COMPLIANCE COMMITTEE REPORT
February 8, 2012

The committee will examine the following issues:

1. **The practice and adequacy of the procedures in the Commission Regulations for calling a Board Meeting.**

2. **The meaning, application, and adequacy of the definition of an emergency in the ISFMP Charter.**

3. **The extent and adequacy of actions available to the Commission to respond to a state or states deviating from an FMP when the resulting action does not jeopardize conservation of the stock.**

The committee is to identify any problems within these above areas and develop a proposed range of solutions. If status quo is recommended, the committee shall provide a rationale for that recommendation.

The committee shall make its first report to the Policy Board at the February 2012 meeting.

Compliance Committee Conference Call
January 27, 2012

Committee Attendance:

Jim Gilmore, Chair
Dennis Abbott
Robert Boyles
Bill Cole
John Duren
Adam Nowalsky
Jack Travelstead

Other Commissioner Attendance:

Malcolm Rhodes

Staff:

Bob Beal

COMMITTEE DIVIDED TASKING INTO FOUR COMPONENTS

1 - The practice and adequacy of the procedures in the Commission Regulations for calling a Board Meeting.

2 - The meaning, application, and adequacy of the definition of an emergency

3 - Commission's ability to respond to state(s) deviating from an FMP

4 - Increasing the Flexibility for species management boards

The practice and adequacy of the procedures in the Commission Regulations for calling a Board Meeting.

- Current language is appropriate for calling meetings
- No changes recommended
- Procedures for Chair Calling extra-ordinary mtg
    - Consistent criteria
    - Adherence to Action Plan and budget
    - Encouragement for four scheduled Commission meetings
    - Consideration consequences that might impact all states.

The meaning, application, and adequacy of the definition of an emergency

- The Commission has infrequently used emergency actions to modify FMPs in response to urgent, unforeseen, and serious conservation issues (8 emergency actions since 2001).

- Modifying the definition of an emergency would be difficult given the range of emergency provisions in states laws.

- Modifying the emergency language to increase flexibility for boards my result in more frequent use of emergencies to adjust management. This will decrease transparency and public participation.

- Crafting language in the Charter to increase flexibility for all FMPs may not be possible or will result overuse of emergency actions.

Commission's ability to respond to state(s) deviating from an FMP

The Committee agreed the non-compliance provisions in ACFCMA are adequate and effective in addressing issue where there is a conservation impact.

However, the Committee indicated there are not sufficient options to address short-term non-compliance and deviations that don't impact conservation.

The Committee agreed to the following:

- The recent actions regarding scup highlighted deficiencies in the system to address deviations from FMPs

- Staff should explore the legal issues involved with penalizing states through actions such as reduced future quotas, reduce ACFCMA funding, etc.

- Consideration should be given to including delayed implementation provisions in other FMPs and removing the link to conservation to invoke delayed implementation penalties.

- State deviations from an FMP cause significant problems for all states and for the Commission process.

- Additional Committee discussions will be needed to fully develop options to address state deviations.

Increasing the Flexibility for species management boards

- Additional flexibility should be provided to Boards especially for fully rebuilt stocks
- Modifying the Charter would not be appropriate
- Generic Language not possible

The Committee agreed on the following statements:

- **Each species board should consider modifying FMPs to provide increased flexibility for in-season adjustment if the stock is fully rebuilt. Not all FMPs will need to be modified.**

- **The FMPs already include conservation equivalency provisions that provide flexibility to the states.**

- **The transparency and public comment process should be considered when boards explore details to increase flexibility.**

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

ASMFC Commissioner Survey Results

February 8, 2012

Background

- Survey Included in Annual Action Plan
- Measures Progress Toward Commission's Goals

Responses

- 31 Commissioners Responded
- 43 Potential Responses
- Response Scale 1 - 10

Survey Design

5 Topics, 20 Questions

Not Supportive	Very Supportive
Not Confident	Very Confident
Not Comfortable	Very Comfortable
Not Satisfied	Very Satisfied

1 2 3 4 5 6 7 8 9 10

5 “Open Ended” Questions

Results Summary by Topic

Commission Goals and Values

2012 – Average: 8.48

2011 – Average: 8.60

Plan to Achieve Vision

2012 – Average: 7.87

2011 – Average: 8.03

Results Summary by Topic

Execution and Results

2012 – Average: 7.08

2011 – Average: 6.93

Measuring Progress and Results

2012 – Average: 7.79

2011 – Average: 8.11

Results Summary by Topic

Utilization of Resources

2012 – Average: 8..04

2011 – Average: 8.47

Goals and Values

#2. Support of Vision (highest)	9.06
#4. Agreement with Commission Goals	7.71

Plan to Achieve Vision

# 1. Clear Plan to Achieve Vision	7.80
# 2. Support of Approach	7.93

Execution and Results

#1. Will ASMFC Achieve Vision (Low)	6.59
#2. Actions Reflect Progress to Vision	7.52
#3. Cooperation between Commissioners	6.90
#4. Cooperation with Federal Partners	7.21
#5. Relationship with Constituents	7.00
#6. Securing Adequate Resources	7.28

