

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

October 24, 2012
2:45 – 5:00 p.m.
Philadelphia, Pennsylvania

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; Introductions (*P. Diodati*) 2:45 p.m.
2. Board Consent (*P. Diodati*) 2:45 p.m.
 - Approval of Agenda
 - Approval of Proceedings from August 2012
3. Public comment 2:50 p.m.
4. Update on Marine Recreational Information Program Implementation (*G. Colvin*) 3:00 p.m.
5. Assessment Science Committee Report (*M. Cieri*) **Action** 3:30 p.m.
 - Assessment prioritization
6. Review white paper on ASFMC meeting transparency (*R. Beal*) **Action** 3:55 p.m.
 - Web broadcasting ASMFC quarterly meetings
 - Roll call voting
7. Habitat Committee Report (*R. Van Dolah*) **Action** 4:05 p.m.
 - Future direction of Habitat Committee
8. Atlantic Coastal Fish Habitat Partnership Report (*E. Greene*) 4:35 p.m.
9. Law Enforcement Committee Report 4:40 p.m.
10. Update on Technical Orientation and Guidance Document (*T. Kerns*) 4:50 p.m.
11. Discussion of climate change induced shifts in species distribution (*P. Diodati*) 4:55 p.m.
12. Other Business/Recess 5:00 p.m.

The meeting will be held at the Radisson Plaza Warwick Hotel, 220 S. 17th Street, Philadelphia, PA; 215-735-6000

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*October 25, 2012
3:15 -3:45 p.m.
Philadelphia, Pennsylvania*

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; Introductions (<i>P. Diodati</i>) | 3:15 p.m. |
| 2. | Board Consent (<i>P. Diodati</i>) <ul style="list-style-type: none">▪ Approval of Agenda | 3:15 p.m. |
| 3. | Public comment | 3:20 p.m. |
| 4. | Review of Non-compliance Findings (if necessary) | 3:30 p.m. |
| 5. | Other Business/Adjourn | 3:45 p.m. |

The meeting will be held at the Radisson Plaza Warwick Hotel, 220 S. 17th Street, Philadelphia, PA; 215-735-6000

Working towards 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, October 24, 2012
2:45 – 5:00 p.m.
Philadelphia, Pennsylvania

Chair: Paul Diodati (MA) Assumed Chairmanship: 11/11	Vice Chair: Louis Daniel (NC)	Previous Board Meeting: August 8 and 9, 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 August 8 and 9, 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. Update on Marine Recreational Information Program Implementation (3:00–3:30 p.m.)
Background <ul style="list-style-type: none">• The MRIP program has been moving forward with major survey design improvements, including the rollout of the new intercept survey design in 2013.• The MRIP Implementation Plan identifies next steps for regional implementation decision-making.
Presentations <ul style="list-style-type: none">• Status overview of MRIP implementation by G. Colvin
Board action for consideration at this meeting <ul style="list-style-type: none">• None

5. Assessment Science Committee Report (3:30-3:55 p.m.) Action
Background <ul style="list-style-type: none">• The Assessment Science Committee (ASC) met September 17-18, 2012• The Policy Board tasked ASC with developing alternative scheduling options in order to conduct menhaden and sturgeon benchmark assessments as soon as possible. ASC developed a recommended option for including the assessments in the 2014 schedule.• ASC is developing guidance for Technical Committees on characterizing uncertainty in different types of stock assessments• ASC is providing input on an update of the Technical Committee Guidance Document, including guidelines for hiring contractors for stock assessments

<p>Presentations</p> <ul style="list-style-type: none"> • Report on ASC activities by M. Cieri (Briefing CD)
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Approve 2014 Stock Assessment Schedule

<p>6. Review white paper on ASMFC meeting transparency (3:55-4:05 p.m.) Action</p>
<p>Background</p> <ul style="list-style-type: none"> • Rep. Walter B. Jones (NC) requested the Commission consider web broadcasting the quarterly meetings to allow for increased transparency of Commission activities by a wider range of stakeholders (Briefing CD). • Rep. Jones also requested the Commission consider roll-call votes for all Commission actions. • In the response to Rep. Jones, the Commission committed to web broadcasting of the quarterly meetings and exploring policies for using roll-call votes (Briefing CD).
<p>Presentations</p> <ul style="list-style-type: none"> • Review of white paper on meeting transparency by R. Beal (Briefing CD)
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Approve plan for roll-call votes and web broadcasting

<p>7. Habitat Committee Report (4:05-4:35 p.m.) Action</p>
<p>Background</p> <ul style="list-style-type: none"> • A white paper was developed by a contractor to consider the future direction of the Habitat Program. The white paper includes recommendations for changes to the program (Briefing CD). The Habitat Committee prepared a response to the white paper (Briefing CD) • The Habitat Committee met on October 23 and 24, 2012
<p>Presentations</p> <ul style="list-style-type: none"> • Direction and priorities of the Habitat Committee by R. Van Dolah and M. Caldwell • Review of Habitat Committee activities by R. Van Dolah
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Accept habitat program recommendations

<p>8. Atlantic Coastal Fish Habitat Partnership (4:35-4:40 p.m.)</p>
<p>Background</p> <ul style="list-style-type: none"> • The ACFHP Steering Committee met on October 22 and 23, 2012 • FY12 project funding approved and FY13 project applications received • 2013 Multistate Conservation Grant funding announced
<p>Presentations</p> <ul style="list-style-type: none"> • Update on Partnership activities by E. Greene
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • None

9. Law Enforcement Committee Report (4:10-4:40 p.m.)
Background
<ul style="list-style-type: none"> • The Law Enforcement Committee (LEC) met on October 22 and 23, 2012
Presentations
<ul style="list-style-type: none"> • Review of LEC activities
Board actions for consideration at this meeting
<ul style="list-style-type: none"> • None

10. Technical Orientation and Guidance Document Update (4:50-4:55 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 updated the manuals into one draft guidance document that reflects current ASMFC committees and practices • The MSC and ASC are reviewing and editing the draft document completed by staff • 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 • The Policy Board will review and consider the document at the February 2013 meeting
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

11. Discussion of climate change induced shifts in species distribution (4:55-5:00 p.m.)
Background
<ul style="list-style-type: none"> • At the 2011 Annual ASMFC Meeting there was a discussion with the Massachusetts Marine Fisheries Advisory Commission (MFC) • The MFC expressed concern that climate changes are going to have an effect on the distribution and availability of migratory species. • The MFC requested the Commission start a review of quota allocations and how they could be periodically re-evaluated • On behalf of the MFC, Paul Diodati has sent a letter to the Commission requesting the ISFMP Policy Board task the Management and Science Committee to consider whether climate-induced distribution shifts of migration populations have occurred and if these distribution shifts can be used as a basis for re-evaluation of quota allocation decisions (Briefing CD)
Presentations
<ul style="list-style-type: none"> • Review of LEC activities
Board actions for consideration at this meeting
<ul style="list-style-type: none"> • Tasking the MSC

12. Other Business/Recess

MEETING OVERVIEW

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3:15– 4:45 p.m.
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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) (3:15-3:45 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

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 8, 2012

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1. **Approval of Agenda** by Consent (Page 3).
2. **Approval of Proceedings of May 2, 2012** by Consent (Page 3).
3. **Move to adjourn** by consent (Page 11).

