty is here for this, but from his presentation, it seems that this has evolved a bit more than it had, say, five years ago. We may now be in an opportunity where there are a number of things that are on the shelf that the Management and Science Committee can say, well, these things we could pull off and maybe incorporate into some of the commission's business and not necessarily have it be a giant research thing as much as it is to say what is the state of the art of these different things and are there applications to help us do a better job than what we're doing here. I don't know if that is realistic, Dr. Fogarty, but that is my take away from what you've told us today.

DR. FOGARTY: I do think, Vince, that would be feasible to think about it in that way. Again, I should say that one of the things that is important for us to be able to come and talk to the commission is to get feedback from you in terms of what you would like to see and what would be most helpful. If it came across as coming down from the mountain with the tablets, I didn't mean it to be that way, but it is meant as a starting point for a dialogue of trying to find out what would best meet the needs of the commission. Then we can go back and tailor things accordingly. I do think there is a lot of information on the shelf that we could help with.

CHAIRMAN LAPOINTE: Thanks again, Mike, for coming. It will be interesting conversations as we move forward, that's for sure. Before I go to the next agenda topic, I wanted to recognize – and I should have done it earlier – we have a number of council members with us. We have the Chair of the New England Council, John Pappalardo; Chair of the Mid-Atlantic Council, Rick Robins; Sally McGee from the New England Council; David Cupka from the South Atlantic Council.

I want to thank you for spending the time with the commission and participating in our meeting. Our next agenda topic is a NEAMAP Update, so Chris can tell us how we're going to fill in the white spots on Mike's chart with nearshore surveys. Chris.

NEAMAP UPDATE

DR. CHRIS BONZEK: Good morning, Mr. Chairman and everyone else. We will fill in as many white spots as we can. Before I start, I wanted to mention that the CD here has three documents on it. It has our most recent report and it has a couple of documents that are the result of the peer review that we went through a year ago and that I'll speak about here briefly.

There are only 30 copies of the CD so I'm not sure there are enough for everyone, but all those documents that are on the CD are also available on the website, which is neamap.net. I'm going to try to be brief and allow you to stay on your agenda tasks. To date we have completed five surveys, starting in the fall of 2007. The survey is designed to fish 150 stations per cruise and we have done that in each of the five cruises.

There are two cruises for 2009. We actually added ten extra stations that are a result of trying to answer a question that came up in the peer review last year. The questions relate to the degree of stratification and whether perhaps we're a little bit overstratified, so we're adding a few stations to try to test a couple of things.

In this most survey that we just completed this past Saturday we actually did 15 stations extra on top of that because we were contracted to help out on the Rhode Island Ocean SAMP Project that is evaluating multiple potential uses of the offshore resources here in Rhode Island, so we were subcontracted to do a little bit more work. We are working with Dr. Jeremy Collie from URI on that work.

Just a reminder of where we are in those little white spaces, we have 17 total regions up and down the coast between the edge of Cape Cod and down to Cape Hatteras. Block Island Sound and Rhode Island Sound, we are substratified by depth and the two depth strata are 60 to 90 feet and 120 feet. Throughout the rest of our range, from Montauk down to Hatteras, our depth strata are 20 to 40 feet and 40 to 60 feet.

I think you probably are aware of that but just as a reminder. And then just in the mouth of Delaware Bay, there is a little bit of deeper water there; and rather than skipping that little bit of water, we thought that it was probably good to include that, so we have been sampling that in the last couple of years. Again, to give you an idea of sort of the distribution of stations that we achieve on a cruise-by-cruise basis, the numbers in the blue blocks represent the total number of stations in each one of the regions.

The little asterisks, those little red stars are regions in which we've added one of those extra stations this year to evaluate one of the questions that came out of the peer review. The little red dots would be stations at which we sampled. The yellow dots would be alternative stations in case we couldn't fish at one of the red stations.

As we move down the coast, you can see the general coverage that we get. Against, it is 150 stations up and down, and in some areas the extent of the survey is fairly broad because that 60-foot contour extends out a good ways from shore and in some areas not quite so many stations as in North Carolina here on the right where the water gets deep quickly, and so our strata are fairly narrow and therefore the number of stations is fairly small.

We, in a number of areas, have been extremely fortunate in the timing of some of the events that occurred as the survey was being developed. One of those was that the design of the net that was going to be fished on the Bigelow was being finalized at just about the time when we were coming along, and it became a pretty obvious choice for us to make to fish virtually the same net.

The reason that I say that we were so fortunate is not only because it saved us the trouble of trying to figure out what we were going to fish, but because this net is designed in such a way that it fishes in an extremely stable manner, which is important from a scientific point of view. You want to make sure that you're doing the same thing time after time after time.

This is a graph that shows the net dimensions and the speed at which we towed over the course of our first four surveys. I don't have the most recent data yet from the survey that we just completed. The two most important lines here are the bottom two; the blue line which is the wingspread and it averages right between 13 and 14 meters, which is right in the design specifications; and the net height which fishes right between 5 and 5-1/2 meters, which again is in the design specifications.

It is an extremely stable, good scientific sampling instrument. That is the take-home point. As an aside, we keep trying to convince people that we need to come up with a name for this net. You know, they had the Yankee for all those years. My partner in crime in the back there, Jim yesterday, on the way up he proposed the Eastern America Survey Trawl, the EAST. What do you think, Frank?

MR. FRANK ALMEIDA: We'll take under consideration as an idea.

DR. BONZEK: Just to give you a quick idea of sort of the level of catch on a cruise-by-cruise basis, the upper table here shows the average biomass in the center and the average number of fish that we captured per tow for each of the four cruises for which our data are complete. The bar graph on the bottom represents the biomass per two from the Fall '08 Survey, which is highlighted above.

In the middle column there where it says "biomass", it is right between 200 and 300 kilograms per two as the average; and from the bar graph you can see that is sort of typical. It is there in the middle ground. You can see that most tows are sort of on the low end, and then we have a very small number of tows to the right of the red line which shows an axis break of extremely large catches.

In terms of number, we're somewhere between about 2,000 and 5 or 6,000 or individual specimens per tow. I would say just anecdotally that our catches in this most recent cruise were probably on the high side

of this list if not a little bit higher than most of them. In terms of the number of species per tow that we catch, somewhere between 12 and 30 covers probably 80 or 90 percent of the tows.

A very small number of tows are small enough to have just a few species, and a small number of tows are up in the 30's and not quite 40 species per tow, so pretty diverse. The net not only fishes consistently tow to tow, but it seems to be catching just about everything that is there. To give you an idea of the species that we see on a tow-by-tow basis, each one of these four graphs here shows the top 12 species by biomass that were captured in each of the four surveys.

In total there is I think about 18 species listed along the bottom because not the same 12 species are the top 12 in each survey. The take-home message again is sort of consistency in terms of the species that are captured, the sort of total biomass that we're capturing. If you study this a little bit, you can see that in the spring surveys we're basically being dominated by the elasmobranches, clearnose skate, little skate, winter skate and the dogfishes.

In the fall surveys it tends to be more the sciaenids, the croakers, spot, weakfish and then butterfish and scup. I find it really interesting that if you compare the number here, the 24,000 in fall of '07 is nearly identical to the 23,000 in fall of '08 for all the teleost fishes and in the spring of '08 about 6,000, in the spring of '09 about 6,000, amazingly consistent. It will be interesting, of course, always to see what the next data point is.

As I mentioned, we went through a pretty thorough peer review just about exactly a year ago right now. It was conducted in December, and the final report came out in January of this year. I would say overall that there was no letter grade, per se. Frank, you can either back me up or not, I would say we probably were somewhere between an A and A minus, so I think we did pretty well.

There were about 32 or so recommendations that the three-member review panel came up for making improvements to what we're doing. In terms of implementing those, about 14 or so have been fully implemented. Some are very minor; some of them are a little bit more major. Seven are partially implemented or we're in the process of doing so. Six we have yet to begin, but we intend to do so. Four of them we are not likely implement because they're either not practical or we just sort of don't think that it is direction that we should go, and one, which is funding, is sort of out of our control.

I should mention as well as that Jim and I will be giving an hour-long presentation at the MSC and NEAMAP Board meeting later today. It is a longer version of this same presentation; so if you want to see more, come by the MSC meeting later today. One of the programs that NEAMAP tried to implement, not just in terms of the survey but the program overall, is personnel exchanges among the state surveys and with the federal survey as well.

We have been very happy to continue our participation in that. This past April Jim Gartland, again in the back, spent one leg on board the Bigelow on the spring survey, so he was there for 11 days. In July of this year we were very fortunate to be able to send three of our survey techs out to work on the Alaska Survey for about three weeks in July. They both enjoyed themselves and had a tremendous learning experience. In this most recent cruise Dr. Russ Brown from the Center was able to spend a couple of days on our boat, and we were very happy to have him there.

We have tried to do as much outreach for the program as is possible. Again, we think the best way to secure long-term funding is to get the word out that hopefully we're doing good work. The NEAMAP Website is maintained by the commission, and we've just been talking to them recently about ways to make that a little bit better.

We think that over the course of the next year or so we'll probably have a lot more specific data available on the website now that we're starting to get a little bit of a data string and enough data that it makes sense actually to present some of that up there. We have brochures that we have developed. I guess they've been popular enough that I wasn't actually able to find any to bring along and pass those out.

A number of you have been on these demonstration tows along with us that we do in three or four locations on just about every cruise. Generally we conduct them out of Point Judith, out of Montauk, out of Cape May and out of Hampton. They have been I think by far our best outreach effort. We get fishermen, we get press, we get political people, we get managers such as yourselves and fellow scientists and get out there.

It has been especially I think helpful for the fishermen to get out and see both that the gear is being fished properly, what they call properly, and

that it is catching what they think it should be catching in order to collect the right kinds of data and to see the process of working up fish so that they have confidence in the survey. I think that has been really important.

Getting the press out there is important though sometimes that is a little bit frustrating when they don't quite get the story right, but that is a different story. To date we have had about 200 individuals come out with us, and we will be continuing those efforts. I want to show you just a little bit of the data that we collect since we are getting almost to the point where we have enough to make the data meaningful.

I have three species here prepared for this presentation. I don't necessarily have to do all three. For the other presentation that we'll be doing later in day, we've got quite a few more species. Again, on the CD or on the website the whole list of species for which we have enough data to present anything is either on the CD in our report or on the website in our report.

In terms of sort of station-by-station abundance is I selected just the spring and fall surveys from 2008. For scup, for example, you can see it is extremely widespread in the spring surveys, a little bit less so in the fall though still quite abundant. I'm not going to go for this brief presentation through the process of developing these indices of abundance. I will just say that what is presented here are preliminary abundance indices because the methodology still needs to be fine tuned considerably.

I think some of the mathematics is probably fairly well set, but the selection of stations that will be used for any particular species is still in process. We just don't have enough data yet to solidify the final abundance here. You can see that the confidence limits are fairly tight in most instances here, which is a good sign.

I would say that the trend when you connect two points together obviously doesn't mean very much. Once we get three or four or five points together, then hopefully our data will start to be a little bit more meaningful. For scup and for quite a few species, the gear collects a really broad spectrum of the stock.

You can see that for this particular species we almost always get that pulse of fish that are presumably the young of the year, but we catch fish almost up to the 40 centimeter range and so we're getting a pretty broad spectrum of the size distribution for this species.

CHAIRMAN LAPOINTE: Chris, I'm mindful of time. We're running behind, so if you can go to your punch line, I would appreciate it.

DR. BONZEK: No problem. The uses to which this data has been put so far, we've contributed data to the assessments that you see on the screen. Again, we're working with Dr. Collie here at URI. We've been collecting samples for any number of people, and I will stop there.

CHAIRMAN LAPOINTE: Thank you. Questions for Chris? Tom Fote.

MR. FOTE: This is not really a question for Chris. When are we going to discuss the funding and how do we do that; is that some place later on in the agenda? I did not see that.

CHAIRMAN LAPOINTE: I think Pat Campfield is going to do that.

OVERVIEW OF THE FUNDING HISTORY OF THE NEAMAP SURVEY

MR. PATRICK A. CAMPFIELD: To provide a brief overview for the Policy Board of the funding history for the NEAMAP Survey, the first pilot survey was in 2006 through ACFCMA Plus-Up Funds. It continued using those sources in 2007 and into 2008 with the addition of funds from the Northeast Center. In 2008 there was a shift towards funds from the Mid-Atlantic RSA Program, and that has continued to be the primary source of support in 2009 and also anticipated for 2010.

Then, finally, I want to note that the survey is already feeding information in stock assessments; and as Chris just alluded to, in the next couple of years we will have an early time series that will make it even more useful for stock assessments. It has become a proven, highly valuable survey in need of long-term funding, but we don't any set for 2011 and beyond.

I believe there are a couple of points where the commission has put in a request for a line item to NOAA; and just to give you a workable number, the annual funds required for this survey are roughly a million dollars. Thank you.

MR. FOTE: Mr. Chairman, this has been troubling me for the last couple of years. The research set-aside program was done specifically to allow commercial and recreational fishermen to find

funding with the universities to do projects specifically to basically help them for their needs. NEAMAP is an important project and needs to be funded, but it shouldn't coming out of research set-asides because it has turned a lot of the individuals that have seen their quotas cut to basically fund this program.

What I mean by that is this was the responsibility of the National Marine Fisheries Service. They were supposed to be doing this. When they switched to a larger boat, they can't go into shallow water so they basically put it on the hands of the states to basically supply that. NMFS should be funding this program and it should be coming out of regular funds and funded. What I'm seeing from my fishermen is less and less for the research set-aside because the projects that they want to do for gear modifications and things like that are not being funded.

There are no other sources for them to get money, and that's why we did the program in the beginning. I have serious concerns. As I said at an earlier meeting, I will not vote research set-asides as long as we continue to do this because I think it sends the wrong message to the commercial fishermen and the recreational fishermen.

CHAIRMAN LAPOINTE: Thank you, Tom. Other questions or comments? I assume that we will continue to seek funding for NEAMAP. I'm putting my Maine commissioner hat on. There is this little bit of ground north of Montauk and part of it is covered by the Maine Inshore Trawl Survey. When we started the emphasis on trying to get funding for NEAMAP, it was with the recognition that in fact we didn't want to it take away from the inshore trawl survey in the Gulf of Maine. Frank.

MR. ALMEIDA: One thing we have to remember is that the genesis of NEAMAP on this inshore survey was begun prior to the receipt of the Bigelow. There is some overlap and there is some correlation, but the NEAMAP Survey was not designed and developed to replace the inshore survey. It is great that it is doing that.

I'm not disagreeing with you that there should be some funding from NMFS and we're working to do that. I also want to make a statement about the Maine/New Hampshire Survey. The Maine/New Hampshire Survey, the peer review was completed on that survey I think a year or two before. The idea of doing the peer review on the NEAMAP Survey was to have a series of surveys from the Canadian Coast to North Carolina that were peer reviewed so that we could, in fact, go forward and find funding for the entire coast. NEAMAP, in my view, would become a term for a coast-wide survey and not just the southern portion. Thank you.

MR. FOTE: The real serious problem here is that we have such small quotas on a lot of these species; that when we take out the research set-aside, it is economically disastrous for some of the fisheries. It means more days in the recreational sector and more pounds in the commercial sector. As we keep reducing these quotas and we go over what the quotas are, that 3 percent could be helping not to go over those quotas on a certain species like sea bass, scup and summer flounder. That's my concern. Again, they were designed to basically do specific species for research.

CHAIRMAN LAPOINTE: Thank you. Other discussion on NEAMAP? Thanks for coming and giving us the update, and I look forward to future updates on NEAMAP as well. Our next agenda topic is an update on the NMFS Strategic Planning and Budget Process. Paul Doremus is going to give this.

NMFS STRATEGIC PLANNING AND BUDGET PROCESS UPDATE

MR. STEVE MEYERS: Mr. Chairman, if I could just reduce Dr. Doremus, please, very quickly. Dr. Doremus is joining us today. He is Director of Strategic Planning for all of NOAA, not just fisheries. At the recent state directors meeting, there was interest on how NOAA Fisheries developed funding plans and to address shared problems. Dr. Doremus is here today to begin a dialogue on how we can begin to jointly discuss how we can address these shared problems.

DR. PAUL N. DOREMUS: Thanks for the introduction. It's a pleasure to have an opportunity to meet with members of the commission today and invited guests and fundamentally extend an invitation to you. Some of you may have gotten one in various forms along the line already, but to contribute directly to NOAA's efforts to really outline its future.

I think we fundamentally have shared goals. That's a point I will conclude with. This is an opportunity I think for us to really characterize not just where the agency is going as a whole, but really what some of the driving needs are that are framing our mission and how we can best deploy our capabilities over time.

I have only a handful of slides and I can be quite brief in this presentation and really wanted to split my time between a short explanation of where we are and why we're pursuing a next generation plan and how you can contribute to it and use the balance of my time for any questions that you may have to, as Steve put it, open the dialogue.

As a starting point, I just want to emphasize that we fundamentally view NOAA and NOAA as a whole, its mission, as enduring. We are looking at the direction and deployment of our capabilities and not so much trying to remap or reconfigure what the organization fundamentally is. The administration has been committed from a long-term basis, anyway, to periodically reassess what kind of forces and factors are shaping the organization's future, the demand for what we are able to provide in the future, a composition of demand over time as well as our capabilities to respond.

