

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*August 8, 2012
4:45 p.m. – 6:15 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*P. Diodati*) 4:45 p.m.
2. Board Consent 4:45 p.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2012
3. Public Comment 4:50 p.m.
4. Review of Stock Rebuilding Performance (*T. Kerns*) 4:55 p.m.
5. Habitat Committee Update (*R. Beal*) **Action** 5:25 p.m.
 - Approval of Offshore Wind Habitat Document
 - Discussion on Future Direction of Habitat Program
6. Atlantic Coastal Fish Habitat Partnership Report (*E. Greene*) 5:40 p.m.
7. Technical Orientation and Guidance Document Update (*T. Kerns*) 5:55 p.m.
8. Other Business/Adjourn 6:15 p.m.

The meeting will be held at the Crowne Plaza Hotel, 901 North Fairfax Street, Alexandria, Virginia; 703-683-6000

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*August 9, 2012
2:45 p.m. – 3:15 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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| 1. Welcome/Call to Order (<i>P. Diodati</i>) | 2:45 p.m. |
| 2. Board Consent | 2:45 p.m. |
| • Approval of Agenda | |
| 3. Public Comment | 2:50 p.m. |
| 4. Review of Non-Compliance Findings (If Necessary) | 3:00 p.m. |
| 5. Other Business/Adjourn | 3:15 p.m. |

The meeting will be held at the Crowne Plaza Hotel, 901 North Fairfax Street, Alexandria, Virginia; 703-683-6000

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

MEETING OVERVIEW

**ISFMP Policy Board Meeting
Wednesday, August 8, 2012
4:15 – 6:15 p.m.
Alexandria, Virginia**

Chair: Paul Diodati (MA) Assumed Chairmanship: 11/11	Vice Chair: Louis Daniel (NC)	Previous Board Meeting: May 2 and 3, 2012
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2 and 3, 2012

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review of Stock Rebuilding Performance (4:55-5:25 p.m.)
Background <ul style="list-style-type: none">• As part of the ASMFC 2009-2013 Strategic Planning process, the Commission agreed to conduct more frequent reviews of stock status and rebuilding progress.• The ASMFC 2011 Annual Plan tasks the Policy Board with conducting a review of stock rebuilding performance.
Presentations <ul style="list-style-type: none">• A presentation will be given on the stock rebuilding performance for each species that is managed by the Commission
Board action for consideration at this meeting <ul style="list-style-type: none">• The Policy Board will need to determine if the rebuilding performance for each species is consistent with the Commission Vision and Goals.• If the performance is not consistent with Vision and Goals, what action should be taken.

5. Habitat Committee Update (5:25-5:40 p.m.)
Background <ul style="list-style-type: none">• The Habitat Committee met in April of 2012• The Habitat Committee developed the Offshore Wind Document to explore the habitat implications of wind-powered generators being placed offshore.• A white paper was developed by a contractor to consider the future direction of the Commission's Habitat Program. The white paper includes recommendations for

changes to the Program. The Habitat Committee prepared a response to the white paper. Both the white paper and response are included on the CD.
Presentation <ul style="list-style-type: none"> • A Presentation of the Offshore Wind Document • Initial discussion of the future direction of the habitat program
Board actions for consideration at this meeting <ul style="list-style-type: none"> • Approve the Offshore Wind Habitat Document

6. Atlantic Coastal Fish Habitat Partnership (5:40-5:55 p.m.)
Background <ul style="list-style-type: none"> • The ACFHP Steering Committee met on April 24-25, 2012 and selected tasks for the 2012-2013 Implementation Plan
Presentations <ul style="list-style-type: none"> • Presentation of Partnership activities including recently endorsed proposed projects, FY12 projects funded, and FY13 project application timeline by E. Greene
Board actions for consideration at this meeting <ul style="list-style-type: none"> • None

7. Technical Orientation and Guidance Document Update (5:55-6:05 p.m.)
Background <ul style="list-style-type: none"> • The Guidance Document for ASMFC Technical Support Groups and the Orientation Manual for ASMFC Technical Support Group Membership were last updated in 2002 • Commission Science and Policy staff are working to update the manuals into one guidance document that reflects current ASMFC committees and practices • Included will be guidance for public participation during Technical Committee meetings to address various stakeholders concerns to the Policy Board on the limited guidelines in the current manuals
Presentations <ul style="list-style-type: none"> • Update on the Progress of the Technical Orientation and Guidance Document by T. Kerns
Board actions for consideration at this meeting <ul style="list-style-type: none"> • None

8. Other Business/Adjourn

MEETING OVERVIEW

ISFMP Policy Board Meeting
Thursday, August 9, 2012
2:45 – 3:15 p.m.
Alexandria, Virginia

Chair: Paul Diodati (MA) Assumed Chairmanship: 11/11	Vice Chair: Louis Daniel (NC)	Previous Board Meeting: May 2 and 3, 2012
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Review Non-Compliance Recommendations (If Necessary) (2:55 p.m.-3:15 p.m.)

Background

- Species management boards and sections review compliance on an on-going basis.
- If a board/section recommends that a state be found out of compliance, the Policy Board must review this finding prior to the Commission taking action.

Presentations

- Staff will provide background on any non-compliance recommendations

Board actions for consideration at this meeting

- Determine if a recommendation should be made for the Commission to notify the Secretaries of Interior and Commerce of a state's non-compliance

5. Other Business/Adjourn

DRAFT

DRAFT

DRAFT

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

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

TABLE OF CONTENTS

Call to Order, Vice-Chairman Louis Daniel 2

Approval of Agenda..... 2

Approval of Proceedings, February 8, 2012 2

Public Comment 2

Compliance Committee Report..... 2

Assessment Science Committee Report..... 6

Law Enforcement Committee 9

ASMFC Comments to the New England Council on Atlantic Herring Amendment 5 11

NEAMAP Report..... 13

Initiate 2013 Annual Action Plan 17

Discussion of Research Set-Aside 17

Other Business 19

Adjournment 23

INDEX OF MOTIONS

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

ATTENDANCE**Board Members**

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

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

Ex-Officio Members

Brian Richardson, Technical Committee Chair

Staff

Vince O'Shea
Robert Beal

Kate Taylor
Danielle Chesky

Guests

Sign-In Sheet Not distributed

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

CALL TO ORDER

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

APPROVAL OF AGENDA

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

APPROVAL OF PROCEEDINGS

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

PUBLIC COMMENT

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

COMPLIANCE COMMITTEE REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN DANIEL: I think a motion would be better.

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

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

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

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

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

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

CHAIRMAN DANIEL: Keep them separate would be my suggestion.

MR. AUGUSTINE: That makes sense; thank you.

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

CHAIRMAN DANIEL: At the annual meeting. Adam.

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

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

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

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

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

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

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

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

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

ASSESSMENT SCIENCE COMMITTEE REPORT

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

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

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

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

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

MR. CAMPFIELD: Lobster.

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

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

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

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

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

CHAIRMAN DANIEL: Can we do it all, Pat?

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

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

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

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

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

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

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

CHAIRMAN DANIEL: Thank you for that clarification. Rob.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN DANIEL: Without objection; okay.

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

CHAIRMAN DANIEL: Without objection; okay.

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

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

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

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

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

CHAIRMAN DANIEL: Steve says that's fine.

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

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

LAW ENFORCEMENT COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. FOTE: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN DANIEL: Anything further? David.

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

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

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

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

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

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

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

NEAMAP REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN DANIEL: Anybody else? All right, Wilson.

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

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

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

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

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

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

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

INITIATE 2013 ANNUAL ACTION PLAN

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

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

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

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

DISCUSSION OF RESEARCH SET-ASIDE PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER BUSINESS

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

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

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

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

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

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

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

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

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

CHAIRMAN DANIEL: Any questions for Doug? Bill.

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

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

MR. MEYERS: Okay, thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAY 3, 2012

THURSDAY MORNING SESSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

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

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

Atlantic States Marine Fisheries Commission

Annual Performance of the Stocks: 2012 Review

July 24, 2012

Objective: – Support the ISFMP Policy Board’s review of stock rebuilding performance and management board actions and provide direction to management boards for 2013 Action Plan.

- A. Validate status/rate of progress (acceptable/not acceptable)
- B. If not acceptable, identify appropriate corrective action

Species Groups: – Species are grouped under five major categories (1) rebuilt; (2) rebuilding; (3) concern; (4) depleted; and (5) unknown.

Rebuilt:

American Lobster (GOM and GBK)
Atlantic Croaker
Atlantic Herring
Atlantic Striped Bass
Black Sea Bass
Bluefish
Scup
Spiny Dogfish
Summer Flounder

Rebuilding:

Spanish Mackerel
Red Drum

Concern:

American Shad
Atlantic Menhaden
Coastal Sharks
Horseshoe Crab
Northern Shrimp
Spot
Spotted Seatrout
Winter Flounder (GOM)

Depleted:

American Eel
American Lobster (SNE)
River Herring
Tautog
Weakfish
Winter Flounder (SNE/MA)

Unknown:

Atlantic Sturgeon

Status as of 1998

Rebuilt/Rebuilding:

Atlantic Herring
Atlantic Striped Bass
Bluefish
Black Sea Bass
Spanish Mackerel
Summer Flounder

Concern/Depleted:

American Lobster (SNE)
Atlantic Menhaden
Northern Shrimp
Red Drum
Scup
Spiny Dogfish
Tautog
Weakfish
Winter flounder (SNE/MA and GOM)

Unknown:

American Eel
Atlantic Croaker
Atlantic Sturgeon
Horseshoe Crab
Shad & River Herring
Spot
Spotted Seatrout

Rebuilt Species

- American Lobster - Gulf of Maine and Georges Bank
- Atlantic Croaker
- Atlantic Herring
- Atlantic Striped Bass
- Black Sea Bass
- Bluefish
- Scup
- Spiny Dogfish
- Summer Flounder

Summary Table of Rebuilt Species

Species	Biomass % of Target	Assessment Schedule	Caveats/Notes (what actions need to be taken to maintain rebuilt status)
American Lobster (Gulf of Maine)	161% of abundance threshold, no target set (2009 assessment)	Benchmark Assessment - 2014	Record high effort and abundance levels Area 514: very high exploitation rates and declines in recruitment warrant further restrictions
American Lobster (Georges Bank)	247% of abundance threshold, no target set (2009 assessment)	Benchmark Assessment - 2014	Record high effort and abundance levels Sex ratio skewed toward females (~80% from 2005 to 2007) for unknown reasons. Warrants caution: stock could experience recruitment problems if male numbers remain low
Atlantic Croaker	Biomass has been increasing since the late 80s and overfishing is not occurring (2010 assessment)	Benchmark Assessment – 2015 (unless triggered sooner)	Biomass trend based on increasing relative abundance indices and expanding age structure in indices and catch. However, a biomass determination cannot be made until the discards from the South Atlantic shrimp trawl fishery can be adequately estimated and incorporated into the stock assessment. Only the ratio of F/FMSY can be used to determine if the stock is subject to overfishing.
Atlantic Herring	>300% of biomass target (SAW/SARC 54)	SAW/SARC 54 – June 2012	Area 1A annual quota fully harvested for last several years. Harvest controls implemented to slow landings (TAC, days-out).
Atlantic Striped Bass	109% of SSB target (2011 assessment update)	SARC 56 – June 2013	Age- and tag-based model F estimates 0.23 or less, well below the 0.30 target. Low recruitment from 2005 – 2010. Stock abundance has declined since 2004, which is more apparent in areas largely dependent on contributions from the Chesapeake stocks (such as Maine) than areas dominated by the Hudson stock.
Black Sea Bass	111% of SSB target (2011 assessment update)	Benchmark Assessment Spring 2014	The black sea bass model average retrospective pattern suggests that F is underestimated and recruitment and total biomass are overestimated in the terminal year.
Bluefish	95% of SSB target (2011 assessment update)	Annual Assessment Updates; Benchmark Assessment – 2014	Age/length key incomplete necessitating assumptions regarding year class allocation of some important size classes. Addendum I, implemented in 2012, establishes coordinated sampling at the coastwide level to achieve a representative biological sample of the fisheries.

Summary Table of Rebuilt Species

Species	Biomass % of Target	Assessment Schedule	Caveats/Notes (what actions need to be taken to maintain rebuilt status)
Scup	203% of SSB target (2011 assessment update projection)	Assessment Update - Summer 2012	There is no consistent interval (within the 2010 assessment model) retrospective pattern in F, SSB, or recruitment evident in the scup assessment model.
Spiny Dogfish	100% of SSB Target (2011 NEFSC update)	Assessment Update - Fall 2012	2008-2011 SSB exceeded target SSB. Mature segment of population is roughly 75% male. Projections show declines in future SSB levels due to low recruitment from 1997 - 2003.
Summer Flounder	100% of SSB target (2011 assessment)	Benchmark Assessment – Spring 2013	Historically, the summer flounder stock assessment model has exhibited a retrospective pattern of underestimating fishing mortality and overestimating SSB. For the last several terminal years, however, fishing mortality has been overestimated and SSB underestimated. A recent pattern of retrospective overestimation in recruitment is also evident.

Species Undergoing Rebuilding

- Spanish Mackerel
- Red Drum

Summary Table of Species Undergoing Rebuilding

Species	Biomass % of Target	Assessment Schedule	Caveats/Notes (what actions need to be taken to continue rebuilding)
Spanish Mackerel	Unknown, but B/B_{MSY} trend shows overall increase since 1984; overfishing not occurring ('08 benchmark assessment)	SEDAR Assessment scheduled for 2012	Assessment did not produce useable annual estimates of F or B or biological reference points due to uncertainty in the input data, sensitivity to model assumptions, and lack of fishery-independent indices of adult population size. Only the ratio of F/F_{MSY} can be used to determine if the stock is subject to overfishing. The current fishing mortality rate does not seem to be inhibiting stock growth.
Red Drum	Unknown, but age 1-3 abundance generally increasing (NJ-NC) or stable (SC-FL); overfishing not occurring.	Benchmark Assessment – 2015	Northern stock component above SPR target; cannot determine similar result for southern component due to uncertainty. Lack of adequate adult data results in estimates of abundance and exploitation for fish age 1-3 only, and only the trend is reliable for the southern component. Age 1-3 exploitation generally increasing in southern region since 1992.

Species of Concern

- American Shad
- Atlantic Menhaden
- Coastal Sharks
- Horseshoe Crab
- Northern Shrimp
- Spot
- Spotted Seatrout
- Winter Flounder - Gulf of Maine

Overview of Species of Concern

American Shad: Concern

2007 Assessment Findings

- 86 river systems assessed; 64% of which have unknown stock status
- Collectively, stocks are at all-time lows and do not appear to be recovering

Scientific Advice Based on Assessment Findings

- Improved monitoring (fishery independent and dependent) and fish passage
- Management measures based on total mortality (Z), which combines fishing and natural mortality.
- Lower JAI threshold needed to trigger management action
- The next assessment has not been scheduled.

