

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*August 6, 2015
8:00 – 10:00 a.m.
Alexandria, Virginia*

Draft Agenda

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

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|---|------------|
| 1. Welcome/Call to Order (<i>L. Daniel</i>) | 8:00 a.m. |
| 2. Board Consent (<i>L. Daniel</i>) | 8:00 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from May 2015 | |
| 3. Public Comment | 8:05 a.m. |
| 4. Executive Committee Report (<i>L. Daniel</i>) | 8:15 a.m. |
| 5. Review of Stock Rebuilding Performance (<i>T. Kerns</i>) | 8:30 a.m. |
| 6. Review and Consider LEC Enforceability Guidelines (<i>M. Robson</i>) Action | 8:55 a.m. |
| 7. Stock Assessment Updates | 9:05 a.m. |
| • Weakfish Stock Assessment Update (<i>K. Drew</i>) | |
| • Sturgeon Stock Assessment Update (<i>K. Drew</i>) | |
| 8. Discuss Implications of Jointly Managed ASMFC Species (<i>T. Kerns</i>) | 9:15 a.m. |
| 9. Atlantic Coastal Fish Habitat Partnership Report (<i>L. Havel</i>) | 9:25 a.m. |
| 10. Review Horse Creek Aquafarms Sturgeon Transfer (<i>M. Appelman</i>) | 9:35 a.m. |
| 11. Review Non-compliance Findings, if Necessary | 9:40 a.m. |
| 12. Other Business | 9:40 a.m. |
| 13. Adjourn | 10:00 a.m. |

The meeting will be held at the Westin, 400 Courthouse Square, Alexandria, Virginia; 703.253.8600

MEETING OVERVIEW

**ISFMP Policy Board Meeting
Thursday, August 6, 2015
8:00 - 10:00 a.m.
Alexandria, Virginia**

Chair: Louis Daniel (NC) Assumed Chairmanship: 10/13	Vice Chair: Doug Grout (NH)	Previous Board Meeting: May 6, 2015
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 6, 2015

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. Executive Committee Report (8:15-8:30 a.m.)
Background <ul style="list-style-type: none">• The Executive Committee will meet on May 4, 2015.
Presentations <ul style="list-style-type: none">• L. Daniel will provide an update of the committees work
Board direction for consideration at this meeting <ul style="list-style-type: none">• none

5. Review of Stock Rebuilding Performance (8:30-8:55 a.m.)
Background <ul style="list-style-type: none">• As part of the ASMFC 2014-2018 Strategic Planning process, the Commission agreed to conduct more frequent reviews of stock status and rebuilding progress.• The ASMFC's 2015 Action Plan tasks the Policy Board with conducting a review of stock rebuilding performance.
Presentations <ul style="list-style-type: none">• A presentation will be given on the stock rebuilding performance for each species that is managed by the Commission by T. Kerns (Supplemental Materials)
Board actions for consideration at this meeting <ul style="list-style-type: none">• Determine if the rebuilding performance for each species is consistent with the Commission Vision and Goals.

- If the performance is not consistent with Vision and Goals, what action should be taken.

6. Review and Consider LEC Enforceability Guidelines (8:55-9:05 a.m.) Action

Background

- The LEC was tasked with updating the Commission's Enforceability Guidelines

Presentations

- M. Robson will present the updated LEC Enforceability Guidelines (**Briefing Materials**)

Board guidance for consideration at this meeting

- Approve LEC Enforceability Guidelines.

7. Stock Assessment Updates (9:05-9:15 a.m.)

Background

- The Benchmark stock assessment for weakfish is scheduled to undergo peer review in 2015
- The Benchmark stock assessment for Atlantic sturgeon is schedule to undergo peer review in 2017.

Presentations

- K. Drew will present an update on progress for the weakfish and sturgeon assessments

Board actions for consideration at this meeting

- None

8. Discuss Implications of Jointly Managed ASMFC Species (9:15-9:25 a.m.)

Background

- Several ASMFC species are jointly managed with NOAA Fisheries and the Regional Management Councils (e.g., summer flounder and bluefish)
- Disconnects in the joint management process can have impacts on state management (e.g., if quotas are not finalized by a certain date, states may not be able to complete the state administrative process in time for the start of state fishery)

Presentations

- T. Kerns will present and overview of the process for jointly managed species and implications when there are disconnects in the process