We are proceeding under that direction and with the knowledge – when you think about our mission fundamentally has these three components, you will hear this and have probably seen this reinforced in many of the briefing documents, presentation that you have seen from NOAA leadership and from elsewhere in the organization of our core mission having fundamentally three components of science, service and stewardship.

These are components that have been very heavily reinforced in a lot of our current leadership discussions. Dr. Lubchenco in particular is quite committed to trying to strengthen NOAA science. This is not just our central research unit, Oceanic and Atmospheric Research Unit, but the science that forms our mission in each of our fundamental business lines, including but certainly not limited to the National Marine Fisheries Service.

Likewise, on the service side we have a very wide portfolio of environmental information services ranging from our core weather forecasting mission, through climate prediction and assessment activities in a variety of different ways on ocean and coastal fronts that we assess and describe, characterize and try to ultimately get to forecasting ecosystem conditions.

Then fundamentally, too, is that piece of our – as it is characterized in our mission statement, conserve and manage coastal and marine resources is that piece that we broadly call stewardship, of restoring and managing oceans and coasts to be healthy, productive and resilient. Whatever the formulation, that's the fundamental mission I think that we share.

In the end you will see many of our strategies develop in a way and get characterized in a way that allows NOAA to recognize that most of what we do in each of these domains really can't be done without extended partnership communities and not just at the federal level but all the way through to the local level. Even in our core weather forecasting business, ultimately we can't meet our mission objectives of saving lives and property without extraordinarily close partnerships with the emergency response community at the state and local level.

That type of relationship conveys across our mission, and I think in this area of ocean or coastal resource management, broadly construed, the nature of that partnership I believe is strong and needs to be I think more thoroughly leveraged in the future for a variety of reasons that I've seen in the context of this brief discussion here this morning come to the fore.

That core notion of a shared responsibility is really why I'm here today to try to describe how we're looking forward and how we're characterizing our long-term goals and the objectives that go along with those and how you can contribute to them. This is just a slide on the next generation strategic plan of why we're calling it the next generation and why we're doing it now and then where we currently are in the process.

We're developing this plan and kind of self-consciously calling the next generation strategic plan not just because we have a generation of leadership in the organization. That is pretty evident and we typically are asked to sort of step back and recharacterize our direction when we have large changeovers in leadership, but also fundamentally because of the long-term trends and challenges that we're facing.

Mike's discussion earlier this morning from an ecosystem system point of view was pointing out some of those types of condition assessments, and I think, broadly construed, not just because of climate drivers but because of many other fundamental changes in our environmental conditions and our social and demographic conditions.

We need to cast our mission in long-term terms and try to frame, both advise and frame the administration's goals and their relatively short tenure from that vantage point. That's an element that makes that next generation and that's an element

of the questioning and the engagement that we stepped out on with this planning process with our stakeholders.

Point 2 here is to really to ground our assessment of needs and direction in our broader stakeholder community and do that in a very serious and responsive way. That third bullet really is axiomatic to me as a strategic planning guy. It is not about characterizing purpose, devising a document and farming it around and trying to build support for the organization. It is about framing our investment decisions.

This core purpose of planning has been very strongly reinforced by Dr. Lubchenco, and she is quite committed to seeing the strategic priorities that are characterized in this process, that we've started to characterize already in the form of our annual guidance memorandum, to see them into our investment priorities, and I'll explain what that timeline looks like for doing that in a second.

Also what goes along with setting direction and setting investment priorities is the accountability for results, and that is what this plan is fundamentally going to do as well. It is very deeply rooted in the executing organization and the authority and accountability for executing on of these goals will be quite clear. We have bureaucratic requirements, too, this thing called the Government Performance and Results Act, and that is a condition that we need to pay attention to. Those first four bullets are fundamentally why we're doing this.

Really, with that second bullet in mind, this understanding that our mission is very heavily driven by – our mission capabilities ultimately are driven by strategic partnerships. The complexity of our mission and the degree of commitment that we need from a variety of different people and organizations outside of NOAA is why we have been going around the country in recent months consulting with the stakeholders to try to get an understanding from different communities and different parts of the country what they're concerned about, where they think the trend in need is and what they think NOAA should be doing about it.

That is kind of where we are right now is assimilating some of that content. We have held something on the order of just over 20 direct stakeholder consultations in eight regions that we're using for this purpose. We have small regional teams. These are collaborative networks in each of these regions that fundamentally have two purposes.

They are charged with characterizing regional scale, needs and priorities and developing collaborative solutions where needed and where most appropriate. We have been asking these three basic questions about driving trends, challenges and opportunities that we'll collectively face as a result and what NOAA should do about it in those four.

We've also charged these teams to characterize those needs not just from the vantage point of what they heard through these consultations but to take those consultations in the context of what they know and what is readily available from other assessments that have taken place on a regional scale.

They're involved in synthesizing needs' assessments, directly talking with our stakeholders on a regional basis, and then providing that view to headquarters for assimilation. That is one channel. We also used an online survey. Many of you may have seen or participated directly in this. It included both staff from across NOAA, all of our line officers there in the green bars.

Then in diverse communities we tried to advertise this as loudly as we could or as broadly as we could so people had an opportunity virtually to weigh in as well. Right now we're in the process of assimilating the results from these direct consultations, from the online survey, from our own assessments.

I'm just going to present here a couple of very high-level views of the types of content we're getting out of the process and then where we're going with it and what additional interactions you could expect to see in the near future. From the vantage point of a regional stakeholder, one of the biggest messages we've been getting, the first thing and often the second thing and very often the third thing that people are talking about relates to climate.

Climate is a major driver for a lot of management considerations at multiple levels. You talk to anybody in the ocean or coastal resource management arena, water management, infrastructure planning, habitat restoration, species protection, any of those domains and many others, one of the top level concerns and a concern that we're very closely associated with is understanding long-term trends and how they're being modified by change in climate conditions.

That has just been an overarching concern and we're getting that expressed both at regional and on a national scale. At the same time we're getting a very

strong message in a sense of continuity and improved effectiveness in NOAA's core mission. In the most simplest sense a lot of what I've been hearing is people telling us you're doing kind of the right things, but you can improve how you do it and make sure you stay on path.

That message isn't really lost on us at all. Our look at strategic planning isn't about what can we do new. It is about how we can do our core missions more effectively. That message is coming through pretty loudly here. I also wanted to add in many, many concerns about changing conditions and the kinds of resource management challenges that they're creating are driven by things that are non-climate in nature.

The most obvious one is relating to population density and the types of changes in resource use patterns we're seeing as a result. Again, a high degree of reliance on the science, the data that we can use for improved management at multiple levels is really coming out of that, so part of the demand is for a highly integrated look at condition assessments, how those are evolving and what kind of effect that might have on management choices.

Again, some of the discussions earlier today really fall squarely in that kind of domain. The last area that has actually surprised me in how loud this signal is from stakeholder communities is how closely they associate NOAA's role with this broad area of improving society's understanding of ecosystem dynamics, of environment conditions and how people in communities both depend on them and shape those phenomena over time.

Broadly categorized here is environmental literacy, but a lot of people think that there are huge strides that NOAA as a whole needs to make in this domain. We didn't ask – we went out with three questions. We asked about trends, we asked about challenges and we asked about what do you think should do, but we didn't ask really directly about how do you think NOAA should work, but we heard a lot about it.

We heard a lot about it in our regional sessions and we got open-ended questions in our survey that centered on this very heavily and a big focus here on improving how we use partnerships and collaboration capabilities; not just technologies but also just human collaboration at multiple scales and to pay particular attention to emerging regional governance mechanisms and how they are opening up opportunities for regional-scale articulation of needs from NOAA and other federal agencies and to be better dialed in at a regional scale in our response strategies.

A lot of emphasis, too, somewhat reflecting the continuity observation earlier, a lot of emphasis on data integration, on synthesizing input from multiple channels, a lot of frustration, continued frustration with NOAA where we provide considerably – you know, very helpful science, very helpful data series, but very often difficult to integrate across different sources.

Likewise, we did hear surprisingly loud signals about using non-traditional modes of information to understand science patterns that we're seeing over time. That came out very loudly in some regions, particularly in Alaska where you've seen just phenomenal changes in ecosystem conditions and the sense there that a lot of capacity exists within those local communities to really understand the benchmarks better than our current research allows us to do.

That's a fairly significant signal as well. Many folks really offered ideas for how NOAA could better characterize its overarching mission and vision for the future at the same time; something that obviously is close to this whole effort as whole, and we saw considerable reinforcement of the need to do that. Some degree of regional variation, but these are the common messages that cut across all of them, and they were largely reinforced by the online input, heavy focus on climate, heavy focus on ecosystem resilience and productivity over time.

There are a lot of dimensions to each of these but these are the board categories; also a lot of focus on this broad challenge of societal understanding in a way that improves behaviors and overall resource management capabilities over time; and similar sorts of reinforcement of the broad pattern of observations I was making about how NOAA works.

We're currently assimilating hundreds of survey responses, hundreds of different sources of input. We're putting our synthesis of this content available on the web for people to comment on, did we get the characterization right, and for them to see what some of our basis for making judgments is rooted in.

What we're going to be doing in the next several weeks, and in fact on Friday I'll be leading a day-long effort to try to synthesize this information into a top-level statement of NOAA's revised statement of NOAA's long-term goals and the types of objectives that will go along with that; very much in the type of

architecture that you heard earlier from Mike Fogarty; outcome-oriented, sort of expansive – I think the terminology that he used was aspirational goals and then understanding what they really contain at a specific objective level.

We're going to be holding a National Stakeholder Forum. Announcements recently came out about this. I hope all of you got it. It was intended to reach you. This is a peak-level consultation that we're having, sort of the culmination of the series of regional engagements at a national level to basically report back out what we heard on trends, opportunities, what NOAA should do and start having a very focused discussion about what the next five years should really dial in.

We'll be drafting the plan using that input and the sources that I mentioned earlier and putting that back out for public response to this community and to other communities in the early part of the year. All this is driven by a timeframe that will shape and inform deep into the future our FY 2012 Budget, but as many of you know we are formulating our budget for the Department of Commerce to consider in the early spring, and that gets submitted in the summer.

It is a long pathway to actually landing resources. It is a very tortured pathway, but the starting point for us is to really understand the composition of needs, what our priorities are, what kind of assets we have not just at NOAA but in our broader community to tackle these challenges. That is what we're keep hammering the system on. Framing our investment priorities for 2012 is really what is driving this; not just 2012 but out over time.

Our overall approach is driven by this I think philosophy that NOAA is getting better at actually living up to. It is a commitment that is being heavily reinforced by our new administrator, that we're focused on benefits to society, we're focused on being responsive and adaptive to the demands that our stakeholders have on us; and to do that in a transparent and in an inclusive way and it has accountability built in.

Those are messages that I think are quite reinforcing the central concept of this next generation plan and how we're going about doing it; and ultimately focusing on needs that are regional and local in nature; and do that in a way that is deeply rooted in our partner communities, including – as Jane has frequently trying to do, including our regulated communities in that process. I see the commission as fundamentally – there are different sort of classes of partners.

I see the commission as among a set of strategic partners that NOAA has, and in my definition that's where we have fundamentally shared interests in ultimately achieving the same type of goal; and in an overarching sense that type of aspirational goal of improving the sustainability over time and our ability to extract benefits from our ocean and coastal ecosystems. That's fundamentally why I'm here today.

I hope a measure of success for me of our strategic planning effort is that the types of goals we commit to are fundamentally shared goals. We see these as a collective future that we're trying to achieve and ways that we can help each other are ultimately ways that are going to help us advance that mission in the most fundamental sense. Again, I want to thank the Chair and the commission as a whole for the opportunity to kind of reinforce our intent here and would welcome any questions about how we're proceeding in this effort.

CHAIRMAN LAPOINTE: Thanks, Paul. I'm going to lead off and then I'll ask for people's hands. You've got the meeting on the 2nd of December. For those people who have been engaged and want to remain engaged or haven't been and want to, what are the critical points for providing comment?

DR. DOREMUS: Thanks for bringing that up. I had neglected to mention this forum is being held in Washington on the 2nd. It is very helpful to have actual direct engagements and discussions across different constituencies. I think that is going to be very helpful to us, but it is certainly not the only opportunity to engage. We will be putting out the information that we'll be providing at that forum virtually, and we'll have a comment period.

We haven't defined the actual scope, but it will be around the 2nd and for a couple of weeks after you will be able to see the things that we put out. We're going to try to real-time populate that web resource with the outcomes from the session itself and allow people to provide their views as well.

We're trying to get a sense of prioritized objectives out of this engagement, so there will be a virtual way to participate as well through a web mechanism. Then you will also be able to comment on the actual plan that results from this in the January/February timeframe. There are sort of two stages of engagement, if you will.

DR. LOUIS DANIEL: I have several comments. If you can make the partnership less than one way, I think you will have accomplished a lot. A lot of our interactions with NMFS at this point, at least in the state of North Carolina, tend to be one way. Nothing in your description did I hear anything about improving the data quality.

We're making some devastating decisions on local communities on this coast based on inadequate, non-representative, unsound data, and it is even acknowledged as such, but yet we're closing fisheries down. You all back off of on the Magnuson Act and basically say, "Well, our hands are tied." Instead of trying to achieve good quality, first-order assessments, now we're going to go to ecosystems' management where we know even less.

If you want to improve things, improve the data that we have to make our decisions on, so that we're not shutting down entire coastal areas to fishing when we have no absolutely no idea of what we're voting on. I think that is a critical, critical need. You may have heard the discussion about NEAMAP, a million bucks for critical, critical data sources, but yet we're going to spend how many millions of dollars developing ecosystem-based management approaches based on unsound science.

Review some of the minutes from some of our Shark Board meetings where we dealt with highly migratory species, and we're supposed to be partners in that process. It really doesn't come across that way. On the flip side we deal with the protected resources folks and the MRIP folks and it is a real partnership.

They work with us; they try to help us out. But you really need to soul search and look at the agency and where these cooperative ventures are and what really has NMFS ever given up, where is there ever any compromise from their side compared to what we have to compromise on all the time? I think that needs to be a focus and direction of the strategic plan and really show true partnership, equal partnerships.

DR. DOREMUS: I very much appreciate the comment, and that is indeed the very type of input that we're trying to get. We have certainly heard not just in the area that you're talking about – it is very significant there – but in other aspects of our mission as well is why I put up this continuity and effectiveness and environmental observations, data monitoring, et cetera. That massage is being reinforced through a number of different communities, and I very much appreciate your bringing it forward here.

MR. FOTE: I guess mine is going to be a followup on Louis. You know, climate change is important. New Jersey has been out in front on climate change, but, again, in order to do stock assessment work and in order to basically get the basic knowledge we need to manage fisheries from the 14 states along the coast here, we need to spend the money to do that.

I'm always envious of the west coast. If you look at the economic value, if you look at the number of recreational anglers and commercial fishermen on the east coast compared to the rest of the coast and you look at the money that is being spent on the west coast compared to the east coast, it is amazing in my estimation, especially when you look at the number of recreational anglers.

I mean, we can't even get one person in the northeast to reach out to the recreational community with probably about – between Maine and Virginia probably about 9 million recreational anglers, but you do have one for Hawaii. I guess that is our fault because we didn't lobby good enough to get those people that are there. I just don't want to see money diverted; money needs to be added. I mean, I've seen that happen over the years.

The buzz word of the minute is climate change, and I know it is extremely important, but then the money gets siphoned off into other areas and it doesn't do the stock assessment because that's the priority at the particular moment and the other consequences are suffered there. I have been reaching out and a number of us have, a lot of the boards we sit on and the Marine Conservation Network and commercial fishermen and recreational fishermen and the American Sportfishing Association, to look at a stable source of funding and do the proper – and the figures being thrown around are somewhere between and 40 and $80 million.

When you look at the overall stimulus package, health care and everything else and you look at the federal budget, it is small potatoes compared to a lot of those issues, but it affects tens of millions of lives around the coast that basically spend – use the resources of the coast. It is not just fishing and swimming and crabbing and everything else that goes along with it.

I have jury duty that week and it will be interesting – I don't know if anybody wants me to sit on their jury, but if not, I hope to be there on December 2nd to

basically talk, and I hope that's one of the places we can talk further on this.

DR. DOREMUS: Thank you, I'll look forward to that.

MR. PAUL DIODATI: I'm glad to hear that NOAA is conducting this work to do a new strategic plan, and I appreciate the update today. I can see that you've been meeting with stakeholders and surveying them as well, but I'm not sure who they are. I think that is critical to developing a plan that really does address the trends, challenges and needs of the nation.

I think that fisheries agencies around the country and other state natural resource and environmental agencies know a lot about trends, challenges and needs. Although you did provide comment to George about how to provide input, I honestly didn't understand a word of that and I still don't know how to do that.

I would recommend very strongly to have a good strategic plan you might want to reach out directly to state agencies and to this commission and have a direct invitation by members around this table to sit down very much like you did with other stakeholders around the country. That is what I would recommend because I'm not going to go to any website on any date and conduct a survey or anything like that, to be honest with you. I think we have a lot of input that we can help provide you and make your report that much better. Thank you.