Board Adherence to Scientific Advice

- Management Board approved Amendment 3 in February 2010
- Management actions contained in the Amendment are based on recommendations from the stock assessment.
- Member states/jurisdictions will be required to submit sustainable fishery management plans (SFMPs) by August 1, 2011 (for TC review and Board approval)
- States/jurisdictions without approved SFMPs by January 1, 2013 will be required to close their American shad fisheries. Member states/jurisdictions will be required to submit a Habitat Plan, which contains a summary of current and historical spawning and nursery habitat; the most significant threats to those habitats; and a habitat restoration program to improve, enhance and/or restore habitat quality and quantity but August 1, 2013.

Next Assessment: None scheduled.

Rebuilding Trajectory: Variable by River System (see accompanying table)

Trends in Stock Status of American Shad Populations

Trends based on a comparison of 2007 assessment results to 1998 assessment results. Sources: ASMFC American Shad Stock Assessment Reports for 2007 and 1998

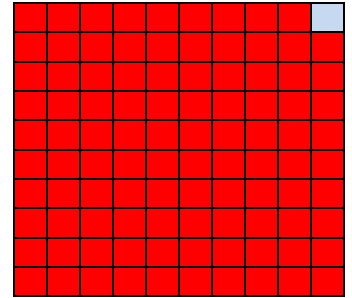
State	River	07 Assessment Results
ME	Saco and Kennebec	Declining
NH	Exeter	Declining
MA	Merrimack	Low, Stable
RI	Pawcatuck	Declining
CT/MA	Connecticut	Stable
NY	Hudson	Declining
NY/PA/NJ/DE	Delaware River and Bay	Low, Stable
PA	Susquehanna	Declining
DC/MD/VA	Potomac	Increasing
MD	Nanticoke	Low
VA	York	Increasing
	James	Declining
	Rappahannock	Stable
SC	Santee	Increasing
	Edisto	Declining
GA	Altamaha	Declining
FL	St. Johns	Declining

Overview of Species of Concern

Atlantic Menhaden: Concern

2010 Assessment Findings

- Not overfished – Current fecundity = 18.4 trillion maturing or ripe eggs, which is just below the target of 18.6 trillion maturing or ripe eggs. (1% to go)
- Overfishing is occurring – Current F (2.28) is above threshold (2.2) and target (0.96).
- Triggers (CPUE index, catch age composition) are in place to initiate more frequent stock assessment schedule when necessary.



99% of Fecundity Target

Scientific Advice Based on Assessment Findings

- The Peer Review Panel noted that menhaden population abundance had declined steadily and recruitment had been low since the last peak observed in the early 1980s. Fishing at the F threshold reference point in the terminal year (2008) has resulted in approximately 8% of the MSP. Therefore, the Panel recommended alternative reference points be considered that provide greater protection for spawning stock biomass (SSB) or population fecundity relative to the unfished level.

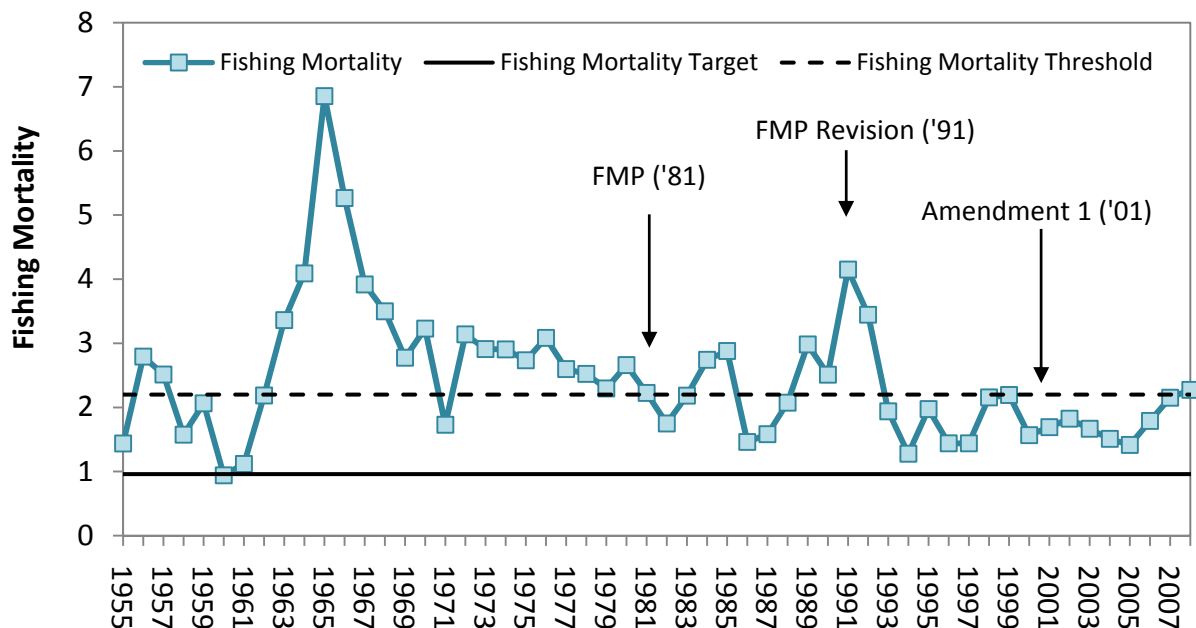
Board Adherence to Scientific Advice

- Addendum V, implemented in 2011, established interim reference points (F15% MSP threshold and a F30% MSP target)
- Board initiated draft Amendment 2 in 2012 that considers management tools to achieve the new F reference points.
- Board directed the Multispecies Technical Committee and the Atlantic Menhaden Technical Committee to focus on a multispecies assessment approach for menhaden.

Next Assessment: 2015 Benchmark Assessment

Atlantic Menhaden Fishing Mortality (Full F)

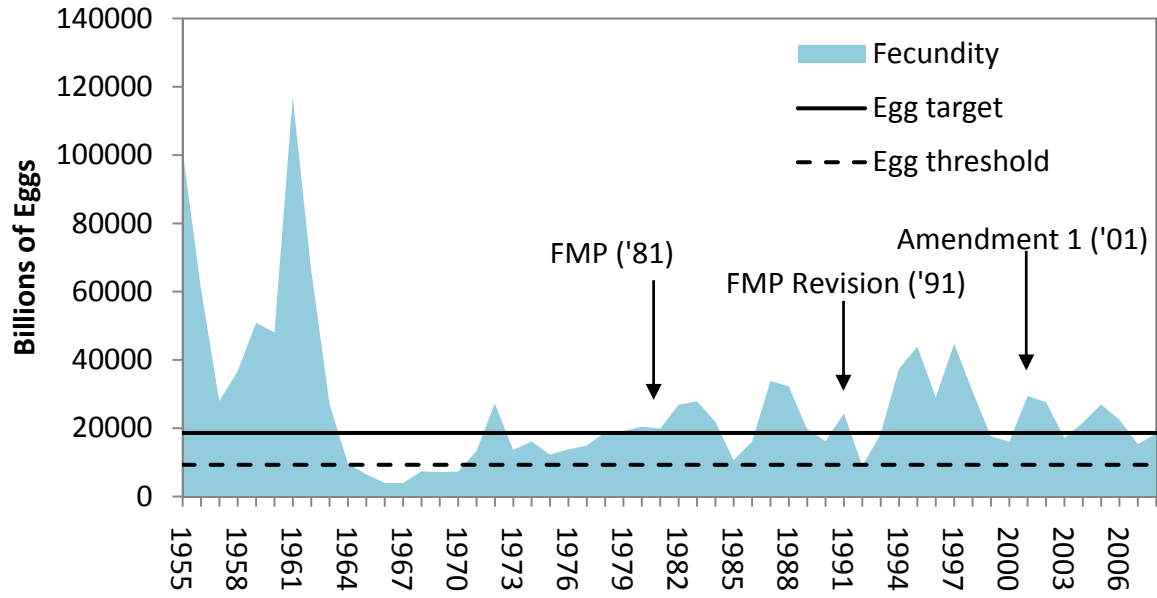
Source: 2010 Atlantic Menhaden Stock Assessment Report



Overview of Species of Concern

Atlantic Menhaden Fecundity

Source: 2010 Atlantic Menhaden Stock Assessment Report



Overview of Species of Concern

Coastal Sharks: Concern

Assessment Findings

Species or Complex	Overfished	Overfishing
Porbeagle	Approaching	Yes
Dusky	Yes	Yes
Large Coastal Sharks	Unknown	Unknown
Blacktip (Atlantic)	Unknown	Unknown
Sandbar	Yes	No
Atl. Sharpnose	No	No
Blacknose	Yes	Yes
Bonnethead	No	No
Finetooth	No	No
Smooth Dogfish	Unknown	Unknown

Board Adherence to Scientific Advice

- Based on TC advice, Board approved FMP regulations that generally complement regulations in federal waters, ensuring F does not exceed F_{MSY} or $F_{REBUILD}$, and protecting sandbar shark pupping grounds in state waters.
- The majority of states did not meet the January 1, 2009 implementation date established by the FMP but had all regulations in place by spring 2010.

Monitoring and Management Measures

- May 15 – July 15 closed season from NJ-VA to protect pupping females for the following species: silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead.
- Fins to remain attached to the carcass through landing for all species except smooth dogfish. Addendum I allows commercial fishermen to process (remove the fins) smooth dogfish at sea from March – June of each year but requires a 95-5% carcass to fin ratio for all dressed smooth dogfish carcasses.
- Recreational fishing controlled through possession limits with a 4.5' fork length size limit for all species except for Atlantic sharpnose, finetooth, blacknose, and bonnethead which do not have a size limit.
- Recreational anglers can only harvest sharks caught with a handline or rod & reel.

Next Assessment: Unknown (SEDAR 21 completed in 2011)

Rebuilding Trajectory: Variable by Species/Complex

Overview of Species of Concern

Horseshoe Crab: Concern

Assessment Findings

- Abundance has increased in the Southeast and Delaware Bay Region (New Jersey through coastal Virginia), and decreased in New York and New England.
- In the Delaware Bay, increasing trends were most evident for juveniles, followed by adult males. A small increase in adult females is now beginning to be observed in the Virginia Tech Benthic Trawl Survey. These patterns are indicative of population recovery, given that horseshoe crab females take longer to mature than males.
- Declines in the New England population were also apparent in the 2004 assessment; however, declines in New York represent a downturn from the 2004 assessment. The Technical Committee believes decreased harvest quotas in Delaware Bay encouraged increased harvest in nearby regions. **The Technical Committee recommends continued precautionary management to address effects of redirected harvest from Delaware Bay to outlying populations.**

Regional Trends in Horseshoe Crab Abundance

Region	Time series duration of longest dataset	Conclusion about population change
New England	1978 - 2008	Declined
New York	1987 - 2008	Declined
Delaware Bay	1988 - 2008	Increased
Southeast	1993 - 2009	Increased

Needed Information/Data

- Coastwide survey or surveys by broader geographical region
- Reference points

Monitoring and Management Measures

- Precautionary cap on harvest
- Reporting harvest for bait by month, sex, and harvest method (done consistently)
- Reporting biomedical harvest and mortality (inconsistent methods of reporting across states)
- Identify spawning and nursery habitat (completed in most states)
- Addendum VI extended the management measures under Addendum V (Delaware Bay).
- Addendum VII, implementing the Adaptive Resource Management framework, will be the basis for management starting in the 2013 season.

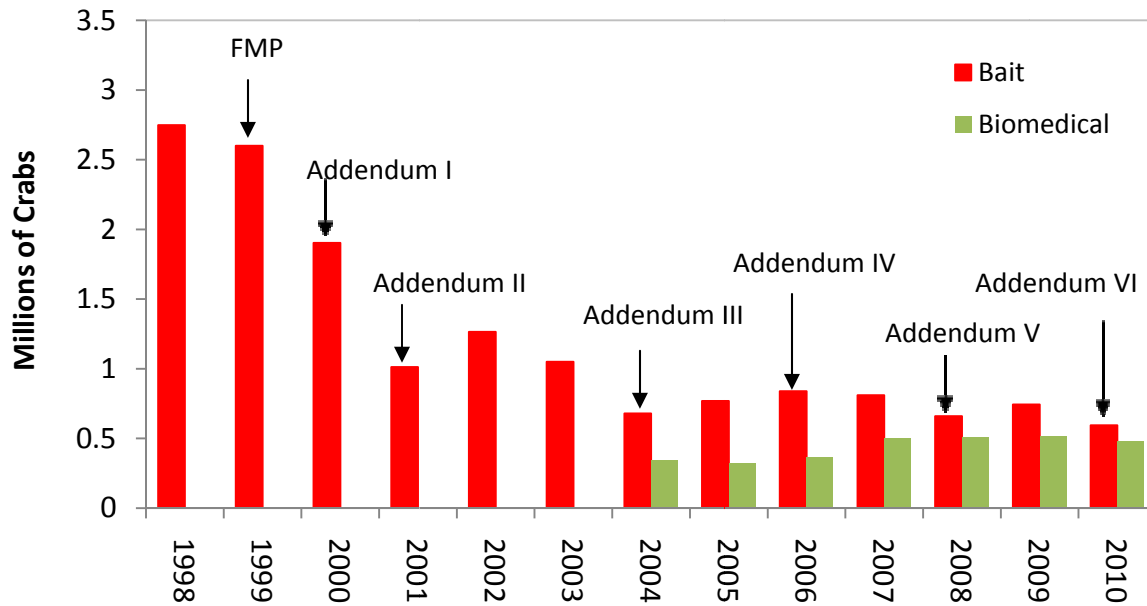
Next Assessment

- Benchmark in 2015

Overview of Species of Concern

Coastwide Horseshoe Crab Bait Landings & Biomedical Harvest

Source: ASMFC State Reports, 2011



Please note the following details regarding biomedical harvest numbers:

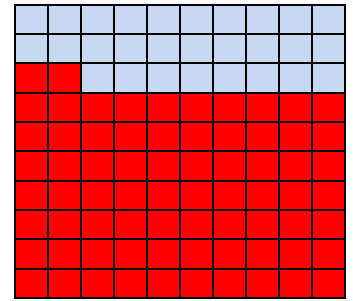
- Data prior to 2004 are not available.
- Crabs harvested solely for biomedical use are returned to the water after bleeding; a 15% mortality rate is estimated for all bled crabs.

Overview of Species of Concern

Northern Shrimp: Concern

2011 Stock Assessment Update Findings

- Overfished – Current Biomass = 6,500 MT, which is below the threshold of 9,000 MT and close to the limit of 6,000 MT. The Section has not established a biomass target.
- Overfishing is occurring – Current F (0.68) is above the limit (0.60) threshold (0.41) and target (0.32).



72% of Biomass Threshold

Scientific Advice Based on Assessment Findings

The NSTC recommends that the Section continue its efforts to maintain fishing mortality at or below the FMP target value, currently estimated as $F_{1985-94}=0.32$. The NSTC also finds that recent GOM temperature data suggest the need to conserve spawners to compensate for what may be an increasingly unfavorable environment for northern shrimp. Therefore, because N. shrimp are hermaphroditic, protecting younger shrimp is recommended for both economical and biological reasons.