Board direction for consideration at this meeting

- None

9. Atlantic Coastal Fish Habitat Partnership Report (9:25-9:35 a.m.)

Background

- ACFHP's high scores on their annual performance review to USFWS has allowed for the Partnership to receive an extra \$100,000 in funding for operations and on-the-ground restoration projects in FY2015.
- The USFWS has accepted ACFHP's recommendations for project funding in FY2015, and in addition to ACFHP operational support, three projects (Renewing Diadromous

<p>Fish Passage in Patten Stream, ME; Cotton Gin Mill Dam Removal and Fish Passage Project in East Bridgewater, MA; and Cape Fear River Fisheries Enhancement Project in North Carolina) received funding.</p> <ul style="list-style-type: none"> • The announcement for FY2016 funding will be released by the end of the month, and ACFHP will be conducting a trial run to incorporate decision support tools into the evaluation criteria this year.
<p>Presentations</p> <ul style="list-style-type: none"> • L. Havel will present ACFHP updates.
<p>Board direction for consideration at this meeting</p> <ul style="list-style-type: none"> • None

<p>10. Review Horse Creek Aquafarms Sturgeon Transfer (9:35-9:40 a.m.)</p>
<p>Background</p> <ul style="list-style-type: none"> • The FMP requires the Board to be informed of all aquaculture activity for Atlantic sturgeon. • In February 2015, Atlantic sturgeon were sold from LaPaz Group LLC (LaPaz) in North Carolina to Horse Creek Aquafarms in Florida. These fish were sold for the purpose of commercial production and sale of meat and caviar.
<p>Presentations</p> <ul style="list-style-type: none"> • M. Appelman will present an overview of the Horse Creek Aquafarms sturgeon transfer.
<p>Board direction for consideration at this meeting</p> <ul style="list-style-type: none"> • none

11. Review Non-Compliance Findings, if Necessary

12. Other Business

13. Adjourn

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

**The Westin Alexandria
Alexandria, Virginia
May 6, 2015**

**These minutes are draft and subject to approval by the ISFMP Policy Board
The Board will review the minutes during its next meeting**

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Adjournment..... 44

INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of October 2014 by Consent** (Page 1).
3. **Move to approve the Stock Status Definitions** (Page 12). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 13).
4. **Move to approve the changes to the Technical Guidance Document and assessment schedule as presented** (Page 18). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 18).
5. **Move that the commission send a letter to the New England Fishery Management Council and NOAA Fisheries requesting the initiation of a broader dialogue on the co-management of Southern New England/Mid-Atlantic winter flounder, with particular focus on the poor status of the stock and achieving more consistency in the application of management measures in state and federal waters** (Page 27). Motion by Bob Ballou; second by Jim Gilmore. Motion carried (Page 27).
6. **Move on behalf of the American Lobster Board, recommend the commission task the Gear Technology Working Group to work with industry to assess lobster ghost panel effectiveness** (Page 38). Motion by Dan McKiernan. Motion carried (Page 38).
7. **Move on behalf of the Lobster Board, recommend the Commission send a letter to the New England Fishery Management Council reiterating our concerns for lobster and request a prohibition on all bottom-tending mobile gear in closed area 2 from June 15th to October 31st north of 41 degrees 30 minutes** (Page 38). Motion by Dan McKiernan. Motion carried (Page 39).
8. **Motion to adjourn by Consent** (Page 44).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Emerson Hasbrouck, NY (GA)
Steve Train, ME (GA)	Brandon Muffley, NJ, proxy for D. Chanda (AA)
Doug Grout, NH (AA)	Tom Fote, NJ (GA)
Ritchie White, NH (GA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Sen. David Watters, NH (LA)	Loren Lustig, PA (GA)
David Pierce, MA (AA)	Leroy Young, PA, proxy for J. Arway (AA)
Bill Adler, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Robert Ballou, RI (AA)	Roy Miller, DE (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Borden, RI (GA)	Tom O'Connell, MD (AA)
David Simpson, CT (AA)	Bill Goldsborough, MD (GA)
Dr. Lance Stewart, CT (GA)	John Bull, VA (AA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Louis Daniel, NC (AA)
Jim Gilmore, NY (AA)	Martin Gary, PRFC

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

Ex-Officio Members

Staff

Bob Beal	Melissa Yuen
Toni Kerns	Shanna Madsen

Guests

Dennis Abbott, NH	Justin LeBlanc, NCFA
John Bullard, NMFS	Wilson Laney, USFWS
Russ Allen, NJ DFW	Dan McKiernan, MA DMF
Rob O'Reilly, VA MRC	Jack Travelstead, CCA
Michele Duval, NC DMF	Raymond Kane, CHOIR
Mark Gibson, RI DEM	Arnold Leo, Town of E. Hampton

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 6, 2015, and was called to order at 10:35 o'clock a.m. by Chairman Louis B. Daniel, III.