DR. DOREMUS: Thanks. I'll certainly follow up with you on that suggestion. I think it's a very good one. In my effort to sort of signal a strong note of openness in this whole process, I didn't really emphasize one extremely important challenge that is really rooted in our – our whole approach is rooted in, and that's actually through our functioning line offices.

I mean, I fundamentally look at the National Marine Fisheries Service and their collaboration with this commission and the councils and others to be articulating these types of views of where we need to go and where the challenges are. There is really in a sense a structured avenue for that type of input from within the organization as well as through these stakeholder engagement efforts that we're doing broadly. Your notion of a direct consultation I think is a very good one and I'll follow up and see how we might be able to arrange that.

MR. GROUT: I believe we are partners here in fisheries management. We hold similar visions in our activities here. I believe this was recognized in the past via the development of the ACA Act and in the development of many joint plans. In some cases the commission took over lead responsibility for management like with lobsters, which originally the councils had a lead on.

One of the things that I've noticed recently – well, let me put it this way. We also can provide a lot of things for NOAA. In particular the states have this on-the-ground local knowledge and source of employees and staff that do collect information that is used by NOAA and used by ASMFC.

We do this with port sampling, our sea sampling, with initiating inshore trawl surveys that were in place even before NEAMAP came on, so there is information that we're providing along the way here. The thing that has happened in recent years is many of the federal funds that we get come through NOAA, such as ACA, but we've seen declines in the amount of funds that we've been receiving because we've had declines in our ACA funding over the past two or three years, and the Anadromous Fish Act has been zeroed out right now.

Now we're being asked to be this partner with less help. I guess my main question here is, is there a way and how would we do it to engage NOAA as you are developing your funding requests for future budgets, to try and emphasize the partnership we have here, the shared visions, and give you an idea of the resources that we would need to help implement this shared vision? Clearly, we're going down right now at least from my personal perspective in the resources we need for this rather than going up. I'll leave it at that with my one question; how do we engage in this process?

DR. DOREMUS: In my view there are three methods for doing that. One is through this type of effort we're trying. This is NOAA-wide in nature, so we're looking at requirements in this area of NOAA's mission along with the full set of mission responsibilities that NOAA has. At the broadest level this is the mechanism that NOAA has for characterizing what that full requirement set is and where the gaps are; getting the information that is a fundamental element of what we call the business case, which characterizes the nature of the mission responsibility, the degree to which we're currently able to fully satisfy it and what magnitude of the gap is.

That data, that information is fundamentally planning data and information, and this is useful both at the NOAA level but also fundamentally at the fisheries level. The structure of NOAA's funding is by line office. So, making sure both in NOAA-wide plans but also in line office budget considerations that we have the right data, understand the gaps, and we start working creatively on different ways that we might be able to solve those gaps or address the gaps I think are two of the most fundamental channels.

The third one is we ask routinely for resources that are fundamental to NOAA's mission that then get put into the even broader pool of first departmental then federal budgetary considerations ultimately mediated by congress. We don't ultimately control those outcomes as you well know.

The third avenue is clearly everyone's individual and collective citizenship responsibility to articulate society's needs through those other channels that are outside NOAA and ultimately bear on the arbitration of competing needs that takes place on the Hill and the budget considerations that takes place there. That's a capability – that third level is something that you can do and we can't do, and it is very important and I think will become increasingly so as we deal with evolving and in our area expanding needs and undoubtedly increasingly constrained resources to be able to address them.

CHAIRMAN LAPOINTE: Other comments or questions for Paul? Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: I just wanted to offer another perspective on ecosystem-based management that I trust most of us here share even as we have concerns about the conduct of current fishery management, and that is that ecosystem-based management is really essential to our ability to maintain productive fisheries in the long term.

I think a strong case can be made that a lot of the problems we have now are a result of single-species management that has not been able to take into account some of the multispecies and ecosystem connections that are essential to maintaining those stocks. I point to certain trophic considerations in particular. I would encourage you, notwithstanding the need to upgrade our ability currently to manage fisheries under existing regimes, to continue to develop ecosystem-based management approaches for the longer term.

CHAIRMAN LAPOINTE: Are you going to be around a little bit today?

DR. DOREMUS: Yes.

CHAIRMAN LAPOINTE: Good, I'm going to have you pick him up on the break because we're behind. I'm trying to catch up on the schedule, so I'm going to jump to the next agenda topic. Peyton Robertson is going to give a presentation on the Chesapeake Bay Executive Order.

PRESENTATION ON THE CHESAPEAKE BAY EXECUTIVE ORDER

MR. PEYTON ROBERTSON: Thank you, Mr. Chair. It is a real privilege for me to be here today in Newport, Rhode Island. Actually, as I said to some last night at Rosecliff, I went to junior and senior high school in Newport, so it's great to be back. As my fisheries' start, I had a chance to work on a lobster boat one summer out of Newport with a guy that was pulling trawls out here in Narragansett Bay, so I really appreciate the work that you all are doing.

I'm going to talk about the Chesapeake Bay. I hope besides the right side of the table over here and the members that are interested particularly in the Chesapeake Bay, that for the rest of you this will be of some interest as a sub-regional example of some things that are happening and really being directed, if you will, from the top of the Executive Branch; that is that the President issued an executive order on May 15th of this year.

It set up a number of deadlines and actions and I'm going to tell you a little about that. I'll also preview for you so you know. I think this is always helpful. I've got ten slides. I'm going to try to cover three things. I'm going to give you a little background of this executive order. I'm going to talk a little bit about some specifics of it with respect to fisheries' interests. Then I want to turn to a third piece which is really what are the implications for the Atlantic State Marine Fisheries Commission and how we should work together.

First of all, a little background – this executive order established a Federal Leadership Committee. For those of you who are not experts on logos, the Chair of this Federal Leadership Committee is the Environmental Protection Agency. NOAA is representing the Department of Commerce. The Department of Interior has three of its bureaus; the Fish and Wildlife Service, U.S. Geological Survey and the National Parks Service; U.S. Department of Agriculture; Department of Defense; Department of Transportation; and Office of Homeland Security.

Section 202 of the order has set up a requirement that there be seven reports developed – and I'll talk a little bit about those – and that from those reports there would be an overarching, integrated strategy for how to execute on the Chesapeake Bay Protection and Restoration Order. Like the commenter earlier, I'm not a big fan of going to websites and trying to find things.

I've put up a web link for where you can get more information on the executive order but happy to provide, once this strategy is published, the PDF of that and get that around to you. I think it will be really important to hear commentary back from you. Again, the initial reports were made available in early September. The draft strategy is due out next Monday, so this is very timely for us.

I'm crashing with many other federal colleagues in trying to get this done. A key aspect in Section 204 of the order is that there be consultation and coordination with state and local partners. This meeting is one example of that, but we have worked with some of the commissioners represented here on their interests in the Chesapeake Bay, and I'll tell you what they had to say.

Again, just a little more background; for the titles of the seven reports, there are reports on water quality; targeting resources, particularly targeting agricultural investments in watersheds that need to have practices implemented that reduce runoff from agricultural sources; a report on storm water, and particularly storm water from federal facilities; a theme that has already come up here a lot today, climate change; public access and conservation, particularly land conservation; monitoring and decision support; and habitat and living resources.

As you can see, as denoted in the blue there, NOAA was a co-lead in writing three of these reports. We were co-lead with U.S. Geological Survey on climate; also with USGS on monitoring and decision support; and with the U.S. Fish and Wildlife Service on habitat and living resources.

I thought thank God I had to put some images in here and pictures besides the words. Hopefully, this evokes the Chesapeake Bay setting where habitat is represented by wetlands and the fringe areas of the Bay as well as the opportunity to get out and fish are two of the things that we think are particularly important; so protect, restore and sustain fish and wildlife is one of the emerging themes that will ultimately be in this strategy.

Some of the other ones, just to be fair to the broader sort of breadth of this strategy, are reducing pollution and restoring water quality. For anyone who has followed the Chesapeake Bay Story, that has been the elusive challenge is trying to actually reduce non-point source pollution and point-source discharges to achieve water quality standards under the Clean Water Act, so that is a major focus of this effort lead by EPA.

The Chesapeake farms and forests for the 21st Century is to basically move agriculture towards better managing itself as a land use but also ensuring that we protect and preserve farmland, a national issue – treasured landscapes, looking at some of the very special places that still remain in Chesapeake Bay and trying to protect those through acquisition or further protection.

Jumping past the restore and sustain fish and wildlife tools and science; the Chesapeake Bay Program has been underpinned by science for many years, but as the discussions have borne out here on NEAMAP and other efforts, there is a continuing need to ensure we have adequate information to base decisions on, particularly significant decisions. Trying to involve communities in adapting to climate change – another theme mentioned here – the federal government, if it is going to get anything done, has to do it itself; and, finally, that we have to be good examples ensuring that we have livable communities and are moving towards a more sustainable footprint on the land.

I'm going to shift now to the substance that I think is of most interest to you. First of all, as I said, there was a report issued under Section 202G of the order particularly on habitat living resources. We put that out as a draft. There are a lot of words on this slide, but I'll just say the one that grabbed everyone's attention was considering establishment of a new interjurisdictional baywide regulatory body to implement regulations and strategies to ensure sustainable fisheries in Chesapeake Bay.

Maybe some of the members here, again, recognize these comments from Virginia, Jack, we heard we're concerned with the proposal to create a new interjurisdictional baywide regulatory body to implement regulations to restore bay fisheries much along the lines of the ASMFC. Maryland joined suit and said rather than support the creational of a new interjurisdictional regulatory body, Maryland would advocate for a leadership role for NOAA in gathering, interpreting and interjecting needed science in solving important system challenges.

We are going to publish a revised report. Again, the reports are different from the strategies so if we're confusing you, but the current language in that revised draft says strengthen interjurisdictional fishery management by energizing discussion and coordination with the current management structure – that means this organization – and establishing something called the Fisheries Goal Implementation Team, of which the current design of that is that I'm the Chair for NOAA of the Goal Implementation Team. Tom O'Connell from Maryland is the vice-chair.

I'll talk a little bit about how we envision that possibly working. Let me shift to the strategy. This strategy, as I said, we intend to publish next Monday, but the theme on protect, restore and sustain fish and wildlife, I just highlighted a couple of key words here that I hope will resonate with you in terms of the direction we're going; that we really need priority areas identified for our landscape and watershed restoration; that we've been doing a lot of restoration work in a fairly scattered way and we really need to focus that on some priority areas.

Some of the ongoing programs like fish passage and removing obstructions to fish migration, wetlands restoration, living shorelines and the like are things that we absolutely need to continue to do to restore habitat. Oyster restoration in the Chesapeake Bay; oyster populations are at an all-time low. We really think we need to enhance ecological restoration of oysters and try to target that effort to get self-sustaining populations back in some of the sub-estuaries of the Bay.

The larger challenge is ecosystem and socio-economic assessments that really drive ecosystem-based management. I think we were talking about this last night. There is ongoing concern about contaminants. This means things like pharmaceuticals that have not been so much addressed by water quality management programs and do they in fact have impacts on fish? We know they do in some of the species we've seen in the Chesapeake Bay. What about the broader impacts of contaminants; do we really understand those?

I think the next item on the agenda is discussion of the National Fish Habitat Action Plan, something that we've highlighted in the strategy as a key piece of working collaboratively to further protect habitat. Then strengthening permit review and consultation; as many of you know, NMFS and the Fish and Wildlife Service have a role and the EPA in consulting on permits that are issued under Section 404 of the Clean Water Act.

We want to make sure that we do everything we can to use that process to protect habitat and fisheries as development continues. Just one example; here, again, a little bit of a graphic on this theme of prioritization; that we've got some efforts that been going on for a while to identify areas that have particular value with respect to habitat for living resources.

What the strategy is suggesting as what is different is to really in fact make choices and focus on those priority areas as opposed to distributing the resources available for restoration on a more ad hoc basis. I mentioned this construct of a fisheries' goal implementation team. We've been working collaboratively with the Sea Grant partners in the Chesapeake Bay Region, Virginia and Maryland Sea Grant in particular.

Maryland Sea Grant has done a lot of work to assemble the science, the status of individual species. Those major five keystone species in the Chesapeake Bay are striped bass, oysters, alocines, menhaden and blue crabs. The idea here – and I know the diagram is probably hard to see, but essentially is to take that science, feed it to teams that deal with food webs, socio-economics, stock assessments and habitat suitability and ultimately feed that up to state resource managers for consideration in how they exercise their requirements and regulations in state jurisdictions.

I think the interest, though, of folks like Tom and Jack is really how can we use this not just to improve fisheries' management but leverage additional management actions in the other arenas that are driving fisheries; that is land use; that is water pollution; how can we bring this fisheries' science to better bear on the decisions that others are making on resource management?

I wanted to try to get through this fairly quickly. Let me jump forward to the what's next, and then I'll come back to the discussion items. The what's next, as I said, is the publication of the strategy on Monday. There is a 60-day public comment period. The Division is to have the final strategy issued within 365 days of the issuance of the order, and that will be in May of next year.

To achieve the further engagement of ASMFC – and the point there was to do that beyond just today – I identified some possible discussion topics to

hopefully tee up questions from you all, and that is what about this Fisheries Goal Implementation Team, and what is the logical way that would interface with the Atlantic States Marine Fisheries Commission?

I think notionally it is pooling together some of the commissioners from our region in Maryland and Virginia and the Potomac River Fisheries Commission to try to organize and develop a common vision as they then come participate in this organization, but what other models might there be for ASMFC involvement?

We were also talking last night about historically I guess some sub-groups that existed once upon a time, maybe in the seventies. There was group for Chesapeake Bay. There was a specific sub-organization within ASMFC. How can we use fishery science to really advance land conservation efforts and really focus on habitat? How can we advance ecosystem-based management – Bill Goldsborough talked about the importance of that – and how we move forward? Again, I want to just highlight the opportunity for you all to comment on this strategy when it is published.

CHAIRMAN LAPOINTE: Thanks, Peyton; any questions or comments? Tom Fote.

MR. FOTE: We have been studying the Chesapeake Bay for long time. I always like to see another study, but I would like to see more results than what we've basically put into place. One of the things I'm looking out of the Chesapeake Bay is to actually mirror what is going on in the whole east coast, whether you look at Barnegat Bay in New Jersey or you look at Narragansett Bay up in Rhode Island.

If you're going to do this in the Chesapeake Bay, there should be some pilot projects going on. I think of all the sewer discharges in the Chop Tank River. Maybe we should be designing one of those sewer plants like San Diego is trying to do and the United Kingdom, to take look at taking out those contaminants before they go into the system.

I mean, I testified June 9th before congress on drugs in the drinking water. Maybe we should be looking at one those sewer plants, retrofitting them. Whether it is carbon filters, whether it is the osmosis process, to basically start doing what I consider probably to be one of the biggest dangers outside of climate changes is how are we going to basically deal with all the estuarines and surfactants going into the system and changing the sex of our fish and probably us sooner or later.

I mean, I'd like to talk to you further about that. I don't want to tie this all up right now, but that's one of the things that I've been looking at along with many others. I sit on the Barnegat Bay Estuarine Program, their policy committee, and again what you do here will help us up and down the coast. The Chesapeake Bay is so important of the nursery area and the importance of striped bass and other species.

MR. ROBERTSON: Thank you very much for your comment. I would be happy to talk to you more, and I would just, again, encourage you and we could use your help in advocating, once this strategy is published, for the importance of contaminants. It has been something that we and our partners at the Department of Interior have advocated strongly be in this strategy, that we have to address that issue. It's not just about nutrients and sediment but these other contaminants are important.

MR. RUSSELL DIZE: On the lines that you were speaking on, the sewage treatment plants, on the several reports you had that wasn't mentioned. We believe as fishermen that is one of the biggest problems we have in the central part of the Chesapeake Bay, sewage treatment plants. Everywhere we see a sewage treatment plant go in, we lose fishing in that area, whether it be claiming, oystering, crabbing. I don't think it is any use to address the farm runoff and the nitrogens that come from that without addressing the nitrogen that is coming out from sewage treatment plants. I think that should be high on the priorities. Thank you.

MR. ROBERTSON: Thank you for that comment. I did not go into any detail on the report that deals specifically with water quality, but EPA has the lead for that. I can tell you from both that report and from the strategy that we'll publish Monday EPA is taking a much more aggressive stand on the accountability really of those plants to do what they're required to do under law. Where there have been new standards established by the states for water quality, EPA is going to drive it much more hard in terms of getting those plants to meet their requirements.

MR. R. WHITE: When this process is complete, will there be any additional funds coming forward for implementation in trying to solve some of these problems?

MR. ROBERTSON: Well, as they say, that's the $64,000 question. I'll be honest; we're at a I'll say awkward time in terms of how this strategy is rolling out in the context of the budget process that Paul referred to earlier. The budget cycle, as many of you

know, in terms of when the United States of America finally gets to it, it is announced in the President's State of Union Address.

We're at a stage in the process where the decisions about not the coming year or fiscal year 2010 but the fiscal year 2011 have largely already been made and we're getting ready to release a strategy in advance of the announcement about those 2011 budgets in late January. That's a timing issue.