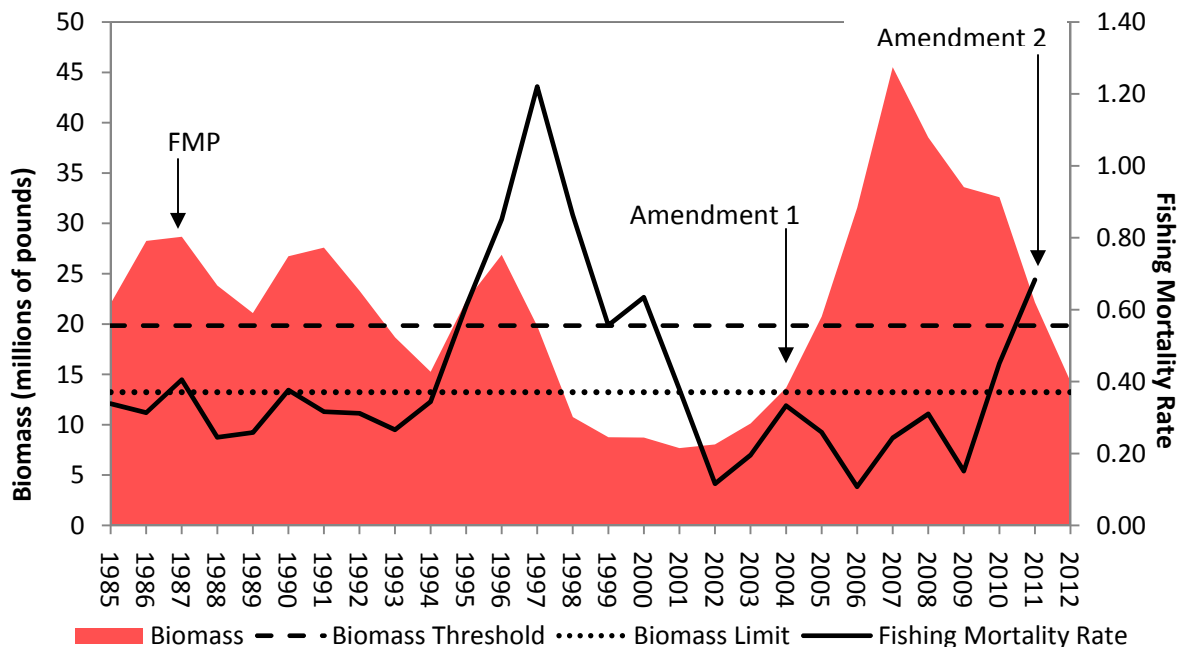
Board Adherence to Scientific Advice

- The Section chose a TAC based on the F threshold as opposed to the target to offset the economic impacts of a low TAC in 2011.
- The Section initiated an addendum to consider mandatory gear restrictions that would retain less small shrimp (<22mm carapace length), and are exploring a limited entry program to adjust the size of the fishery to the size of the northern shrimp resource.

Next Assessment: 2013 Benchmark Assessment

Gulf of Maine Northern Shrimp Total Stock Biomass and Fishing Mortality

Source: ASMFC Northern Shrimp Technical Committee, 2011



Overview of Species of Concern

Spot: Concern

Unfavorable Data Trends

- Coastwide commercial landings have declined since 1950; commercial harvest-per-unit effort generally stable or declining in the two states with the largest landings.
- Commercial catch-at-age data, which showed an expansion of the age structure in the early 2000s, has contracted the last several years.
- Length-at-age and weight-at-age have decreased for ages 1-3 in recent years.
- Distribution of trophy citations for recreational catch of spot has decreased the last several years.
- Recruitment indices show great inter-annual variability as expected, but those with longer time series exhibit a decline in the magnitude of peaks over time. All juvenile abundance indices showed poor recruitment in 2009 although some limited but favorable trends in 2010.
- Most indices of adult spot abundance in the species core area are either stable or declining.

A stock assessment has not been completed; ability to conduct a defensible assessment is hindered by inadequate discard data, particularly in the South Atlantic shrimp trawl fishery.

Board Adherence to Scientific Advice

- The Management Board followed recommendations from the Plan Review Team to monitor the stock with available data the last four years, evaluate data availability and adequacy for a stock assessment, and conduct a life history workshop.

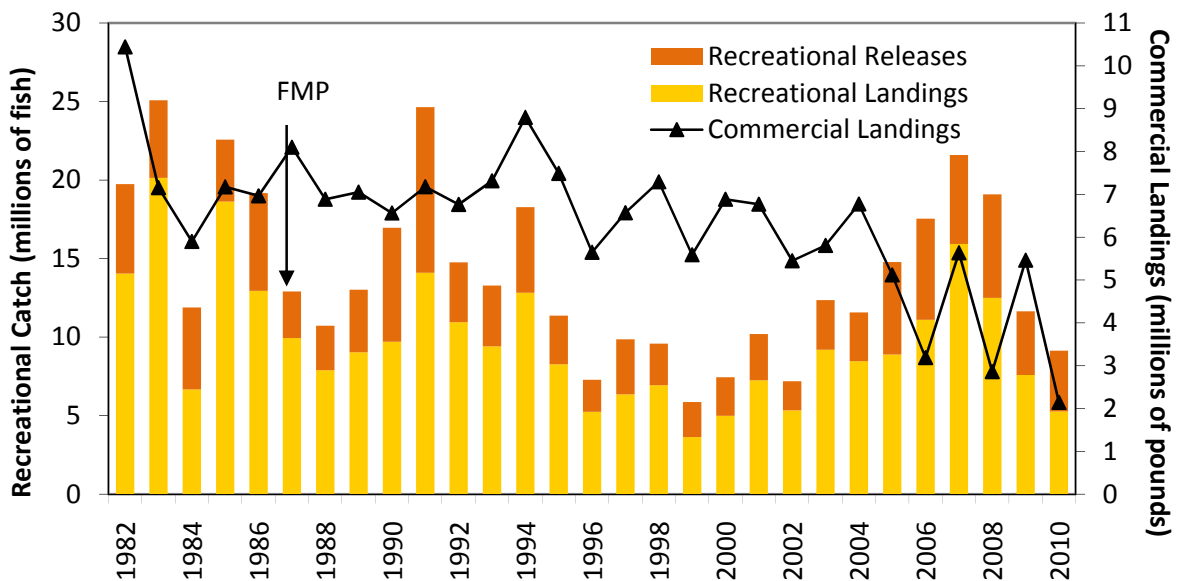
Monitoring and Management Measures

- Omnibus Amendment, approved in 2011, includes a management trigger to assist Board in monitoring stock status until coastwide stock assessment can be completed.
- High levels of spot bycatch present a challenge in terms of both yearly management and overall assessment of stock health.

Next Assessment: None scheduled.

Spot Recreational Catch & Commercial Landings

Source: Personal communication with NMFS Fisheries Statistics Division, 2011



Overview of Species of Concern

Spotted Seatrout: Concern*

*Note that the Florida spotted seatrout stock is estimated to be significantly above the SPR target. No additional management action is needed to protect or rebuild this stock.

Available Information

- State stock assessments
 - NC (including VA): SPR = 10% in 2006; goal of 20% SPR
 - SC: SPR just above 20% goal in 1992; non-peer reviewed assessment through 2004 indicated below 20% goal
 - GA: SPR below 20% goal in 1995
 - FL: tSPR = 62% northern region, 51% southern regions in 2006; goal of 35% SPR

Needed Information/Data

- Recent estimates of SPR from GA and SC
- Assessments would benefit from additional fishery-independent abundance indices, improved discard information, and additional biological sampling of fisheries

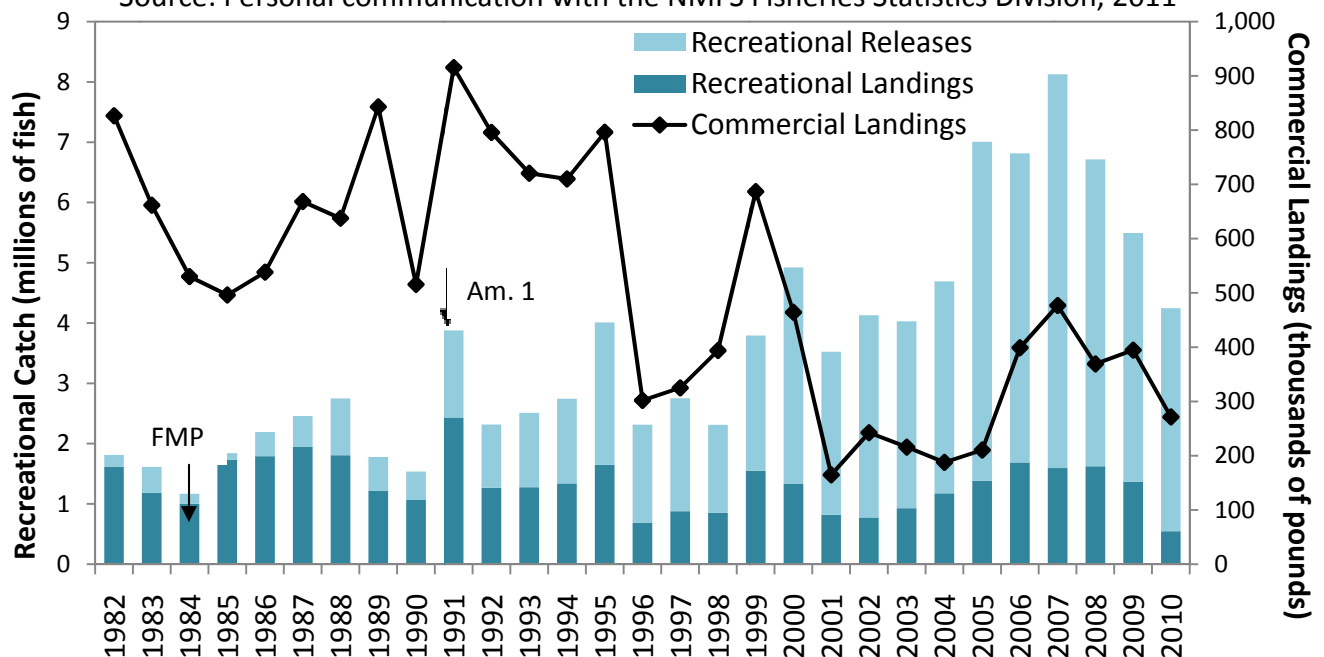
Monitoring and Management

- FMP recommends a 20% SPR goal, 12" minimum size limit with comparable mesh size for directed fisheries, and improved fishery-independent and -dependent monitoring programs
- Omnibus Amendment, approved in 2011, includes recommended measures to protect the spawning stock, as well as a required coastwide minimum size limit of 12"

Next Assessment: No coastwide assessment planned or recommended by PRT

Spotted Seatrout Recreational Catch & Commercial Landings

Source: Personal communication with the NMFS Fisheries Statistics Division, 2011



Overview of Species of Concern

Winter Flounder - GOM: Concern

Overfishing Unknown: (2011 SAW 52)

- The SAW/SARC GOM analytical assessment model was not accepted, BMSY and FMSY are unknown, and consequently the F and SSB targets could not be generated.

Overfishing not Occurring:

- A proxy F Threshold of 0.31 was derived from a length-based yield per recruit analysis. The overfishing status is based on the ratio of 2010 catch to survey based swept area estimate of biomass exceeding 30 cm in length. 2010 F estimated at 0.23.

Board Adherence to Scientific Advice

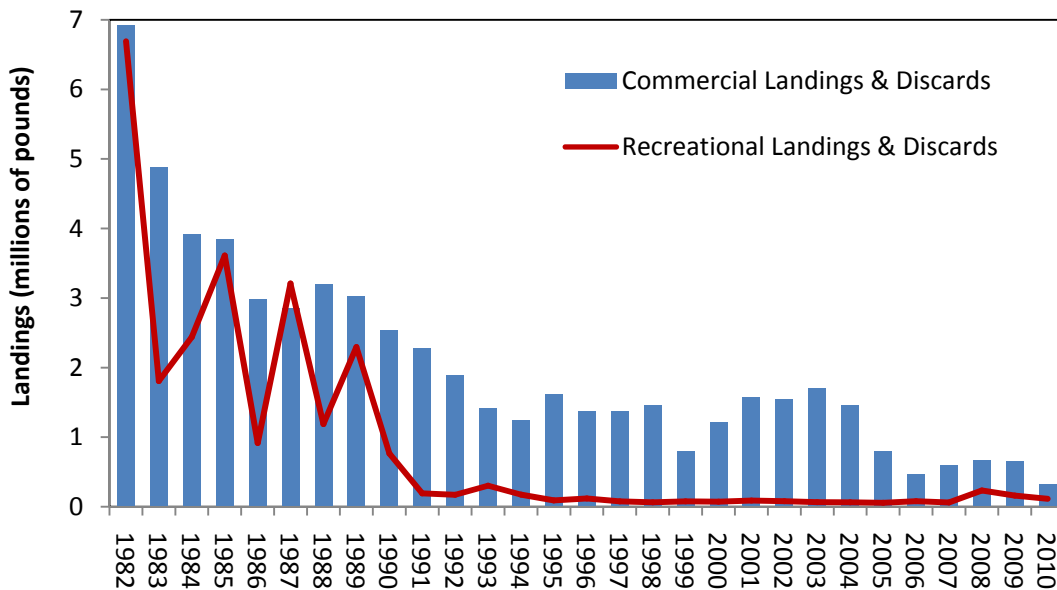
- GARM III estimated an 11% F reduction necessary to achieve F_{MSY}
- Addendum I measures estimated to reduce recreational and commercial harvest by 11% and 31% respectively
- NMFS increased the 2012 state water annual catch limit by 450% based on overfishing status.

Next Assessment: Unknown

Rebuilding Trajectory: Positive; unlikely to meet 2015 rebuilding goal

Winter Flounder Gulf of Maine Landings and Discards

Source: NMFS 52nd Northeast Regional Assessment Workshop, 2011



Timeline of Management Actions: FMP & Addendum I (1992); Addendum II (1998); Amendment 1 (2005); Addendum I (2009)

Depleted Species

- American Eel
- American Lobster – Southern New England
- Tautog
- River Herring
- Weakfish
- Winter Flounder – Southern New England/Mid-Atlantic

Overview of Depleted Species

American Eel: Depleted

Depleted: Trend analyses and model results indicate that the American eel stock has declined in recent decades and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern (2012 Benchmark Assessment).

Overfishing Determination: No overfishing determination can be made at this time.

Assessment Findings:

- In recent decades there has been neutral or declining coastwide abundance.
- Decreasing trends in yellow-stage American eels were seen in the Hudson River and South Atlantic regions
- Although commercial fishery landings and effort in recent times have declined in most regions (with the possible exception of the glass eel fishery), current levels of fishing effort may still be too high given the additional stressors affecting the stock such as habitat loss, passage mortality, and disease as well as potentially shifting oceanographic conditions.
- Management efforts to reduce mortality on American eels in the U.S. are warranted.