CALL TO ORDER

CHAIRMAN LOUIS B. DANIEL, III: Good morning; sorry for the delay in getting this started. We had a very busy executive committee meeting this morning; and I will provide you with that information here very shortly.

APPROVAL OF AGENDA

CHAIRMAN DANIEL: You should have our agenda. If everyone has had an opportunity to look that over; I do have one other piece of other business for two lobster motions that Toni will talk about here shortly. Is there any other business? Ritchie.

MR. G. RITCHIE WHITE: Jim Gilmore isn't here yet; so Jim Gilmore and myself wanted to have a brief discussion about conservation equivalency.

APPROVAL OF PROCEEDINGS

CHAIRMAN DANIEL: Very good; so ordered. Any other business for consideration now? I will ask again at the end. If everyone has an opportunity to review our proceedings from our February 2015 meeting; if there are no corrections or changes to either the agenda or the minutes, they will stand approved by consensus.

PUBLIC COMMENT

CHAIRMAN DANIEL: Public comment; I don't have anyone signed up to speak. Do you have somebody?

MS. TONI KERNS: There is no one that signed up to speak, but I just wanted to note there was a letter with several slides on your briefing material from Peter Paul on the "Future of our

Fisheries" in your briefing materials. I promised him I would note that was there for your consideration.

UPDATE FROM THE EXECUTIVE COMMITTEE MEETING

CHAIRMAN DANIEL: Seeing no hands up in the audience, we will move right into our first agenda item, which is an update from the Executive Committee. We just finished so I should be able to remember this. We did have a closed session to start the meeting to discuss the commission's budget issues.

If you have interest of that nature, then we could talk about that offline. We met our new staff; and they have done a staff survey. I feel that those surveys were very positive; suggested that there are some good opportunities with the commission; and that the leadership is moving in the direction that we're happy with; so just further confidence shown in our executive director in the way that he is moving forward with some pretty sizable staff changes that have occurred.

We look forward to working with and meeting our new FMP coordinators and other commission staff and certainly appreciate those that have been here for a while and have that institutional memory that we need so much. That was the general agreement amongst the Executive Committee is that we do believe that it is important to have our staff wish us for a period of time. We all feel disappointed when we lose those coordinators that we've worked so well with over the years. Many of us expressed very similar concerns about trying to retain our staff and make sure that they're happy. They can always come and talk to me or certainly their leadership has an open-door policy.

I believe the general sense of the Executive Committee was pleased with what is going on. Any questions on that part of the discussion and is there anyone from the Executive Committee

who would like add to that? I was asked how I was going to present that and I did my best. The Administrative Oversight Committee presented the budget; and that was approved. I don't believe we need to do that again, so I think we're all good with the budget.

We had some very good discussion on the appeals' criteria. We've recently had two appeals on striped bass. Many of us have never dealt with an appeal before; and so a lot of questions have arisen as to what the appeal process is and why it is established the way it is. We have made some decisions in moving forward that instead of the appeal deciders being the chair, vice-chair and immediate past chair would be that we're going to task that with the AOC.

That provides us with more broad opinion. It allows for our governors' appointees, legislative appointees, as well as our leadership to have role in making the decision on whether to grant an appeal or not. We've also discussed ways to streamline the appeal process, narrow that window just a little bit, and we'll be working with staff and our staff attorney to develop those issues. I believe we will discuss that our August Executive Committee Meeting. The AOC is going to be busy over the summer. Anything else on the appeals' issue? Doug.

MR. DOUGLAS E. GROUT: Just a brief clarification for some of the Policy Board members that aren't involved with the appeal; the suggested changes was for the AOC to be the body that is going to determine whether there is validity in the appeal; because our appeal process originally said that the chair, vice-chair and past chair determined the validity; and if was determined to be valid, it would come to the Policy Board for full consideration.

They're sort of the filter to see if the appealers met one of the five criteria that are in our appeal process. Then it comes to the full Policy Board if we feel that it meets one of those

criteria for a decision. They aren't the final arbitrators, in other words.

CHAIRMAN DANIEL: Thank you for that clarification. That was the meat of our discussion was in the appeals' process. I thought we had a very good discussion about that. We've also asked the Administrative Oversight Committee to look at the way that we handle committee reports from our advisory panels and Law Enforcement Committee and perhaps even technical committees based on some concerns that were expressed at the Executive Committee level. The AOC will be looking at that issue as well.