I would tell you from NOAA's standpoint that without increases in funding to do some things like oyster restoration, we frankly don't think we will move the dial very significantly, and so we're pressing very hard. Again, as many of you know, the federal government has an Office of Management and Budget, which has to make the decisions about where it is going to make its investments, but we're very much pushing forward the need for increased investment if we're going to see real significant change.

MR. JACK TRAVELSTEAD: Thank you, Peyton, for coming today. I appreciate your update, in particular the revised comments that you've made us aware of in terms of the interactions between NOAA and the states. In terms of the Goal Implementation Teams and how ASMFC might interface there, I wonder if you could comment on sort of your vision of membership on those teams. As you know, Bob Beal has been a pretty valuable member of some of the precursor groups to these goal implementation teams, and I wonder if you could just comment on whether or not that would continue or how it might change.

MR. ROBERTSON: Yes, I think we certainly want Bob to continue to participate and make sure that we have good interface between this goal team and the ASMFC. As Jack knows, there a little bit of a quandary. As all of you can appreciate in terms of how busy you are and the time you commit to participate on commissions or get involved in management processes, there is a little bit of this what is this goal implementation team going to do and is it really worth having yet another thing?

My response is that at least I'm cautiously optimistic that if we can better organize the policy interests, the fishery managers in the Chesapeake Bay sub-region, I think that connects up to the overall Atlantic States Marine Fisheries Commission. In terms of those species that relate to your interests is that we hopefully, as an organization or a sub-organization within the Bay Region, are participating on other goal teams, like habitat goal teams and water quality goal teams and pushing the policy needs to effect change in how that management is done. As far as membership I think we can talk offline about specific interests of who should be on those, but I'll be happy to consider any members you might suggest.

MR. LOREN W. LUSTIG: Thank you very much for that excellent report. I was impressed with the concept of emerging themes and took note of that. Certainly, we're grappling with the science of these issues and the management of these issues. I saw that you spoke of the socio-economic considerations. What I did not see, and perhaps I missed it, was any addressing of the educational component. Is that part of these emerging themes or is that to be done by others?

MR. ROBERTSON: Yes, that's a great question. In fact, when we originally published the report, because the order didn't speak specifically to drafting a report on what we call environmental literacy, many of the commenters on this initial round of reports came back and said, "Where is the education piece?"

I don't think we've completely resolved it; but it is the classic do you put it in everything; is there an education piece in each of these reports or it there an overarching theme? I think from my view it really is overarching; it is fundamental. If we don't develop the stewardship and the literacy, then we can't affect the public's behavior over time.

At this point in the strategy, as it currently exists, it is captured under a broader theme of, as it is shown here, Chesapeake treasured landscapes. I'm not sure that's where it belongs, but there is a piece in there that talks about the need to do education.

MR. LUSTIG: Thank you very much. I can tell you that I have been personally involved in the educational component specifically with the Chesapeake and its watershed for about 40 years, and I know personally that there is great interest among our school students. They want to be engaged and are looking for leadership from groups like your own.

MR. ROBERTSON: Well, thanks, and I have one other comment that I would be remiss if I didn't take pride in the program that my own office administers called the "Chesapeake Bay Watershed Education and Training Program", about $3.5 million for providing those meaningful watershed experiences for students in the K-12 range. We absolutely think it is critical and we've got some great evidence that it

matters. We've done analyses of that program and demonstrated that it affects the willingness to act of those young stewards and ultimately changing the way we live on the land.

MR. DIODATI: Thank you for your report. I guess I generally don't like the idea of executive orders at the federal or state level, but I recognize the critical needs that this one is addressing. I appreciate the update. I wasn't aware of it before this morning. I guess my question would be is this something that my colleagues that live and work around the Bay in the state organizations and other organizations initiated? Is this something that was requested as assistance; or if not, who or what did initiate it?

MR. ROBERTSON: Yes, that's a good question. I think the answer is they did initiate it. There is political interest in it. Particularly as it turns out with real people, Tim Kaine, the governor of Virginia – I guess it's the former governor of Virginia – actually directly appealed to Lisa Jackson, the Administrator of EPA, to get President Obama to issue this executive order. I don't want to be presumptuous for the states, but I think there was a sense that we have been at this for a long time, we really need federal leadership, we really need broad federal leadership. It is not just an EPA thing; we really need a broad cross-section of the federal government to get engaged and get busy on trying to solve the problem.

MR. AUGUSTINE: I missed the part where we talked about funding for all these initiatives. Will existing budgets for EPA and all the other major players be expanded as a result of this with the new direction that – well, with the magnified direction that we're going? It seems like we're doing the same thing under a different name; and my fear is like all of these plans, they all look wonderful on a coffee table somewhere in a file. Most of them are thick enough where if you rolled them up and dipped them in wax, they made very good fireplace logs. I'm wondering where going and what about the funding?

MR. ROBERTSON: Thank you very much for your question. I described generally the process. I didn't speak to specifics, but I will say that there are some increases in funding already that will be useful. This is budgets that have been enacted by congress. NOAA's has not been enacted by congress or appropriations have not been completed, but the Environmental Protection Agency has a fairly significant increase, and the U.S. Department of Agriculture has some increased resources. I would just acknowledge again your point that without a significant increase in resources, I don't think we're going to be particularly successful in changing the status quo.

MR. AUGUSTINE: Thank you for your honesty.

CHAIRMAN LAPOINTE: Thanks, Peyton. I'm going to use the prerogative of the Chair. Items 8 and 11, the quota allocation discussion and Law Enforcement Committee, I'm going to hold off potentially until tomorrow because we have people for other agenda topics. Our next agenda topic will be an update on the Atlantic Coastal Fish Habitat Partnership.

ATLANTIC COASTAL FISH HABITAT PARTNERSHIP UPDATE

MR. GEORGE SHULER: Good morning. Thank you for this opportunity to update you all on the progress of the Atlantic Coastal Fish Partnership has made lately. We have reached actually a really exciting point in the lifespan of the partnership. I kind of want to just go over some of the areas where we've had some really wonderful successes in the last year but really in the last few weeks; to cover some of our science projects, which has come to fruition; the development of our public face, the website.

We're midway through our conservation and strategic plan, which is a coast-wide plan from Maine to the Florida Keys; some of the discussions and work we're doing on a long-term fundraising or financial strategy; the NFHAP recognition, the recognition by the National Fish Habitat Action Plan Board recently; some of the new projects that we actually are going to be able to get help in terms of on-the-ground support in the coming months; and then to give some time for any questions that you may have.

It mirrors the Atlantic States Marine Fisheries Commission and many of our partner organizations' mission, but our mission is to really accelerate the conservation of these coastal and estuarine-dependent habitats across the coast when working with a wide range of partners from tribes, to the feds, to the states and NGOs, like the Nature Conservancy with whom I work.

The three major science projects that we have been busy hammering away at for the last couple of years and actually are about to finalize include a species' habitat relationship matrix; really a decision support tool for defining where we're going to work and what we're going to work on; a really wonderful

assessment of existing information on fish habitats; and then the kind of the next generation of projects for us, which is assembling coastal habitat information from, again, that Maine to Florida Keys stretch.

The first project which we have just published a summary report on and are about to embark on a peer review journal article is this species habitat matrix. It is really a decision tool for looking at those species and their relative importance of specific habitat across the coast. It has been a useful aid in identifying the types of habitats that the partnership wants to focus its work on.

It is broken up regionally. As our colleagues on the partnership are fond of saying, it is cape to cape to cape. It is the New England and North Atlantic area, from the border of Canada down to Cape Cod; the Mid-Atlantic Region, from Cape Cod to Cape Hatteras; and Cape Hatteras to Cape Canaveral for the South Atlantic; and then down to the Florida Keys.

Different species; some different habitats, but the same approach was used in analyzing all of them. In fact it covers 131 different species of fish; all of the Atlantic States Maine Fisheries Commission species and a range of other relevant state and NGO priority species. It is a good set of indicator animals for telling us what habitats are of what relative importance.

Actually the results of that, the filtering or the analysis of the scores for each of those habitats, the 25 habitat types, is going to be contained within our strategic plan. It actually gave us some really useful information in deciding out of 25 coastal habitats what are the ones by region that are priorities for ACFHP support, engagement, further research, fostering projects on?

What is more remarkable to me, coming from the Nature Conservancy, is the process or the path that this project took. There were regional leads from many of our partner organizations within the Atlantic Coastal Fish Habitat Partnership. It brought together hundreds of primary investigators, reviewers, developers to actually gather the literature information that told us about these habitats and how they related to various life history states of these 131 species; interviewing experts for the best professional judgment, documenting everything and really creating a master – not only this decision tool but the master reference and synthesis of kind of our collective knowledge about dozens of habitat types and hundreds of species.

There is a summary report available that you all can have access to if you request. Then the next step is really putting this out in the scientific literature for peer review, but also to make the statement this is kind of what we have accomplished, our analysis, and we welcome your feedback.

A second major project – and this is again an ambitious one that we started two years ago working with the National Ocean Service – was to create a data base of data sets, documents, assessments, and synthesis across the coast on fish habitat. We created with the National Ocean Service – there were over 500 entries, 500 documents and data sets, synoptic assessments, local, state and regional assessments and state wildlife plans.

Over 200 of these documents and data bases yielded indicators and scientific metrics that we could use to assess the state of habitats or threats along the coast. What is even more interesting about this set is that there is a website so that all of this stuff will be queryable by our partners and by the public to look through what data sets are in what states or associated with what habitat or water bodies; and, more importantly, a mapping component so that you can then take this assessment and begin to query it spatially and find out not only what information but also what ranking and indicator score is applied to the water bodies that you're interested in.

This is really almost an Alpha version of what we envision. This will be refined going forward, but it exciting that this is going to be live very soon. There is again a summary report that is available from the National Ocean Service. We used this information to actually groundtruth many of the initial strategic planning decisions that we have been going through in the last nine months. It has been a very useful tool for those places where we don't have an agency member on the committee or in the partnership that is familiar with the on-the-ground setting.

The next generation, which actually ties these two together, but the next generation project is really this idea of a coastal fish habitat assessment. It is refining our understanding as a partnership of the distribution, status, condition and threat of the variety of habitats that we're interested in. It creates that data or analysis link between the existing information and our matrix work.

Probably most importantly it supports this National Fish Habitat Action Plan effort to characterize the condition of inland and coastal habitats in the Lower 48; something which the National Board and the National Science and Data Group are just embarking on, and we actually have a few steps head start on them.

On the communications front, the other progress that we've made in the last year is putting out an RFP for our website development. A contractor was selected and hired and work commenced in September. Actually their anticipated completion date for that very public portal for the partnership is December.

An anecdote here is that we actually would have a screen shot to show you. They actually had a template chosen, but we realized that it was very similar to one of our partner's current website, which would be the Nature Conservancy, and so it actually probably wouldn't make a good fit. They're actually very close to having something that can be online and viewed in a matter of weeks, which is really exciting. All of our documents we made accessible through that.

As a condition for applying for recognition by the National Fish Habitat Action Plan Board, we had to complete a Conservation Strategic Plan or at least be well on our way in a draft of that. We were able to submit a draft of our plan with our August application, and throughout the summer – and this was a really ambitious timeline we gave ourselves – the Steering Committee participated in meetings and online webinars or seminars.

We hammered through goals; identifying priority habitats using our matrix analysis and some other tools; identifying priority threats. We used three different analyses to look at threats to coastal habitats from Maine to Florida in assembling a draft plan that actually looks very nice. The Atlantic States Marine Fisheries Commission staff that supports us did a wonderful job in laying out with great imagery and graphic layout and wonderful editing of our bad grammar in some cases. Our finalization date is really January of 2010 where we want to have a publicly distributable conservation plan where the ACFHP goals, the Coastal Fish Habitat Partnership goals are aligned with the national goals.

Our priority habitats are linked to the priority threats. Priority threats and opportunities are linked to specific strategies and objectives. We have identified some sense of geographic priority, where is that we're going to focus the resources that we have to make a difference, a conservation difference for coastal fish habitats.

As part of this and to make it live on the ground in our regions, we're actually going to work on regional-specific action plans or implementation plans. We hope to have those by the end of the summer next year. They're really going to have the smart objectives or milestones for achieving threat reduction and habitat protection or conservation as well as our measures and monitoring and reporting mechanism from individual projects rolling up to the national partnership, rolling up to the ACFHP Partnership and rolling up to the national body.

There is a series of broad goals in our plan as it exists now but actually mirrors what the National Fish Habitat Action Plan has in it. They are really about maintaining a healthy aquatic ecosystem, preventing further degradation of areas of habitats, conserving or protecting, restoring recovering those critically endangered species and then enhancing the quality of habitat and quantity of habitat for that wide range of other things that we wouldn't necessarily consider fish but that other broad set of natural diversity of aquatic organisms.

One of the things, as we've started to build a wonderful foundation for the partnership that needs our attention now, is that long-term financial plan. We are fond of thinking that this is a marathon and not a sprint and building that long-term view is really important. As a result, the commission staff, Emily Greene, the coordinator for the partnership, and myself have been meeting with a variety of – we met with the Campbell Foundation in Annapolis to get their input not only on our ideas as a partnership but guidance on how do you begin thinking about making a viable long-term fund-raising program for a partnership that needs to exist beyond government grants.

We've had initial conversations with the River Network because we are kind of like – they do a lot of support to watershed groups and deal with non-profits all the time, and they have some really wonderful guidance on new organizations and how you think about your financial health. Lastly, the other source of information to us has been the National Fish and Wildlife Foundation, which actually has committed support to many of the nascent partnerships under NFHAP.

As a result we have actually refined our message to those funding organizations where we want to create a long-term partnership. We have a great one-pager

that Emily Greene put together that allows us to communicate on a very different partnership conversation with funders than we would have with technical agencies, and that has been a big help in communicating to those that we want to bring into the fold.

The other thing we begun thinking about is actually what are our financial goal? It looks this year we're going to have somewhere on the order of $50,000 for projects. It three years it might be feasible to have $100,000 for the partnership to distribute to projects, but our five-year goal is something close to a million dollars that we can distribute back out to projects. Once we have those goals, how do we reach those financial goals in a way that actually we can achieve?

Perhaps the most exciting portion of our year came in October. We submitted our application for official recognition to the National Fish Habitat Board. At their October meeting they actually approved us and gave us official recognition as a partnership, which is really exciting. It means that we begin the business of supporting projects under the official mantle of the Fish Habitat Partnership.

That also qualified us for $90,000 for project funding from the Fish and Wildlife service, which is really great because it meant that we could start supporting projects on the ground. The downside was that there was a one-month turnaround, not even a one-month turnaround between finding that we were approved and had this money and soliciting projects and getting them back to the Fish and Wildlife Service.

We sent out an RFP the day after we were recognized and we solicited seven projects for funding from across the coast. They literally go from Maine to Florida, which is really exciting. And one additional project for endorsement which meant that it would receive a letter of endorsement from the partnership in support of it trying to get more funding from elsewhere.

The endorsement project conveniently had a really wonderful poster and PowerPoint that came with it so that we have something to show, but it is an eelgrass – it is a mooring project to change how boat moorings are constructed in eelgrass beds to prevent damage that traditional mooring create. Right now probably the Steering Committee is deciding on which projects to fund with the $90,000 that we have and whether we can approve the endorsement criteria or the endorsement approval for this project in Massachusetts. Any questions?

CHAIRMAN LAPOINTE: Thank you, George; questions or comments? Bill Goldsborough.

MR. GOLDSBOROUGH: Just a comment, Mr. Chairman. As a member of the ACFHP Steering Committee, I feel it is important for everybody to know that the partnership would not have made all the projects that we've just seen if not for the yeoman efforts of George Shuler of the Nature Conservancy working with staff. Emily Greene is the other part of that important formula.

George was tapped a couple of years ago to facilitate a workshop that began laying out the partnership, and he did such a good job that he was drafted to continue in that role, which he has done graciously and very productively, so we all should recognize that. Thank you.

CHAIRMAN LAPOINTE: Other comments? Well, thanks for the update and thanks for your leadership, George. Our next agenda topic is Dave Gouveia, and he is going to give an update on the Large Whale Take Reduction Plan.

LARGE WHALE TAKE REDUCTION PLAN UPDATE

MR. DAVID M. GOUVEIA: Thank you very much. Well, first, before I start, I wanted to thank the Policy Board and the rest of the ASMFC Family for providing me the opportunity to address you this morning. As a treat I won't have any slides and I will be brief to try and catch you up on your agenda. I'm sure you'll appreciate that.

I do appreciate the opportunity to address you. I think it is important because what we really wanted to do here is kind of share with you all the agency's strategy with addressing large whale entanglements that are associated with the vertical lines or end lines from trap/pot gear throughout the Atlantic coast as well as sink gill net gear. We think that is important to share with this particular group now because we're very early on in the process, in the development process of addressing that issue.

Because you all manage under ASMFC a lot of fisheries that deal with that particular type, we wanted to get to you early and often to share with you where we are in that process so there are no surprises or what we can share with you what we're doing and why, those sorts of things. With that, rather than go back in time and give you the whole history of the Large Whale Plan and where we're at, I think I'll jump in a little bit more recently.