Measuring Progress and Results

#1. Using Clear Metrics	7.79
#2. Support for Metrics	7.72
#5. Describe Progress to Congress	7.24

Utilization of Resources

#2. Reacting to New Information 7.45

Most Significant Problem To Solve

- Transition to Multispecies Management
- Funding – State and ASMFC
- Setting Appropriate Goals
- Commitment of all Commissioners

Most Important Change to Improve Results

- Timely Response to Science
- Coordination with Councils
- More Frequent Assessments

Biggest Obstacle to Success

- Financial constraints
- Lack of Political Support
- Ecological Factors Beyond ASMFC Control

Appropriate Metrics

- Yes – Generally
- Consider Multispecies Reference Points
- More Focus on Removal Rates

Additional Comments

- Dedicated Commissioners and Staff
- Continue to Work Toward Vision
- Focus on What the Commission can Control

Next Steps

How does the Commission want to react to survey findings?

Science, Service, Stewardship

MRIP Improved Recreational Catch Estimates

Atlantic States Marine Fisheries Commission
February 8, 2012

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Agenda

- **The Science Side**
  - Why a new estimation method
  - What we found
  - What's driving the changes
- **The Management Side**
  - How changes affect management and stock assessments.
  - What we're doing to transition to the use of MRIP estimates
- **The Path Forward**
  - Next steps

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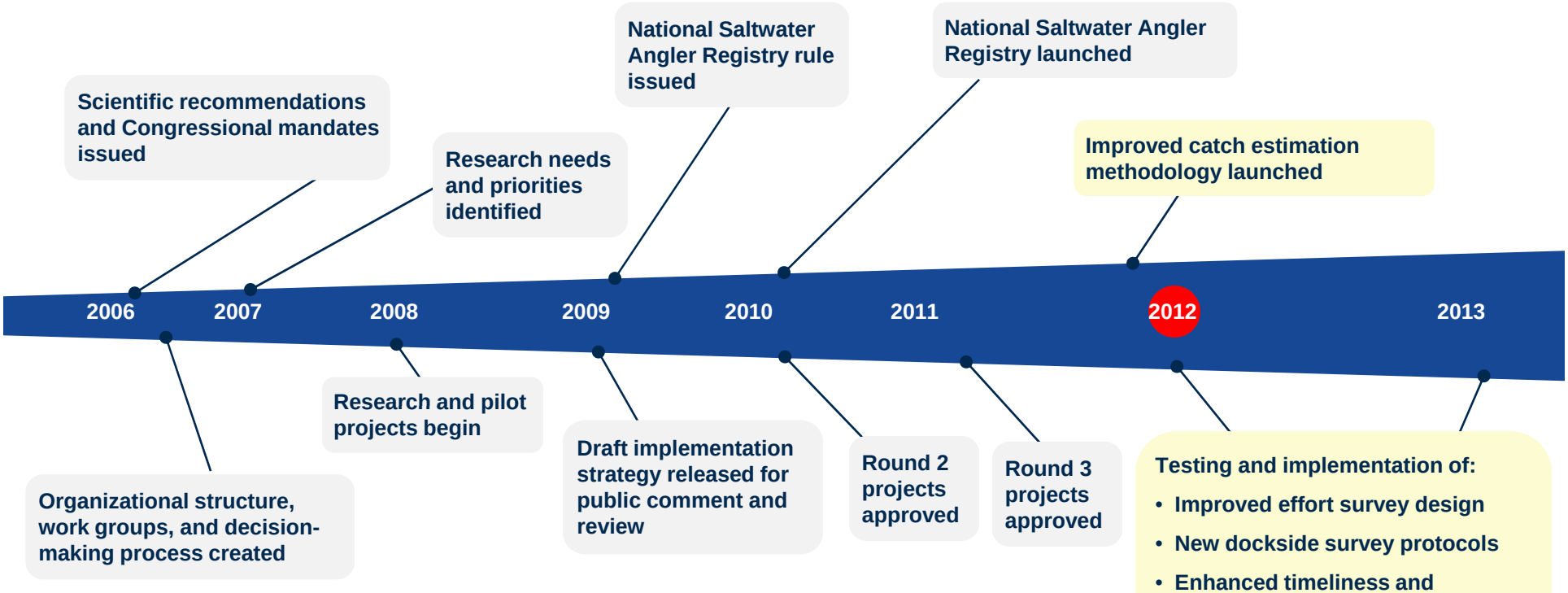
MRIP Timeline



MARINE RECREATIONAL INFORMATION PROGRAM

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Creates Solid Foundation

The new MRIP estimation methodology is one of a series of improvements over the current MRFFS.

The estimation method is a beginning, not an end.

The improved methodology fixes a fundamental design issue and sets the stage to invest resources in future improvements – such as enhanced angler intercept surveys, improved precision, and more frequent reporting – to meet customer and stakeholder needs.

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NRC Findings

- Mismatch between how we gather information and how those data are used to generate catch estimates.
- Results in a series of untested assumptions that introduces potential for bias which can skew the catch estimates higher or lower.
- New method corrects these assumptions about how different factors might affect catch rates.
- The result is more accurate estimates of catch.