I've got some folks I'd like to talk to and try to structure the – not restructure but get some new membership on to the AOC and try to make sure that we've got good coverage on that committee. Anything else from any Executive Committee members on issues I forgot; but hopefully that covers our Executive Committee Meeting. Any questions?

DISCUSSION OF 2014 COMMISSIONER SURVEY RESULTS

CHAIRMAN DANIEL: Okay, the next item on the agenda is the commissioner survey results; and I'll turn that over to Toni.

MS. KERNS: I'd like to thank Louis and Doug for helping me revise the commissioner survey. We did make it shorter this year. I think it had a positive effect because 35 commissioners filled it out, which is the highest number we've ever had in participation; so thank you, all. I'm going to report out on the items where we received less than 7.5 in satisfaction; so a 10 is very satisfied and zero is not satisfied at all with how things are going.

As a reminder this survey is to measure the progress that commissioners feel that they are making in their role as the commission and how the commission is moving forward with our vision and goals. The first item where we had

less than 7.5 percent or 7.5 satisfaction is the level of cooperation with our federal partners.

We saw that level of cooperation; I don't think that folks have felt much has changed since last year; although over the time period we have been moving forward in an upward direction for the most part. Next is the commissioners' relationship with constituents is just below 7.5. We've sort of steadily been moving forward with a small dip in the last year.

Then how well we are doing in securing fiscal resources; we've had a drop down. Folks have felt that we're not doing quite as well this year as we did last year. Then we added a couple of new questions to the survey. There is no time series for these questions; but how satisfied are you with the commission's progress to end overfishing. This is our lowest-scoring question with a 6.66.

Then how satisfied are you with the commission's ability to manage rebuilt stocks; and that is just over 7 out of 7.17. Lastly is how satisfied are you with the products of the ISFMP and Science Department; and respectively the scores were 7.5 and 7.0. Some of the open-ended questions; the biggest obstacle to success; some of the common themes that we saw are coordination with other entities, either councils or fishing groups; baseline shifts over the past decades as well as climate change; accurate, credible science that may lead to correct decisions.

Rebuilding stocks is not a function of managing fishing effort only; we also have to look at natural mortality and non-fishing-induced human mortality, which the commission has little control over. On the management side, too many states are willing to vote for tough measures for other states while jealousy is guarding their own shares.

Some of the more useful commission products that you reported back on our FMPs with clear objectives; the website, briefing documents

well in advance of the quarterly meetings, our press releases, Fisheries Focus, and species overviews;, and stock assessments, especially the annual summaries of stock status and trends.

Additional material that you feel might be useful to commissioners to help you do your jobs better; regularly scheduled informational webinars for the evenings for the general public on issues of interest to try to draw in more participation by our constituents as well as states could benefit by more outreach from the commission that explains to the states that fishermen may have flexibility in many aspects of forming final ASMFC decisions. That is in the theme of getting your constituents more involved in the commission.

You felt like we could expand on some of the annual summaries of stock status and trends in more laymen's terms; again, this theme of information for constituents; and improving some of the decision documents that we provide prior to management decisions. We could also focus some more time on ecosystem-based management, climate change, ocean acidification; either getting rid of the species on the commission's list that don't have action on them in the recent years or develop a timeline to have those species assessed so that we can start considering action for those species.

We need to find a better way to incorporate habitat into our fisheries management plans; mitigate the regulatory whiplash we've seen in some of our species' management; have cooperation between the states as well as our federal partners; and to focus more time on the different legislative reauthorization such as Magnuson and ACFCMA; also put more time on commissioner training and shifting species' distributions and reallocations between the states and sectors.

Other comments that were in the general category was to revisit the purpose of compliance reports; look at the meeting time

scheduling. We sometimes spend too much time for some species and not enough on the more important species. Excluding stakeholders from meaningful input during the stock assessment process and other scientific inquiries undermines the quality of the commission's work.

We need to improve the use of the Management and Science Committee. They do a lot of good work, but its contributions are not always fully appreciated by the board. I thought I would end on a very positive comment on staff. While fisheries' management through the commission is often slow and frustrating, it is hard to think of an alternative that would work better and that is thanks to the excellent work done by staff that do a phenomenal job on a very tight budget. We appreciate those positive comments to staff greatly.

I thought we could go back to some of the measures where we had lower scores and if we could have a quick discussion on ways that maybe would work on improving some of these relationships, either with our federal partners or our constituents to start with and then move down to see how we can help you do these things better to improve our scores for next year.