For those of you that aren't aware, under MMPA the agency is responsible for addressing marine mammal interactions with strategic marine mammal stocks and commercial fishing gear. To do that we have to develop a take reduction plan; and to help us develop that plan the Marine Mammal Protection Act provides us the opportunity to convene a take reduction team.

A team-reduction team is made up of industry representatives that are affected potential regulations that might be imposed on them and also state partners such as you in this room, conservations, scientists and so forth, as well as policymakers from the agency and our own scientists.

Back in 2003, due to increased takes, if you will, or interactions of large whale species in lobster trap/pot and sink gill net fisheries for spiny dogfish, groundfish as well as monkfish, the agency, through its mandates, was required to take an additional action. To do that we met with the take reduction team in 2003, and by consensus the team agreed that the major sources of entanglement risk dealt with the ground line, which, of course, is the line between each trap and pot and the also the vertical line or end line, the buoy line, of all fixed gear.

The agency embarked on a rather long and cumbersome rule-making process because of the implications of that rule stretching for the entire east coast. It actually went through the full NEPA process, which includes the full EIS as opposed to a traditional EA that we try to do. The full EIS process came with a scoping component to it, public hearings, a lot of work with the take reduction team and sub-groups of the take reduction team.

Ultimately we developed a rule that addressed the sinking ground line aspect of entanglements. In doing so one of the important things we did that a lot of people may not realize is we actually expanded the management regime of the Large Whale Plan in that we moved away from just a lobster trap/pot, and we actually increased our management purview to all trap/pot gears or fisheries, I should say, throughout the entire seaboard and not just American lobster; and very similar with the sink gill net gear as well is expanded to all fisheries and not just the traditional fisheries that I mentioned earlier that are managed under the plan.

That is a significant factor which obviously affects a lot of you here in this room. The other thing that we did, obviously, is we looked at our management strategy and we imposed a sinking ground line requirement, which prohibits the use of floating ground line throughout basically the entire east coast.

That was put in place for year-round in some areas, particularly New England, and then seasonal in other areas, in the Mid-Atlantic and in places down south off of Florida and Georgia, things of that nature. Obviously, as you probably are aware of and probably are not too surprised, that particular regulation didn't go over too well with industry. It had a high economic impact, as we said it would throughout the EIS and our analysis.

But based on the limited data we had available and our mandates and what we had before us, it definitely is the best measure we have at our purview at this particular point in time to address the entanglement risk associated with the ground line aspect of it. It finally was implemented in April of this year. It was extended – it was originally approved back in October 2008. We provided one year for industry to rerig their gear, and then we extended that an additional six months that led us to April of 2009 to the implementation of that rule.

In April of this year we again met with our take reduction team. What we wanted to focus with them again in this particular meeting was the second prong of our sort of two-pronged attack to deal with large whale entanglements with that fixed gear sector. It was to deal with the vertical line entanglement risk or the end line risk, depending on your vernacular.

In doing so, we split up the team and we met separately with the Mid-Atlantic and southeast take reduction team members and then with the northeast members. We split them up to talk a little bit frankly with them with respect to their fisheries in their area. As you well know, our team is very large, so it was an idea to make the group a little bit smaller to make a little bit of progress since we were kind of in a developmental stage.

In doing that, as we rolled out, the agency sat back and we looked at how we developed the sinking ground line rule, and we wanted to make some improvements in our strategy in how we dealt with the vertical line aspect of things. In particular, going back when we were dealing with the sinking ground line requirement, we were kind of under the gun because we had had a series of entanglements that were linked back to the lobster trap/pot fishery that required the agency to take immediate action.

Based on the information that we had available and going through the rule-making process, we did do

just that. But, conversely, on the vertical line aspect of it, as the team did acknowledge that it is a source of risk, we really didn't have the time constraints that we have with the sinking ground line requirement because we haven't had a true link to vertical line entanglement at least at this point since we've implemented the sinking ground line requirement.

We took advantage of that and we developed a strategy that we wanted to share with the take reduction team in April that kind of addressed some of the problems that we heard through our state partners as well as through industry on how we could do a better job developing a rule to address the vertical line entanglement issue.

We wanted to move away from this sort of broad-scale approach. As you recall, with the sinking ground line requirement, as I said, it is for all waters basically from the beach out to the Hague Line. It is year-round in New England; seasonal as you move further places down south. A lot of the criticism received is that a lot of people are being penalized, if you will, because they don't see whales in this area and they don't view it as a high risk sort of area.

But based, again, on the data we have available, we couldn't prove that one way or another, so we wanted the risk-averse approach in the sinking ground line requirement and acted accordingly. With the vertical line, because we had some time, what we wanted to do is we wanted to change our management strategy just a little bit and kind of look at more focused approach where we looked at what we call high co-occurrence areas.

Some might view it as high-risk areas, but it is really high co-occurrence areas based on the data that we have available. What we intend to do is we wanted to overlap our sightings per unit effort information – that being all of our aerial, vessel and passive acoustics on sighting capabilities to large whales, particularly right whales – overlap where those sightings occur with where we know have the highest concentrations of trap, pot and gill net gear.

Then we wanted to evaluate where those areas are and then refine our management. In essence what we'll have with this particular scheme is kind of smaller pockets of high risk, if you will, or high co-occurrence areas as opposed to more broad-scale management in those areas. We feel that is something that industry desperately was looking for in the last rule we had, but we just didn't have the right capabilities to provide that to them.

In doing that we had to develop a model that would allow us to do it. Our office has invested a significant amount of resources to develop a computerized model that is web-based that we're working with our science center and a contracting organization to put together. We've also solicited help from state partners as well as our take reduction team to help us refine that particular model.

Where we are at now is we want to fill in those holes. I think we heard a little bit this morning about the need for better data to enhance our management, and that is certainly something the take reduction team and the agency embraced. What we did is through our regional administrator, Pat Kurkul, a lot of you here in this probably received a letter from her earlier this year requesting help in providing our office information that you have collected through your state fisheries, looking particularly for gear characterization information, how much gear is being used, what type of gear, where it is being used and things of that nature.

The response to that request has been outstanding. I think it is a credit to you all to try and better provide information that can help strengthen management. We're taking that information and we're folding that into our take reduction team's model or this computerized model that looks at risks.

Many of you have taken it a step further where you not only shared information that you've obtained, but you've also, working through our office, developed surveys to look at this gear characterization information. Particularly the state of Maine has done that. There are other states that are actually looking at modifying some of the logbooks that they have to look at this gear characterization information. The state of Massachusetts also has provided some outstanding information that we could use that they collected that we never even realized that we've folded into the mix as well.

We certainly appreciate all the fine work that all of you have done to provide us that information. In addition to that, we're not only canvassing our own sightings' data base that our science center does from aerial surveys and vessel surveys, but we're also canvassing all the data that has been done by independent researchers, academia, the navy, all these other consultations that we provide to get the best sightings information we can to help strengthen that model.

In essence what we're talking about is kind of a four-pronged strategy, if you will. The first, of course, is

the data collection where we're working with our state partners to get some of the gear characterization information that we're so desperately seeking; and then also reaching out to other scientific partners to try and get more sightings' information.

We're going to put those two pieces of information together on our computer model that we're going to share with the take reduction team; again to try and identify these high co-occurrence areas. Then we're going to go back to the take reduction team, and we're going to ask their help on helping us refine those areas.

Particularly we're going to need to define what is the highest area of risk for these co-occurrence areas; how are you defining it? Our Large Whale Plan manages three large whale species; right whale being the primary focus; humpback whale and fin whales; and to a lesser degree, minky whales.

We wanted to figure out, okay, well, how do you manage or how do you define what is high risk? Is it the areas that have a high sightings per unit effort of all three or four of those species in relation to the gear or do you want to focus on just right whales; do you want focus seasonally; do you want to have the same definition throughout the entire seaboard or do you want it defined differently, because one might be a transiting area and one might be calving area and one might be a feeding area?

Those are the types of things that we're going to ask the take reduction team to help us define in our model. Once we have those worked out, our next phase is to develop, okay, what would we do in these high-risk areas? Assuming that you have a high-, medium- and low-risk area, do we need management in all three of those areas or do we focus on, say, the highest area? Again, that is something that we're going consult with our take-reduction team on.

In doing that we have to figure out, okay, in those high-risk areas, what do you want to do? Do you want to allow end lines to continue to be fished in that area? If so, would it be accompanied with a particular gear modification? Of course, that's our biggest challenge is trying to find what gear modification we could impose on the vertical line or end lines?

At this point we have weak link requirements that really only deal with entanglements in the surface system of that end line but nothing really along the end line proper, from the surface system down to the anchoring system. That's something that we have invested a lot of research on to try and figure out what we do in those particular cases.

To date it has served to be a very big challenge for us in that regard. Another alternative might be to eliminate all end lines in that particular area or reduce the amount of end lines in that area, and again that is something that we're going to focus on with our take reduction team to try and make those determinations.

Finally, after we deal with that third area of our strategy, the next area would be developing, which we're developing simultaneously, a monitoring plan for our entire Large Whale Plan. We're looking at kind of a two-phase sort of approach to that. One is to look at compliance with our current regulations to ensure that everybody is abiding by what the law requires them to do.

In addition to that, it is to look at the effectiveness of our plan; how effective are these two major requirements, whatever our end line requirement will be, as well as our sinking ground line requirement, how effective is that in achieving our management goals. That is something we're currently working on as an agency, which we intend to share with the take reduction team and better refine that monitoring plan at our next meeting come 2010. That's the general gist of where we're headed. I apologize if I ran a little bit longer than I wanted to, but I'll be happy to entertain any questions now or later.

CHAIRMAN LAPOINTE: Thank you, Dave. Questions? Red Munden and then Pat White.

MR. RED MUNDEN: David, North Carolina provided some of the data that was requested by the letter from Pat Kurkul, but in our response we indicated that much of the information was just not available from our trip ticket program, which is the source of most of the information that we could provide.

The question I have – and this has come up at the take reduction team level numerous times – the model that you are developing to identify the threat areas, the high threat areas; does that model include the NMFS Observer Data relative to the gear characteristics?

MR. GOUVEIA: Yes, it does; it includes any information we can ascertain, and we do have some information. The problem we have with a lot of trap/pot fisheries is the observer coverage is very poor, at best, and so that's why we're kind of stretching to get as much information as we can. In

some areas, like I believe the state of Maine has implemented a survey to try and get to some of those data gaps.

But, yes, to answer your question, we are looking at observer information. Not only that, we have enhanced the Observer Program a little bit to include some additional gear characterization information that they hadn't previously documented earlier. We have done that as well.

MR. MUNDEN: And one additional question; could you share with us any information on efforts to address the ship-strike problem other than the speed reduction zones that are now in place around the major inlets and ports? Is anything else being done to address ship strikes?

MR. GOUVEIA: The big thing we're focusing on right now is looking at monitoring the effectiveness of the ship-strike strategy. As most of you are aware, there is a sunset provision that was added to that rule that says in five years' time, if the agency doesn't act, that particular rule will go away.

What we're doing is taking advantage of some of the technology that is afforded to us from Homeland Security, looking at the AIS system that is on some of these larger boats, and we're able to get licensing to get some of those frequencies to find out how fast those vessels are moving through our management areas when we're requiring them to reduce speeds to 10 knots are actually doing that, things of that nature.

We're also looking at ways we can improve that strategy as well and look at some other things that we have done. Specifically, most recently out of the Port of Boston, we've shrunk our TSS or the transit shipping strategy – I forget what TSS stands for, but basically that reduced the size of the shipping lane to protect right whales, and we also moved a little bit further north into our Sanctuary to provide further protection of whales. We have those additional steps in addition to our ship-strike strategy.

In addition to that, we have also worked through IMO, which is the International Maritime Organization, in partnership with Canada to look at areas to be avoided, which is another aspect of our strategy, which was only mentioned but not really implemented yet, and that will have the ability to have large shipping countries, internationally, go around certain areas as opposed to going through them altogether. Those are the types that we're working on, but the big focus is the monitoring aspect of the ship-strike strategy.

MR. P. WHITE: Dave, thank you. I just heard the other day that there were some fisheries in other countries in the world that did have no buoy line and no end line configurations. Is there such a thing or is that still an experimental thing no matter where we are?

MR. GOUVEIA: With that, as some folks may or may not realize, at our last take reduction team meeting that was one area that the take reduction team handed back to the agency for us to investigate the possibility of creating an area that would allow access to lobster vessels, in this case; allow them access to an area which they have previously not been allowed access, the Great South Channel general area, with the caveat that if they're in that area they experiment using ropeless end lines.

The problem is trying to – and we're developing that concept now, we've evaluating it, but the problem with that is going to be all kinds of gear conflicts, either setting one yourself or there might be other fishers that are allowed in these areas, so we're certainly looking at that. In terms of around the world, we know there is some technology that is available; galvanized release links that release their buoys at a certain time or you press a button and there is some sort of acoustic signal that allows buoy lines to pop up.

We've actually experimented with those ourselves. We do know that there are other countries that are also working on those as well. To answer your specific question, I'm unaware of a country that actually has imposed that beyond just research.

MR. P. WHITE: The other question I had is there has also been discussion about moving the critical habitat designation to the beach in the Gulf of Maine. Is that something that they're working through with NMFS or is that just something that the environmental community is proposing at this point?

MR. GOUVEIA: Well, the agency has been working on re-evaluating right whale critical habitat throughout the entire east coast. We have been working on that for quite some time. You're absolutely correct; we did get a petition from a series of environmental groups to look at that issue as well. We were already looking at it so it really won't affect us too much.

We still haven't finished all of our analysis on it. In terms of where it is, I don't really have a clear idea yet because we haven't finished our analysis. I do know that we're looking at copepod distributions as

our primary – in the northeast our primary physical feature, if you will, for why whales choose the New England habitat area. It is basically for feeding and that's not a surprise to anybody.

Now where and how you define that, that's something we're currently evaluating, so I don't really have a good answer for you at this point except to say that we expect to publish our proposed revised critical habitat in early 2010. At that point you'll have all the analysis that shows exactly where those areas are.

CHAIRMAN LAPOINTE: Other questions for Dave? Seeing none, thanks very much, Dave. Gordon, you're up. Gordon Colvin, as I said earlier, asked for time to talk about NOAA's Recreational Fishing Initiative.

NOAA'S RECREATIONAL FISHING INITIATIVE AND MRIP UPDATE

MR. GORDON C. COLVIN: Thank you, Mr. Chairman, and I appreciate you and the commission giving me a couple of minutes on busy agenda to talk about this and take advantage of the opportunity to brief you on this new initiative of NOAA Fisheries on engagement with the recreational fishing community.

Staff is passing out the message from the Undersecretary that was issued at the beginning of September. While they're doing that and while it's coming around, I would like to just briefly, if you will, take a second to reflect that it's always a pleasure for me to return to these meetings. This is always a homecoming when I do, and I very much appreciate it.

I've heard here this morning two presentations on programs that were getting started when I retired and left as a commissioner that pretty much blew me away; the presentation on NEAMAP and the Coastal Habitat Partnership. It is incredible to me how much has been accomplished in such a short time since I left. Let me compliment the commission and your partners who have been working on those programs together. You've done a great job.

The announcement that has come out has been out since early September indicates an initiative on the part of the NOAA Administrator, Dr. Jane Lubchenco, to undertake a program for examining our relationship with the recreational fishing community and embarking on a program to improve that relationship and to foster and nurture a more effective long-term partnership with that constituency.

I wanted to just briefly mention a couple of aspects of it and to ask for the state members to give some thought to what we're doing and to offer some suggestions, perhaps. Initially this program will kick off with the appointment of a senior policy advisor; the creation and filling of a position of senior policy advisor who will report directly to the Assistant Administrator for Fisheries on recreational fisheries' issues and who will work directly with both the recreational fishing constituency and NOAA principally through Andy Weiner, the NOAA Director of External Affairs, taking the actions that are suggested by the initiative.

I should say that the announcement for that position is still active in USA Jobs. We are hoping to get a really great slate of candidates or applicants for the position. I think it remains active until November 13th. I would be most gratified to see some folks from the state government among the applicants for the position when they come forward.

Some folks have asked me about it; and while I have agreed to serve as the interim policy advisor until this position is filled, I will not be a candidate for the permanent job, but I am very hopeful that I will see some folks that I know among the candidate field. The advisor is going to coordinate the policy, as I said, and will be working closely with Andy Weiner in the Administrator's office as well as with the AA for Fisheries.

The first major initiative we will undertake under the program will be to convene a Recreational Fisheries Summit probably in the winter or spring of next year to invite a group of recreational constituents around the country to work with us to better define the issues and solutions to our needs to work more effectively with the recreational community and working forward from there.

There are a variety of approaches we might employ, one of which is suggested in the announcement is to convene a series of round tables, perhaps issue-specific round tables and/or regional round tables to continue to the dialogue and to work towards more specific solutions and implementation strategies.

One of the things that I hoped by appearing here today I could mention to all of you is that one of the things I think we need to think through, as we move forward with this, particularly when we convene the Summit meeting and any followup, round tables or

other implementation actions we take, is what role and what involvement state governments might want to have in this process.