Board Adherence to Scientific Advice:

- The Board has tasked the TC with developing management options based on the assessment results and the recommendations of the peer review panel.
- The Board will review the TC recommendations in August 2012.

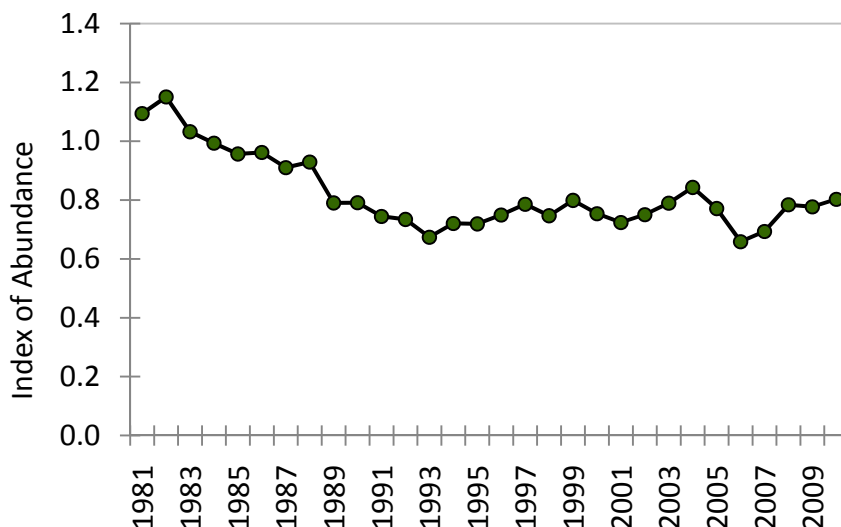
Next Assessment:

None scheduled

Rebuilding Trajectory: Unknown

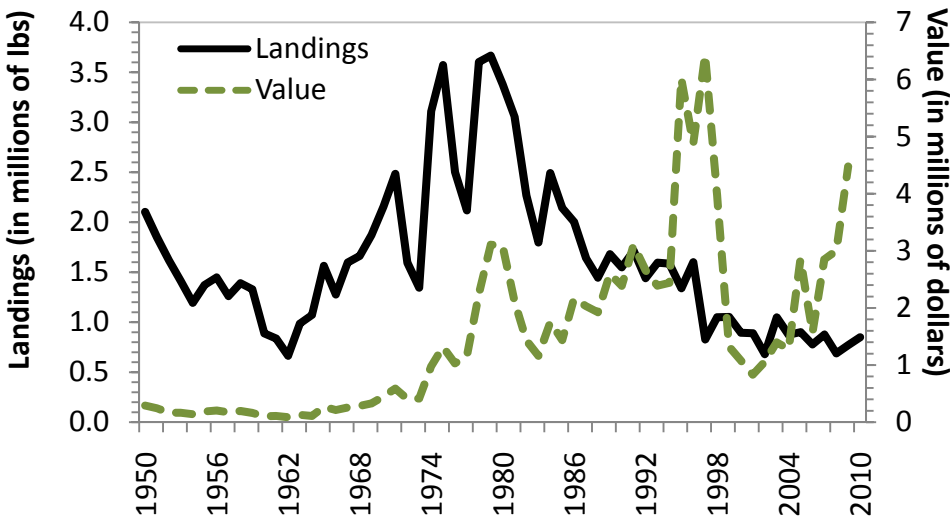
30-Year Index of Abundance for Yellow-phase American Eels along the Atlantic Coast

Source: 2012 American Eel Benchmark Stock Assessment Report



Commercial Landings and Value

Source: 2012 American Eel Benchmark Stock Assessment Report



Overview of Depleted Species

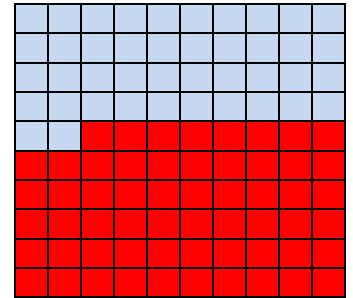
American Lobster - SNE: Depleted

Depleted: Abundance at 73% of threshold (25th percentile) and 58 % of the target (50th percentile) (2009 benchmark assessment)

Overfishing not Occurring: Current effective exploitation (0.32) below threshold (0.46) and target (.41)

Assessment Findings

- SNE stock to be in poor condition
- Current abundance is lowest observed since the 1980s even though exploitation rates have declined since 2000
- Recruitment at very low levels throughout SNE between 1998 and 2005



58% of SSB Target

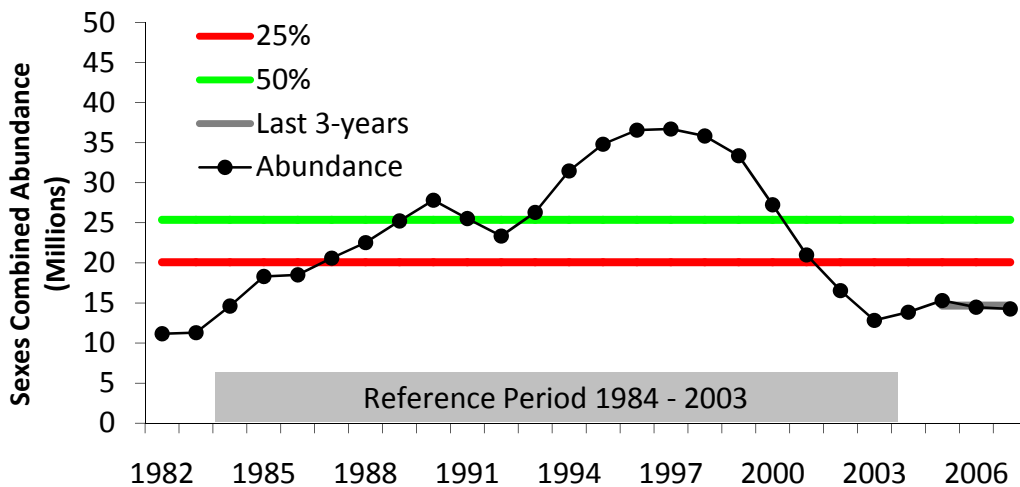
Board Adherence to Scientific Advice

- TC advised to use output controls, Board continues to use input measures
 - Development of draft addendum to address SNE rebuilding is currently being discussed; options may range from status quo to 5-year moratorium
- TC advised to not allow conservation equivalency in LCMA 6, Board approved program
- TC advised 100% trip level harvester reporting; Board adopted 10%

Next Assessment: 2014

Rebuilding Trajectory: Flat at very low levels; Addendum XI (May 07) established a 15-year rebuilding timeline (ending in 2022) with a provision to end overfishing immediately

Southern New England Lobster Abundance Reference Points



Note: The median (50th percentile – green line) is the newly adopted target and the 25th percentile – red line is the newly adopted threshold.

Overview of Depleted Species

River Herring: Depleted

Depleted: The coastwide meta-complex of river herring stocks on the US Atlantic coast is depleted to near historic lows (2012 Benchmark Assessment).

Overfishing Determination: No overfishing determination can be made at this time.

Assessment Findings:

- Of the 52 stocks of alewife and blueback herring for which data were available, 23 were depleted relative to historic levels, one stock was increasing, and the status of 28 stocks could not be determined because the time-series of available data was too short.
- 14 out of 15 river specific YOY indices showed no (7 rivers) or declining (7 rivers) trends.
- Mean length, maximum age and mean length-at-age for both species have declined.
- Recent domestic landings totaled <2 million pounds in any given year.
- Commercial landings by domestic and foreign fleets peaked at 140 million pounds in 1969.
- The “depleted” determination was used instead of “overfished” and “overfishing” because of the many factors have contributed to the declining abundance of river herring including habitat loss, predation, and climate changes

Board Adherence to Scientific Advice

- In 2009, the Board approved Amendment 2, in response to concern for river herring stocks.
- The Amendment prohibits state waters commercial and recreational fisheries beginning January 1, 2012, unless a state or jurisdiction has a sustainable management plan reviewed by the Technical Committee and approved by the Management Board.
- Amendment 2 required states to implement fisheries-dependent and independent monitoring programs, and contains recommendations to conserve, restore, and protect critical river herring habitat.
- As of January 1, 2012, the Shad and River Herring Management Board approved sustainable fishery management plans for Maine, New Hampshire, New York, North Carolina and South Carolina.

Next Assessment: None scheduled

Rebuilding Trajectory: Unknown

Status of Select Alewife and Blueback Herring Stocks along the Atlantic Coast

Source: ASMFC River Herring Benchmark Stock Assessment Report, 2012.

State	River**	Status Relative to Historic Levels / Recent Trends*
ME	Damariscotta	Depleted ^A , Stable ^A
	Union	Increasing ^A , Stable ^A
NH	Cocheco	Unknown ^{A,B} , Stable ^{A,B}
	Exeter	Depleted ^A , Increasing ^A
	Lamprey	Depleted ^A , Unknown ^A
	Oyster	Depleted ^B , Stable ^B
	Taylor	Depleted ^B , Decreasing ^B
	Winnicut	Depleted ^{A,B} , Unknown ^{A,B}
MA	Mattapoissett	Depleted ^A , Unknown ^A
	Monument	Depleted ^A , Unknown ^A
	Parker	Depleted ^A , Unknown ^A
	Stony Brook	Depleted ^A , Unknown ^A
RI	Buckeye	Depleted ^A , Unknown ^A
	Gilbert	Depleted ^A , Decreasing ^A
	Nonquit	Depleted ^A , Decreasing ^A
CT	Connecticut	Depleted ^B , Decreasing ^B
NY	Hudson	Depleted ^{A,B} , Stable ^{A,B}
MD, DE	Nanticoke	Depleted ^{A,B} , Decreasing ^{A,B}
VA, MD, DC	Potomac	Depleted ^{A,B} , Unknown ^{A,B}
NC	Chowan	Depleted ^{A,B} , Stable ^{A,B}
SC	Santee-Cooper	Depleted ^B , Increasing ^B

A = Alewife, B = Blueback Herring

Status relative to historic levels is pre-1970. Recent trends reflect last ten years of data.

Overview of Depleted Species

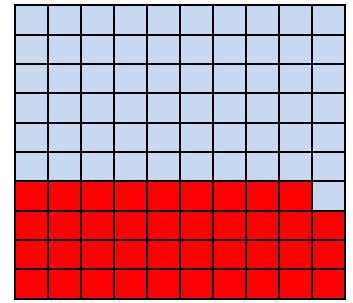
Tautog: Depleted

Overfished: SSB at 39% of target (2011 assessment update)

Overfishing Occurring: Current F (0.31) above target (0.15)

Board Adherence to Scientific Advice

- Technical Committee recommended target F = 0.15 (39% reduction) or lower to rebuild stock
- Addendum VI reduced target F to 0.15 (39% reduction) beginning in 2008
- Technical Committee projects the stock will exceed threshold around 2019 and will not exceed target within 15 years.



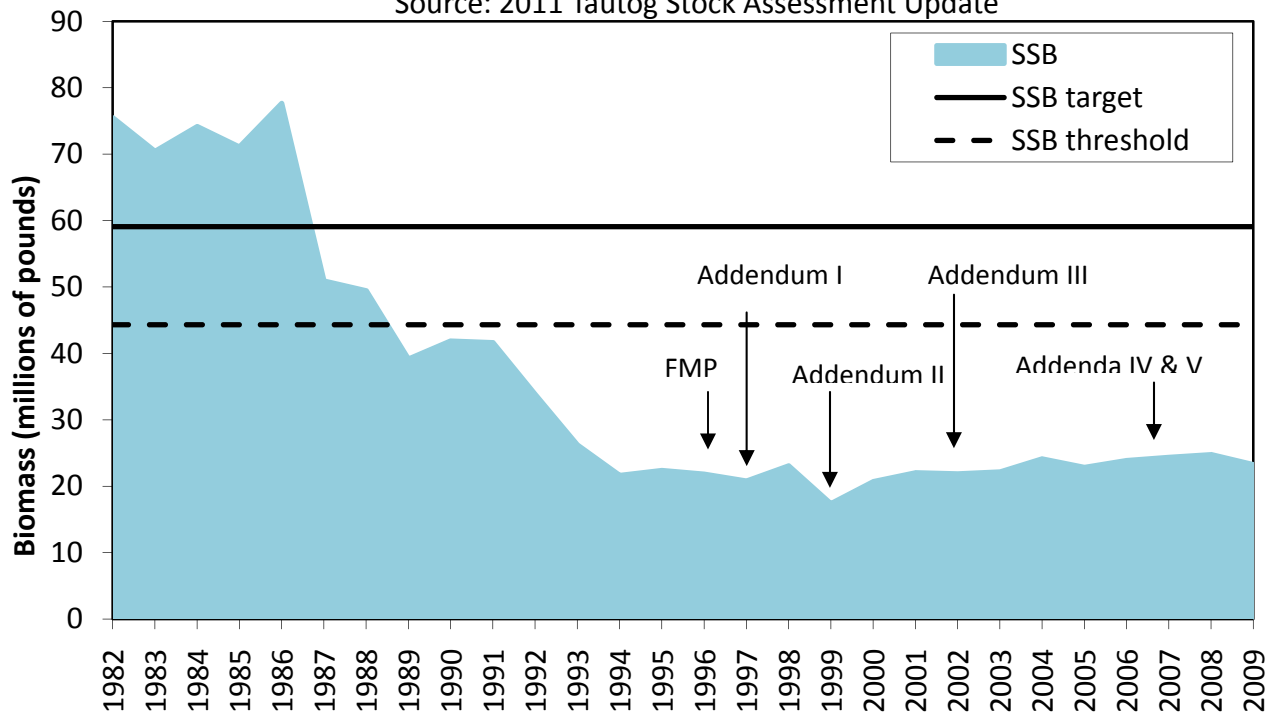
39% of SSB Target

Next Assessment: TBD

Rebuilding Trajectory: Slightly positive slope; unlikely to meet 2015 rebuilding goal

Tautog Spawning Stock Biomass

Source: 2011 Tautog Stock Assessment Update



Overview of Depleted Species

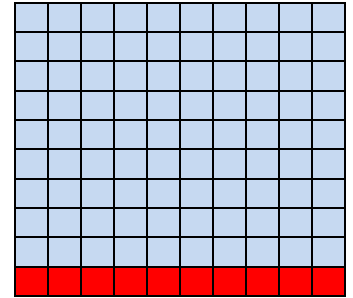
Weakfish: Depleted

Depleted: Spawning potential at 10% of target (2009 benchmark assessment, SARC)

Overfishing Not Occurring: Recent fishery removals considered to be unsustainable under current stock conditions (high M)

Board Adherence to Scientific Advice

- Based on results of the stock assessment and peer review, the Board approved Addendum IV, which 1) revised the biological reference points; 2) implemented a commercial trip limit, and 3) reduced the recreational bag limit, the commercial bycatch limit, and the finfish trawl fishery's allowance for undersized fish.
- The Board will annually assess stock status indicators (e.g., relative F, juvenile indices) to monitor weakfish population changes until the next benchmark assessment.