ATTENDANCE**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)
 Steve Train, ME (GA)
 G. Ritchie White, NH (GA)
 Douglas Grout, NH (AA)
 Jocelyn Cary, MA, Legislative proxy
 Paul Diodati, MA (AA)
 Bill Adler, MA (GA)
 Robert Ballou, RI (AA)
 Bill McElroy, RI (GA)
 David Simpson, CT (AA)
 Lance Stewart, CT (GA)
 Jim Gilmore, NY (AA)
 Pat Augustine, NY (GA)
 Peter Himchak, NJ, proxy for D. Chanda (AA)
 Tom Fote, NJ (GA)

Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
 Leroy Young, PA, proxy for J. Arway (AA)
 Loren Lustig, PA (GA)
 Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)
 Bernie Pankowski, DE, proxy for Sen. Venables (LA)
 Roy Miller, DE (GA)
 David Saveikis, DE (AA)
 Tom O'Connell, MD (AA)
 Bill Goldsborough, MD (GA)
 Rob O'Reilly, VA, proxy for J. Travelstead (AA)
 Louis Daniel, NC (AA)
 Spud Woodward, GA (AA)
 Aaron Podey, FL (AA)
 A.C. Carpenter, PRFC
 Jaime Geiger, USFWS

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

Ex-Officio Members**Staff**

Robert Beal
 Emily Greene

Katie Drew

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, August 8, 2012, and was called to order at 4:55 o'clock p.m. by Chairman Paul Diodati.

CALL TO ORDER

CHAIRMAN PAUL DIODATI: Welcome to the Policy Board. I am going to break from our agenda and not look for consent and approval of the agenda at this point or approval of our remarks or take public comment. We do have some guests I want to introduce.

INTRODUCTION AND REMARKS OF THE NORTHEAST REGIONAL ADMINISTRATOR

CHAIRMAN PAUL DIODATI: I think most of you know Sam Rauch, our Acting Assistant Administrator for Fisheries. I am going to ask Sam to make an introduction of their newest employee.

MR. SAMUEL RAUCH: Thank you, Paul. I am Sam Rauch. At the moment I am the acting head of the Fisheries Service. As you know, the Regional Administrator for the Northeast retired, and we have been engaged in a length process, and I am very glad that this is the third day on the job of our new Regional Administrator for the Northeast, John Bullard.

Many of you know John from his prior experience. He worked at the Commerce Department many years ago helping us through some very difficult times in the Office of Sustainable Fisheries Development; helping to forge a broad coalition of partners to see us through some very difficult times looking outside of the traditional management boxes and looking for what things could be done as opposed to reasons why things couldn't be done.

He also is the immediate past president of the Sea Education Association in New England; and before that was mayor of New Bedford; so some difficult positions he has been in and that stood him well for the difficult position that he has just entered. He has been on the job for – this is his third day and he hasn't quit yet so that is good, but I will let him introduce himself and introduce him to all of you.

MR. JOHN K. BULLARD: Thank you, Sam; thank you, Paul. It is a pleasure for me to be here in this august body. I'm a little disappointed you haven't solved all the issues of menhaden in a couple of

hours, but I know you'll make up for that with sturgeon. You'll probably get that done in half hour or so; just as I anticipated I'll get all the New England groundfish done probably by the end of the week and move on to whatever else is next.

I'm looking forward to a job that I know will be difficult. That excites me. I'm looking forward to getting to know you. I don't know much about the Atlantic States Marine Fisheries Commission. I have, as Sam mentioned, worked on some fisheries issues. I'm not a fisheries scientist. I'm not a biologist. I frankly don't know why Sam hired me. I'll probably find that out at some point in the future.

I come from New Bedford, a fishing port. I know how much it means to seaports. I know how much people in seaports count on all of us to make wise decisions. I know how very few of those decisions are easy ones. I know how they all seem to be connected to one another. They're all incredibly complicated biologically, technically, politically, socially, economically.

Fish have this incredible habit of not respecting any of those boundaries; and until they respect those boundaries, it is going to be necessary for all of us to continue to gather in these rooms for hours and hours on end, linking all of these issues, all of these species all of the time. I congratulate you for your endurance, for your patience, for your tolerance of each other, of the frustrations so that we can gather each others wisdom together and make the wisest decisions that we can.

As I said, there are lots of people who may not know us, who may not give a hoot what we do, but they're counting on us. I intend to learn as much as I can about these complex issues, about your work. There are divisions of responsibilities, as there must be, between state roles and federal roles, but I know there are many intersections.

I know the most efficient use of our time is where we come together in beautiful rooms like this. This is really gorgeous, isn't it? I know, Paul, you've probably have got a great deal on this, so we will come together in rooms like this – and amazing views – and wrestle these problems to the ground. This is a very efficient way to tackle problems like this.

This is my first meeting with you; it won't be my last. I know that the northeast office has done incredibly good work for many, many years without me. We have very smart people. Dan Morris has led us. I think Sam said to Dan we need an acting

director for a week, maybe two weeks tops. Dan is in the room somewhere. Would you all give him a round of applause for what he has done? (Applause)

We have a number of other very good staff. I'm going to try not to get in their way. They know so much more than I do. Dan is an expert bicyclist and I feel like I'm on a bicycle and he is way ahead of me on all of these issues, and I have no hope of catching to him on these issues, but I will try and assist. We have great leadership in Sam Rauch.

I will lend an oar to the effort and I will try and assist all of you in your work so that the federal government in the northeast region and all of the work in the Atlantic States can protect fish, fishing families, fishing communities so that seaport communities can prosper. I come from a seaport community and I know how important that is. I look forward to many interesting discussions with you and getting to know you in meetings like this. I know time is precious here; but if you have any questions, Mr. Chair, is there time for one or two?

MR. THOMAS FOTE: We met many years ago when we were dealing with some of the summer flounder issues and basically when you were working up in New England on some of those issues. There was a long history when Dick Schaefer and Dick Rowe were the regional directors, where they would make periodic trips down to the states or at least hold general meetings with the recreational and commercial fishermen.

That kind of petered out in the last ten or twelve years. We're looking forward and I know you're coming to New Jersey some time next week and I'll also see you at the Mid-Atlantic Council since it is going to be a joint meeting next week between the Atlantic States Marine Fisheries Commission. We hope that is a start of a relationship because that was a disconnect for the last ten years, especially in the states of New Jersey and New York and Maryland and Virginia and you make that effort to basically come down and see us. I am looking to working with you on these important issues of summer flounder, scup and black sea bass.

MR. BULLARD: Thank you very much for that question. I told my staff on the first day hello and goodbye, that I was going to spend an awful lot of time out of the office especially in the first three months getting to know people on their own turf. I think that is very important. You're correct when I worked at NOAA in the nineties I learned an awful lot by visiting people at the time from Cape May to

Ellsworth, Maine, meeting fishing families, state and local officials.

I intend to do that again and a very aggressive schedule of meetings is being set up as we speak, as you refer to. I'm going to be asking two questions everywhere I go, and this is a great opportunity. The northeast region, as you know, is a little different territory than Atlantic States. It is Cape Hatteras through Maine.

The two questions I'm going to be asking, simple questions to ask, what are the top two issues from your point of view, at each meeting; and what would success look like from each person's perspective. I'll take notes and it will be a continuing conversation. What I hope is that an evolving picture will appear so that will guide me in decisions.

I know the Mid-Atlantic Council has formally engaged in a visioning process. I'm going to meet with the Mid-Atlantic Council next week. I'm looking forward to hearing I think on Monday on the visioning process there. The New England Council hasn't done that, and I want to explore that with them. But, yes, I understand that the northeast region extends well past New England, and I am investing time here in Alexandria in the first week, investing time in the Mid-Atlantic next week. I understand the territory. Thank you very much for your question.

MR. PATRICK AUGUSTINE: Pat Augustine, the troublemaker from New York. Sam, did you get him cards that have that name change thing that has invisible ink on it?

MR. RAUCH: He hasn't got his card yet.

MR. AUGUSTINE: Okay, I tease Sam because he has had so many titles in the last couple of years, but Sam is a stalwart man and he does a great job for us and has been a great support to ASMFC. In your searches around, try to get to in some of Sam's cubbyholes to find some money to pay for our trawl survey. We could do with a couple million dollars a year.

I understand you're real good at digging and finding things from your previous experience, so it would be beneficial to us. I do think here in New York we're going to be looking forward to you coming to visit us also. We are unique. We are different from New England. We kind of are an island by ourselves. If we could only convince our commercial fishermen we're part of a big family, it would be okay. You

might be able to do that for us, but welcome and congratulations.

MR. BULLARD: Thank you for your welcome.