We would be glad to hear from you on that subject. I think there are a lot of things that could be done, but I'm very open and I think that the permanent policy advisor will be open as well once the position is filled to your ideas, your thoughts and your desires in terms of your participation in the initiative. Mr. Chairman, that's it, that's pretty much the message I wanted to put out there. I'll be around here the rest of the day. If anybody has any thoughts in the few minutes you have left, I'd be glad to hear them or catch up with me at lunch or this afternoon.

CHAIRMAN LAPOINTE: Great, thanks, Gordon. The state of Maine would love to host one of these regional forums to get things started. Other questions or comments? Tom Fote.

MR. FOTE: Gordon, when you're looking at dates for this symposium, it might be good to hook it on with somebody else, some other group that will be attending a meeting for the recreational sector. They have been talking about doing one on striped bass in Newton at the end of April. To try and drag people and transportation to two different places for two different weeks in a row is always a problem; so if we could tie it into something where a lot of us are going to be at, anyway, would be easier – even a show or something, if we do that, one of the shows in the northeast or the west coast or something like that.

MR. COLVIN: Thank, Tom, that's a good suggestion. Any specific information you have like the striped bass thing you mentioned is not something I was aware of; if you'll pass that along, I would be glad to consider it.

CHAIRMAN LAPOINTE: Others questions or comments for Gordon? Loren.

MR. LUSTIG: Thank you very much for that interesting report, sir. In the handout that was given to us, Message from the Undersecretary, I just had time to look through it very briefly. Two things sort of jumped off the page for me personally; paragraph three talks about "at odds regarding policies and processes". Then the bottom paragraph of the first page speaks of closure of areas to fishing.

I think my comment would be that we need to be innovative in ways to maintain recreational fishing with the understanding that that process does not necessarily have to be consumptive. I took note of the data from the state of Maryland regarding shad fishing. I have personal thereof below the Conawingo Dam on the Susquehanna. I believe that the data specified that there is less than 1 percent shad killed in recreational fishing in that catch-and-return type of process. Let's be as innovative as we can so that the recreational anglers can still enjoy their sport.

MR. COLVIN: Thank you for that comment. Certainly, the scope of the deliberations, the discussions, the topics that will be before us will be broad enough to include many facets of marine protected areas, recreational fishing options and alternatives. One of the things that some of the major groups have asked us to think hard about is that our focus might be shifted a little bit from producing fish to producing fishing opportunity. I think that's a key thought that will enable the discussions of the kinds of things that you've suggested as well many others.

MR. FOTE: Last week I had the opportunity at the ASA to talk to Dr. Lubchenco and Andy. They did a presentation before the American Sportfishing Association at that meeting. It was refreshing to hear some of her comments because some of the things that we've heard previously got alleviated there.

One of the discussions there was about catch shares. This, again, is nationwide and everybody is looking at it. The question that some of the people asked is how do we deal with quotas? You know, we've set a lot of quotas here over the years, and we haven't really reviewed the process. I know that is later on in the discussion.

If you do catch shares and you selling quotas that are based on plans, you'll probably have to look at re-evaluating all those splits in quotas and how we basically decide from one community to another. As part of that ongoing discussion, it was brought up not by me but members of the communities and many of the manufacturers sitting at the meeting.

MR. COLVIN: I have no doubt, Tom, that issues relating to allocation, of fishing opportunity and the catch share policy will be part of this dialogue moving forward.

MR. MILLER: I was wondering, Mr. Chairman, if you would indulge me the opportunity of having Gordon before us, if I might ask a question down a different path regarding MRIP? Could I request a very quick update from Gordon on what the schedule for implementation of MRIP is for 2010 and 2011 as he sees it at this point in time?

CHAIRMAN LAPOINTE: Any other questions for Gordon on the Undersecretary's initiative? Go ahead.

MR. COLVIN: You're supposed to adjourn in one minute, so I'll try to be extremely brief, Roy, and I'll focus initially on the Registry. The federal registration requirement will become effective January 1st. For those anglers who are required to register and are not licensed or registered by an exempted state, between now and then we will be hopefully getting all of the MOAs in place with the states for exemptions.

I will be spending a lot of time on that in the week or two. We are also working with the states to try to put together communication packages in the states where anglers will have to register so that we will be able to effectively inform people of what they are required to do. The rest of the program, the overall program for survey redesign, we are about to issue an update to our implementation plan.

The detailed answer to your question will be in that update, which will be posted on the website fairly soon. When it is done, I think we can get an e-mail out to all of the partners to let them know that it's there. But a couple of things; highlights for next year, we are about to wrap up the re-estimation project, the project that both will result in changes to our estimation methods as well as the design of our Intercept Survey Sample Program, that intercept redesign is being piloted this current survey wave in North Carolina.

Next year we'll be in the position to use the new estimation methods; also potentially to recalculate historic estimates back to 2003 using the new methods. Assuming the North Carolina pilot works out, we will be able to expand the changes in the survey design through the entire MRFSS area, the Atlantic, Gulf, Puerto Rico and Hawaii, within the next year.

We will be getting data that more reliably follows the statistical survey design recommendations in the NRC Report. We are also piloting next year some efforts that will enable us to shift from survey methods to census methods in for-hire fisheries should the partners in a given region decide that's what they want to do, but the results of the pilots will inform us better about how costly and feasible the associated requirements for electronic reporting and validation will be. Those are really critical issues before we go forward.

Then, of course, the Registration Program, as we acquire good lists from the states, as well as our own registration efforts, we will be sequentially moving towards dual-frame effort surveys in each of the states in which we've decided we've got enough of a list to move forward on that basis. We've been doing dual frames with North Carolina and Louisiana.

We're going to be doing one next year in Washington as well as a mail dual frame, a North Carolina pilot this year. So as each state's data base comes in, once we get up to that critical point, we'll be able to move into a dual frame, and in theory, at least, we'll be able to more effectively develop effort estimates. Now there is a lot more going on than that but I think those are three highlights I can share with you that's happening next year.

MR. GROUT: Quick question, Gordon. I'm already getting calls from people on when they will be able to register either via the phone or via the internet. Do you have a date certain other than January 1st that they'll actually start being able to register?

MR. COLVIN: Right now January 1st is it, Doug. The consultant has been hired and they have been given that date by which they must be ready. Now if they're ready sooner that will be nice, but that's the date that is the planning date so folks can make the calls or go on the internet as of January 1.

CHAIRMAN LAPOINTE: Thanks, Gordon, for the update and thanks for your kind words about the progress on those couple of issues. Sometimes we get so close to the issues we lose track. We're going to recess the Policy Board until tomorrow afternoon. We will start the Business Session at 2:15. Thanks very much.

(Whereupon, the meeting was recessed at 12:50 o'clock p.m., November 4, 2009.)

THURSDAY AFTERNOON SESSION

AUGUST 5, 2009

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission reconvened in Brenton Hall of the Hyatt Regency Newport Hotel, Newport, Rhode Island, Thursday afternoon, November 5, 2009, and was called to order at 1:00 o'clock p.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good afternoon, everybody. I would like to call the ISFMP Policy Board back into session. We recessed yesterday. We've got a couple of items on the agenda. I'm going to pick up two items that were not covered on yesterday's agenda, which is the discussion on ASMFC Quota Allocation. We'll go from there to the Law Enforcement Committee.

APPROVAL OF AGENDA

Both of these items were left off yesterday's agenda. Then we'll move on down through the remainder of today's agenda. I would like to receive board consent on the agenda. Are there any additions to the agenda? Roy Miller.

MR. MILLER: Mr. Chairman, at one point during this week we mentioned the possibility of initiating some sort of preliminary review, first steps, whatever you want to call it, for black drum. Should we add that to the agenda or will that be covered under one of the topics yet to come?

CHAIRMAN BOYLES: Let's add it to the agenda, Roy; how about that, under other business. Is there any other business? Okay, we will move on.

PUBLIC COMMENT

CHAIRMAN BOYLES: Now is the time on the agenda when we have an opportunity for public comment. Is there any public comment? Okay, seeing none, we will move on into the first item on the agenda, which is yesterday's topic and discussion on ASMFC Quota Allocation and Management Issues. Bob Beal.

DISCUSSION ON ASMFC QUOTA ALLOCATION AND MANAGEMENT ISSUES

MR. BEAL: There is a white paper or a discussion paper, actually, that was on the CD on this issue. The background is at the summer meeting of the ISFMP Policy Board there was a discussion about ASMFC quota management issues, ownership and disposition of quotas and a number of issues associated with how the ASMFC implements quota management.

This discussion is kind of an offshoot of the scup and black sea bass discussion on some of the accounting issues and reconciliation addendum that was passed earlier this week and the striped bass rollover and a number of things. Paul Diodati sent an e-mail out to the commission that highlighted a number of concerns that were related to all these issues.

George Lapointe responded to that memo with some of his concerns as well. At the summer board asked staff to go back and compile all the issues associated with quota management that were in Paul Diodati and George Lapointe's memo plus the discussion that took place in the summer. I have done that in this white paper. There are eight items listed there. I probably don't need to go through them all but just hit the highlights.

They really mostly come back to ASMFC allocates quota, who owns that quota, what is the disposition of that quota, how does that interact with RSAs? Some of the states have established ITQ systems; how does unharvested ITQ quotas or fish – how are those handled at the end of the year and a number of things like that.

There is obviously a range of ways that states allocate their state's shares within the states, and should there be any standards applied under the ASMFC system to state allocation of their quotas? I think there is probably a number nine that should be added to this list based on discussions this week, and that's quota rollovers.

It's included, as we've talked about earlier, in a couple of our plans, but a number of plans don't include quota rollover provisions for any underages, so it is probably worthwhile to have a discussion on that issue as well. At the summer meeting the idea that Policy Board came up with was to compile this list of items for consideration and then establish a working group or a subset of commissioners to look into this, and I think that's where we are.

There is probably two discussion points, Mr. Chairman. One is are all the issues that this group should talk about included in the list and then how should this group operate, who should be on it and when should they get back to the Policy Board.

CHAIRMAN BOYLES: Thanks, Bob. Comments for Bob on the draft white paper? Is it inclusive of the issues that were originally raised by Paul Diodati's memo back in the summer? Have we gotten everything? I'm seeing heads nodding and I think we've got everything. The next question that I've got – we've got a former chairman who has got a little bit more time on his hands now, and I'd like to ask George Lapointe to lead the discussion among a smaller subset of policy board members.

Before Jack left, Jack had indicated his interest in serving on that group and Louis Daniel. Anybody else interested in serving on this? We'll try to keep the group small, but I'd like to at least get a sense of who might be interested. I've got Paul, Kelly, Dave, Pete, Steve, Jessica. I've got Pete.

MR. HIMCHAK: I'm raising my hand for Tom McCloy.

CHAIRMAN BOYLES: Well, I guess you can do that for Tom McCloy. You get to pass that message on. With your forbearance, what I'll do is take a look at this list and get a sense of what is a good-sized working group, with a good representative interest. George, do you think you may be able to get something back to report at the winter meeting?

MR. LAPOINTE: Yes, Mr. Chairman. My thought is I would talk to Bob about it and probably send some initial thoughts out to whoever is on the group you appoint and then organize a conference call to advance the discussion and report back in February.

CHAIRMAN BOYLES: That sounds reasonable to me. Mr. Adler, did you have a question?

MR. WILLIAM A. ADLER: It was more of a comment on number three. Is this an appropriate time to just mention it? I know we had a committee at one point in time to discuss the idea of how the ASMFC works with the federal councils because we frequently get into a mishmash where we don't agree and then we always back down, it seems to me. Should the ASMFC adopt similar standards to the federal system to improve alignment – I would like to see the federal people adopt similar standards to us for once. Thank you.

CHAIRMAN BOYLES: Thanks, Bill. I think that will be very much a part of the vigorous discussion that George will lead us through as part of this sub-group. Is that a good path forward for everybody; we'll expect to hear back from the sub-group at the winter meeting? Okay, anything else on that topic? All right, terrific! Moving on, let's get Mike Howard up and Mike will give us the Law Enforcement Committee Report.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MIKE HOWARD: Mr. Chairman, our meeting was opened on Tuesday by Jeff Bridi. We had an aggressive agenda this time, which was quite exciting over some of more boring meetings. Under species discussions, there was a motion to ask the Lobster Management Board to remember our previous comments and to re-emphasize the need for consistency in sizes and v-notches in adjoining areas.

Difficulty in enforcement in multiple areas within state lines continued to be problematic for law enforcement. We were shown a video, and there are other cases and examples where people are transferring illegal sizes that they catch in one area to people in the next area where they can keep them. This happens with flounder allocations, bycatch allocations and lobsters under area management. That motion was motion was approved unanimously and a letter will be forthcoming.

Atlantic herring; Maine re-emphasized that it would be easier to enforce if during days out fishing was not allowed. Under elvers, which has been a long-standing concern to the Law Enforcement Committee, we still aggressively check those areas that are subject to elvers in the spring. It is not as significant a problem as it has been in the past. The price is down. The U.S. Fish and Wildlife Service is looking at that through CITES.

We had a third straight session of Jonah Crab or Cancer Crab as a general issue. All agree now to the firm understanding that they really don't know the extent of unlicensed vessels that may be setting crab pots only, but they now are fully educated and aware that if you are federally permitted, that you must abide by all federal regulations and you may keep Cancer Crabs as a bycatch, but all the permit requirements must be adhered to.

If you are an unlicensed vessel, you can set pots but you may not catch any regulated bycatch. We have to be cognizant of the fact and the possibility of

bycatch being transferred to licensees, and we will do that. Striped bass; there was a significant discussion on striped bass enforcement. We feel that in certain areas in multiple states, that the EEZ still remains a problem; that those areas are not effectively controlled in the sport fishery, and that there is a strong probability of dealer reporting problems along the coast in the commercials.

We will have a presentation on the case that was in Maryland, available hopefully at the spring – if anybody wants to see it, the Striped Bass Board or Law Enforcement Committee – on how these cases, which just what has been brought to us, may be happening all through the dealer check-in up and down the coast.

The NOAA Office of Law Enforcement, Bob Hogan, with the general counsel, discussed summary settlements and their use, which is assistance to state officers. JEA's are still providing significant financial support in times of diminished resources in the states which are affected by up to 70 percent of their funding.

State are also using grants to survey gear in the Gulf of Maine and other areas; and while surveying the gear under this grant, they are enforcing it when they find violations. The new DMS system is up and running but with some significant issues in user friendliness. There are firewall issues that make this system less than user-friendly, but there is now a monthly call-in if anybody outside of law enforcement is using the system and would like to join that monthly call-in to discuss any issues.

The coast guard reported they did over a thousand ASMFC-related boardings last year with concentration on the exclusive economic zone striped bass work of the DELMARVA/North Carolina Peninsula and spiny dogfish work from Massachusetts south. The U.S Coast Guard will be offering free training, which was cancelled previously, in the South Carolina area, and they provide funding to that. It is a boarding school and inspection of at-sea vessels.

Mr. Gordon Colvin came and gave an update to the LEC on the Sportfish Registry. The LEC has concluded that this will not be a significant law enforcement problem to officers. Those that now will be checking for the first time some sort of license in their state may be see an increase in court-related time, but overall this is not a significant law enforcement issue.

Several states exchanged best practices on how to make cases, what evidence requirements were needed and the techniques used to catch and deter violations. Of specific interest are evolving methods of tracking suspects, gear, vessels, vehicles and persons through electronic means. They are evolving everyday and examples will be displayed at our next meeting.

Mr. Mark Grant of the National Marine Fisheries Service gave a presentation on sector management. Sector management was heard of by a few of our members, misunderstood by others and totally not heard of by almost one-half. He gave a thorough presentation. Although a significant discussion started, we decided that we needed to absorb this and to list concerns, problems and hopefully we'll have Mark back.

We understand there are over a hundred applications for this type of activity in the northeast, from North Jersey north, which caught most of our committee by surprise. Jeff Bridi passed the torch of chairmanship to Steve Adams from Georgia, who will remain chairman for the next two years. Carl Overturf from Connecticut was elected as our vice-chair. With that, I would conclude and ask if there are any questions.

MR. GROUT: Mike, one item you mentioned was concerning striped bass and dealer reporting problems that may be coastwide; is that something that you'll be continuing to discuss, and is it something that we could have some input from the law enforcement on how we might be able to tighten things on that if it seems to be extensive?

MR. HOWARD: Yes, it is. There are two avenues. One is we're doing a self-assessment of our enforcement efforts and to the degree possible assessing if it's an increased trend in violations to what degree, if possible. The other is through some covert actions states are taking, an indication similar in other states the problem with commercial reporting and the availability or the opportunity to usurp the laws if two or more persons agree to it. Once suggestion early on made was a consistent procedure throughout the coast that is tighter than it is, but we'll have a better answer for you guys at the spring meeting and a presentation.

MR. MILLER: A followup, Mike, on your comments concerning the federal registry; for those states that have joint cooperative agreements with federal law enforcement offices – and I presume that is most if not all the states now – in any event will state officers be enforcing federal fishing registry requirements? In other words, will they be checking

for federal fishing registry numbers out on the water? Thank you.

MR. HOWARD: Okay, without dragging it out, we were given every state's current intent on whether to create a fishing license and its timeframe and those states that were currently not matching a license with the federal registry; as you know, if you have a license and you meet the criteria. It appears that every state by 2010 – there might be a one-year gap and no one is going out there and arrest people for not having a federal registry.