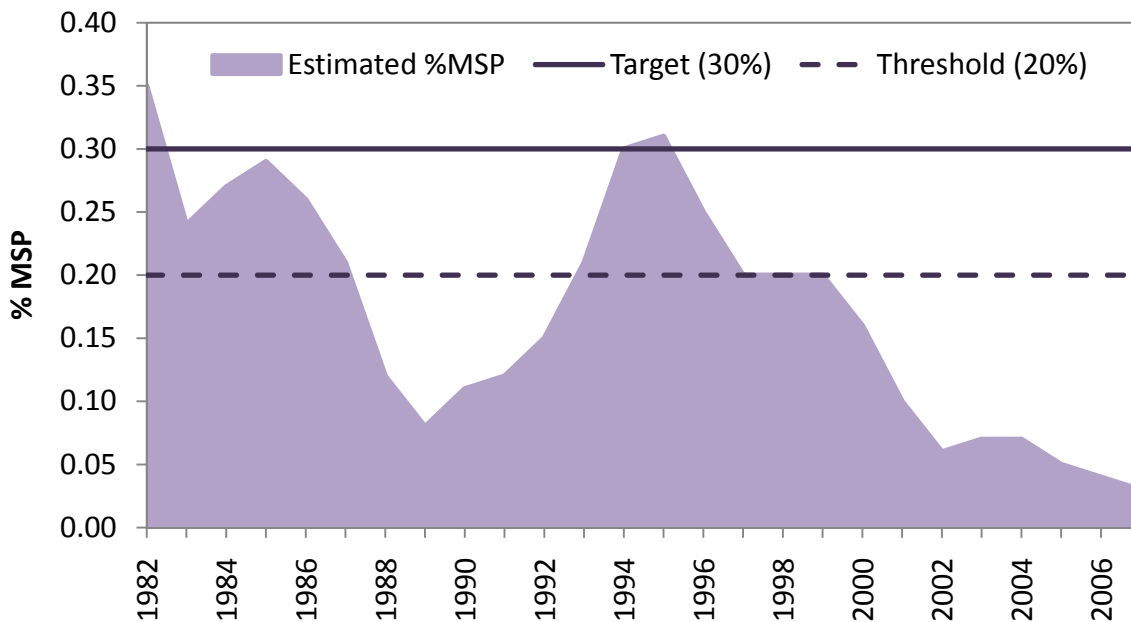


10% of MSP Target

Next Assessment: 2014

Rebuilding Trajectory: Negative; unlikely to meet 2015 rebuilding goal

Weakfish Maximum Spawning Potential



FMP (1985); Amendment 1 (1991); Amendment 2 (1995); Amendment 3 (1996); Amendment 4 (2002); Addendum I (2005); Addenda II & III (2007); Addendum IV (2009)

Overview of Depleted Species

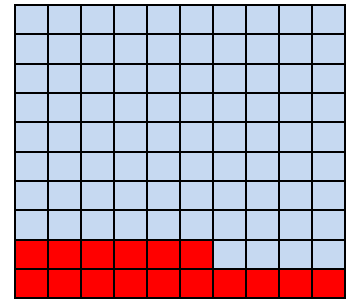
Winter Flounder - SNE/MA: Depleted

Overfished: Stock is at 16% of SSB target (based on 2011 SAW/SARC 52).

Overfishing is Not Occurring: 2010 F = 0.051 well below F target (0.217)

Board Adherence to Scientific Advice

- GARM III estimated a 100% F reduction to achieve $F_{REBUILD}$
- Following the TC advice, the Board approved Addendum I in May 2009, establishing small possession limits to discourage directed fishery and prevent increases in dead discards.



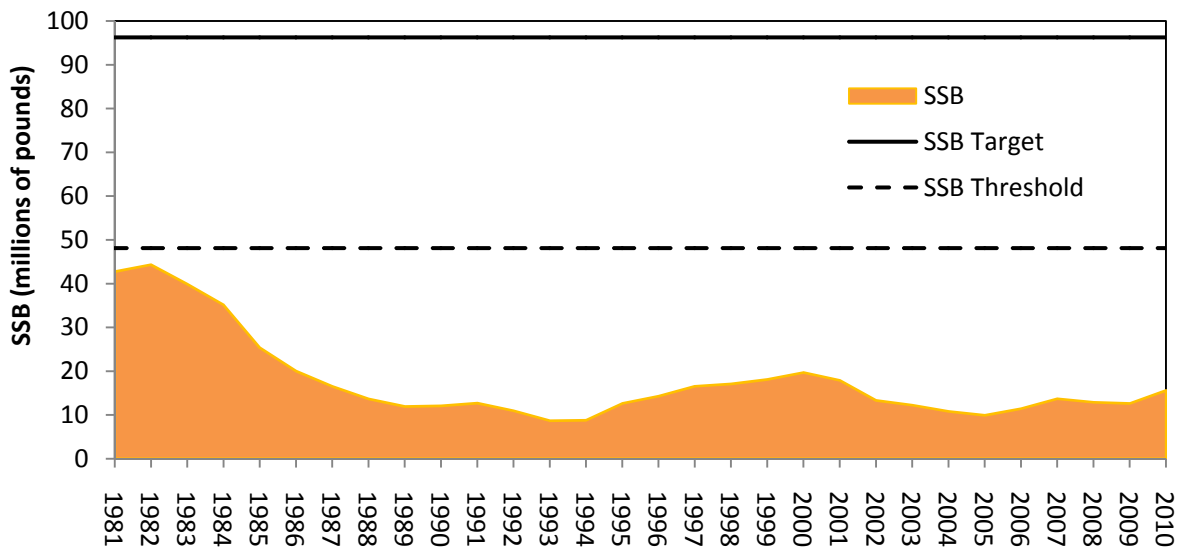
16% of SSB Target

Next Assessment: To be determined.

Rebuilding Trajectory: Flat; unlikely to meet 2015 rebuilding goal

Winter Flounder, SNE/MA Spawning Stock Biomass (SSB)

Source: NMFS 52nd Northeast Regional Assessment Workshop, 2011



Timeline of Management Actions: FMP & Addendum I (1992); Addendum II (1998); Amendment 1 (2005); Addendum I (2009)

Species of Unknown Stock Status

- Atlantic Sturgeon

Overview of Species of Unknown Stock Status

Atlantic Sturgeon: Unknown

Available Information

- Current populations throughout the species' range are either extirpated or at historically low abundance.
- Little or no signs of recovery are apparent in most, if not all, stocks north of New York.
- The Hudson River stock may be showing a small increase in abundance, along with some rivers in Georgia and South Carolina, suggesting some population rebuilding.
- Commercial landings of Atlantic sturgeon peaked in 1890 at 7.5 million pounds.
- NMFS is currently considering listing Atlantic Sturgeon on the Endangered Species list (Gulf of Maine DPS as threatened and the New York Bight, Chesapeake Bay, Carolina and South Atlantic DPS's as endangered)

Needed Information/Data

- Conduct assessments of population abundance and age structure in various river systems
- Clearly define unit stocks of Atlantic sturgeon
- Improve bycatch and ship strike estimates.
- Further quantify critical habitat

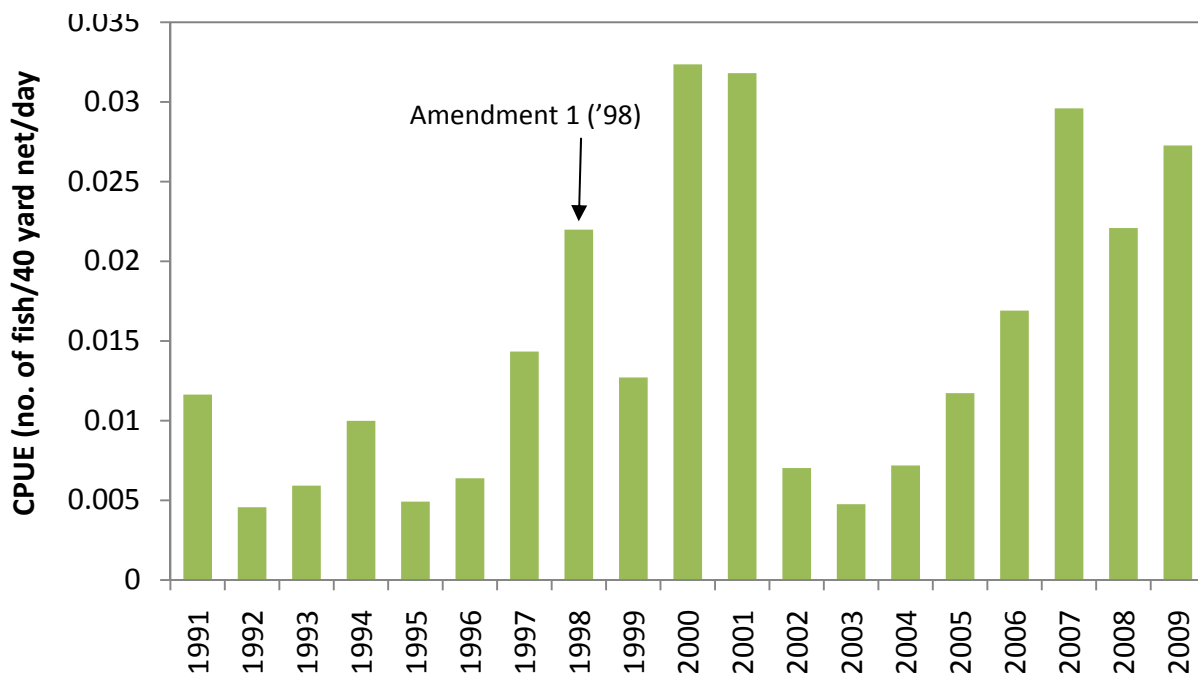
Monitoring and Management Measures

- Monitoring: States must report annually on Atlantic sturgeon bycatch, fisheries-independent monitoring, habitat status and authorized aquaculture operations.
- Management: Coastwide moratorium until 2038.

Next Assessment: None scheduled.

Fishery-independent Catch Rates of Juvenile Atlantic Sturgeon in Albemarle Sound

Source: NC Division of Marine Fisheries, 2011





Atlantic States Marine Fisheries Commission

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MEMORANDUM

June 1, 2012

To: ISFMP Policy Board

From: Bob Van Dolah, Habitat Committee Chair

RE: Habitat Management Series: Offshore Wind in my Backyard?

During the August ASMFC Meeting Week, the Habitat Committee will be asking the ISFMP Policy Board to approve the enclosed document, 'Offshore Wind in My Backyard?' as the latest installment of the Commission's Habitat Management Series. The Habitat Committee is distributing this document in advance of the Policy Board meeting to allow ample time for review and consideration. Please note that this document is much more concise than previous contributions to the Habitat Management Series. The document highlights the considerations to be made when reviewing proposals for offshore wind projects in state waters, as it relates to habitat issues. The Committee intends to maintain this document as a living document accessible via the web and updated as new information is available. The Committee thinks that relatively short, easily updatable documents like this will allow the Committee to be more responsive to addressing current issues than much larger documents that have been done in the past. We hope the Board finds this to be a useful document on a topic relevant to many of the states.

In addition to completing this document, the Habitat Committee selected and drafted is developing a draft of the next edition of the series, 'Harbor Deepening Project Impacts on Fish Habitat'. In an effort to be responsive to the Commission's needs, the Committee requests the Board's input on additional topics to explore for this type of Habitat Management Series.

We look forward to your feedback on this document and your suggestions for future editions to the Habitat Management Series.

Enclosures (1)

Atlantic States Marine Fisheries Commission

OFFSHORE WIND IN MY BACKYARD?

Habitat Management Series #11
Fall 2012

*Working towards healthy, self-sustaining populations for all Atlantic coast fish species or
successful restoration well in progress by the year 2015*



Atlantic States Marine Fisheries Commission

Habitat Management Series #11

Working towards healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2012

OFFSHORE WIND IN MY BACKYARD?



Prepared by ??

Approved by the ISFMP Policy Board on ??

A report of the Atlantic States Marine Fisheries Commission pursuant to
U.S. Fish & Wildlife Service Grant No. F12AF00200.



INTRODUCTION

On February 7, 2011, the Department of Energy and the U.S. Department of the Interior's Bureau of Ocean Energy Management (BOEM) released *National Offshore Wind Strategy: Creating an Offshore Wind Industry in the United States*, a strategic plan to accelerate development of offshore wind energy. This plan sets a goal of deploying 10 gigawatts of offshore wind generating capacity by 2020 and 54 gigawatts by 2030, enough energy to power 2.8 million and 15.2 million American homes, respectively. Although offshore wind is a prevalent energy source in Europe, a commercial wind facility has yet to be built in U.S. waters. This brief report focuses on habitat issues that are broadly applicable along the Atlantic seaboard for the siting, construction, and monitoring of wind facilities¹. Because the focus of this document is on broadly applicable issues, some concerns important to a particular state or facility may not be covered. This absence does not suggest these concerns issues are unimportant for a particular project.

There are a number of social and environmental factors and issues to consider when evaluating impacts from development and operation of a wind facility, including:

- Offshore Geology
- Physical Oceanography
- Benthic Habitats, Invertebrates and Finfish
- Commercial and Recreational Fisheries
- Protected Marine Species
- Birds
- Coastal and Wetland Resources
- Sensitive Upland Habitats

For example, pile driving and the trenching or dredging for cable installation could cause suffocation, burial, or mortality of benthic communities, decrease community diversity and abundance (thereby affecting the rest of the food chain), decrease water quality, increase sedimentation, increase water turbidity, and permanently alter water flow around turbine foundations. Gravity-based foundations and scour controls (e.g., riprap) can affect even greater areas of bottom habitat than a single monopole. Heat exposure and electromagnetic radiation from electrical transmission



Top: <http://www.windenergyplanning.com>

Middle: Mattias Rust/<http://www.iucn.org>

Bottom:

http://www1.eere.energy.gov/wind/pdfs/national_offshore_wind_strategy.pdf

¹Decommissioning of wind facilities also is important to regulatory agencies, but lack of experience with this phase precludes conveying lessons learned at this time.

cables placed through dredging and not yet fully covered in sediment could also negatively affect benthic communities. Noise during construction and operation could alter species migratory routes or other behaviors. Turbine foundations will likely act as artificial reefs, attracting fish or creating new benthic communities that use the hard substrate as spawning habitat; this could yield a net beneficial outcome if noise does not inhibit spawning. Herein, we have outlined environmental issues associated with wind facility development processes and offer recommendations on how to offset identified impacts.