DR. JAIME GEIGER: John, Jaime Geiger with the U.S. Fish and Wildlife Service. On behalf of the other federal agency I welcome you to the northeast. I just want to say that we have a great relationship with your staff and with our Fish and Wildlife Service folks. We share numerous authorities and again we're really looking forward to working closely with you and your excellent staff out of the northeast region. Come visit us in Western Massachusetts when you have a chance. Thank you.

MR. BULLARD: One of the roles I had served in my previous service at NOAA was a harbor trustee council member where I also served with the Fish and Wildlife Service trustee. I had a great experience with them. Thank you very much; I appreciate your kind words.

CHAIRMAN DIODATI: Thank you, John. I think you're going to find that we're in good hands with John. I want to say to both Sam and John that your representatives from both your headquarters and regional office to this commission have always been outstanding in their relationships with us and the participation at the meetings and great people to work with, so we appreciate that.

APPROVAL OF AGENDA APPROVAL OF PROCEEDINGS

I'm going to go very quickly through our policy board agenda and then let Louis get back to chairing the Menhaden Board. I'm just going to ask that I don't think we will have any objection to approval of the agenda or the proceedings from our May meeting. Any objections to approving both of those? **Seeing no objections, they are approved.**

PUBLIC COMMENT

I will take this opportunity for taking any public comment to the policy board. Is there anyone from the public that wants to address the board at this time? Seeing none, thank you.

REVIEW OF STOCK REBUILDING PERFORMANCE

CHAIRMAN DIODATI: Review of stock rebuilding performance, when Toni gets a chance she is going to give us a short presentation. We have one action

item coming up. The Habitat Committee has been doing some work and we have a document that requires approval. But before that, Toni is going to review our stock rebuilding performance.

ACTING EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a quick comment; we have done this same presentation I think the last three summer meetings and this is the fourth. The idea is just to hit the highlights of where the commission is with the rebuilding of all the species that is managed through the interstate process. The goal of this presentation, which is probably going to be pretty quick today, is to have the commissioners think about this and the status of these stocks and the status of the rebuilding programs as we move into the action planning process for Year 2013.

BROADCASTING ASMFC MEETINGS AND ROLL CALL VOTES

CHAIRMAN DIODATI: While we're waiting, I just wanted to mention that some of you recall we did receive some correspondence from Congressman Jones, I think it was, that had requested that we begin to broadcast our meetings very similar to what some of the councils do now. I want you to know that we are going to do that.

We'll probably address it at the annual meeting in terms of the technology and the cost and exactly how we're going to do that. This will be probably a web-based tool that we will take advantage of. The audio of these meetings will be broadcast probably beginning the meeting after the annual meeting. We will talk more about that in October. Tom.

MR. FOTE: Did the congressman also offer some money to help us do this?

CHAIRMAN DIODATI: I'm sure that he will get to that, Tom. He probably left that out in the letter, but internet technology is fairly reasonable and I think we can accommodate that as the councils have done.

ACTING EXECUTIVE DIRECTOR BEAL: The other part of that letter was a request for additional or increased use of roll call votes. Actually the congressman was asking for all votes to be taken through a roll call vote. I don't think that all votes necessarily need to be taken. Approval of the agenda and FMP reviews and simple things like that probably roll call votes would slow those down, but we will probably pull together a white paper on roll call votes, when they could be used to create greater transparency in the ASMFC process and bring that

back to the policy board at the annual meeting as well for consideration.

MS. TONI KERNS: Bob already gave us our background. The objective of reviewing the status of the stock performance is just to validate the status and the rate of progress that the commission is doing on each of our species. If it is not acceptable, we should identify areas where we should put forward corrective action.

Out of the outcome from today's presentation we're looking for direction or feedback to the species management boards for any corrective action so that we can input this into the 2013 action planning process, which will occur between now and the annual meeting. We have five categories; rebuilt, rebuilding, concerned, depleted and unknown.

In the rebuilt/rebuilding categories we have American lobster for the Gulf of Maine and the Georges Bank stock, Atlantic croaker, Atlantic herring, black sea bass, striped bass, bluefish, scup, spiny dogfish, Spanish mackerel, summer flounder and red drum. We had one species move out of this rebuilt/rebuilding, which was northern shrimp from last year. Summer flounder moved to the rebuilt status this year.

Looking at species of concern, the first we have is American shad. We have 86 rivers that are assessed. Of those 86, 64 percent are unknown. Collectively most of the river systems are at all-time lows. They do not appear to be recovering. With Amendment 13 approved, in 2013 there is a moratorium in all state fisheries if they have not been proven sustainable. We are looking for improved monitoring.

Atlantic menhaden moved from the rebuilding category into the concerned category this year. It is not overfished, but overfishing is occurring. We have had low recruitment since the peak in the 1980's. Amendment 2 is proposing measures to achieve the interim reference points and the Multispecies Technical Committee is developing a multispecies assessment approach. This just looks at our fishing mortality over the time series since 1955.

For coastal sharks, overfished and overfishing varies by species. The states deferred implementation of measures until 2010, but we are now complementing regulations with the federal government. This is the list of coastal sharks and their overfishing and overfishing status. This table is also included in the briefing materials.

For horseshoe crab, the assessment and peer review was done in 2009. There was an unknown status for concern. The Delaware Bay and southeast area increased and the New England and New York area declined. The ARM Model will be used for implementation for the 2013 harvest season. Our next benchmark assessment for horseshoe crab is 2015. For 2013, this will be the first year that we will the ARM for harvest strategies.

For northern shrimp, again this came off of the rebuilt into concerned. It is overfished and overfishing is occurring from the most recent 2011 assessment. We're very close to the biomass limit and there is a recommendation to conserve spawners. The draft addendum considers gear restrictions and explore trip limits, and those gear restrictions would consider retaining less small shrimp to help conserve those spawners.

For spot, a stock assessment has not been completed due to the inability to conduct a defensible assessment. It is hindered by inadequate discard data particularly in the shrimp fishery. The omnibus includes management triggers to assist the board in monitoring the stock status. The high level of spot bycatch presents a challenge in terms of both yearly management and overall assessment of stock health.

For spotted seatrout, the data shows mixed results. We are in need of updated state assessments for spotted seatrout. We're also looking for biological sampling and independent surveys. The omnibus for spotted seatrout included recommended measures to protect the spawning stock as well as a minimum size limit of 12 inches.

For Gulf of Maine winter flounder, Bmsy and Fmsy are unknown with the most recent assessment. There was a proxy for F threshold that was set and so overfishing is not occurring, but the biomass estimate could not be generated. The National Marine Fisheries Service increased the 2012 state water ACL by 450 percent based on this F proxy threshold. This shows winter flounder commercial and recreational landings. The commercial landings are the blue bar and your recreational landings are the red line. They have been decreasing over time and are at very low levels now.

For the depleted species we have American eel; American lobster, the Southern New England stock; tautog; river herring; weakfish; and winter flounder, the Southern New England/Mid-Atlantic stock. Eel and herring moved from unknown into the depleted category this year.

For American eel, trend analyses and model results indicated that the eel stock has declined in recent decades and the prevalence of significant downward trends and multiple surveys across the coast is cause for great concern. We need biological samples by life stage and regional reference points.

The board tasked the technical committee with developing management options based on the recent assessment results and the recommendations from the peer review panel. The board will review those technical committee recommendations tomorrow. This is the index of abundance for American eel that has been declining over time.

American lobster for Southern New England, there is not much new information in terms of the biology that you have heard; but for management this year board approved a 10 percent reduction in exploitation and yesterday the board approved trap cuts for LCMA 2 and 3. The other management areas within Southern New England are working on programs to take additional measures to rebuild the stock.

For river herring, of the 52 stocks of alewife and blueback herring for which data were available, 23 were depleted relative to their historic levels. One stock was increasing and the status of 28 stocks could be not determined because the time series of data was too short. Fourteen out of the fifteen river-specific young-of-the-year indices showed no or declining trends.