CHAIRMAN DANIEL: I guess the first one is we ranked cooperation with federal partners fairly low in comparison to some of the others. Are there comments or suggestions on how we might improve that? Ritchie.

MR. WHITE: Not a comment on how to improve, but I would look at that as being pretty consistent; you know, 7.21 to 6.8, I don't think that has changed much. We had that one dip. You have a turnover in commissioners and the commissioners might rate things a little bit differently, new commissioners coming in. I don't see that as a big negative from the standpoint of a change. I think it has been pretty consistent.

MR. PATRICK AUGUSTINE: The question that came to my mind when we talk about cooperation with federal partners; are we talking strictly about financial support? I looked at that as a broader picture, federal partners being council. Is there a distinction that you were trying to make here?

If we're talking primarily financial, it seems to me that as hard as we're working to get more money to support our activities, we're just not getting there. The money is not there. The budgets are being cut and so on. If you want to address that, I would like to talk about that. Is it taking Mr. Bullard and putting him against the wall and tacking him up and saying, "Hey, we need more money" or is it NMFS or is it right at the top to our new NOAA director? It just seems to me that the way our case is being presented in the past has been good; but we're nice people.

We're not nasty people. We're not demanding that we need this to support our activities. We are supporting an economy for all 15 states.

Maybe our cell picture has to be much more the total economic impact, individually and collectively, that we're having on the east coast economic position. It just seems to me that we've got to break down which way we want to go, decide not to be nice people anymore and get real aggressive. I'm not sure going to our congressman is going to make it happen.

If the money is being allocated to NOAA, it seems that we've got to go either to NOAA; if we can't get it from them, get some from NMFS; but I think it has got to come right from very top and concentrate our efforts on that; expand this. Now we're going to have states taking over MRIP. What is going to happen there if in fact the states really don't have the ongoing support from the financial side, from NOAA, money that is being allocated to the states? I'm looking beyond that.

Will the states turn around and say, “Hey, thank you very much. We don’t have any state money because now your budget is going to be cut again to do the job.” In terms of looking at the direction that we’re going, if we’re going to go state by state for MRIP as one of the major programs that is going to support our activities in the future, it seems to me that we’ve got to go back to the top, hit NOAA at the top and say here is what it is going to take; and we don’t need it for one year. We want to put this plan out there for five or ten years; and just basically demand it. That is that side.

On the other side of it, if we’re talking about federal partners from the councils; are we getting our fair share of when stocks are rebuilt? One of the next slides that will come up will talk to that; are we getting the biggest bang for our buck? We’re doing what we can to rebuild our stocks and yet do our fishermen, commercial and recreational, gain benefit from it having had done that? When we get to that slide, I’d like to address that again. Would you like to address either one of those, Mr. Chairman? I would like to hear your answer.

CHAIRMAN DANIEL: I don’t think that the question is related to financial issues particularly. I think that it is a conglomerate of opinion. My opinion may be different one day and then the next, depending upon the answers I get from NMFS, when I fill out the survey, but I personally see that we’re seeing some improved communication with NMFS.

I certainly appreciate the fact that Mr. Bullard is here; and he comes so that he can meet with the commission and the state directors. I think that is a positive thing. I’ve love to see more of that from our South Atlantic partners; and I don’t think that would surprise them. I mean, it was wonderful to see Heather. She was here for about an hour, a representative from the South Atlantic; but we don’t tend to get that same level.

I think some of the frustration, though, is the financial part. The fact that the money is going up in the budget for the councils and the commissions, but we’re staying steady and not seeing those increases, I don’t think we sell ourselves very well when it comes to the information that we provide to the National Marine Fisheries Service and the council process.

I feel more and more strongly about that all the time in that if we weren’t going out to the fish houses and we weren’t collecting the information and aging the fish and sending staff to the SEDARs and to the stock assessment things; what would they do? We’re a critical cog in the management wheel, but we don’t seem to have any leverage with all that information.

I’m a \$25 million agency that collects tremendous amounts of fisheries-independent and fisheries-dependent data. What if I withheld that information from the federal government and said, “You want it; you pay for it.” We’re not doing that and unless we all collectively develop that clout, I don’t see things are going to really change that much. Eileen I think is interested. She participated in the San Diego Meeting. She is very approachable, I think. But I think until we move in some type of direction like that, that we’re probably going to get the hind you know what on a regular basis. That is my opinion to your comments. Tom Fote.