It was discussed and the officers felt comfortable that at the end of the day any violations would be a state license violation and not a federal registry violation. JEA funding is being talked about in the use and support of any enforcement of that should it be necessary. The discussion of whether someone is going to be charged for not having a federal fish registry has not been a serious one. It will be fishing without a state license, which eventually will incorporate that information, as I understand it. Did I understand your question, Roy?

MR. MILLER: There is still some confusion in my mind. In other words, let's assume that a fishing vessel is encountered in waters off of a state that doesn't presently have a fishing license of their own. Will those enforcement officers be checking those boats for possession of federal fishing registry numbers?

MR. HOWARD: It is my understanding that unless your state tells you different – and it will be a state-by-state decision – it was unanimous that it will be an educational process. Those educational materials are currently drafted online and available for review, but it can't be finished until each state decides whether it will have a fishing license. I guess, yes, it will be enforced through an educational and warning atmosphere versus any type of taking it through a federal court process.

MR. DIOATI: Mike, I think I heard you say that enforcement of the new recreational license requirement shouldn't present an issue or something to that effect; is that what you said?

MR.HOWARD: It shouldn't create an enforcement concern once states have a license on the table that allows for that to be absorbed through. It was discussed that we're not going to specifically target people to see if they have the federal registry. We're going to be out there doing our jobs checking fishermen; and while you check that state license – if you have a state with a new license, it will obviously have a little bit of startup time in training and education. If cases go to a court system, that's going to take time. But, having experience, another state's license coming online over the last two or three decades, it is not a significant enforcement unless you try to start taking those things to the federal court system, which we don't anticipate doing.

MR. DIODATI: I guess my only other comment would be that there are a couple of issues that Mike presented that are of high interest to the Commonwealth, and I'm wondering is your report going to be available in writing or is there a written summary of the Law Enforcement Committee meeting?

MR. HOWARD: There is a written summary and the minutes will be available within a week. Tina has the summary and it may be on line now, but there is a summary available.

CHAIRMAN BOYLES: Any other questions for Mike? Okay, Mike, thank you for that.

MR. HOWARD: Yes, Mr. Chairman, I didn't go into detail about certain areas. Just to remind you, the Area Lobster Management System has always been a concern to us and it wasn't mentioned with specificity, just generally.

CHAIRMAN BOYLES: Okay, thanks, Mike. Let's move on now to today's agenda and Harley Speir is going to give us the Management and Science Committee Report.

MANAGEMENT AND SCIENCE COMMITTEE REPORT

MR. HARLEY SPEIR: We heard a report from Dave Beutel from Rhode Island. He is handling the citing issues for offshore energy development. Rhode Island has taken kind of an interesting approach. They've actually zoned out or looked at possibilities out to 30 miles offshore. A number of the other states are dealing only with energy issues within their state waters, so this is kind of a departure.

All of the states have issues. Many of them have already started processes for zoning and looking at potential conflicts. What the Management and Science Committee has decided to do is that we're going to provide an online resource for the states for

their energy issues. We would provide a checklist of standard items that they should consider in evaluation; provide web links to each state's offshore zoning information; and develop a bibliography of studies.

We had a presentation from Matt Cieri on forage fish. We have had a Forage Fish Committee for a couple of years, and we asked the Weakfish Technical Committee to look at forage fish issues within that species. Matt presented information from the MS-VPA. He demonstrated predation demands and prey selection for weakfish.

There are several other efforts throughout the states and some of the other technical committees to look at forage issues. I know of at least two or three. They're also looking at flounder predation, bluefish predation and dogfish predation. Again, several things that the committee has decided to do is to create a listing of forage for the managed species.

Now, this listing is always complicated by latitudinal and seasonal differences. We're going to try to use the Northeast Fishery Science Center list as a start. Obviously, we'll have to add to that with many of the southern species. The Northeast Fisheries Management Council is going to do an omnibus amendment to include prey species into their FMPs. We think that's probably not something that we want to do at this time but simply want to have a listing of forage by managed species and make that as detailed and as available as possible.

Bob Beal reported on compliance reports. They were revised in 2001, and they have evolved into very useful documents. I know that within our state they're circulated widely. It's a great source of information. They are being also used to transmit stock assessment data so that when a stock assessment comes up or assessment reviews come up, that the data is there and available.

It has created some problems in confidentiality of landings' data, so we wanted to assure that, number one, decide whether or not we wanted these compliance reports to continue to be a venue for providing assessment data; and, yes, we would, but we would like to have the confidential data kept separate from the compliance report. Report what you can in there as fully as you can, the biological data and compliance data; and if you need to provide confidential data, that needs to be provided separately or wrapped up in some way that it cannot be teased out.

In 2008 we decided on a list of priority research needs, and that was created from stock assessments and FMP reviews. In 2009 we reduced these priority research needs into what we call critical research needs. Then based on these critical needs, we further reduced this down into a listing of needs that would cover several species. I think we may have a handout.

The research needs that we're recommending are a couple surveys, fishery-independent surveys, fishery-dependent surveys, port sampling, observer programs. It is probably bad timing to be recommending new efforts, but this would fill a number of gaps, and we would get away from this kind of very single and very narrow focus on recommendations for single studies. These studies here could address a lot of questions. We would also coordinate with the ACCSP on their funding priorities. We would like to bring that into the mix.

We also discussed ecological reference points for menhaden. The MSC was updated on the management board's discussion at the August meeting. We did provide for the August meeting what we thought was examples of fisheries with ERPs, efforts to incorporate the role of forage fish into management.

At the Menhaden Board meeting on Tuesday we kind of continued this discussion on menhaden as forage. There are a whole lot of issues that are wrapped up into this ecosystem-based fisheries management, and we've had a number of presentations. We had Mike Fogarty with ecosystem-based fisheries management.

We had the discussion in the Weakfish Board about weakfish and their role not only as a predator but now potentially as forage. In menhaden we also talked about the fact that menhaden fishing mortality could go up this year. As a result of the change in the herring fishery where herring may be less available as bait, menhaden could be turned to. There are a whole lot of issues that are wrapped up in this.

What the Management and Science Committee would like to do is to – and what we think that we've heard from both the Policy Board and potentially and the Menhaden Board is to develop kind of a long-range look at developing ecosystem-based fisheries management; what are the processes that we would need to go through, what would we need to create, what kind of funding would we need? That's kind of the long term.

What we think we also heard was that we should continue some development on developing ecological

reference points for menhaden or least demonstrating how, if we did develop some, how they would be used and what their effects would be. This is kind of what we gathered. We would convene a committee cross-cutting across the Management and Science, the Multispecies Technical Committee and the Habitat Committee to look at these two issues; one very large and one a little more narrow.

We had reports from staff on developing an aging manual. This will be online. We have a number of aging of species. I guess their standards and protocols are pretty well set. Those will be up and available. Staff is also updating and verifying and improving the tagging website. Delaware State University is looking for some funding to acquire acoustic tagging data, and the commission will be tapping into that, also.

Wilson reported on the Cooperative Winter Tagging Cruise. Everything is going well except they may not have funding for a boat, which would interrupt a 20-year data stream. Are there any questions on any of this so far and then I'll move on into the NEAMAP portion?

MR. THOMAS O'CONNELL: Harley, I'm just trying to just recall the past several Policy Board meetings. Does the Management and Science Committee have a clear idea of what the charge is in regards to ecological reference points for menhaden? The reason I asked that is because I myself am a little confused at this point in time.

I remember at the February 2009 Policy Board meeting the Management and Science Committee was given the charge to look at ecological reference points for menhaden. I was not here at the August Policy Board meeting; but according to the minutes, a motion was approved to charge the technical committee to look at what types of ecological reference points would be good for menhaden and a schedule for those; and that to occur following the stock assessment. I'm just trying to find out – and, Harley, maybe you know – is what is the specific charge to the Management and Science Committee, how is that going to be communicated to the technical committee to report back to the board probably next May?

MR. SPEIR: Tom, I would have to say that we don't have a real clear idea of how we would proceed. Again, I would say that we would have this joint working group and with some discussion there try to work out a process.

MR. O'CONNELL: Well, it's unclear to me if the motion by the Policy Board at the last meeting or actually the last Menhaden Board meeting asking the technical committee to take on this charge with ecological reference points is kind of the new direction or if there is still a role for the Management and Science Committee; and if there is, we should try to clarify that today before we lose more time. Thank you.

MR. GROUT: Harley, one of the ideas that I had when we were talking about this at our earlier half of this Policy Board meeting was that when the MS-VPA model was being developed, I believe Management and Science was the lead, and we had a whole framework of how we, at the Management and Science Committee, had envisioned ecosystem management might be incorporated into the commission process.

I thought that might be something that could be used as a framework to start discussion and then bring in some of the work that Mike Fogarty and the National Marine Fisheries Service have been working on to try and see if – either add things in or see if there is something more current that we can use.

I think we discussed that we thought there was some information out there already that the Management and Science Committee could collect and use to try and put something together along with the Multispecies VPA Group and the Habitat Committee. That was sort of the guidance I thought we were going to provide them.

MR. BEAL: Mr. Chairman, I think there are really two different levels of activities here. One is very specific to menhaden, which given the information that we have in the modeling abilities that we have right now, can we develop ecological reference points for menhaden; and if so what should they look like. That is one level.

The second level is following up on Mike Fogarty's presentation, which is I think is a larger-scale project, which was referred back to the Management and Science Committee, asking them to work with members of the Habitat Committee, commissioners, Assessment Science Committee and look broadly at how we can go from the single-species management programs that we have right now to a more holistic ecosystem type management program and incorporate that into the ASMFC process.

I think Issue 1 is a menhaden specific issue. Two is broadly across the ASMFC suite of species; should

there be a conversion or a migration toward ecosystem principles and considerations within our management program. I think there is kind of two projects here.

MR. LAPOINTE: And within that context – and I'm glad that Tom brought the question up – it strikes me that because the Management and Science Committee process is going to take some time because they struggle with this as much as we do; that if we have the Menhaden Technical Committee address the ecological reference points for menhaden, that will probably get done sooner; and that can, if applicable, feed into the MSC process as well.

DR. WILSON LANEY: Well, just for clarification are we talking about the Menhaden Technical Committee or the MS-VPA Technical Committee?

MR. BEAL: The Menhaden Board charged the Menhaden Technical Committee with looking into ecological reference points at their last meeting in August, but that was with the understanding, as Tom said, that the priority goes to the stock assessment, to get that finished for peer review. Then once that project is wrapped up, move on to ecological reference points.

CHAIRMAN BOYLES: Tom, that's a good discussion; are you clear now where we are?

MR. O'CONNELL: I think I'm clearer. My understanding, and maybe it's good to repeat it, it sounds like the Policy Board would like to see the Menhaden Technical Committee focus on the ecological reference points to see what information is available and come back to us and advise us on what certain approaches would be and on what schedules they could be developed. Is that what your understanding is?

CHAIRMAN BOYLES: Yes. Any other questions on Harley's report so far, comments? Okay, Harley, do you want to go on with NEAMAP.

MR. SPEIR: The MSC and the NEAMAP Board met concurrently. You heard the biological report from Chris and Joe the other day so I won't run through that. There are two issues; one short term and one long term. NEAMAP has been funded by RSA, research set-aside funds, through the council. This year, for one reason or another, those funds are trickling in slowly. They have about $450,000 of the $900,000 budget.

They expect this money to trickle in potentially through February, which is going to leave them in a deficit mode when their funding year ends December 30th. They don't know how much they're going to be short right now. I think the potential is $200,000, so we may need to think about where are we going to find money to fill in this shortfall for the current year, current budget.

The second thing is it is funded for 2011 I think also by RSA, and we may face the same problem next year. They have asked for money for 2011 from a cooperative fisheries research organization in the northeast. It has been kind of a patchwork work of funding that they've used to get through the years. NEAMAP is the crown jewel in our data gathering. We need to be very protective of it.

It is something that is comprehensive, broad scaled, and it covers the data-poor stocks, it covers the data-rich stocks. We know how valuable the Northeast Fishery Science surveys are. This is equally, and it is recognized by the councils. The councils are willing to put up money. The commission – we need to find a way to supplement or pay for this. We're recommending that letters be prepared by the state directors to their legislators looking for money, long-term money, and that ASMFC also provide a letter, again looking for a long-term commitment for funding.

One of the questions here – and also SEAMAP is a line-item funding, North Carolina and south. We would need line-item funding for NEAMAP for North Carolina north, all the way through Maine, and that would help cover the cost of some of the state programs now that go on from Massachusetts through Maine.

CHAIRMAN BOYLES: We have a recommendation on trying to find the money for NEAMAP. How does the Policy Board want to proceed? Pete.

MR. HIMCHAK: Mr. Chairman, I don't have a direction, but I think I need to explain. I believe NEAMAP is funded through the research set-aside for both the spring and the fall cruise of 2010. Beyond that, they would have to apply again through the program, so I stand corrected.

MR. LAPOINTE: I want to ask Vince; the idea that we get all of our – you know, we do something coordinated makes sense, and this is something we've tried to do, but our history in the past has been the execution by the states my impression is not that good. You know, we go home and other things get in

our way and we forget to write those letters and make the contacts.

If in fact we do a letter to our legislators and to NOAA, I think we need to make sure – recommit to making sure that we all write the letters and deliver them and do the backup work necessary to try to push this item along. I guess that was a question for Vince is he is willing to answer.

EXECUTIVE DIRECTOR O'SHEA: Well, Mr. Chairman, if I'm willing to what; I just didn't hear it?

MR. LAPOINTE: My sense is that when we've said we're going to go home and write letters in the past, our follow through was not that good. I just wanted to verify that.

EXECUTIVE DIRECTOR O'SHEA: Yes.

MR. HIMCHAK: Mr. Chairman, on that very issue, at the NEAMAP Board, rather than say that states should investigate alternative funding sources, the recommendation was that they write letters so that there is a paper trail, and the letters that are written should copy the ASMFC.

MR. DIODATI: Harley, in your report I thought I heard you say that NEAMAP funding will take into consideration the inshore surveys; that included Massachusetts as well?

MR. SPEIR: Yes.

MR. DIODATI: Okay, I guess I'll remind the board that the Massachusetts Fisheries Institute over a year ago made a solid offer to fund NEAMAP for a minimum of three years, and there seemed to be concern with that presentation. Although I certainly can't commit to it, I would be willing to go back and work with my partners in the Commonwealth and possibly come back to NEAMAP with an offer they can't refuse.

CHAIRMAN BOYLES: Paul that is generous, very generous.

MR. SPEIR: Clarification, Paul. It does not include the Massachusetts Survey, I'm sorry. It is the New Hampshire/Maine.

MR. DIODATI: Well, that might change my willingness, but we'll see.

DR. LANEY: Well, point of clarification on that, Harley. I was sitting there when that discussion took place, and what I thought Linda said – Linda Mercer was talking about the fact that we did need to roll all of those coastal trawl surveys into the NEAMAP Umbrella. If I remember the discussion correctly, didn't she say that I think, Paul – and you can correct us if we're misspeaking, but I think she said that Massachusetts did have some arrangement with the Northeast Fishery Science Center to fund a good bit of that, but that Massachusetts was still spending $40,000 of their own funding.

I thought she said that she would like to see that amount rolled into the overall NEAMAP allocation if we managed to secure a line item for that. The whole point was to try and roll every nearshore or coastal trawl survey in together under the NEAMAP umbrella regardless of which jurisdiction was actually carrying it out.

MR. DIODATI: Actually, I think there is a misunderstanding there because Massachusetts has been conducting its inshore survey for 30 years now, and we pay for every bit of that. It is running close to $400,000 a year right now. A good portion of that money we pay to the National Marine Fisheries Service for use of their research vessel, so we're actually the sole contributor to that research vessel wouldn't even be there if we weren't doing the survey.

We're not getting any support from the National Marine Fisheries Service to do our survey, and our cost is much larger than $40,000. That is why I was interested when they said they wanted to roll in what we have been paying. We've spent virtually many millions of dollars over the past 30 years to keep the survey going and we're committed to continue it. If this board is interested, I will give further consideration to how the Commonwealth Partnership might be able to support NEAMAP.

CHAIRMAN BOYLES: Thanks, Paul. What is the will of the board? We've got a recommendation from the NEAMAP Board trawling for money. Doug.

MR. GROUT: The first part of this brings up something that I think is an even bigger issue that I think we need to talk about is when we develop these letters for individual programs like this – and NEAMAP is vital; I agree. Maine to North Carolina, it should all be wrapped in, but I think we should be looking at a bigger process here.

ACA funding has been cut recently. The IJ funds that we get are pretty miniscule. Mine go from one level to double to back to half, all depending on what

my funding is. I think what we need to do, if we're going to come up with letters from state directors and the ASMFC, is to try and put together what we need as a whole by the commission and as states together.

Rather than just saying, well, here is a letter; we're requesting money for NEAMAP; here is another letter and we think that ACFCMA should be fully funded, we should shoot it all in there at once together as state directors and the ASMFC and say this is what we need to effectively manage Atlantic Coastal Fisheries.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I was going to point out that we do that every year, and we've sent now at least four letters up to NOAA; two to Vice-Admiral Lautenbacher when he was here the administrator and two to Dr. Lubchenco. The most recent one to Dr. Lubchenco, I think I sent it a month ago on behalf of the commission; and as far as I know we sent copies to the states.