The mean length maximum age and mean length at age for both species has declined. There is a need for better data. Amendment 2 requires the states to implement fishery dependent and independent monitoring programs and contains recommendations to protect habitat. All states that have fisheries have to have those fisheries approved through the sustainable fishery management programs.

For tautog, the SSB is at 39 percent of the target from the most recent 2011 assessment. Overfishing is occurring. The board approved an F target of 0.15. States implement regulations to achieve this new target and were unlikely to meet the 2015 rebuilding goals. Here is your tautog SSB. It has been fairly constant in the most recent years but at low levels and well below the threshold.

Weakfish, we are at 10 percent of the SSB target from 2009 assessment. Overfishing is not occurring. We're unlikely to meet the 2015 rebuilding goal, and the next assessment is 2014. Our management

measures have not changed in the past couple of years. These are your biomass trends for weakfish.

Then the Southern New England and Mid-Atlantic winter flounder, we're at 16 percent of the SSB from the 2011 assessment. Overfishing is also not occurring. The board did follow the technical committee's advice and approved Addendum I, which established a small possession limit to discourage a directed fishery and prevent increases in dead discards. This is your SSB, which has been at very low levels and well below your threshold for winter flounder.

Atlantic sturgeon is the only species left in the unknown category. It is at historic low abundances. There are limited signs of recovery. Only three areas, the Hudson, Georgia and South Carolina, have shown some recovery in their river systems. We need better bycatch information. Four DPSs were listed as endangered and one was listed as threatened this year. That is my presentation.

CHAIRMAN DIODATI: Thank you, Toni. Any questions or comments for Toni? Louis,

DR. LOUIS DANIEL: Is the slide on sturgeon up to date, because I think the comments on sturgeon are inconsistent with the comments that came from the states in terms of the listing decision.

MS. KERNS: I can tell you that the page in your document is not completely up to date. I did go over the slide with Kate earlier today to make sure that the rest of the information was up to date and she said it was.

DR. DANIEL: I just have a concern with the "at historic lows". I don't believe that is the case and that we are seeing – we have been seeing improvements in recovery in the fishery. That has been our argument and that is the argument we're going to have here in just a little while about the sturgeon listing. I think we maybe need to work on that after the board meeting and kind of get – I don't think that is the message we want to send.

MS. KERNS: Well, the slide did say that we have some signs of recovery especially in those three systems, Georgia, Hudson and South Carolina.

DR. GEIGER: Thank you for the report, Toni. The one thing I would bring to the attention of the board is on horseshoe crabs, yes, we are implementing the ARM Model, but unless we continue that Virginia Tech Trawl Survey we are going to be having some

difficulties with that. I think that is of significant importance that we may want to add that to the slide as an asterisk or some other notable point. Thank you, Mr. Chairman.

MR. ROB O'REILLY: This is related. The slide that showed the index for American eel – and I don't know whether that is a conglomerate index of how that was done, but it reminded me that with all the information about catch and the imprecision of catch or the inaccuracy of catch; a lot of the assessments at least that I'm familiar with don't spend enough time on the indices, the independent data.

In a lot of cases it is left up to whether it is a SEDAR or some type of other approach, you are taking a lot of these indices – you being us taking a lot of the indices at face value because the states provide them to you and the states have been doing them for a certain amount of time. I would like to see, if it is not being done already, that the Assessment and Science Committee looks at the indices for various assessments that they are getting ready for at the ASMFC and look for approaches such as the temporal and spatial aspects of those surveys and not just be averaging surveys; and coming up with ways to really look at the survey such as Dr. Joe did for weakfish, where there is auto-relation involved in these surveys, whether it is spatial or temporal and these can be corrected for before they go into the model.

I think this might be something that at least should be talked about, and I think that probably it would improve some of the model fits. There was a lot of talk about retrospective and everyone seems fascinated by retrospective, but early on the National Marine Fisheries Service said you really can't correct for it. There have even been workshops on retrospective bias.

But, it is either the independent or the dependent data going in and, you know, maybe one way to help on the retrospective, because you're not going to get rid of it, is to at least have better independent data. That is just a recommendation and maybe Pat or someone else can say that the Assessment and Science Committee already looks at that, I'm not sure.

MS. KERNS: I had a little bird come and tell me that all the indices were standardized and the technical committee, when they went back to review some of the recommendations, one of the things that they talked about was in terms of looking at the spatial and temporal for the indexes, and they will be doing that for eels specifically.

MR. O'REILLY: You were talking about eel, and I think my suggestion is pervasive. It involves a process.

MR. LOREN W. LUSTIG: Thank you, Toni, for an excellent report. Your first slide related to shad and I've always been very curious that we are not real specific when we refer to shad. I presume we're talking about American shad; sometimes called white shad. But I've also had plenty of happy days fishing for hickory shad. Can you tell me what the status is regarding that companion species, please, and whether it is considered at all in the assessment?

MS. KERNS: The status of hickory shad is unknown currently.

MR. DOUGLAS GROUT: One comment I wanted to make on Page 20 where we're talking about alewife and blueback stocks. I know you probably took a table out of the stock assessments concerning whether rivers are depleted or increasing. Under the recent trends, I made this point at the last board meeting.

I believe in New Hampshire under the recent trends, the Exeter River and the Lamprey River are switched. It says the Lamprey River is unknown and the Exeter River is increasing. I hope that change was also made in the stock assessment because I think that was the case. Just as a side note, this depleted stock in the Lamprey River just had its highest return numbers in the time series this year.

MS. KERNS: If it is not already corrected, we will correct it.

CHAIRMAN DIODATI: Thanks, Doug. I don't see any other hands up so thank you, Toni.

HABITAT COMMITTEE UPDATE

ACTING EXECUTIVE DIRECTOR BEAL: Going to Agenda Item Number 5, the Habitat Committee Update; the Habitat Committee is asking for approval of one document, and I will give you a brief update on some discussions that will occur at the annual meeting. The Habitat Committee has pulled together a background document of offshore wind projects.

The document goes through the siting of projects, including the data needs, geology, benthic issues, pelagic issues, birds, et cetera, human uses. It goes from siting into design, construction and operation. Then it finally wraps up with the monitoring and information needs long term for these projects.

The idea is this document does not recommend necessarily a course of action, whether a state should or shouldn't site windmills. It just highlights all the issues associated with wind generation projects offshore and gives the states background on the issue and things to think about as the states and other agencies go through the consideration, deliberations and potentially construction of these projects.

This document was e-mailed to the policy board six weeks ago, and it was also on the briefing CD that was sent around before this meeting with a cover memo from Bob Van Dolah, the chairman of the Habitat Committee, recommending its approval. In that cover memo there is also a request for the policy board to approve their next sort of addition in this series of habitat background documents.

The next issue they want to tackle is harbor dredging projects. If the policy board gives them the green light on that, they will go ahead and get started on that and bring that to the policy board for approval probably in about a year from now. They are seeking approval of that document as well as the harbor dredging topic for their next paper.

CHAIRMAN DIODATI: So you want approval of both of those issues?

ACTING EXECUTIVE DIRECTOR BEAL: Yes, please.

CHAIRMAN DIODATI: Unless there is any opposition, I'm not sure that I will even take a motion because I suspect that we're all going to benefit from this as policy document. I think we will all encourage guidance on dredging as well and look forward to seeing that. Without objection, I will consider both of those requests approved. Thank you.

ACTING EXECUTIVE DIRECTOR BEAL: The other habitat issue is the future direction of the Habitat Program. Vince O'Shea and Robert Boyles, when Vince was executive director and Robert was the chairman, talked a lot about the future direction of the Habitat Committee and how to make it a more effective and efficient committee.

Vince contracted with Megan Gamble – Megan Caldwell – a previous staffer here at ASMFC, and she came up with some recommendations based on reviewing the documents and reviewing the products of the Habitat Committee for potential improvements to that program. The Habitat Committee reviewed that white paper and has their response and additional

recommendations on how to improve the Habitat Committee.