DATA NEEDS FOR SITING

Determining the location, configuration, and spacing of wind turbines within a facility is critical at both pilot and commercial scales. States vary with respect to their guidance on where wind facilities should be located. Coastal Marine Spatial Planning (CMSP) may be useful for informing siting decisions because it provides a means to integrate information on the locations of natural resources and human uses and to identify compatibilities and conflicts. CMSP can also help to identify unforeseen use conflicts with, for example, military training areas or highly utilized fishing sites. If baseline studies are not completed before siting decisions are made, there should be clear points in the early post-siting decision-making process where the information is available. The categories given below have proven useful in siting discussions for both the wind facility site and any transmission corridor:

- **Offshore Geology**
 - Side-scan SONAR, multi-beam SONAR, and sub-bottom profiling can be critical to mapping locations of hard bottom and better understanding the bathymetry and sediment layers in the area of the proposed project and distribution cables.

- **Benthic Habitats and Associated Communities**
 - Characterization and mapping of reef habitats and hard bottom communities in the region.
 - Collection and synthesis of existing data on benthic invertebrate and shellfish communities.

- **Demersal and pelagic finfish and invertebrates**
 - Information on fish and invertebrate distributions and abundances is critical and may already be available in a format suitable for siting decisions and establishing a project baseline.
 - Maps and inventories (locations, species use, landing data) of existing artificial habitats; existing information needs to be collected and synthesized.
 - Mapping/inventorying essential fish habitat (EFH) and marine protected areas (MPAs).



Chris Laporta, NYSDEC

- **Protected Marine Species (distribution, abundances, key prey species)**
 - Temporal and spatial distribution, abundance, movement and habitat use of marine mammals, sea turtles, protected fish species, and species of concern.
 - Marine mammal surveillance during construction activities using passive acoustic monitoring and aerial surveys in addition to shipboard surveys to detect the presence of marine mammals and sea turtles. Passive acoustic monitoring is more reliable for detecting right whales which are difficult to spot when surfacing due to their black color. For surveys of large areas, passive acoustic monitoring ensures better coverage and higher confidence levels of detection than accomplished with shipboard observers. Aerial surveys should be used when feasible to improve observer detection efficiency and accuracy of identifications within the larger exclusion zones.
 - The potential for ship strikes from crew and work vessels involved in construction and maintenance as well as all vessels transiting the site must be taken into account. Rerouting of ships to avoid the wind facility may increase the probability of encounters between ships and protected species.

- **Birds**
 - Data on the distribution, movement, abundance, and behavior of shorebirds; migratory seabirds; sea ducks and passerines (nocturnal and diurnal behavior); piscivorous birds and species of threatened, endangered, and state status must be synthesized. For a list of federally protected species, please see www.fws.gov/endangered/.
 - Migratory flyways and flight heights must be determined.

- **Coastal and Wetland Resources**
 - Mapping of critical habitats, including wetlands, shellfish beds, protected areas, uplands, and land use and change over time. Effects of sea level rise on the location and distributions of these habitats should also be considered to ensure the wetlands, shellfish beds, and protected areas do not shift into areas used by wind facilities or their power distribution system.

- **Fisheries and Other Human Uses**
 - Spatial data and information on the distribution and intensity of recreational and commercial fishery effort and landings; distribution, timing, and intensity of vessel traffic; archaeological resources; and cultural resources.
 - Other human uses may need to be considered depending on location of proposed projects.



Loren Coen, South Carolina Department of Natural Resources

Lessons Learned & Recommendations for Siting

- Avoid placing foundations on or within 1,000 feet of hard bottom or other sensitive benthic habitat (such as shellfish beds). This recommendation considers the likelihood of altered currents or sediment deposition patterns resulting from ambient currents intersecting with the wind facility and creating downstream eddies. Depending on the likelihood of hard bottom habitat in an area, a tiered

approach to surveys may be useful and include side-scan SONAR, multi-beam SONAR (with backscatter), and sub-bottom profiling. Survey tracks and data processing should be done in a manner to achieve a verified minimum mapping unit of 0.01 acres or smaller. Facilities within nearshore waters may require smaller minimum mapping units to adequately characterize seagrass, oyster reefs, coral patch reefs, and similar habitats.

- Until more information is available, large wind facilities should be sited and configured to minimize encounters with marine mammals, migrating fish, and sea turtles. For example, when it is unclear how to do this, wind facilities that are mostly oriented parallel to the migration routes appear preferable to wind facilities with mostly perpendicular orientations. If sea turtle nesting beaches are nearby, the orientation with least impacts to migrating routes may be difficult to discern.
- While detailed discussion of how wind facilities may affect fishermen is outside the scope of this short report, avoiding siting in traditional fishing areas may have a collateral habitat implication since fishermen often fish in areas where fronts and eddies occur, and these pelagic habitat features may require protection.
- Cable termini and transmission corridors should not be within or cross salt marsh, submerged aquatic vegetation, or shellfish areas. Directional drilling can route all cables well below these areas.
- Based on existing knowledge cable corridors should be buried at least 6 feet into the sediment. This recommendation considers the probability of cables emerging due to shifting sediments and the need to shield marine organisms from heat and electromagnetic fields emanating from the cable; new information may result in a deeper or shallower recommendation. Studies of past cabling or trenching in an area may be available from projects unrelated to wind facilities. When this is the case, it may be economical to couple a synthesis of past benthic studies with a similar synthesis of sediment studies.

DESIGN, CONSTRUCTION & OPERATION

Turbine Installation: The installation of turbines and auxiliary components is typically done by staging the equipment on barges and assembling in open water. Construction activities may result in loud noises, especially from impact pile driving, which can cause hearing loss (permanent or temporary threshold shift), non-auditory physical injury (e.g., barotrauma), and behavioral disruptions (e.g., communication, predation, predator avoidance, and navigation). The National Oceanic and Atmospheric Administration (NOAA) is developing comprehensive guidance on sound characteristics likely to cause injury and behavioral disruption in the context of the Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), and other statutes. Until formal guidance is available, NOAA Fisheries Service uses conservative thresholds of received sound pressure levels from broadband sounds that may cause behavioral disturbance and injury. These conservative thresholds are applied in MMPA permits and ESA Section 7 consultations for marine mammals to evaluate the



<http://www.wspenvironmental.com/>

potential for sound effects. The interim guidelines are available at www.nwr.noaa.gov/Marine-Mammals/MM-sound-thrshld.cfm.

Factors that affect sound intensity include source level, pile size and material, sediment type, water depth, and bottom topography. Ideally, impact pile driving should be avoided, but if proposed should be implemented with robust marine mammal survey methods coupled with mitigation measures such as pile-driving, soft-starts, shut-downs, pile caps, bubble curtains, cushion blocks, and coffer dams, and use of vibratory hammers instead of impact-pile driving methods when practicable. Many of the noise problems can be avoided by utilizing other turbine support systems, such as pads buried into the sediments. For meteorological towers, vibratory hammers are the preferred pile driving technique where the underlying geology allows because vibratory hammers significantly reduce peak sound pressure levels compared to conventional impact pile driving techniques.

Turbine Operation: Noise and vibrations emanating from turbines during operation remain a concern and require further research.

Electromagnetism: Cables connecting turbines to transformers, substations, and other turbines produce electromagnetic fields that some fish (e.g., sharks) and sea turtles may perceive. To neutralize the electromagnetic field created by a single DC cable, European wind facilities install forward and return conductors parallel and close to each other, known as a bipolar system of transmission. Offshore wind facilities in Europe either have three-conductor AC cable systems or two-conductor bipolar DC cable systems to offset electromagnetic fields. Cables buried deep into sediments will have less of an impact in terms of emitted electromagnetic fields and heat than cables at or near the sediment surface.

Cable Burying: For environmental and safety reasons, cables are often buried several feet under the seabed. Cables can emit heat when transporting energy and European standards require cables to be buried at least one meter deep to avoid a rise in temperature in the surrounding seafloor. Burial also protects the equipment from bottom trawl nets and anchors and keeps cables out of sight from marine animals. The depth of a cable, sometimes up to 15 feet, and habitat features, such as the type of seabed (e.g., hard rock vs. sand), are important factors in deciding which method is used to bury sea cables, such as hydro-plowing or dredging.



<http://www.londonarray.com/the-project/offshore/cables/>

- A hydro-plow is typically fitted with hydraulic high pressure nozzles that create a direct downward and backward “swept flow” force inside the trench. This provides a downward and backward flow of re-suspended sediments within the trench, thereby “fluidizing” the sediments *in situ* as the plow progresses along the predetermined submarine cable route. This allows the cable to settle into the trench under its own weight to the planned depth of burial. Based on experience with other projects that involve laying cable, state and federal regulatory agencies often prefer this installation method.

- Dredging creates a much larger disturbance footprint than a hydro-plow, removes sediment from the seabed, and deposits sediments either alongside the trench or in a different area. Depending on the dredging method, the process can form trenches 50 feet wide with gradual slopes and an additional 30-foot width per foot of depth. After the trench creation, the cable is lowered onto the seabed. Natural settling of displaced sediments slowly fills the excavated area; if necessary, filling the trench can be a permit condition.

Lessons Learned & Recommendations for Construction and Operation

- Avoid using impact pile driving and other construction methods that produce loud underwater sounds with rapid rise times. Drilled shaft or press-in piling methods generate less noise than impact pile driving. Gravity pilings, while having a larger on-bottom footprint than driven pilings, may present a more manageable set of impacts.
- Bury transmission lines at least 6 feet to minimize thermal and electromagnetic interference. Investigate European methods of offsetting electromagnetic fields.
- Special procedures may be necessary to protect sensitive habitats from discharges that may occur when coolants or lubricants are replaced during maintenance of cables, turbines, or transformers.
- Avoid impacts to salt marsh, submerged aquatic vegetation, or shellfish areas by using horizontal directional drilling to cross sensitive habitats. Proposals to use horizontal directional drilling should include a plan for continuous monitoring for frac-outs as well as remediation measures should a frac-out occur.
- Consultation under ESA or MMPA may result in a requirement for ship speeds of 10 knots or less to reduce the probability of collision between protected species and ships constructing or servicing wind facilities.

MONITORING & INFORMATION NEEDS

Environmental monitoring of the topics described in detail above should continue through construction and operation of the wind facility. Long-term monitoring will likely be part of any BOEM lease agreement but should also be conducted for facilities in state waters.

Lessons Learned and Recommendations for Monitoring

- Conduct benthic mapping and side-scan SONAR to evaluate scouring around turbine foundations and effectiveness of buffers between facilities and sensitive habitats.
- Monitor changes in fish species, abundance, and distribution around wind facility foundations.
- Monitor abundance, distribution, and behavior of protected species and sea birds during construction and operation (ESA and MMPA incidental take authorizations will often require marine mammal and sea turtle monitoring by approved protected species observers).
- Monitor coastal habitat impacts from staging and transmission route activities.
- At the time this report was written, BOEM was developing a report on monitoring plans for wind facilities. Readers should check BOEM for updates on this effort.

ADDITIONAL INFORMATION

Federal agencies involved in siting wind facilities:

BOEM:

www.boemre.gov/offshore/RenewableEnergy/index.htm

DOE: www.windpoweringamerica.gov

FWS: [www.fws.gov/midwest/wind/guidance/AFWA SitingSummaries.pdf](http://www.fws.gov/midwest/wind/guidance/AFWA_SitingSummaries.pdf)

Multipurpose Marine Cadastre:

<http://www.marinecadastre.gov/default.aspx>

State agencies involved in siting wind facilities:

ME State Planning Office: www.maine.gov/spo/

MA Clean Energy Center: www.masscec.com/

MA Office of Coastal Zone Management: www.mass.gov/czm/

RI Coastal Resources Management Council: www.crmc.ri.gov/

NY State Department of Environmental

Conservation: www.dec.ny.gov/60.html

NY State Department of State Communities and Waterfronts

www.dos.ny.gov/communitieswaterfronts/

NJ Offshore Wind Studies: www.nj.gov/dep/dsr/ocean-wind/

VA: [leg2.state.va.us/dls/h&sdocs.nsf/By+Year/SD102010/\\$file/SD10.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/SD102010/$file/SD10.pdf)

NC Offshore Wind: offshorewindnc.org/resources/

SC: www.dnr.sc.gov/GIS/gisenergy.html, www.energy.sc.gov/index.aspx?m=6&t=85

Other groups involved in siting wind facilities or are valuable data sources:

U.S. Offshore Wind Collaborative: www.usowc.org/

North America Offshore Wind: offshorewind.net/

National Wildlife Federation: www.nwf.org/~media/PDFs/Global%20Warming/Reports/NWF-Offshore-Wind-in-the-Atlantic.ashx

COWIRE: www.offshorewindfarms.co.uk/Pages/Publications/Latest_Reports/

Offshore Wind Energy Europe www.offshorewindenergy.org/

Online Mapping and Data Access to Inform Offshore Planning Decisions: Northeast Ocean Data Portal: northeastoceandata.org/

Mid-Atlantic Mapping and Planning Portal: www.midatlanticocean.org/map_portal.html

Integrated Ocean Observing System Data Catalog: www.ioos.gov/catalog/

RI Special Area Management Plan: seagrant.gso.uri.edu/oceansamp/documents.html

NY Ocean Atlas: nyoglatlas.org/index.cfm

MD Coastal Atlas: dnr.maryland.gov/ccp/coastalatlus/

VA Coastal Gems: www.deq.state.va.us/coastal/coastalgems.html

University of North Carolina: www.climate.unc.edu/coastal-wind

SC Wind Collaborative (Clemson Univ.):

www.clemson.edu/restoration/focus_areas/renewable_energy/wind/

GA Wind Working Group: www.gawwg.org/



https://secure.sierraclub.org/images/content/pagebuilder/windenergy_offshore.jpg

Proposal for Improvements to the Atlantic States Marine Fisheries Commission's Habitat Program

This document includes responses and recommendations to the eight questions posed by the Atlantic States Marine Fisheries Commission (ASMFC). To the extent possible, the responses and recommendations were developed using Commission guidance documents, such as the Atlantic Coastal Act, ISFMP Charter, ASMFC 2009-2013 Strategic Plan, Habitat Program 2009-2013 Strategic Plan, Habitat Operational Procedures, and 2012 Action Plan. In addition, recent Habitat Committee notes and a few recent Habitat Committee products (e.g., Habitat Hotline and Offshore Wind guidance document) were reviewed. Several conversations with a few Commission staff members provided information about the Habitat Program and the Committee's current efforts. With these resources, the following suggestions for improving the Habitat Program are proposed.

Recommendation #1: Discontinue the Habitat Strategic Plan. Place Habitat vision and mission in the Habitat Operational Procedures Manual and allow the ASMFC Strategic Plan and Annual Action Plan outline the Habitat Program's goals, objectives, and tasks. The Habitat Committee should continue to have significant involvement in the strategic planning for the habitat component of the Commission's Strategic Plan and annual Action Plan.

Recommendation #2: The ASMFC Habitat Program Operational Procedures Manual should be revised to strengthen the connection of the Habitat Program to the Commission's vision, goals and objectives.

Recommendation #3: A Habitat Program Coordinator should be assigned to facilitate and guide the efforts of the Habitat Program.

Recommendation #4: To ensure the completion of the Annual Action Plan's habitat tasks and to properly focus the Habitat Program's efforts, an annual work plan should be drafted by the Habitat Program Coordinator and reviewed by the Habitat Committee Chair and ASMFC Senior Staff.