When I write those letters and sign those letters, I'm signing them – my understanding is I'm signing them on behalf of the 15 member states. I'm not exactly sure what we get by having the states, then, write to NOAA. I'm not discouraging you from doing that, but I want you to be aware the commission is on record saying that NEAMAP ought to be a single line item in the NOAA Budget. It ought to be appropriated in the vicinity – I can't remember the number; I think it's $1.5 million and it ought to be a stand-alone line item. We have taken that position going on three years now. Thanks, Mr. Chairman.

MR. HIMCHAK: Mr. Chairman, to that point, I think, Vince, the intent was for the state directors to write to their state's legislators and to bring home the issue to its state citizens and have that one-on-one contact. Thank you.

MR. LAPOINTE: A question to Pete; my congressional representatives or my state representatives because writing to Dennis about NEAMAP isn't going to be productive. He is going to say, "Good, go find the money in Washington." I think I would ask Vince that there may be merit not to copy the letter that he does to NOAA because I think he is correct there, but in terms of our congressional representatives, for him to write a letter and then for us to back it up does give some local attention to the issue, and so there some merit there, I think.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, maybe a little bit more detail in the answer I gave George; I would estimate the track record in the last three years of the states following up on our annual appropriations thing is probably on the order of 10 percent. Maybe we get two letters out of the states, perhaps three.

Most of our administrative commissioners have constraints by their state government regarding their Office of Legislative Affairs as to whether or not the administrative commissioners can weigh in. Quite frankly, the reason for that is the governors have already put in their priorities and most of our administrative commissioners are under constraints not to undermine their governors' request of what their funding priorities area.

That then leaves our legislative commissioners and our governor-appointed commissioners – and, again, some of them are just outstanding and some of them are quite busy and frequently don't really have the time to engage on this or the inclination. I'm speaking frankly, but that's the track record.

MR. DIODATI: Well, I'm glad that you said that, Vince, because I was thinking that we've got to think about being productive, and I was thinking exactly what you said would be the case. I think that the letters that Vince is writing on behalf of the entire commission, I think that is appropriate going to NOAA, and I recommend continuing that effort.

I don't think it would be helpful if we all, individually, follow up with the same letter to NOAA. I think if we left here with the understanding that we should go home and work our own federal legislators, it is not going to happen. I guess what we haven't had for a long time is a piece of legislation that we all feel really good about that might solve some of the problems that we want solved financially.

I would suggest that maybe it is time to revitalize the commission's legislative committee and think about perhaps an amendment to ACFCMA or maybe a new piece of legislation that addresses some of Doug's comments. Mark and I were talking during our break about the need for money to be spent in assessments and age and growth. I mean it's a long list and we seem to be missing some important priorities.

Maybe that's a better direction for us because the individual letters and trying to get a piece of money for this one thing I don't think that stimulates the interest that we need. Maybe it's time to do something a little bit more holistic, something of real

substance, and I would consider that to be a new piece of legislation.

That would be my recommendation; but for the immediate need of NEAMAP, as I said I would be glad to maybe work out some arrangement with the National Marine Fisheries Service where we can meet them halfway, and it's possible that the Commonwealth could make a contribution there until we get to a better spot.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, a couple of other things to think about; the first is within the Atlantic Coastal Act there is an authorization to $10 million, and we've most recently been appropriated $7.2 million, so at least in terms of that $2.8 million our problem isn't within the authorization. It's within having an effect on the appropriation side, which is a different process.

The second is I've mentioned this to some folks offline, but since the question has come up, ACFCMA has not been reauthorized in a number of years; and the issue of raising ACFCMA up for reauthorization, quite frankly I think there are some people that are there that are saying if ACFCMA gets opened up, then they have an interest in maybe changing some of the standards and some of the requirements within the Atlantic Coastal Act.

I think while it may be good to put in the science and data collection provisions and maybe increase the authorization, quite frankly there are some other issues that are going to come up with that and you need to think about that. I think the third thing to keep in mind is that the Mid-Atlantic Council has already decided or agreed to take 3 percent of fish like summer flounder off the top.

In one of the more recent RSA auctions that quota sold for – some of it sold for three dollars a pound. I think that next year's TAL is around 20 million pounds so 3 percent of 20 million pounds is 600,000 pounds and at three dollars a pound is $1.8 million. The Mid-Atlantic Council has already committed that to feed into the RSA Program.

I'm not trying to offer that as a total solution but in this whole range of sources of money, I think it's important to keep that in mind; keeping in mind there are some people that are at this table that sit on that council that speak against or have concerns about RSA. It's a complex issue but people that aren't on the Mid-Atlantic Council need to know that type of money is available within that program. Thanks, Mr. Chairman.

CHAIRMAN BOYLES: Thanks, Vince. We need to wrap this up. The way I see this is we've got three paths forward, perhaps. The letter coming out of the NEAMAP Board, as I understand it, Vince, has been sent. That went to Dr. Lubchenco within the past month. Harley, the way I see that, the ASMFC has written NOAA on behalf of NEAMAP and that has been done.

The question of state directors contacting their delegations, I don't know that there is any unanimity of opinion here. I think some commissioners have a little bit more freedom, as Vince referenced, than some of the other commissioners. This has been a good discussion, but I think it needs to be front and center on how important NEAMAP is as those of us who can, can contact our delegations.

Paul suggested a reconstitution of the legislative committee. That was one of my things that I wanted to work on the first couple of months. Paul, I think that's a good suggestion. Whether it results in a recommendation to champion a piece of legislation or simply to focus on the appropriations process rather than the authorization process, I think that is something that perhaps you and I can work on as chair and vice-chair.

I guess the last item I see is consideration by the Massachusetts Fisheries Institute to see how the objectives of that program and NEAMAP may be melded, and I heard Paul indicate a willingness to entertain those conversations with his colleagues back home. Is that what I've heard; is that a summary of where we are? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, writing letters to senators and representatives, I just sort of remind you where we are in the budget process right now. The NOAA Budget has already cleared the CJS Subcommittee and is now sort of before the senate floor, and changes to that are going to require a floor vote.

That's why you got a note from me about two weeks ago saying there was a $174 million raid on the NOAA Satellite Account, but that's the way that's going to happen. Quite frankly, if you've got one bullet to write a letter, I would suggest that when big chunks are made on the NOAA Budget to raid it at this point, that our letters are better spent going there rather than to ask them to get into the details of the budget that has already gone out of CJS. Now, when we enter into the next cycle next spring, once we see what the President's budget is, that would be, from

that perspective, a more appropriate time for you all to weigh in, in my view.

MR. MILLER: Mr. Chairman, as a relatively new LGA I have been sort of groping in my mind with a proper role in terms of – let's just use the umbrella topics – soliciting finds for the greater good of ASMFC concerns. I don't know right offhand how much flexibility I have in that regard to propose something that may not be in alignment with the governor's office budgeting proposals, but one would think that an LGA would have the ability to send letters to their congressmen just like any citizen does and perhaps more freedom to do so than perhaps Delaware's administrative member of ASMFC.

Thinking along that line, the only thing I would request is the old adage of don't go to the well too many times. In other words, I would like some guidance from the commission as to which are the most important proposals and when is the proper time to send those letters? I agree with everything that has been said about NEAMAP. It's a wonderful program and I just love it to death, but I don't want to go to the well too many times if I start down that path. Thank you.

CHAIRMAN BOYLES: Thanks, Roy, good comments. To reference what Vince said, the President's budget will be rolled out. I guess he'll make some elusions to the 2011 budget in the State of the Union in January. Presumably about the same time that the winter meeting is we will have an idea of what is being proposed, and that starts that budget process for 2011.

My suggestion would be that between now and the winter meeting you explore specifically the kinds of freedoms or constraints that may be on you in your individual position. I think we can probably get a sense from the staff on where the asks would be. We've had extensive discussion about the ACFCMA Plus-Up. We are at an authorized level of $10million; we're somewhat south of that, $7.2 million, in appropriations.

The appropriations' number is the number that is in the bank, so there is some growth potential there, Roy. Any other comments on this? Harley, does that conclude your report? Okay, thank you for that. Let's roll on now to the Assessment Science Committee Report. Melissa Paine is going to give us that.

ASSESSMENT SCIENCE COMMITTEE REPORT

MS. MELISSA PAINE: Mr. Chairman, I think this will be very brief. The Assessment Science Committee met in September, and their first order of business was to discuss the stock assessment schedule for 2010, which they reviewed and approved without seeing any conflict in the scientists' workload or anything to that effect.

Some of the changes since the last time this board reviewed the stock assessment schedule are listed in this update that I'm reading from which was provided in your briefing materials. The first is that Atlantic sea herring was updated this year and is scheduled for a SARC Review in 2012. As you heard earlier today, the Spiny Dogfish TRAC will be in early 2010.

Coastal sharks will be reviewed in SEDAR 21 in 2010. That review will encompass sandbar, dusky and blacknose sharks. SEDAR 28 is scheduled for 2012, and the species to be assessed there are to be determined. Tautog may be updated in 2011.

One recommendation that ASC had was that striped bass not be updated in 2011 as they are scheduled to have an assessment review in 2012 according to a five-year trigger, so the timing of that seemed to be a little bit too close. They recommended that the technical committee focus their work on the review rather than the update so close in time. On the back of that update is the whole stock assessment schedule, so I think we'll just ask for your approval of that schedule.

CHAIRMAN BOYLES: Any questions for Melissa? Pat.

MR. AUGUSTINE: Seeing no hands go up, I move to approve the schedule as presented.

CHAIRMAN BOYLES: Okay, motion by Pat; is there a second? Seconded by Dr. Daniel. Any discussion? George.

MR. LAPOINTE: Melissa's point about striped bass and what we do in 2011, is it an update in 2011?

MS. PAINE: Yes, that is what is on the schedule right now.

MR. LAPOINTE: And so are we punting on that or are we going to make a decision one way or the other? That's not a question for Melissa; that's a question for the board.

CHAIRMAN BOYLES: Well, Pat, you made the motion.

MR. AUGUSTINE: I think if the board believes we need it in 2011, then, yes, let's push to have it in 2011 unless someone has a contrary opinion and feels strongly about it

CHAIRMAN BOYLES: Just as a point of order, my understanding is the recommendation, as it came forward, was that it held be back to 2012 as is on the front page of that recommendation.

MR. AUGUSTINE: Mr. Chairman, well, let's go with that clarification.

CHAIRMAN BOYLES: Which is?

MR. LAPOINTE: No update in 2011.

MR. GROUT: Is the Policy Board going to overrule what the Striped Bass Board recommended? I have no problem with it either way, but when we came back with the last peer-reviewed assessment the board, at the recommendation of the technical committee, went to an every other year update and every other year an assessment. Now, I think going to 2012 is fine, but from a procedure where the Striped Bass Board has voted to have it happen every other year; can we do that?

CHAIRMAN BOYLES: The motion on the floor is to approve the stock assessment schedule. As it is presented by the Assessment Science Committee, the Striped Bass Review would not occur until 2012 as recommended by the Assessment Science Committee. That is Mr. Augustine's motion; Pat, is that correct?

MR. AUGUSTINE: Yes, Mr. Chairman. This is another case where it is a technical opinion versus the board's wishes. Either we're going to follow the science or we're not going to follow the science, and in this particular case I think we need to adhere to what they're saying. I just don't hear a strong enough argument as to why that schedule should not force us to change our opinion as a board. Yes, I would like to have it stay that way.

CHAIRMAN BOYLES: Louis, is that your understanding as well, 2012 for a striped bass update?

DR. DANIEL: 2014 would be fine with me.

MR. AUGUSTINE: Or '16 or '18.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, I think another way to look at this is the Striped Bass Board is a subset of this broader policy board. You've gotten advice from your overall science advisors, and there are resource implications regarding how frequently we're using our science resources doing assessment updates. I think it is an appropriate decision for this policy board to make.

DR. DANIEL: And that means that we don't have to do an update in 2010 or 2011; correct? There are going to be some happy folks in North Carolina in my office.

MR. CAMPFIELD: Mr. Chairman, as it stands now we just completed a 2009 update. The previous benchmark was in 2007. The standard five-year trigger would occur in 2012. A point of clarification; there is also the action of getting striped bass on one of the review process timelines or schedules. Currently striped bass is not on there. It went through a SARC at Woods Hole the last time. That's another component of this equation.

We would have to go through the NRCC to suggest that striped bass get on to SARC in 2012. Just to expand a little bit, if I may, on the ASC perspective, their concern is simply the current schedule of having an update in 2011 and then a benchmark in 2012 and another update in 2013, which would be three consecutive years of assessment work, which to them seemed excessive.

CHAIRMAN BOYLES: Thanks, Pat. Any other questions? Okay, we have a motion on the board to approve the assessment schedule as presented, and for clarification that's the striped bass assessment in 2012. Is there any opposition to the motion**? Seeing none, that motion is approved unanimously.** Melissa, thank you. Other Business, black drum, Roy.

OTHER BUSINESS:
BLACK DRUM
FISHERY MANAGEMENT PLAN

MR. MILLER: Mr. Chairman, as I noted earlier this week, I wanted to follow up on some discussion that we had at I think it was the Annapolis ISFMP Board meeting with regard to black drum. I don't believe the commission has made very much progress in that regard since then, and so I would like to highlight this issue and perhaps suggest that we consider attempting to find the funds – and I'm not suggesting that I know the best source to find those funds – for a

data-gathering workshop for black drum as the first step in the new FMP process. Thank you.

MR. BEAL: Task 2.2.8 in next year's action plan that the commission approved yesterday does contemplate moving forward on black drum data collection programs and looking into existing fishery-dependent and independent data collection programs and evaluate what data is collected. If there is a program like SEAMAP or some other program that is going on and does not collect black drum data, then we're going to ask them to, you know, while you're out there doing all the other work, can you also throw in the black drum data?

I think we can do some of this at the staff level and a fair amount of this through correspondence with the states to determine what data is out there, is there enough data to even appear to have the foundation to initiate a fishery management plan? I think that is Step One. I think Louis may have brought up the idea the other day of maybe if we don't have the stock assessment, we need to just put in place some precautionary measures coastwide that vary by state while we do collect the data and while we do try to build a stock assessment for this species.

I guess the take-home message is I think we can probably work at the staff level, contacting some states and see what data we need. We can compile the basic data sources. We may not have time to compile all data. We can report back possibly even in February as to what the overall data world for black drum looks like.

CHAIRMAN BOYLES: Roy, how does that sound to you?

MR. MILLER: That sounds good. I think that would be good so we can look forward in February possibly to this staff and/or state initial review of do we have enough information to even consider doing a Black Drum FMP and then make a decision from there. That sounds good. Thank you.

CHAIRMAN BOYLES: Louis, did you have your hand up.

DR. DANIEL: I do. I like those directions you've outlined, Bob, and certainly am very interested in this fishery. We do have plans that don't have assessments, and so I don't think it necessarily has to be incumbent upon having the data to do a quantified stock assessment. I mean, the majority of the harvest south of Virginia is juvenile fish and it is a problem. We're smacking the juveniles and we're also smacking the adults, which is very similar to what we did with red drum when we got into the scrape we got into with them. We've seen some shifts in the effort directed towards black drum based on landings' information, and so I think there is a concern there. Even something as precautionary as a size and bag limit and a trip limit could do something.

We also need to think about the same thing with spot. Recent information suggests they can live to be five years old; so if that is indeed the case and we're only seeing one-year-old fish and the stock is declining like it is in terms of landings, there are a few issues that we need to start thinking about being proactive on. I appreciate the discussion on black drum. I think that would be a really cool thing to move forward with regardless of what the data shows us.

MR. HIMCHAK: On this species, we have moved ahead with a proposal to increase or actually double the minimum size limit, cut the possession limit in half and reduce the commercial quota and the trip limit. All this is, of course, tied up with our shark regulations in a multispecies proposal. We are moving forward to get that adopted ASAP.

MR. MILLER: The other day Vince correctly noted that the states of New Jersey and Delaware are looking into joint black drum regulations for the Delaware Estuary, but I think the whole point of highlighting this particular topic at this particular board meeting is the fact that we're talking about a highly migratory species, which we only see a couple of life stage components within the Delaware Bay and Delaware's jurisdictions; hence the need for a more comprehensive approach than just Delaware and New Jersey. Thank you.

CHAIRMAN BOYLES: Good point, Roy, and good discussion. To follow on to both Pete and Louis' points, in South Carolina we've implemented size and possession limits about two years ago for this species. It had been unregulated prior to that. I think it will be a good discussion and look forward to the results of the staff review perhaps as early as the February meeting.

Anything else to come before the Policy Board? All right, seeing none, I wanted to offer two notes of congratulations; one to Spud Woodward who has been named the Director Designee for the Georgia Coastal Resources Division; Spud, congratulations. (Applause) And to Dr. Katie Drew who successfully defended her dissertation I understand very recently; Katie, congratulations, that is good work. (Applause)

ADJOURNMENT

Anything else to come before the Policy Board? Seeing none, we will stand adjourned.

(Whereupon, the meeting was adjourned at 2:20 o'clock p.m., November 5, 2009.)