Both of those documents are included in the briefing material for the policy board for this meeting. In the interest of time and the fact that Megan, our habitat contractor, and Bob Van Dolah, the chairman of the Habitat Committee, are not here, we didn't want to get into a lengthy discussion on this issue right now.

We just wanted to let the policy board know these two documents are out there. We will set aside some time at the annual meeting when the Habitat Committee will be at the same meeting and hopefully the policy board can talk about the future direction of that program. This is a heads up for future discussion. Number 6 is the Atlantic Coast Fish Habitat Partnership Report. Emily is going to give a quick presentation on that. There is a handout coming around as well.

ATLANTIC COAST FISH HABITAT PARTNERSHIP REPORT

MS. EMILY GREENE: There is a handout coming around that is kindly being passed out, so I'm just going to run through that real quickly. The first topic that I'm going to touch on is that the U.S. Fish and Wildlife Service has approved funding for Fiscal Year 12 to ACFHP's top two funded projects.

The first is located in Florida in the Indian River Lagoon. It's a mangrove restoration project. It is fully funded at the requested amount. It will remove invasive plants and restore mangrove fringe and other wetland plants in the Pelican Island National Wildlife Refuge and on adjacent public lands to create new fish nursery habitats.

The second project, which will be funded in part at the requested amount, will go to the James River Atlantic Sturgeon Habitat Restoration Project in Virginia. It will go towards the construction of an artificial reef to restore hard substrate for spawning and nursery habitat for Atlantic sturgeon and other anadromous fish species to the Chesapeake Bay.

We're also waiting on approval to potentially reallocate left over Fiscal Year 11 funds to Fiscal Year 12 projects. If approved, we will be able to fund that James River Project in full and possibly a third project. The second item I'd like to touch on is that we are requesting project proposals for our Fiscal Year 2013 project cycle. These funds can be used for on-the-ground habitat conservation projects and

improvements and related design and monitoring activities.

It should be geared towards meeting our protection and restoration objectives described in our Conservation Strategic Plan, which are located out back. The maximum amount available for in individual project is \$50,000 and the number that we fund will depend on how much is requested and how much is available.

I would welcome you to share this information with your staff and encourage them to apply. If you would like more information, you can go to the website that is noted on your handout for full information. Applications are requested by September 14th at midnight. The third item I'd like to touch on is on the back of the handout.

It is an image of the full number of projects that we've funded since becoming a recognized fish habitat partnership in 2009. You will see it covers sort of a wide geographic and project type. I just want to touch real quickly starting with our Fiscal Year 10 projects. Scoy and Staudinger's Pond and the Goose Creek Dam; those are shown in blue.

Those are well under way. Staudinger's, we replaced an undersize pipe. An open channel was excavated so that alewife could be maintained. Scoy Pond will occur later this year. Goose Creek Dam as of this summer has installed two eelgrass ladders and elvers have been found at that first eel ladder.

The red pins represent our Fiscal Year 11 projects; Shoreline and Spartina Marsh Stabilization Project in South Carolina and the second is restoring diadromous fish passage and habitat to Shorey's Brook in Maine. Both of those projects are well underway or completed. The South Carolina Project was completed this summer.

Volunteers filled mesh bags with recycled oyster shells. The shoreline was transplanted behind those reefs. The Shorey's Brook Project, which was a three-part project, the ACFHP funded piece is now completed, which involved removal of a dam. They're already starting to see elvers above that dam as well.

The green pins represent our Fiscal Year 12 projects, which I just discussed. Lastly, I would like to talk about the three endorsed ACFHP projects. ACFHP endorsement is generally seen as an opportunity to gain formal support from the partnership when funding is not available, so it is a way to sort of

highlight a project, particularly if it's a proposal stage.

It was highlighted, the three that we have endorsed, the proposed projects in the recent Fisheries Focus which Tina announced earlier this week. I encourage you to check that out to learn more about those projects. That's it; thank you.

CHAIRMAN DIODATI: Thank you, Emily. Any questions for Emily? Steve.

MR. STEVE MEYERS: Not a question but just a point of information to talk just very quickly about NOAA Fisheries Habitat Blueprint that we're putting together. It is a forward-looking strategic approach with partners to deal with coastal habitat issues, marine habitat issues. For this meeting I will provide information to staff for distribution for the board on this. Thank you.

CHAIRMAN DIODATI: Thank you; and I will note that I am familiar with the grant programs that the National Marine Fisheries Service also provides towards similar projects as the U.S. Fish and Wildlife Service that was just described. Thank you for both of those. Roy.

MR. ROY MILLER: Emily, it is noted on the paper there is a \$50,000 maximum project ceiling. What is the required local match for one of those projects?

MS. GREENE: We request a one to one, but it is not required for an individual project. It is required for the program as a whole; so it is requested but not required.

CHAIRMAN DIODATI: Any other questions or comments? Okay, thanks, Emily. Are we back to Toni, I think.

TECHNICAL ORIENTATON AND GUIDANCE DOCUMENT UPDATE

MS. KERNS: This is just an update that back I think through some public comment the policy board received on public interactions and behavior during technical committee meetings, that the policy board asked staff to update the guidance documents for technical committees. We are currently working on that. The last time that those guidance documents were updated was 2001. We are working through those and you will see them at the annual meeting.

CHAIRMAN DIODATI: And Bob on the IUU.

PROPOSED RULE ON IUU FISHERIES

ACTING EXECUTIVE DIRECTOR BEAL: The National Marine Fisheries Service published a proposed rule on IUU Fisheries, which is International Unregulated and Unreported Fisheries, basically high seas international fisheries. Part of this rule is getting at shark finning issues and some other issues that the Shark Board is going to talk about tomorrow.

The public comment on this proposed rule is actually due tomorrow. A draft letter was sent around to the policy board at the end of last week – I believe, Danielle? Danielle sent that around – basically supporting this rule. What this rule would really do is if there are high seas fisheries or international fishermen in countries that are not essentially playing by the rules, the U.S. may deny them access to U.S. ports.

The goal here is to take some of the shark fins and other illegal products off the markets in the United States. These illegal markets are generating some concern that if illegal shark fins are entering the market from international fisheries, some groups are considering impacting domestic fisheries, and that is obviously a concern to the folks here.

If the domestic fisheries are being prosecuted legally and those shark fins and other shark products are entering the markets legally, there is concern about closing down those fisheries and the economic value of those fisheries just because there is illegal activity going on at the international level.

The proposal is to send a letter of support for the proposed rule the National Marine Fisheries Service has out right now and we would send that letter in tomorrow if everyone is comfortable with that approach. If there is any objection or concern, we can address that. I think a small set of the state representatives on the Shark Board had a conference call last week and everybody on that conference call was comfortable with us sending a letter off to support this issue as well. If the policy board supports it, we will send off the letter.

MR. WILLIAM A. ADLER: Bob, when you say they're going to penalize the foreign country that is doing it; penalize it in that you're going to stop them, perhaps, from bringing other fish into our market or just the fins?

ACTING EXECUTIVE DIRECTOR BEAL: Yes, they would be impacted by not being able to have

access to our ports, so other products other than just illegal fins.

CHAIRMAN DIODATI: Okay, so we will all have an opportunity to look at and comment on that proposal. The stock assessment priorities, you're going to do that?

STOCK ASSESSMENT PRIORITIES

ACTING EXECUTIVE DIRECTOR BEAL: This was on the policy board agenda in anticipation of the Sturgeon Board happening before the Policy Board, but that didn't happen. The technical committee for Atlantic sturgeon as well as the technical committee for Atlantic menhaden, both are recommending that those benchmark stock assessments be accelerated beyond their current schedule.

Menhaden is scheduled for 2015 and I don't believe there is a sturgeon assessment scheduled right now so that is open ended. The question that is going to be put before the policy board either now or when the policy board tackles the 2013 action plan is how does the policy board want to prioritize those species.