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Results

The improved MRIP method allows us to re-calculate catch estimates going back to 2004 for the Atlantic and Gulf coasts.

Two key results:

1. Removing bias creates no across the board trends in direction or size of changes. Some estimates go up, some go down, and some stay about the same.

2. While the precision appears lower than what we previously reported, the new MRIP estimates are more accurate and our understanding of the actual uncertainty is significantly improved.

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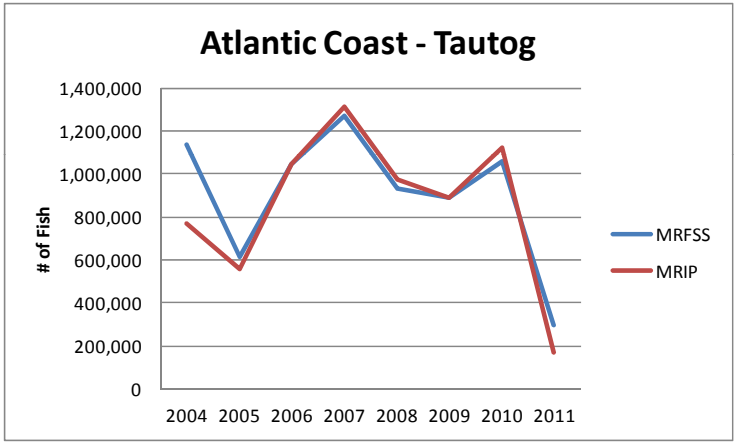
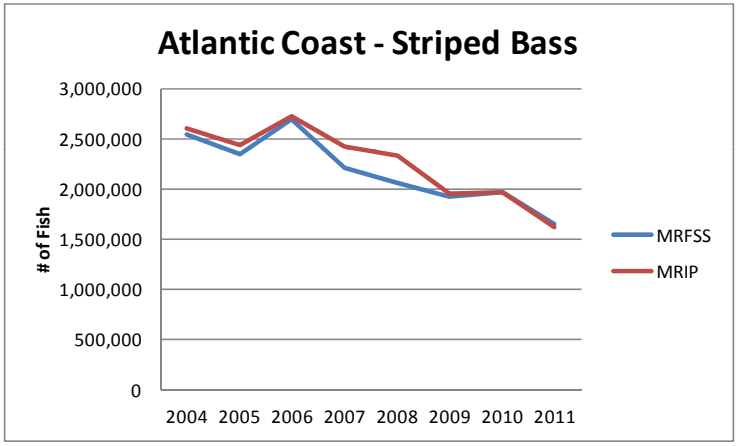
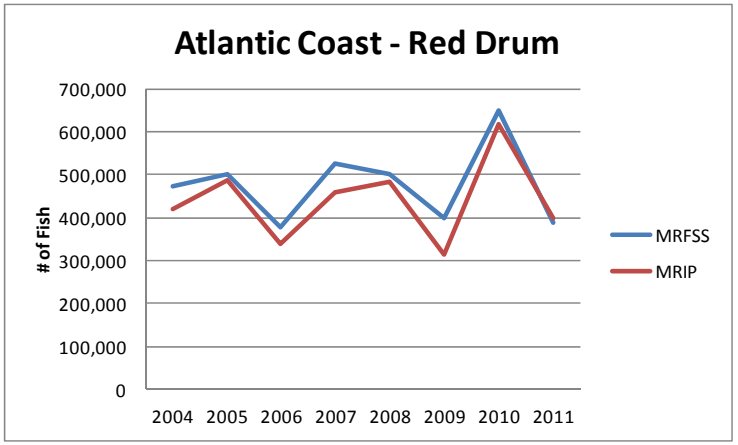
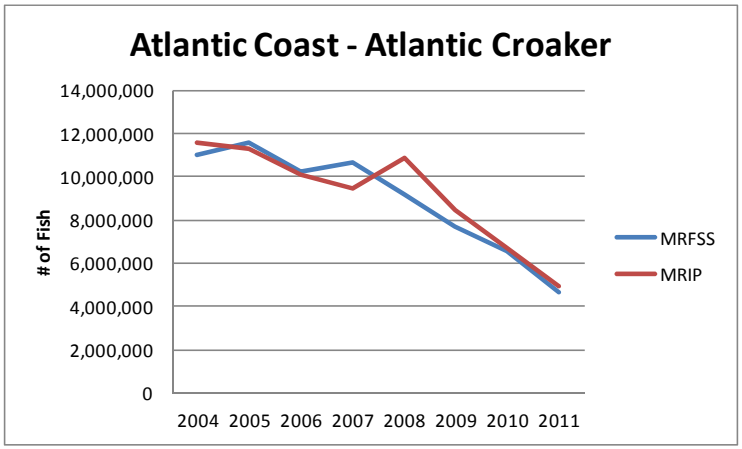
Representative Results