Recommendation #5: Incorporate a Habitat Committee member job description into the Habitat Program's Operational Procedures Manual.

Recommendation #6: The appropriate relationship between the Habitat Program and the Atlantic Coast Fish Habitat Partnership (ACFHP) is a partnership that allows for the fluid dissemination of information on projects, partnership initiatives, and funding opportunities. The Committee should specifically focus on identifying partnership opportunities to facilitate the successful restoration of Atlantic coast fish species by 2015.

Recommendation #7: Business and administrative support aside, the Commission's involvement with the ACFHP should be analogous to State memberships with the Atlantic Coast Fish Habitat Partnership.

Some aspects to the proposed questions could probably be developed further with additional conversations with Habitat Committee members. Having not connected with Habitat Committee members, it is difficult to assess the degree to which the Habitat Management Series has been used and/or found to be useful. If a Habitat Coordinator is assigned, this individual may want to further evaluate the utility of these documents before the Committee embarks on the development of another document in this series. Further, Habitat Hotline may need to be re-evaluated in light of new and somewhat similar resources available from other organizations (e.g. ACFHP updates and USFWS email newsfeed). Finally, question #8 asks for key partnerships and organizations that the Habitat Committee should engage. These partnerships could be more readily identified with the help of Committee members and conversations with some of our Federal counterparts and may be specific to a project.

By and large, these Habitat Program recommendations would establish a solid organizational and functional foundation, ultimately leading to a prioritized Habitat Program workload and focused Committee. With this foundation, the Habitat Program would be better aligned with the Commission's vision, mission, goals, and objectives.

Q1: Do the objectives and HC tasks in the Habitat Strategic Plan and Action Plan align with broader objectives in ASMFC plans?

The Habitat Program is the only program and committee within the Commission to have its own dedicated strategic plan. The Habitat Strategic Plan (2009-2013) was developed with the intent to better define the role of the Habitat Program and to incorporate the Habitat Program goals and objectives into the Commission's Strategic Plan. The Habitat Program's Strategic Plan was revised in August 2009 to update the goals and strategies incorporated into the Commission's current Strategic Plan (2009-2013). The Commission should consider discontinuing the Habitat Strategic Plan to better align the Habitat Program with the broader objectives of the ASMFC and its plans. Dissolving the Habitat Strategic Plan would do the following:

- Prevent further duplication of effort;
- Streamline the process;
- Update the vision and mission;
- Exclude an inaccurate statement regarding a mandated habitat component in the FMP development process; and
- Strengthen connection between the Habitat Committee's priorities and that of the ISFMP.

The Habitat Strategic Plan provides a vision, mission, goals and strategies for the entire Habitat Program. Each component can be found in other Commission documents, and therefore may not be necessary as a separate document. The Commission should consider streamlining the Habitat Program's governing documents and simplifying the development process for the Habitat Program's goals, strategies, and tasks. The Habitat Program's goals appear as habitat strategies under Goal #4 in the ASMFC Strategic Plan and the Habitat Program's strategies are included in the Commission's Annual Action Plan as tasks. The Commission's Strategic Plan should supersede the Habitat Strategic Plan. Additionally, the Habitat Program's mission is included in the Operational Procedures Manual. The Program's vision could be incorporated to provide a more complete governing document. As the process currently exists, the Policy Board approves

the Habitat Strategic Plan as well as the ASMFC's Strategic Plan, which results in approving the habitat strategies twice. The process could be streamlined. The Habitat Committee should continue to be involved in the development of the Habitat Program's goals and strategies as the Commission periodically revises the ASMFC Strategic Plan and Annual Action Plan.

The Habitat Program's Strategic Plan may also overstate its role and its responsibilities within the Commission. For example, the Strategic Plan's introduction states that the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA; P.L. 103-206 et seq.) requires the Commission to include a habitat component in the development of fisheries management plans. The Act does not include such a requirement, but does acknowledge the change in fisheries habitat has led to a reduction in the Atlantic coastal fishery resources. The Act also discusses the type of Federal support to be provided to State coastal fishery programs, and one aspect is habitat conservation. The Act specifically requires a fishery management plan (FMP) to clearly outline what a State must do to be in compliance with the plan, but again does not require a habitat component to the FMPs. The Commission acknowledges that the degradation or loss of habitat may be a significant factor in rebuilding several of the Commission managed species, but the Commission is not required to incorporate a habitat component in the rebuilding plan for many of these species.

In the goals and strategies section of the Habitat Strategic Plan, the Habitat Committee was granted the ability to "redirect goals or priorities on its own or as directed by the ASMFC Policy Board." To ensure that the Habitat Committee's efforts continue to align with the broader goals and priorities of the Commission, the Policy Board should approve changes to the Habitat Program's goals and strategies. Further, the goals and strategies are for the entire Habitat Program, not just the Committee. Some of the strategies or tasks may be beyond the scope of the Committee's efforts, but do fall under the broader umbrella of the Habitat Program. One example, the Habitat Strategic Plan's goal #7 (fish passage) appears as part of Goal #1 in ASMFC Strategic Plan because it addresses an issue that is broader than habitat alone and must involve the FMP process to be effective. Another example, ASMFC Strategic Plan's Goal #4 has several strategies addressing the Atlantic Coast Fish Habitat Partnership (ACFHP). While the Committee has some involvement with the ACFHP, the Commission's involvement is greater in that it provides administrative support and functions. As the Habitat Strategic Plan is written, the Habitat Committee has a different standing from other Commission Committees. Eliminating the Strategic Plan would remove any discrepancies between the two strategic plans, and help to ensure the Committee remains focused on clear goals and objectives in support of the Commission vision to restore healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015.

There are four different options for addressing the Habitat Strategic Plan:

1. Continue to operate with the Strategic Plan and process for updating it.
2. Revise the introduction to habitat strategic plan to eliminate discrepancies or inaccuracies.
3. If Policy Board approves other recommended changes provided below, then revise Habitat Strategic Plan with a note and re-post to the Commission website – goals and strategies still stand but the remainder of document's contents would be replaced by the Operational Procedures Manual. Going forward, the Habitat Program's goals and

strategies would be revised via the Commission's process for updating the Annual Action Plan and the ASMFC Strategic Plan.

4. Continue with Habitat Strategic Plan and do not renew in 2014.

Recommendation #1: Discontinue the Habitat Strategic Plan. Place the Habitat vision and mission in the Habitat Operational Procedures Manual and allow the ASMFC Strategic Plan and Annual Action Plan outline the Habitat Program's goals, objectives, and tasks. The Habitat Committee should continue to have significant involvement in the strategic planning for the habitat component of the Commission's Strategic Plan and annual Action Plan.

The actual goals and strategies of the Habitat Program are in keeping with those provided in the Commission's Strategic Plan and Action Plan. The Habitat Strategies included in the 2012 ASMFC Action Plan reflect a more current and focused work plan that is also in keeping with the Commission's broader objectives. But, these documents do not prioritize the Habitat Program's annual activities. Upon review of recent Habitat Committee meeting notes, the Committee's time has been focused on activities that are not directly connected to the priorities of the Commission. The Committee's time was spent writing the most recent issue of Habitat Hotline, a guidance document on wind projects, and discussing whether or not the Committee should be responsible for writing FMP habitat sections. The Committee should focus on issues immediately relevant to achieving the Commission's mission, and specifically supporting ISFMP activities.

In addition to the Habitat Program's Strategic Plan, the Program has an Operational Procedures Manual. The manual's introduction states that the document should be reviewed upon production of each revised Strategic Plan. While the above recommendation suggests discontinuing Habitat Strategic Plan, the Operational Procedures Manual is a useful document, and could be made more useful with a few revisions. The document currently includes descriptions of for the Coordinator, Chair, Vice Chair, membership criteria and the selection process, and guidance on development habitat section of FMPs, habitat source documents, policy statements and resolutions, and the protocol for ASMFC comments on project/permits. The manual should be revised to include a revised vision and mission, modify the job descriptions for Coordinator, Chair, and members, outline the process for developing an annual work plan (see recommendation #4), as well as several other changes. The manual's introduction states that significant changes would require approval of the ISFMP Policy Board. Several of the proposed recommendations could easily be incorporated into the Operational Procedures Manual, providing a more comprehensive guidance document.

Recommendation #2: The ASMFC Habitat Program Operational Procedures Manual should be revised to strengthen the connection of the Habitat Program to the Commission's vision, goals and objectives.

Q2: Is completion of habitat tasks realistic given resources dedicated to the Program?

The tasks assigned to the Habitat Program can be accomplished, but it will require more resources than currently dedicated to the Program. The Habitat Program should have a Habitat

Coordinator to oversee the completion of the Annual Action Plan's habitat related tasks. The Habitat Committee should not be expected to complete all of these tasks. Some of the Action Plan tasks are attributed to the ACFHP, some fall under the responsibilities of a Habitat Coordinator, some (e.g. FMP sections or Habitat Management Series documents) could be assigned to a specific individual (e.g. Committee member, state fisheries employee, or contractor), and some by the Habitat Committee collectively. The responsibilities need to be delegated to complete the assigned habitat tasks.

After responsibilities have been delegated, the tasks need to be prioritized. The Habitat Coordinator, along with the Habitat Committee Chair, should be responsible for focusing the Committee's efforts on the tasks necessary for achieving the Commission's mission and supporting the ISFMP activities. The Habitat Coordinator and Habitat Committee Chair should review the Habitat Program's assigned Annual Action Plan tasks and design a work plan. The work plan would identify who is responsible for accomplishing the tasks (ACFHP, Coordinator, a potential contractor, committee member, or Committee as a whole). The tasks for each individual or group should be prioritized. The work plan should be reviewed by the ASMFC Senior Staff to ensure its prioritized according to the needs of the ISFMP. Better preparation and early planning will allow for the completion of habitat tasks, and hopefully, lead to a more productive Habitat Program.

Recommendation #3: A Habitat Program Coordinator should be assigned to facilitate and guide the efforts of the Habitat Program.

Recommendation #4: To ensure the completion of the Annual Action Plan's habitat tasks and to properly focus the Habitat Program's efforts, an annual work plan should be drafted by the Habitat Program Coordinator and reviewed by the Habitat Committee Chair and ASMFC Senior Staff.

Q3: Does the current Habitat Committee approach add clear value to the ISFMP or States in general? To what is it adding value? E.g., are the Diadromous Habitat publication and other Habitat Management Series publications being used?

The current Habitat Committee activities could have a stronger connection to the Commission's efforts and priorities. The Habitat Committee's approach was refocused when the Policy Board charged the Habitat Committee with initiating ACFHP. As their involvement in the ACFHP winds down, the Committee seems to be at loss for direction and a connection to the Commission's efforts. Other factors that may have contributed to the Committee's shift in focus: the Committee has been without an assigned coordinator that is tuned into the priorities of the ISFMP; the Committee's ability to determine the Program's priorities (as stated in the Habitat Strategic Plan); and the personal interests of Committee members. More recently, the Committee's efforts have been focused on developing papers and projects that are generally of interest to fish habitat managers along the Atlantic coast, but the immediate connection to the Commission's priorities and the ISFMP's efforts to maintain and rebuild stocks are not always apparent. To better ensure the Habitat Committee's approach does have a clear value add, the Committee needs to revisit the tasks and strategies outlined in the Annual Action Plan, as well as any recent developments from the ISFMP Policy Board.

As recommended earlier, the Habitat Program should develop a prioritized work plan to guide the efforts of the Program and Committee in a direction that clearly adds value to the Commission's vision. This work plan would facilitate the completion of Task 4.5.1 "Review program goals and evaluate accomplishments annually" from the Annual Action Plan. Many of the assigned tasks would add clear value to Commission's broader goals, but the Habitat Program does not have the guidance on where to most effectively focus their efforts, and has had the autonomy to address any of the tasks listed in the Action Plan. A work plan to prioritize the Habitat Program tasks (Recommendation #4), a Habitat Coordinator to keep the Program and Committee on task (Recommendation #3), and additional senior staff oversight would set the Habitat Program on a path to add clear value to the Commission.

Much of the work that would benefit the Commission's broader goals ultimately benefits the States. For example, the Habitat Program already has a task assigned in the Annual Action Plan that directs the Committee to "prioritize and publicize important habitat types for Commission-managed species as identified in the ACFHP Strategic Plan (Task 4.2.2)." While it may not send the right message to have the Habitat Program's efforts guided by the ACFHP, this may be the first step in an important value add for the Habitat Program. The second step in this task should be to *identify the critical habitat bottlenecks for each Commission species*. In fact, NMFS is moving towards the concept of identifying habitat-constrained species. To address bottlenecks on the ground, a potential component of the Habitat Program could then be to establish key partnerships with regional and local entities with jurisdiction and resources to affect change in fish habitat to the benefit of migratory fish stocks (Tasks 4.3.2 and 4.3.3). In addition, the Atlantic Coastal Fish Habitat Partnership (ACFHP) is a new entity with new resources and mechanisms to address fish habitat projects within the individual states. The Committee's approach to addressing the assigned tasks needs to be changed and guided in a direction that will better align with the Commission's vision.

Q4: The linkage between the HC and Policy Board is weak. What are approaches to strengthen the linkage?

The linkage between the Habitat Committee and the Policy Board has been weak due to the Committee's ability to independently determine the focus of their efforts and a lack of guidance and oversight to direct their efforts towards supporting the ISFMP activities and Commission's mission. The solution to strengthening the linkage between the Policy Board and Habitat Committee has been discussed under Question #2 (e.g. assign a habitat coordinator, committee work plan). The role of a Coordinator is one parallel that can be drawn between the Technical Committees and the Habitat Committees. A Coordinator needs to have a clear understanding of the Policy Board's priorities, as well as many of the species Boards. With this understanding, the Coordinator and the Habitat Committee Chair can align the Committee's efforts with the broader goals and objectives of the Commission. Therefore, the Coordinator and/or the Habitat Committee Chair should be present during Policy Board meetings.

Q5: Is the HC limited in capacity; is that limiting results? Where is capacity needed?

The Habitat Committee is not lacking in capacity when its efforts directly support the Commission's priorities; rather than developing work that is habitat related, but not directly connected to FMP objectives and broader goals of the Commission. The Habitat Committee is lacking in clearly assigned objectives and tasks that tie into the Commission's priorities. The development of a work plan should help to identify the capacity needed and empower this Committee to complete tasks that will be directly in support of ISFMP activities and the mission of the ASMFC.

The expectations for what the Habitat Committee should and can achieve needs to be reasonable. The capacity of the Habitat Committee is not equivalent to the capacity of a Technical Committee. Each individual Committee member cannot be expected to be an expert in the habitat requirements for all the Commission managed species. When they are lacking that expertise, they should have the ability to identify someone within their state that has the expertise. Further, they should be able to work with those individuals to cultivate the necessary information. When the Habitat Committee cannot complete a project, it is reasonable to expect that the Committee has the capacity to identify individuals with the necessary expertise, and for the Committee to provide the necessary oversight and guidance to complete the project. The Habitat Committee's most significant strengths are the connections and partnership opportunities with membership spanning the entire Atlantic coast.