As I mentioned during the Menhaden Board, there is already I think seven or eight species that are going through benchmark assessments and peer reviews in the years 2013 and 2014. The benchmark assessment and peer review schedule is already as full as it can get if it is not overloaded already.

The addition of these two species, menhaden and sturgeon, would overload that schedule, and we could not get all that work done, so there is going to be some prioritization done or some way of considering things like farming out those assessments to other entities was discussed briefly at the Menhaden Board.

Since that just came up today, we have not had time to do the research and how much it would cost, for example, to take the menhaden assessment to Virginia Tech or NC State or another group of assessment folks that may be able to conduct that assessment. The sturgeon assessment is in the same situation. I'm not sure if the policy board can have the final discussion on this. There may be some thoughts around the table on how to tackle this, but we are heading toward a situation where we are going to be overloaded for 2013 and 2014.

DR. DANIEL: Bob, what are species that we have in 2013 and 2014?

ACTING EXECUTIVE DIRECTOR BEAL: Pat can give you that.

MR. PATRICK CAMPFIELD: Currently benchmark assessments and reviews scheduled for 2013 included striped bass, northern shrimp, large coastal sharks – select species there – and summer flounder. I will note that staff is passing out a summary of this information. Please see the colored table at the end of the document. In 2014 we have lobster, black drum, black sea bass, bluefish, tautog and weakfish. As Bob noted, that is definitely a heavier assessment and review workload than the commission typically carries; probably more than twice the usual workload. There are implications for the scientists' workload and the peer review venues and associated budget if you want more details.

DR. DANIEL: All right, so with large coastal sharks and black sea bass; is that in concert with HMS and the Mid-Atlantic or the South Atlantic?

MR. CAMPFIELD: Yes, for sharks that is largely HMS and run through a SEDAR so that is a low commission commitment; and black sea bass, again largely federally led but certainly states are involved on the technical committee.

ACTING EXECUTIVE DIRECTOR BEAL: Louis, that is the northeast black sea bass and not the southeast black sea bass.

CHAIRMAN DIODATI: Okay, without asking staff to answer the question today, it is pretty clear that we're going to have to make some adjustments to the schedule to squeeze in at least menhaden and probably take a look at sturgeon as well. I'm not convinced that contracting that work out is going to be cheaper or less effort because there are certain folks in our own community that are just too familiar with this work. I expect that Bob and other staff could evaluate this and make a recommendation on the best way to accommodate this on a faster schedule.

ACTING EXECUTIVE DIRECTOR BEAL: Paul, would it be okay if we explored with the Assessment and Science Committee and brought back some options for consideration at the annual meeting? It is going to take a little while. It's the tradeoffs. As Louis has said, postponing large coastal sharks, it really doesn't free up much state assessment time and you have to get the right folks that know menhaden moved off other species and those sorts of things.

And consideration that the Gulf of Mexico Menhaden Stock Assessment is ramping up for 2013, so that is going to occupy the Beaufort crew, so we just have to kind of think through all those variables and hopefully working with the Assessment and Science Committee and commission staff we can come up with some options and considerations for the next couple of years. Does that sound reasonable?

DR. DANIEL: Just two quick things; when we did red drum with the Gulf that was really cool. I mean, we had an opportunity to bring together all the red drum biologists from the Gulf and the South and Mid-Atlantic. I would strongly recommend we explore at least the option of doing that on menhaden and that way we kill two birds with one stone.

We have done multiple SEDAR reviews where we have done like the deepwater complex for snapper grouper and we have done like five assessments in one workshop, so that is possible. I think we will hear from the Sturgeon Board or I will certainly bring it up at the Sturgeon Board that I think one of the critical needs for our petition to delist is going to be a parallel track stock assessment on sturgeon. That could really help us out a lot. I think we need to be cognizant of that whether it happens in 2013 or 2014, but I would think we could be able to work it out.

CHAIRMAN DIODATI: All right, that sounds like a plan. Pat.

MR. CAMPFIELD: It would assist staff if either the policy board or the individual management boards could provide guidance on when the delivery of the next menhaden and/or sturgeon assessments would be needed in order to inform your decisions at the annual meeting.

CHAIRMAN DIODATI: We'll do that, Pat. Jaime.

DR. GEIGER: Mr. Chairman, I know every year we have this discussion and it reminds me of rearranging the chairs on the Titanic. However, I do believe we need some hard, well-defined criteria that allow us to make an informed decision on how we rearrange these priorities in terms of stock assessments.

Right now we're just sort of doing this based upon either needs economics or a variety of other things. I would strongly suggest if we had a set – if we could develop a clear set of criteria by which we can make informed decisions, I think this will help us along in the process; what are the tradeoffs, what are the offsets and so on. I think we have talked about this in the past, but we have yet to really nail this one down,

but I think it is a good business way to do things, Mr. Chairman, and I would urge us to explore this in the future. Thank you.

CHAIRMAN DIODATI: And the future will be in October at the annual meeting. Staff will provide us maybe some criteria that we could begin to discuss.

ACTING EXECUTIVE DIRECTOR BEAL: The Assessment and Science Committee has done some of that work, Jaime, life history, stock status and those sorts of characteristics and level of data, new datasets, et cetera, so we can revisit that and bring that back to the policy board.

CHAIRMAN DIODATI: Okay, before we adjourn and being the menhaden meeting again, I want to know how many people in the audience are here specifically for sturgeon. How many of you will not be here tomorrow morning? You can specifically for that; so you prefer that we address the sturgeon issue tonight rather than putting it to tomorrow morning.

ADJOURNMENT

CHAIRMAN DIODATI: All right, Bob and I will be discussing the remainder of the schedule and we will try to accommodate that, obviously, but time is tight and people are getting tired. I want to make sure that menhaden is given the proper focus, and I am sure Louis will. Without objection, we will adjourn the policy board.

(Whereupon, the meeting was adjourned at 5:55 o'clock p.m., August 8, 2012.)

**ASMFC Assessment Science Committee (ASC)
Report to the ISFMP Policy Board
October 24, 2012**

The Assessment Science Committee (ASC) met September 17-18, 2012 to address the following issues:

ACTION

- Stock assessment and peer review schedule through 2016
 - Changes since the Policy Board approved schedule in April 2012:
 - Small coastal shark SEDAR in 2013 - species will be bonnethead and sharpnose
 - **Policy Board task to ASC: Develop alternative scheduling options to allow Atlantic menhaden and sturgeon benchmark assessments to be conducted as soon as possible (see page 2)**
 - ASC developed different schedule scenarios, taking into account scientist workloads and realistic assessment delivery dates; 2014 is the earliest possible completion for the sturgeon and menhaden assessments.
 - ASC strongly advises caution in hiring external consultants to conduct assessments. ASC is developing guidance for the updated Technical Committee Guidance and Benchmark Framework on the effective use of consultants.
 - Pros: outside expertise helps alleviate workload, brings new ideas
 - Cons: inability to reproduce methods in future assessments, open-endedness of consultants' obligation, still requires significant time from state scientists; consultants may not have biological expertise
 - Consultants should be fully integrated to the TC/SASC process; the use of consultants should be rare.

DISCUSSION

- **Updating the ASMFC Technical Committee Guidance and Benchmark Framework**
 - Provided comments on issues such as stock assessment triggers, size of assessment subcommittees, and presenting preliminary results to Boards
 - Described levels of permission for sharing stock assessment data in response to public data requests
- **Use of new MRIP estimates in stock assessments and Technical Committee analyses**
 - NMFS has developed tools to compare new and old MRIP estimates. ASC recommends sending the MRIP Calibration Workshop report to all TCs; ASC will work with the Management and Science Committee to develop guidance for the Boards to use the most accurate estimates in quota monitoring and stock assessments.
- **2012 Action Plan tasks regarding uncertainty**
 - *Task 1.5.1 – Establish best practices for technical committees to provide risk and uncertainty estimates when presenting scientific advice. ASC develop guidelines for characterizing uncertainty for each type of assessment.*
 - ASC will hold a workshop at their Spring 2013 meeting to review uncertainty characterization in each species' assessment, look for commonalities, and develop consistent approaches for presenting uncertainty to managers.