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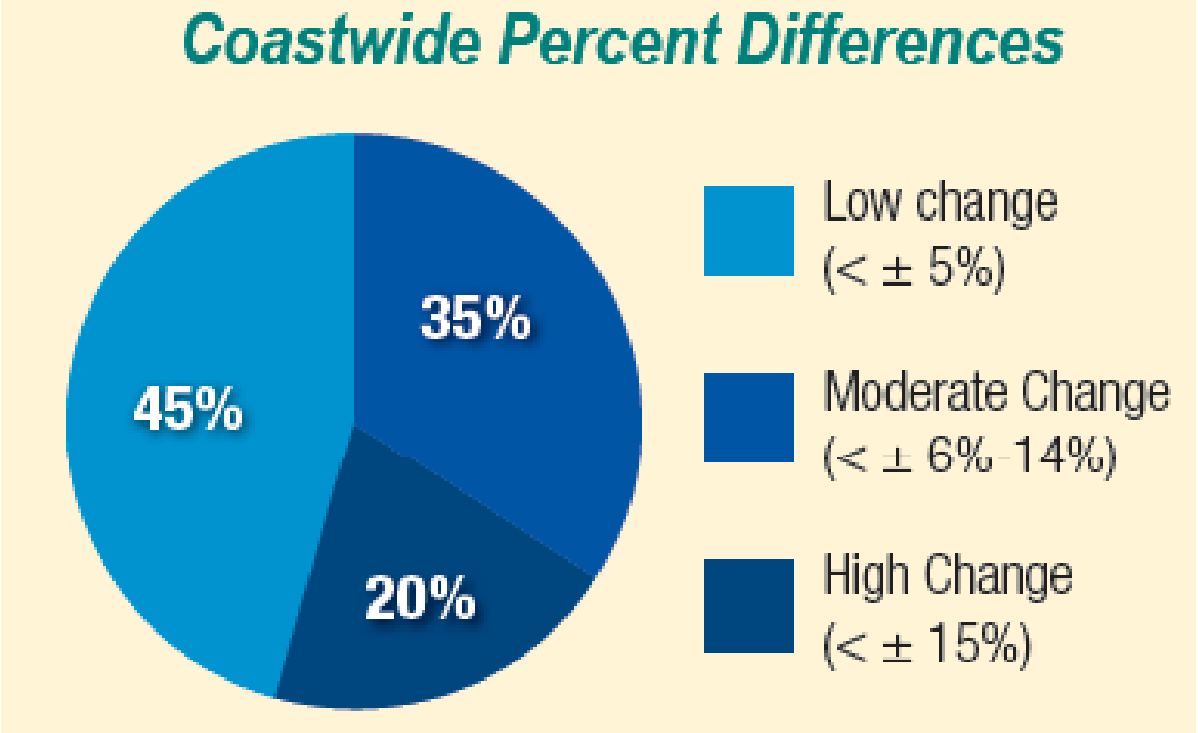
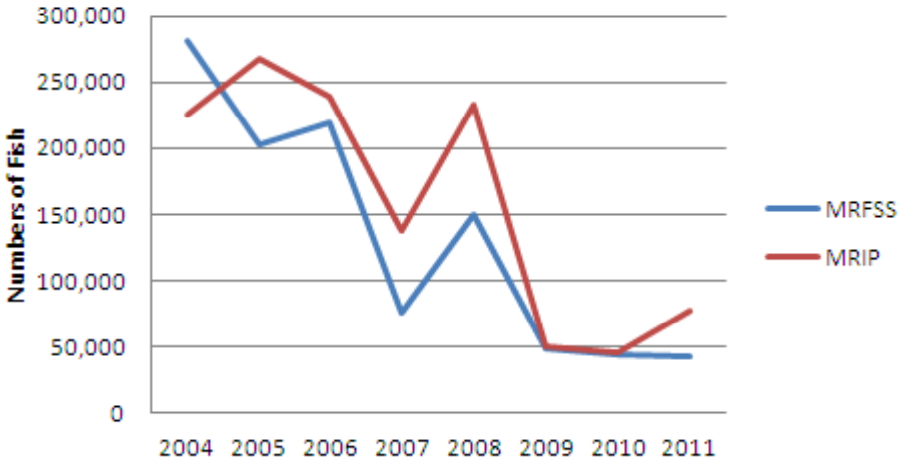
Most Estimates Don't Change Significantly

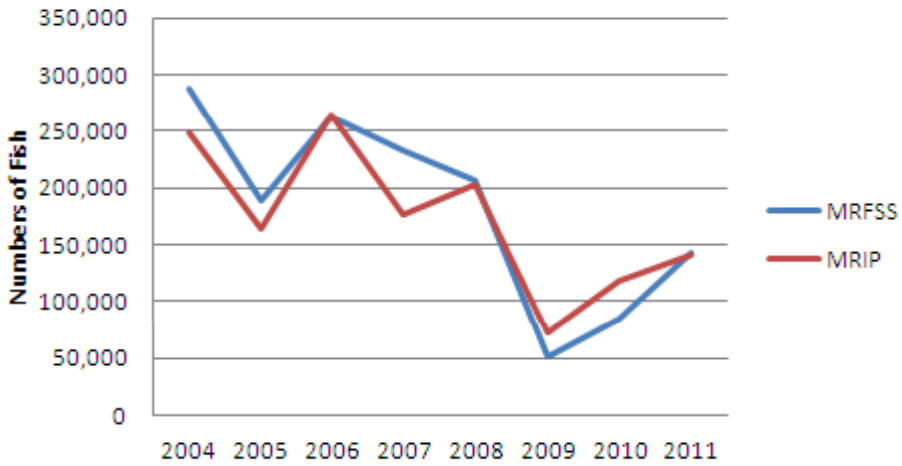


Note: Differences vary on a species-by-species basis and by state.