To ensure the Committee has the necessary capacity to complete the assigned tasks, the Commission could develop a general "job description" outlining the desirable attributes of Habitat Committee members. When a Committee member needs to be replaced, the criterion could be given to the State Commissioners to consider when selecting their new Habitat Committee representative. This guidance would have a slow impact on the Committee's capacity, as turn over is not frequent. It would also be dependent upon the Commissioners using the criterion in their selection or the Commissioners having access to staff members that meet such a criterion. The "job description" could be included in the Habitat Committee's Operational Procedures Manual.

Recommendation #5: Incorporate a Habitat Committee member job description in the Habitat Program's Operational Procedures Manual.

Q6: How does the arrival of ACFHP change the Habitat Program's vision, objectives, and tasks?

For several years, the Habitat Committee played a significant role in the development of the ACFHP, and was specifically tasked by the Policy Board to do so. A considerable portion of the Committee's time and effort was dedicated to the Partnership, which likely contributed to some uncertainty about the Committee's role with ACFHP, as well as within the Commission, and weakened the Committee's connection to the Commission's priorities. The Habitat Program lost its Habitat Coordinator around the same time that ACFHP received recognition and project funding. At that time, a Partnership Coordinator was hired to manage the ACFHP. The Partnership Coordinator also facilitated some of the Habitat Committee related business in the absence of a Habitat Program Coordinator. Using the Partnership Coordinator to facilitate

Habitat Committee meetings may have blurred the lines between responsibilities of the Habitat Program and ACFHP. With the ACFHP now underway and no longer dependent upon the Commission, the Habitat Program needs to redirect its efforts to the priorities of the ISFMP, and leave the business of ACFHP to the Partnership Coordinator.

All of the Strategies and Tasks outlined in Goal #4 of the Annual Action Plan should not be considered the Habitat Committee's workload. Rather, the goal specifies all of the habitat related tasks to be undertaken by the Commission. In the current version of the Annual Action Plan, the first several tasks relate to ACFHP, and some of the administrative and business related support to be provided by the Commission. If the proposed work plan were implemented, the Action Plan tasks relating to ACFHP would be assigned to the Partnership Coordinator with, potentially, some support from Finance and Administration, and the Committee would be assigned other strategies and tasks. A clear definition of roles and responsibilities, and with a Habitat Program Coordinator and Chair directing efforts, would go along way toward bringing the Committee around to focus on efforts that would address the need to rebuild fish stock by 2015.

The current wording of the Habitat Program's vision parallels the Commission's vision. The Habitat Program exists to support the Commission's vision. The vision should be stated in such a manner that highlights the Program's commitment to work towards the Commission's vision and mission. The arrival of ACFHP is not the driver for revising the Habitat Program's vision. Rather, it is to realign the Habitat Program's vision (and efforts) with the Commission's vision to restore healthy, self-sustaining Atlantic coast fish species by 2015.

Q7: What is the appropriate relationship between the Habitat Program and ACFHP moving forward?

In addition to the Commission, all of the Atlantic coast states are signatory to the ACFHP MOU, but not all of the states are equally involved in the Partnership. About two-thirds of the Habitat Committee State members are involved with the ACFHP Steering Committee or some other related committee. The few ASMFC states not involved with any of the ACFHP committees may receive emails providing updates on projects related to the ACFHP. Because ACFHP participation is not coastwide, the partnership between the Habitat Program and ACFHP should manifest itself as updates to the Habitat Committee to disseminate all pertinent information to each of the States. These updates would be beneficial for all parties, and may enhance the relationship between those states not currently involved with the ACFHP. These updates could alert the states of potential funding opportunities, engage the states in efforts such as data collection for the coastwide database (which in turn may be beneficial for FMP habitat sections) or additional partnerships and/or projects that could address significant bottlenecks for rebuilding various Commission managed species. Updates should continue to be provided at Habitat Committee meetings to ensure all Atlantic coast States are informed of the Partnership's efforts and project funding opportunities.

Recommendation #6: The appropriate relationship between the Habitat Program and the ACFHP is a partnership that allows for the fluid dissemination of information on projects, Partnership initiatives and funding opportunities. The Committee should specifically focus

on identifying partnership opportunities to facilitate the successful restoration of Atlantic coast fish species by 2015.

A couple of organizational changes may better define the relationship between the ACFHP and Commission to be more akin to other ACFHP members; and may also draw out a clearer distinction between the Habitat Committee and ACFHP. First, the ASMFC is signatory to the ACFHP MOU, not the Habitat Program. Changing the Commission's ACFHP Steering Committee member to the ISFMP Director may draw a greater distinction between the activities of the ACFHP and the Habitat Program. Second, each program should have its own dedicated coordinator. The clear definition of roles and responsibilities should prevent any bleeding of ACFHP related issues into Committee business.

Recommendation #7: Business and administrative support aside, the Commission's involvement with the ACFHP should be analogous to State memberships with the Atlantic Coast Fish Habitat Partnership.

Q8: Who are potential regional and local key partners? How does the HP engage them?

Several of the Habitat Program's Action Plan tasks address the identification of partnerships (Tasks 4.2.3, 4.3.2, 4.3.3, 4.3.4, 4.4.2, and 4.6.2) to facilitate the efforts of the Commission's Habitat Program. The identification of potential regional and local key partnerships may be specific to the project to be undertaken. For example, the Committee may reach out to academics, graduate students, or other state partners for the development of new FMP amendments and identification of relevant fish habitat research. Partnering with some of the ACFHP members may facilitate the identification of funding sources to address the fish habitat bottlenecks. NOAA has a new effort underway called the Fish Habitat Blueprint, which may be another avenue for addressing some of the key bottlenecks of important fish habitat for Commission managed species. One of the most significant strengths of the Habitat Committee is a membership that spans the entire coast, and includes members from state and Federal agencies, as well as NGOs. As the Committee refines its focus, the Habitat Committee should have the capacity to identify potential regional and local key partnerships necessary to complete the assigned tasks, and more effectively achieve the Commission's vision to restore healthy, self-sustaining Atlantic coast fish species by 2015.

To: Paul Diodati, ASMFC Chair
From: Bob Van Dolah, Habitat Committee Chair
cc: Louis Daniel, ASMFC Vice Chair; Bob Beal, ISFMP Director; and Vince O'Shea, Executive Director
Date: June 5, 2012
Re: Habitat Committee's Response to the Proposal for Improvements to the ASMFC's Habitat Program

The Habitat Committee (HC) met on April 25 and 26, 2012 to discuss the Proposal for Improvements to the ASMFC's Habitat Program (hereafter, Proposal). The Committee endorsed all six recommendations provided to the HC for review. The Proposal was generally well received, but the Committee had some concerns and caveats related to the recommendations. This memo outlines the Committees thoughts and concerns should the ISFMP Policy Board move forward with these recommendations.

Background Information

The HC and the Committee on Economics and Social Sciences (CESS) are the only ASMFC components which are appointed by and report to the Commission Chair (i.e., reference January 6, 2012, memorandum from Chair Paul Diodati to all commissioners), and we believe this is a reflection of the importance placed upon them, since the functions of both these committees (analysis of and providing advice on habitat, economic and social science issues) are cross-cutting across *all* ASMFC species. The ASMFC Habitat Program in our opinion is designed to address the conservation of the foundation (i.e., habitat) for *all* other ASMFC activities, since adequate habitat quality and quantity are essential for any species managed by the Commission. As noted by former Executive Director John H. "Jack" Dunnigan, "Healthy fish habitat is vital to healthy fish stocks (Dunnigan 1997)."

The HC's consideration of the Proposal was informed by our review of the ASMFC guidance and policies which formed and have shaped the Commission's Habitat Program, and provide direction to the Habitat Committee. These include Stephan and Beidler (1997), Stephan et al. (1998), Stephan et al. (1999), ASMFC (2008), and ASMFC (2009a and b). The ASMFC Charter (ASMFC 2009b) states the purpose of the Habitat Committee and charges it with the following (pages 10-11):

"The purpose of the Habitat Committee is to review, research, and develop appropriate response to concerns of inadequate, damaged or insufficient habitat for Atlantic coastal species of concern to the Commission. Among its duties for the Commission, the Habitat Committee shall: (1) Serve as a consultant to the ISFMP regarding habitat on which the species of concern to the Commission are dependent, whether salt, brackish or freshwater; (2) Provide comment on the habitat sections of FMPs, and provide suggested text for these sections; (3) Propose habitat mitigation measures, comment on proposed habitat mitigation measures, and propose alternate measures if necessary to ensure appropriate habitat conservation; (4) Establish subcommittees or other work groups as are necessary to research various habitat related issues; and (5) Formulate habitat specific policies for consideration of and adoption by the Commission." The Charter further specifies that other components of the Commission should seek advice from the Habitat Committee (e.g., Plan Development Teams and Plan Review Teams), and that "Conservation programs and management measures shall be designed to protect fish habitats" (page 14), and that management program elements should include "A review and status of fish habitat important to the stocks, and ecosystem considerations" (page 16). More detailed information regarding the duties of the Habitat Committee is found in Stephan et al. (1998, 1999) and ASMFC (2008, 2009a).

Our review of the recommendations in the Proposal considers the above guidance and directives from the Charter as well as the past operation of the Habitat Program. Any questions regarding the responses to the recommendations in the Proposal should be directed to the Habitat Committee Chair.

Recommendations #1 & #2: Merge the Habitat Strategic Plan and Habitat Operational Procedures Manual; Revise the Operational Procedures Manual

The Habitat Program has two governing documents, a Habitat Strategic Plan and the Habitat Program's Operational Procedures Manual. The recommendation is to merge the two documents and minimize duplication of effort. The Committee spent considerable time reviewing the Operational Procedures Manual. The Committee plans to revise the document to include the recommendations from the Proposal, specifically incorporating elements of the Habitat Strategic Plan. With the document under revision, the Committee will also revise the standardized outlines contained within the Operational Procedures Manual. The Committee will revise the Operational Procedures Manual for the ISFMP Policy Board's review and approval at the ASMFC Annual Meeting in October, or a subsequent meeting if our revisions are not resolved at that meeting.

Recommendation #3: Assign a Habitat Committee Coordinator

The Committee was very pleased to have a part-time Habitat Committee (HC) Coordinator assigned to facilitate and assist in the efforts of the Habitat Committee. However, the Committee is concerned that the limited part-time arrangement is not sufficient for the coordinator to accomplish all of the work related to the Habitat Program. In addition to the Habitat Committee, the Artificial Reefs Subcommittee has voiced the need for the support of a Coordinator. The HC Chair and HC Coordinator with input from the HC will be identifying the tasks/responsibilities of the coordinator for this year and next, which should help to identify how much time the HC Coordinator should be committing to make the HC and Habitat Program more effective. The Committee views a HC Coordinator as integral to what and how tasks will be completed as defined in the annual work plan, as well as being integral to the Committee's effectiveness.

Recommendation #4: Annual Work Plan

Goal #4 of the Commission's Annual Action Plan addresses Habitat, but tasks could be attributed to many several different entities (e.g. ACFHP, HC, HC Coordinator, Artificial Reefs, etc). The recommendation suggests developing an annual work plan to prioritize tasks, delegate responsibility, and set deadlines for completing items under Goal #4 of the Action Plan. The proposal does not make it clear that the Committee would have the opportunity to provide substantive input during the development of the annual work plan. It is essential that the Committee develop this work plan, with the assistance of the HC Coordinator, given the associated and expected responsibilities of the HC members to complete associated tasks. With their input as part of the process, the Committee agreed the development of an annual work plan would help clearly outline tasks, responsibilities, and timeframes for completing tasks.

Recommendation #5: Habitat Committee Member Description

The Committee agreed with the inclusion of a description of committee member characteristics in the Operational Procedures Manual, and further stated that HC members are expected to represent their agency's expertise, and set aside their agency's policy and regulatory views, while doing business as the HC.

At several points throughout the Habitat Committee meeting, the Committee discussed their general lack of species-specific expertise and the challenge to complete FMP habitat sections, as well as some other tasks. With limited expertise, as well as the lack of authority to assign someone within their organization to a task, and increasing workloads, some of the expectations for the Committee are not entirely realistic. The Committee's role should be to identify an appropriate author for FMP Habitat Sections, and to review

the work prior to incorporating it into the larger draft FMP. The Committee emphasized the need for assistance from a HC Coordinator, as well as funds to contract out for these assignments.

Recommendation #6: Habitat Committee's relationship with ACFHP

The proposal recommends a clear delineation of efforts between the Habitat Committee and the ACFHP. The proposal suggests that it is important for the Habitat Committee and ACFHP to have fluid dissemination of information on projects, as well as partnership and funding opportunities. The Committee agrees with the characterization of the relationship between the Habitat Committee and ACFHP presented in the Proposal. The Committee receives updates from the ACFHP coordinator at each meeting. Integrated coordination with ACFHP is in point of fact automatic, as multiple Committee members also represent their organizations on the ACFHP Steering Committee.

Communication

The Committee also had a lengthy discussion related to Questions #3 in the proposal: "Does the Habitat Committee approach add clear value to the ISFMP?" Due to pressing issues and full agendas, the ISFMP Policy Board does not always have the time to provide a lot of feedback to the HC regarding the efforts and direction. Therefore, the Committee finds it challenging to determine how best to support the Board. The Committee discussed ways to better reach out to the Commissioners and get a sense of their habitat concerns and issues within their states. One possibility would be to closely review the upcoming Meeting Week agendas for items that may relate to habitat. Committee members could then sit down with their Commissioners to discuss these issues. The Committee also talked about developing an abbreviated Habitat Committee meeting summary to take to their Commissioners as a means for opening the channels of communication, which ideally would lead to discussions of how to best support the Board's efforts.

The Committee also finds it challenging to be keyed into the habitat issues and concerns discussed in other Commission meetings. In addition to the Policy Board, there should be a greater connection to other Commission Committees. The Committee discussed the benefits of having a seat at the Management & Science Committee meetings to keep informed of habitat related issues. The Committee also acknowledged the vital role of the HC Coordinator to connect with other Commission Coordinators and report back to the Committee on any important habitat related issues. The Habitat Committee wants to be viewed as a resource to address habitat questions and resolve fishery habitat issues, but needs to be made aware of what these issues or perceived issues are.

A New Direction

The proposal repeatedly discussed creating a stronger connection between the Committee and Commission's efforts. In an effort to be responsive to a suggestion from the Commission, the Committee will work on identification of critical habitat bottlenecks for Commission species. The Committee plans to use weakfish or lobster as their test case for identifying the ways in which habitat is limiting the species. The Committee will incorporate this task into the 2013 Action Plan.

Please consider the Committee concerns and thoughts for improving the Habitat Program. The Habitat Committee is being enthusiastically responsive to the suggested modifications in our strategic planning and operations, and we will continue to work with Commission staff and the Policy Board to strengthen the Commission's Habitat Program.

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