Task from Policy Board to ASC: Develop alternative scheduling options that would allow Atlantic menhaden and sturgeon benchmark assessments to be conducted as soon as possible.

The Assessment Science Committee recommends that in order for menhaden and sturgeon to be benchmark peer reviewed at the earliest in 2014, work for those assessments needs to begin immediately, and several adjustments to the stock assessment schedule are required. To allow for NMFS contribution to the Atlantic menhaden assessment in 2014, Atlantic menhaden must be added to the SEDAR schedule for 2014. To allow for ASMFC staff contribution to the menhaden assessment, the review of lobster would need to be delayed to 2016. The development of ecological reference points using multispecies models for Atlantic menhaden would be delayed to 2016 or later. Weakfish will need to be delayed one year to 2015 to allow ASMFC staff to contribute to sturgeon and tautog. Black drum does not have scientist workload conflicts, however delaying the assessment to 2015 releases funding for other species' assessment workshops in 2013-2014. State directors would need to make sturgeon a high priority and commit their staff resources to ensure the sturgeon assessment is completed. Options 2 and 3 are alternative scenarios that would keep the lobster assessment on the schedule for 2014.

Option 1, ASMFC staff lead menhaden	Option 2, NMFS-Beaufort lead menhaden	Option 3, States or hired consultant lead menhaden
2013 Benchmarks	2013 Benchmarks	2013 Benchmarks
Striped Bass	Striped Bass	Striped Bass
<i>Summer Flounder</i>	<i>Summer Flounder</i>	<i>Summer Flounder</i>
Northern Shrimp	Northern Shrimp	Northern Shrimp
<i>Coastal Sharks</i>	<i>Coastal Sharks</i>	<i>Coastal Sharks</i>
2014 Benchmarks	2014 Benchmarks	2014 Benchmarks
	Lobster	Lobster
Sturgeon	Sturgeon	Sturgeon
Tautog	Tautog	Tautog
<i>Bluefish</i>	<i>Bluefish</i>	<i>Bluefish</i>
<i>Black Sea Bass</i>	<i>Black Sea Bass</i>	<i>Black Sea Bass</i>
Atlantic menhaden	Atlantic menhaden	Atlantic menhaden
2015 Benchmarks	2015 Benchmarks	2015 Benchmarks
Red Drum	Red Drum	Red Drum
Croaker	Croaker	Croaker
Weakfish	Weakfish	Weakfish
Black Drum	Black Drum	Black Drum
2016 Benchmarks	2016 Benchmarks	2016 Benchmarks
Lobster		
ERP task (MSVPA)	ERP task (MSVPA)	ERP task (MSVPA)

Long-Term Benchmark Assessment and Peer Review Schedule												
Species	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
American Eel	E							E				x
American Shad			E					x				
River Herring								E				
American Lobster	E				E					X		
Atlantic Croaker						SE					x	
Atlantic Menhaden		*				SE		*			SE	
Atlantic Sea Herring		T			*			S-S				
Atlantic Striped Bass	*		S-F		*		*		S-S			
Atlantic Sturgeon **												
Black Drum										X		
Black Sea Bass		S-S		DP	*	*	S-F	*	*	S-S		x
Bluefish	S-S	*	*	*	*	*	*	*		S-S		
Horseshoe Crab					E					*		x
Multispecies VPA	S-F				*			*			x	
Northern Shrimp	*	*	S-S	*	*	*	*	*	S-F	*		
Red Drum					SE						SE	
Scup				DP	*	*	*	*	* (x)			
Spanish Mackerel				SE				SE				
Spiny Dogfish	*	S-S	*	*	*	T	*	*	*			
Large Coastal Sharks		SE					SE					
Small Coastal Sharks			SE				SE		SE			
Spot												
Spotted Seatrout												
Summer Flounder	S-S	*	*	S-S	*	*	*	*	S-S			
Tautog	E	*					*			X		
Weakfish		E		DP	S-S					X		
Winter Flounder - SNE	*			S-S			S-S					x
Winter Flounder - GOM	*			S-S			S-S					x

S = SARC (F = Fall, S = Spring)	Green = SEDAR External Review									
E = EXTERNAL	Red = ASMFC External Review									
I = INTERNAL	Orange = Fall SARC Review									
X = SCHEDULED FOR REVIEW	Light Blue = Spring SARC Review									
x = 5 year trigger date or potential review	Light Yellow = No assessments scheduled									
T = TRAC	Grey = Completed									
SE = SEDAR										
* = Assessment update	DP = DATA POOR WORKSHOP by the Northeast Region									
<i>Italics = under consideration, but not officially scheduled</i>		2013 marks transitioning to the new NE Stock Assessment Process								
** These species are reviewed by their respective Plan Review Team during annual FMP reviews. Due to existing management measures for these species, no formal stock assessment or peer review will be conducted until requested by the PRT.										
Please note that all species scheduled for review (X) must be prioritized by management boards and Policy Board for the type of review.										

Species	Future Benchmark Assessments
American Eel	Benchmark assessment and ASMFC External Review completed in March 2012 in conjunction with river herring.
American Shad	Benchmark assessment and ASMFC External Review completed in 2007. Next benchmark assessment not scheduled.
River Herring	Benchmark assessment and ASMFC External Review completed in March 2012 in conjunction with eel.
American Lobster	Reviewed in March 2009; Scheduled for review in 2014.
Atlantic Croaker	SEDAR 20 - Review Mar 2010
Atlantic Menhaden	Scheduled for SEDAR Benchmark Review 2015; completed update in 2012
Atlantic Sea Herring	June 2009 TRAC update, turn of the crank; Review completed SARC 54, June 2012
Atlantic Striped Bass	Scheduled for SARC 56 June or July 2013; 2013 marks transitioning to the new NE Stock Assessment Process
Atlantic Sturgeon **	No assessments scheduled. ESA listed. Awaiting end of moratorium in 2038.
Black Drum	Policy Board agreed to initiate an assessment tentatively for review in 2014.
Black Sea Bass	Tentatively scheduled for SARC 59 first half of 2014
Bluefish	Tentatively scheduled for SARC 59 first half of 2014
Horseshoe Crab	Benchmark HSC and multispecies Adaptive Resource Mgmt model concurrent external reviews in mid Nov 2009
Multispecies VPA	Update presented to Policy Board February 2009; next benchmark review tentatively scheduled for 2015
Northern Shrimp	Scheduled for SARC 58 Dec 2013; 2013 marks transitioning to the new NE Stock Assessment Process
Red Drum	Scheduled for ASMFC SEDAR 51 2015
Scup	Considered for SARC 53 Dec 2011, not on latest SARC schedule; 5-year trigger 2013
Spanish Mackerel	SEDAR benchmark in 2012 with the Coastal Migratory Pelagics SEDAR 28 - spanish mackerel, cobia
Spiny Dogfish	TRAC reviewed 2010
Large Coastal Sharks	SEDAR 21-Sandbar (was LCS, now research); LCS-Dusky (prohibited); SCS-Blacknose (quota); RW Apr 2011
Small Coastal Sharks	SEDAR 34-HMS bonnethead and Atlantic sharpnose 2013
Spot	PRT recommended take off SEDAR schedule, lack of bycatch data
Spotted Seatrout	No assessments scheduled
Summer Flounder	Scheduled for SARC 57 June or July 2013; 2013 marks transitioning to new NE Stock Assessment Process
Tautog	Review scheduled for 2014, with a pre-data workshop to discuss potential for regional assessments
Weakfish	Data Poor Review, Dec 2008; SARC 48 June 2009; scheduled for review in 2014
Winter Flounder - SNE	Assessed as part of the GARM in 2008; Next review SARC 52, June 2011
Winter Flounder - GOM	Assessed as part of the GARM in 2008; Next review SARC 52, June 2011



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

Paul J. Diodati, (MA), Chair

Dr. Louis B. Daniel, III, (NC), Vice-Chair

Robert E. Beal, Acting Executive Director

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

August 28, 2012

The Honorable Walter B. Jones
United States House of Representatives
2333 Rayburn HOB
Washington, DC 20515

Dear Mr. Jones:

This provides additional information in response to your letter of July 27, 2012 regarding broadcasting of Atlantic States Marine Fisheries Commission (ASMFC) meetings via the internet and conducting roll call votes. On August 8, 2012 the ASMFC's Interstate Fisheries Management Program Policy Board (Policy Board) discussed the recommendations in your letter.