MR. THOMAS FOTE: I guess unlike Pat, I looked at it strictly on how we basically communicate what we’re doing on certain species; and I’ll just bring up three instances in the last two years. One was winter flounder. Here we have strict regulations at the commission level; and all of a sudden we’re putting 5,000 pound trip limits up in the New England Council without any consultation with the Atlantic States Marine Fisheries Commission on a stock we’re supposed to be jointly managing.

The other one was the listing of sturgeon by the National Marine Fisheries Service, which cost the states a lot of money, a lot of time and a lot of effort. There was one agency – and I won't get them into an agency argument here; but there was one agency that did not support the listing. We didn't support the listing; and yet they went ahead with the listing, which caused us all kinds of problems at the state level.

Then I look at the management of black sea bass, summer flounder and scup; and we've been in this Catch-22. I remember asking the question, and not only me, one of the head scientists at the same time asking the question when are we going to go from a Tier 3 or a Tier 4 to a Tier 3. It seems we have the most information about summer flounder, when are they going to go to a Tier 1 and 2. He says it will probably never happen. I said, "Well, that is not the way you work this game." So we're taking away quota.

Again, on the research set-aside things, there were a few things done; so I think some of that is being corrected by the Mid-Atlantic Council. That is what I'm looking at is cooperation; and in those four instances they didn't shine, and that is one of the reasons I always rate it low. I know, Louis, you were not happy with the listing and were as unhappy as I was on that without any consultation that we felt was meaningful.

DR. DAVID PIERCE: Setting discussions about fiscal matters and budgetary concerns; I'll focus on the kind of cooperation with federal partners; and I speak with sort of a parochial interest here, New England, Massachusetts. This is through ASMFC and, of course, through the New England Council; and that is in recent years I've seen a dramatic turnaround with regard to cooperation with federal partners, specifically with the National Marine Fisheries Service in our region, the regional office, and the Northeast Fisheries Science Center.

The reasons for that have been John Bullard. Okay, you've already mentioned him; he is here, always open for opinion and looking for compromise and to provide federal assistance in looking for reciprocation and we assist him. Then there is the Northeast Fisheries Science Center with Dr. Bill Karp, new on the scene.

Frankly, I think that our relationship, the ASMFC relationship, and the council relationship with the Northeast Fisheries Science Center has improved dramatically because of the leadership of Dr. Karp. Let's face it, it all comes down to personalities, who is sitting in the seat, relationships have developed. That is key to cooperation. With that said, I would suggest as a way to increase cooperation with federal partners, we need to do something – it is especially important now because of new staff.

The new ASMFC staff and those who have been on the staff for a while need to focus on, even more so than before, developing an understanding of the federal partners in terms of those individuals within the different offices, the staff, develop relationships between staff, regional office staff, working with specific plans, specific issues, and ASMFC staff.

I know it happens now and Toni has done a good job with that and Bob Beal has done a good job with that; but there needs to be more of a focus on that. I see that once that acknowledgement of the other's existence and the importance of the other occurs, then you get that exchange, you get that cooperation, you get a willingness to listen more so than ever before.

There is no substitute for staff interaction to assist the decision-makers when we come here and at other times. That is my suggestion. If we want to increase cooperation, we have to make sure we have that continued communication with the other groups, with our federal partners, and that means that we should take the initiative to communicate with

them before they communicate with us, just to get that going.

I've seen that happen on issues specific to New England where my agency – this is I guess every agency around the table does this – know who the players are; and when you know who the players are, things can get done, corners can be cut. Not inappropriately but in an appropriate way corners can be cut and timely actions can be taken. Paperwork can be cut down and we get some end results that are of benefit to ASMFC and also to our federal partners.

MR. LOREN W. LUSTIG: Looking at the graph, I am focused on the low numbers for 2010 and 2013. I had just started my tenure with the commission at 2010, so I can't comment about that; but the 2013 data I believe – in response to what Tom brought up, I believe that was the year that we were discussing the Endangered Species Act and sturgeon and the implications of unfunded mandates.

Boy, I was really intrigued with the impassioned pleas that came from the table here; and sometimes I thought it was falling on deaf ears; and so thus the low scores there. I certainly can honor what Dr. Pierce just said about cooperation and hopefully there is real good listening that is done both ways and good cooperation in the future. Thank you.

MR. WILLIAM A. ADLER: Yes, generally, I'm agreeing with Tom Fote on this particular thing and cooperation with regard to how we do management issues and then the councils and NOAA do their thing. Over the years I've seen where they've come out with different numbers; and it has always been that we have to reconsider; not them reconsidering their decision; and that has always got to me.