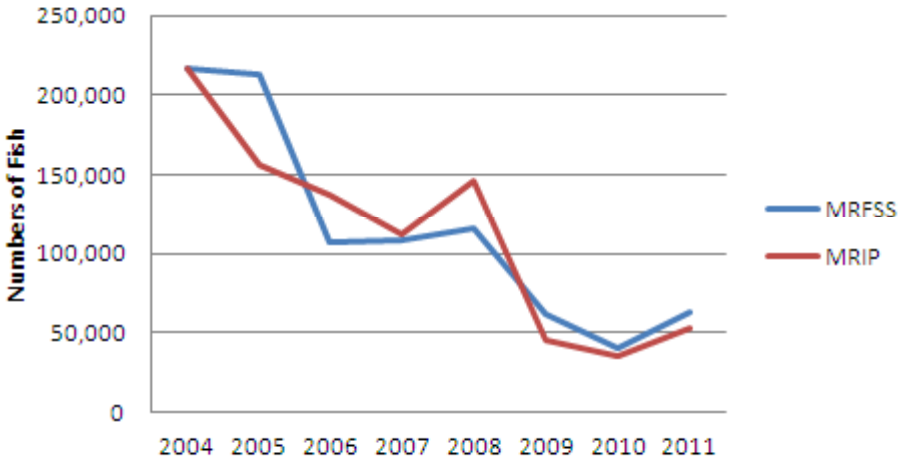
MA Summer Flounder



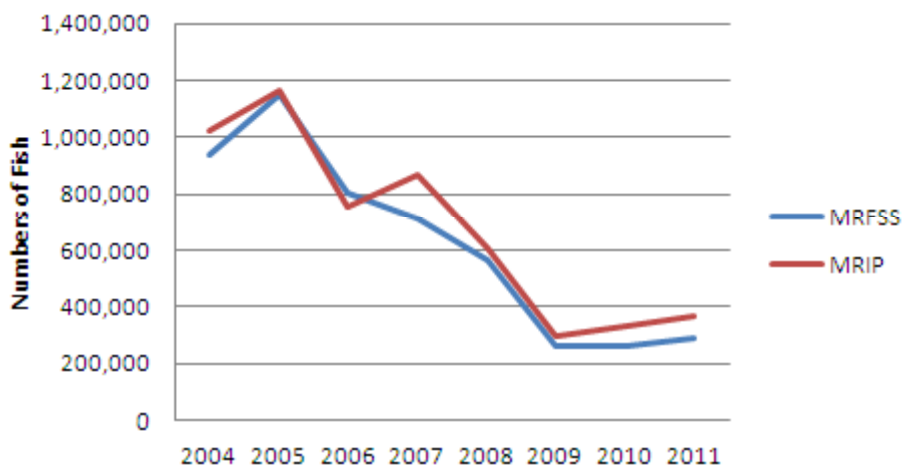
RI Summer Flounder



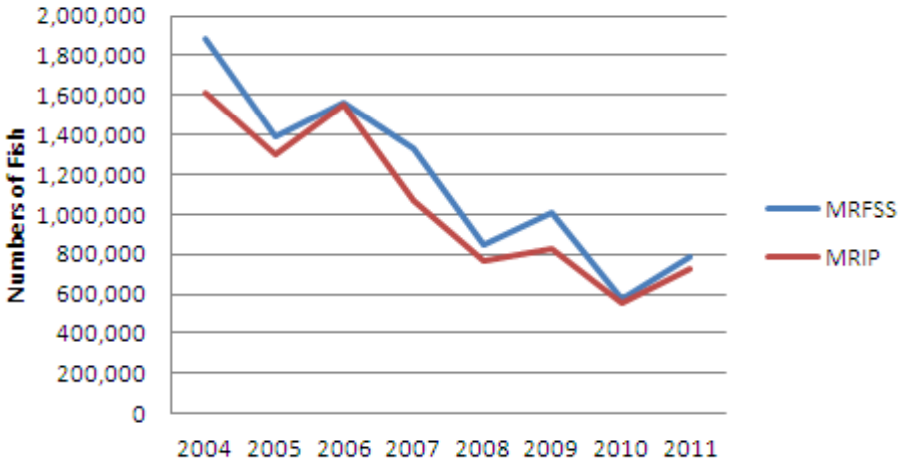
CT Summer Flounder



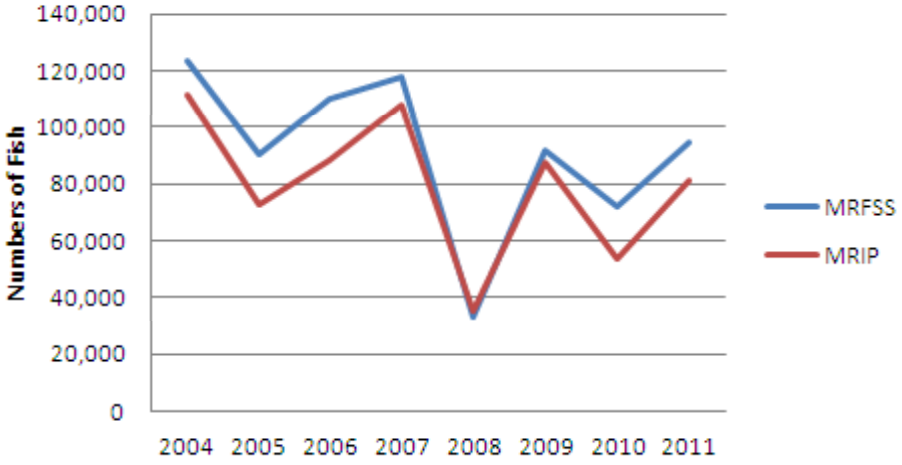
NY Summer Flounder



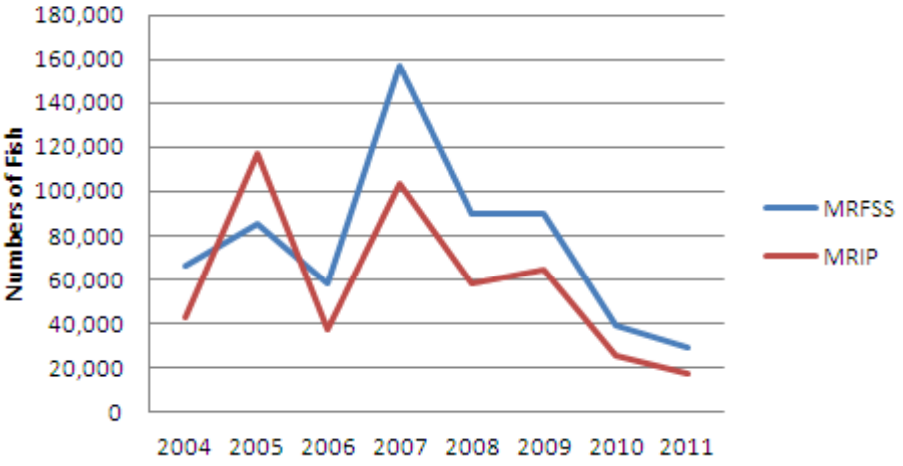
NJ Summer Flounder



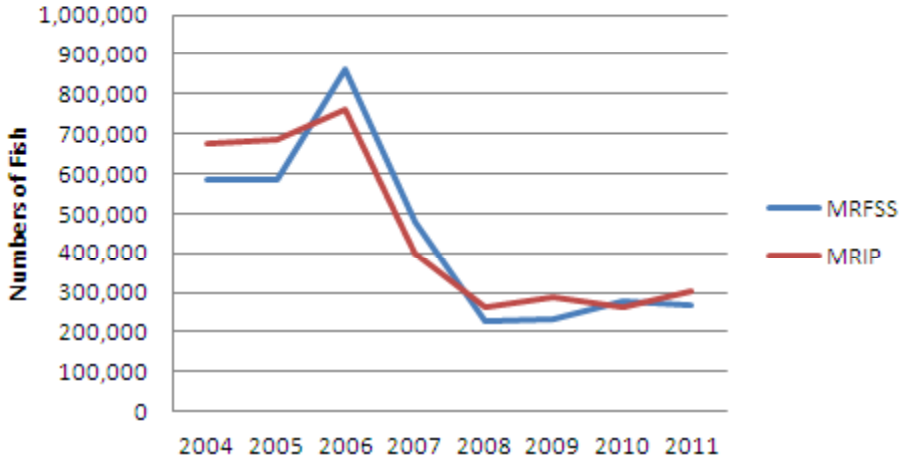
DE Summer Flounder



MD Summer Flounder



VA Summer Flounder



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Key Observations

1. MRIP estimates are more accurate, even if some are similar to the original MRFSS numbers.
2. Management of the majority of stocks *will not be affected* by the transition to MRIP estimates.
3. Transition from MRFSS to MRIP estimates has implications on managers, scientists, stock assessors and fishermen.
4. Calibration workshop will provide method for integrating MRIP data into usual processes in 2012 and beyond.

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Calibration Workshop

- Review ongoing and completed studies comparing MRFSS methodologies to those slated for use in MRIP, and propose any additional work that would further facilitate MRFSS/MRIP calibration.
- Propose a methodology for calibrating MRFSS data to MRIP data, based on the years in which paired estimates are available (currently expected to be 2004-2011), and demonstrate how it would work in hind-casting catch and effort for select data sets (pre-2004).
- Recommend a plan for implementing the calibration methodology into updated and benchmark stock assessments.