The Policy Board agreed to broadcast ASMFC quarterly meetings via the internet beginning in February 2013. We are researching different broadcasting options to ensure easy access by interested stakeholders, while being cost effective for ASMFC.

Regarding roll call votes, the current ASMFC process allows a roll call vote at the request of any Commissioner. In addition, the Policy Board agreed to explore options for the increased use of roll call votes during ASMFC deliberations. The Policy Board wants to provide the necessary transparency to stakeholders, while maintaining the efficiency of management board meetings. The criteria for the use of roll call votes will be discussed at the ASMFC Annual Meeting in October. It is anticipated these criteria will be implemented at the meeting in February 2013. While these criteria are being finalized, your letter has raised the Commissioners' awareness of the stakeholder interest and there will likely be more roll call votes taken at our next meeting.

Also in regards to your request that roll call votes reflect individual Commissioner's positions, the Commission process is based on a one state – one vote principle. This format allows for the Commissioners, a Governor's appointee, a Legislative appointee, and an Administrative representative, to discuss and collectively decide on the best course of action. Our states agreed to this format when they established the Commission and approved its Rules and Regulations. Roll call votes thus reflect the vote of each state rather than individual Commissioners.

Thank you for your continued interest in the cooperative management of the important Atlantic coastal marine resources.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Beal".

Robert E. Beal

cc: ASMFC Commissioners

MAINE • NEW HAMPSHIRE • MASSACHUSETTS • RHODE ISLAND • CONNECTICUT • NEW YORK • NEW JERSEY • DELAWARE
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Dr. Louis B. Daniel, III, (NC), Vice-Chair

Robert E. Beal, Acting Executive Director

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

July 30, 2012

The Honorable Walter B. Jones
United States House of Representatives
2333 Rayburn HOB
Washington, DC 20515

Dear Mr. Jones:

This responds to your letter of July 27, 2012 regarding broadcasting of Atlantic States Marine Fisheries Commission (ASMFC) Meetings via the internet and conducting roll call votes. Your letter was addressed to our Chairman, Paul Diodati, and I am responding on his behalf.

A copy of your letter has been distributed to our Commissioners and this issue will be discussed at the ASMFC Summer Meeting scheduled for August 7-9, 2012 in Alexandria, Virginia. Chairman Diodati or I will provide a written summary of the Commission's response to your recommendations following the Summer Meeting.

Thank you for your continued interest in the management of Atlantic Coastal Marine Resources.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Beal", is written over the typed name.

Robert E. Beal

cc: ASMFC Commissioners

WALTER B. JONES
3D DISTRICT, NORTH CAROLINA

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Congress of the United States
House of Representatives
Washington, DC 20515-3303

July 27, 2012

Mr. Paul J. Diodati
Chairman
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200A-N
Arlington, VA 22201

Dear Chairman Diodati and Fellow Commissioners:

One of our republic's basic principles is that government decision making should be open and transparent. Doing so encourages the accountability the public expects from those who regulate them. It has come to my attention that the Atlantic States Marine Fisheries Commission (ASMFC) conducts its business in a way that falls short of this principle in two important ways. First, while public bodies across the country routinely broadcast their meetings over the Internet, the ASMFC does not. Second, while it is standard practice for public institutions ranging from local school boards to the U.S. Congress to release roll call votes, the Commission does not publicly release how each individual member of the Commission votes on agenda items.

On behalf of the North Carolina fishermen I am privileged to represent, I encourage the ASMFC to rectify these problems by taking action on the following two proposals, both of which could be implemented at minimal cost.

First, the Commission should broadcast all meetings live over the Internet. In addition, video recordings should be freely available to the public through the ASMFC website for a reasonable period of time after the meeting. This change is needed to give fishermen – many of whom do not have the time or the resources to leave their jobs and travel to distant locations for meetings – the opportunity to keep tabs on a regulatory body that impacts their livelihood.

Second, the Commission should post on its website how each Commissioner from each state votes on agenda items. Fishermen and the public have a fundamental right to know how individual Commissioners are voting.

I trust the Commission will see the benefit of these common sense proposals, and I encourage you to implement them as soon as possible. I look forward to your response.

Sincerely,



Walter B. Jones
Member of Congress

Cc: Robert E. Beal, Acting Executive Director
Members of the Commission

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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Paul J. Diodati
Director

Commonwealth of Massachusetts

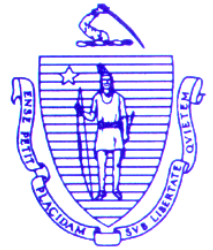
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October 4, 2012

Robert E. Beal, Acting Executive Director
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Dear Bob,

Our Massachusetts Marine Fisheries Advisory Commission (MFC) asked me to remind the Atlantic States Marine Fisheries Commission (ASMFC) about a discussion between its commissioners and an *ad hoc* group of ASMFC commissioners at last year's annual meeting. During that meeting, MFC commissioners expressed their concern that climate changes likely are having a profound effect on the distribution and availability of migratory species. In some cases, contemporary catches and landings no longer appear to match historical space-time trends upon which numerous species' quota allocations are based. The MFC requested that the ASMFC begin a general review of quota allocations and how they might be periodically re-evaluated.

During the first six months of 2012, the average sea surface temperature for the waters over the Northeast continental shelf from the Gulf of Maine to North Carolina exceeded the average temperature for those months during the past three decades. This finding by NOAA's Northeast Fisheries Science Center (NEFSC) gives evidence supporting the Intergovernmental Panel on Climate Change's conclusion that warming of the climate system is unequivocal.

NEFSC scientists reported that these temperature changes impact virtually all ocean life. They have demonstrated that Atlantic cod and other commercially valuable fish, for instance, have been shifting northeast from their historical distribution centers in recent years because of warming waters. Similarly, the ASMFC Lobster Technical Committee has conducted landmark work showing distributional shifts in spawning behavior resulting from increasing water temperature. This is a major factor contributing to the decline of the Southern New England lobster stock and consequent failure of that fishery.

A 2008 technical memorandum issued by NOAA correctly stated: "With the increasing recognition that climate change is occurring and having large impacts on living marine resources, a sound ecosystem approach to management of those resources requires both understanding how climate affects ecosystems and integration of that understanding into management processes." Fishery management organizations including the ASMFC have thus

far been neglectful by not giving adequate consideration about how to address climate-induced changes in population dynamics in today's fisheries management plans.

On behalf of the Massachusetts Marine Fisheries Advisory Commission, I respectfully request that the ASMFC Policy Board assign a priority charge to our Management and Science Committee (MSC) to consider whether climate-induced distributional shifts of migratory fish populations – such as scup, black sea bass, and fluke – have occurred and if these distributional shift(s) can be used as a basis for re-evaluation of quota allocation decisions. Using this MSC review and its recommendations as to how re-evaluations can be performed, the Policy Board can then decide how best to proceed and revise management plans either on its own or with our management partners, e.g., the Mid-Atlantic Fishery Management Council.

I anticipate that Policy Board members will universally agree that our current general procedure for allocating quota based solely on an average of each jurisdiction's annual landings during some historical base period – which was often a period of relatively high catches – should be reconsidered.

The MFC and I understand this is no easy task, but hopefully it's one that will help ASMFC meet one of the many challenges resulting from climate change. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Diodati". The signature is written in a cursive style with a distinct loop at the end of the last name.

Paul Diodati

cc: Massachusetts Marine Fisheries Advisory Commission