It is along those lines of cooperation where it seems like we don't have the force that when the ASMFC speaks, the federal councils and NOAA have to consider what we said as important, very important, and maybe adjust

their way of thinking more towards us. That is what has always been egging at me. Thank you.
CHAIRMAN DANIEL: We're going to move on to the next item. Thanks for your comments.

MS. KERNS: In the survey and other comments as open-ended suggestions; there were suggestions on some improved outreach materials, ISFMP materials, whether that be webinars or better decision documents and documents with clear statements of the problem. I think that staff can work together to provide some of that information and make some changes to how we're providing information to you as well as the public to help with our relationships with our constituents and providing information to improve decision-making there. Unless there are additional suggestions, we can work with what was in the survey.

MR. ADLER: Toni, better decision documents; any idea what that means making it a better decision document than what you already give us?

MS. KERNS: I think we don't always do these decision trees, is what we've been sort of calling them, when we have FMPs that we're making changes to either addendums or amendments, sort of providing a one-pager or a couple-pager so that you can clearly see what decisions you're making if you have to go on to a different – if you have a decision that is dependent on the decision beforehand; those types of decision trees.

We don't always do them and the ISFMP staff has been brainstorming about ways to improve those for the past couple of months. In August where we have several FMPs that we will be taking final action on, you will be seeing some new decision trees to help improve those. Those come to the meetings so the public can see them as well.

MR. FOTE: It is interesting; this is one of the areas that basically when I go to talk about

public hearings, I always point it as the best examples of what we do at the Atlantic States Marine Fisheries Commission. You make the hearings at night. We provide information. We answer questions during the presentation about the science and what is going on.

Then we're given the opportunity for comments. I'm used to going to the Army Corps of Engineer hearings where you don't get any of that or the Department of Interior, which has gotten worse over the years. I always point out that they should be conducting their hearings the same way that we do, because I think it is a highlight of how we do things right.

The problem we're running into – and I think this is a problem with the internet that people rely on – is that when I used to have striped bass hearings in New Jersey, and this last time I thought I would have the same type of relationships. We at one point had three hearings with 900 people, 750; and the small hearing had 550; where now we're lucky to get 50 people.

A summer flounder hearing, which was important, we're lucky to get 15 people and most of the states are seeing the same problem. I think we've got to figure out how we do this in the new age a little differently, maybe. We were talking about doing an app. Somebody told me that and I said apps don't work on my flip phone, but everybody else seems to have a Smartphone. That is one of the problems, but I think what we do as far as hearings and scoping meetings are a fine example of how it is done right.

MS. KERNS: I think we've already talked about fiscal resources; so we can go down to just the last one. I don't know how much of an extensive discussion we can have; but if commissioners have ideas for ways that we can help move us forward in ending overfishing as well as our ability to manage overfished stocks, we're here to hear your suggestions. Over time give Pat or I a call, Bob a call.

CHAIRMAN DANIEL: No comments on this one? Tom.

MR. FOTE: I guess I'm in a speaking mood this morning. When I look at overfishing, it has gotten a strange definition of what is overfishing. We've got species like summer flounder, scup and sea bass that are not supposed to be overfished and overfishing is not taking place. They were fishing at some of the lowest quotas we've ever fished on those stocks.

We don't seem to be doing – as far as our constituents are doing them any good, we seem to be doing worse on that; but those are jointly managed plans. Some of the species that we look at, like weakfish, I mean, I just ripped whatever few hairs I have left out on weakfish; so I think we did everything right. There was other reasons that it basically went down the tubes; and I'm still trying to figure that one out; and I think a bunch of us around the table are still figuring out.

We blamed it on some unforeseen mortality; but I think we do a good job of trying to rebuild the stocks. The problem is when we get to that point, how do we handle some of those stocks. I don't really think the commission is having the problem of ending overfishing. We have done that where we can. I mean, some species like sturgeon are going to take us a long time. Some species like shad and river hearing, there's a lot of other reasons besides our fishermen. There is not much more we can do but put in a moratorium. I mean, we're trying to rebuild the stock. I don't see that is the same problem as I see other issues.

CHAIRMAN DANIEL: Well, that is kind of it. I feel like this exercise – I mean are we getting what we need out of this exercise? If we can go back; those are pretty significant issues, particularly the last one. I can't quite figure that one out. I mean just from my own personal opinion, I feel like our documents are models; and certainly the products that we're

getting – folks that ranked that so low, it is your responsibility to let us know, let the leadership of the commission know what the concerns are there, because that is the most alarming result from my perspective.