Members: John Boreman (chair), Sarah Heil (NERO), Jim Weinberg (NEFSC), Andy Strelcheck (SERO), Steve Turner (SEFSC), Ron Salz (ST), and Wes Patrick (SF).

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MRIP Integrated Transition Strategy

Science Has Lead **Management Has Lead**

Transition Issue	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12	Jan 13	Feb 13	Mar 13	Apr 13	May 13	→
Work with Councils and Commissions to re-prioritize stock assessments given the new landings data	◆	◆	◆	◆	◆	◆	◆	◆	◆									
Ongoing intercept and effort survey pilot projects	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆						
Monitor landings using MRFSS and MRIP estimates; Where estimates differ, determine AMs at end of season	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆						
NMFS calibration workshop and peer review process			◆	◆	◆	◆	◆											
Stock assessment updates/data-poor analysis to estimate new biological reference points and ACLs								◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Possible ACL Amendments for data-poor stocks									◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Monitor landings using MRIP only; Determine AMs at end of season or adjust per calibration methodology													◆	◆	◆	◆	◆	◆
Implement improved intercept survey, estimation, and effort survey designs													◆	◆				
Possible ACL Amendments for newly assessed stocks														◆	◆	◆	◆	◆

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Path Forward

- Implement improved catch estimation methodology
- Continued pilot testing of enhanced catch and effort surveys
- Implement survey design improvements
- Enhanced timeliness and geographic-level reporting

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A Series of Improvements

Beginning in 2013, MRIP expects to implement these data quality improvements:

- An **enhanced angler dockside survey** to complement the improved catch estimation methodology;
- An **improved effort survey** utilizing the National Saltwater Angler Registry to gather better angler trip data;
- **Increased sampling** to improve timeliness and precision.

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Enhanced Dockside Survey

- Implementation planning with partners is ongoing.
- Reconstruction of **site register** is a key component.
  - Timeline: **July** with testing and preliminary sampling in Fall 2012.
- Pay attention to:
  - **Wave Meeting** on February 29 – March 1
    - Site register web tool workshop;
    - Review of current survey methods and how they will be changing;
    - Detailed reviews of MRIP estimates for all waves of 2011 vs time series of MRIP estimates for 2007 – 2011;
    - Contacts:
      - » *Tom Sminkey 301-427-8177 or*
      - » *Lauren Dolinger Few 301-427-8127*

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Improved Trip Data

MRIP is pilot testing two new methodologies:

1. **Mixed mode dual frame** *(Status: underway in South Atlantic);*
2. **Single mode ABS sampling supplemented by registry frame** *(Status: pending Operations Team review/approval).*

Pay attention to:

- State registry data feeds
  - South Atlantic pilot states done. Others should be contacted for updates in 2-3 weeks.
- State registry grants; RFP forthcoming
- Angler Registry proposed rule
  - http://www.gpo.gov/fdsys/pkg/FR-2012-02-06/pdf/2012-2653.pdf

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Towards More Timely and Precise Data

- Must first **evaluate the tradeoffs** among timeliness, precision and cost.
  - A project recommended in the Timeliness Project Report to develop and apply a simulation model to conduct such evaluations is pending Operations Team review and approval.
- Upcoming release of ACCSP Rec Data Standards
  - Standards proposed for adoption later this year will recommend goals for improving timeliness and precision of estimates.

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MRIP Questions

Query the data and find other helpful resources online at:
www.CountMyFish.noaa.gov.

Contact us with questions at:
Gordon.Colvin@noaa.gov or
(301) 427-8118

Commissioner Recommendations on ASMFC Assessment Capacity

- State actions to address capacity issue

1) Develop State-specific plans to improve assessment capacity

2) Encourage full and active participation of State scientists on TCs and SASCs

3) Dedicate State funding or staff time for training workshops, interagency or in-house training, graduate coursework, and/or mentorship programs

4) Hire additional trained stock assessment scientists in the States

Commissioner Recommendations on ASMFC Assessment Capacity

- Commission actions to address capacity issue

1) Hire additional ASMFC stock assessment scientists

2) Increase ASMFC travel budget for mentorship program - allow designated state ‘assessment scientists in training’ to attend TC and SASC meetings to obtain on-the-job training

3) Form partnerships with university labs to develop assessment models for SASC use

Science, Service, Stewardship

Atlantic Sturgeon Listings under the Endangered Species Act: What Happens Now?

Atlantic States Marine Fisheries Commission
ISFMP Policy Board Meeting
February 8, 2012

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Timeline

- July 27, 2007 – Status Review completed; updated a 1998 review
- October 6, 2009 - petitioned by the Natural Resources Defense Council to list Atlantic sturgeon under the ESA and designate critical habitat
- January 6, 2010 – positive 90-day finding published in *Federal Register* indicating petitioned action may be warranted
- October 6, 2010 - proposed rules published; petition established statutory timeline for publication of proposed listing determination by October 6, 2010
- February 6, 2012 - final rules published (77 FR 5880 and 77 FR 5914)
- April 6, 2012 – Listings become effective

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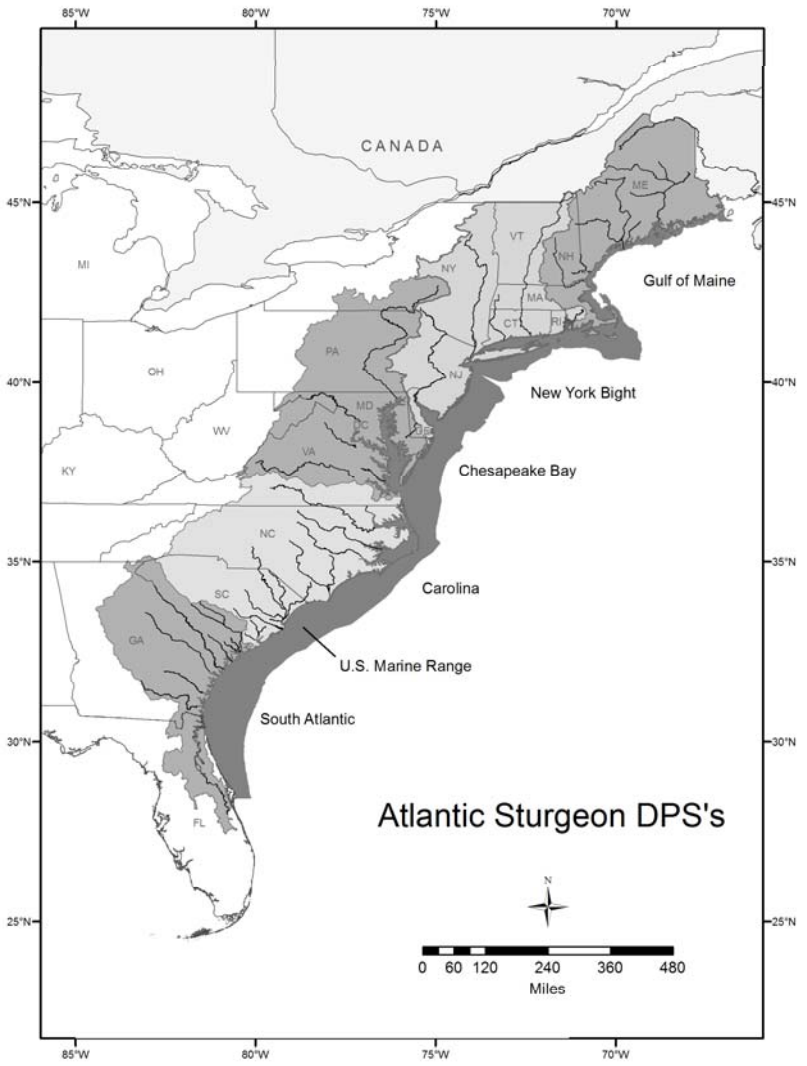
Listing Determinations

- 5 Distinct Population Segments (DPS):
  - Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, South Atlantic
- 1 Threatened (Gulf of Maine) DPS
- 4 Endangered DPSs
- Primary threats: bycatch, habitat degradation/ modification



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Mechanisms for Authorizing "Take" Under the Endangered Species Act

Section 7 – Applies to Federal actions

Analyses to support section 7 consultations are underway;

Reasonable and prudent alternatives or measures will be developed where/ when required to reduce take levels and avoid jeopardizing the continued existence of Atlantic sturgeon

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Mechanisms for Authorizing "Take" Under the Endangered Species Act

Section 10(a)(1)(A) – Applies to scientific research and enhancement

Advanced application process initiated; 12 scientific research permits are expected to be issued close to effective date of listings

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Mechanisms for Authorizing "Take" Under the Endangered Species Act

Section 10(a)(1)(B)– Applies to non-Federal entities and incidental take

Georgia submitted an application (shad fishery); expected to publish soon in Federal Register for 30-day public comment period;

South Carolina developing an application (shad fishery) using Georgia's application as a model;

New York conducting research (section 6 grant) on Atlantic sturgeon movement, marine aggregation areas, and potential bycatch rates to develop time/ area management scenarios

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Questions?

Q1. How long does it take to get an incidental take permit? Variable - 6 months to years. Process requires development of a complete application and conservation plan, 30-day public comment period, NEPA analysis, and section 7 consultation.

Q2. Is ASMFC considered a "Federal agency" for purposes of section 7?

No – ASMFC is not considered a Federal agency under section 7 of the ESA.

Q3. Can the effective date of the listing be delayed until States have incidental take coverage? No – the ESA does not have a mechanism for delaying listings once they are published.

Q4. Who should I contact about incidental take permits?

Northeast Region: Kim.Damon-Randall@noaa.gov; 978-282-8485

Southeast Region: David.Bernhart@noaa.gov; 727-824-5312

Headquarters: Angela.Somma@noaa.gov; 301-427-8403

Commissioner Recommendations on ASMFC Assessment Capacity

- Policy actions to address capacity issue

1) Modify assessment frequencies to reflect each species' stock status and life history

2) Identify State SASC members when the Policy Board approves the assessment schedule

3) Reconsider ASMFC Stock Assessment Roles. Should State or ASMFC scientists lead?