I just don't see it from what I review; so please take the time to talk with Toni and Bob and provide them with some constructive feedback on what that means. I think that is important. The other ones are tough, because there are a lot of issues that are going on that we can't really control. Somehow we need to get to the questions that get to that point.

I think I can answer your question, Tom, on weakfish; that there is a population south of Hatteras. I wish I could prove it, but I can prove it by telling you that the catch-per-unit effort on the dock at my office is about 50 fish an hour per person at 16 to 20 inches; but I'm still at a one-fish bag limit.

There a lot of frustration out there for that; so how do we address them; and that's tough. I think looking at menhaden, the decisions we made yesterday, when was the last time we had a positive article from Saving Seafood and Pew on the same vote? That is pretty danged good. I think we're moving in that direction pretty favorably. I think we need to spend a little more time thinking about these three things and providing our feedback and input to the commission staff, if that's your pleasure. Doug.

MR. GROUT: Well, this was one of the new questions – originally I was discussing this Toni – that was asked how are we making progress on rebuilding stocks. I felt it was more important that we get at are we ending overfishing, because we have some stocks that we have ended overfishing on, but they're not rebuilding for whatever reason.

I'm just hoping that the commissioners, when they look at this, that they took it into consideration. For example, winter flounder in Southern New England is at very low levels; but we've ended overfishing in that. The same

thing with Southern New England Lobsters; we've reduced the exploitation level down to very low levels so that we're technically not overfishing, but we have not rebuilt that stock at all.

We've taken these actions that have affected – as Tom has said, we've cut fishing mortality on a lot of stocks drastically here to try and end overfishing here. Personally I gave us a fairly good score on this, but I just want to make sure that people aren't confusing overfished, which is the abundance levels have not gone up, with overfishing. Maybe it was clear in the questionnaire here what the difference was, but I'll be interested to see how this comes out in the future years.

MR. WHITE: I think overall the survey is worthwhile and we should continue to do it. I guess I would just caution us to not look at these numbers through too fine a lens. I think we can get wrapped around a small point change when the variables of the difference in the amount of commissioners answering it, the change in commissioners – I think a lot of that can account for the small up and downs that we're seeing; and I think it is more important to look at the five, six eight-year trend in these questions. From that standpoint, I think it is well worth that we continue to do this.

MR. JOHN CLARK: If I'm not mistaken, this was one of those surveys where you chose a dot right on the spectrum; and I just I think most people a lot of times, you're kind of like, well, you know, I don't want to put that top dot on there or something. I mean, a lot of those – like that one graph you had where we went from 7.9 to a 7.5, what does that really even mean?

I was just wondering have you thought – I know it would be tough to change the survey design, but maybe one of those ones where you have like statements and you choose which statement you agree with rather than just trying to rank it. I think what you tend to get with these types of surveys is you tend to get seven

to, you know, like seven to eight, in that range, on a lot of answers and then it becomes hard to interpret.

MR. AUGUSTINE: Mr. Chairman, we haven't talked about cormorants and seals to help end overfishing. I'd like to think outside the box. It's kind of a federal issue; and people don't want to talk about it because they like seals and they apparently like cormorants. I had a conversation with a director of Audubon from New York City. I had suggested to her that we should try to control the cormorants.

We did do that – I think Jim may have been involved with it – up at Lake Ontario when they had pretty much taken over and wiping out everything from perch to striped bass – I'm sorry, perch to bass to anything in sight. The cormorants were populated to a point where they had taken over several of the small islands called the Galloos, which used to be a gray granite which then turned out to be a white crap, if you will. They put together an order with Fish and Wildlife to take out a number of those through oiling their eggs and so on.

I know it is a federal issue and they're both protected; I think cormorants since 1976. To make a long story short, the group was successful up in Lake Ontario to oil and eliminate many, many pairs of cormorants to bring them back into control; and lo and behold, all of the fish populations came back relatively well, very successfully in a matter of years.

If you wanted to hear about the success of that, you could probably have Jim tell you about that. It seems to me both those animals have been protected for such a long time. The director from the Audubon Group says, "Gee, if you're going to kill them, we'll help you, but you can't have our name on the contract."

She was referring the fact that the shorebird, the walking bird population in and around New York has been very, very much threatened.

Those numbers are down 75 to 80 percent of their historical levels by virtue of the cormorant population having taken over their areas. In a very serious vein, if there was some way that maybe we, the states, could start a movement in the direction of getting cormorants unlisted because of the magnitude of the population now, maybe, just maybe we could reduce some of the mortality rate that they're creating.

Seals are another story. People want to pet them and make them feel good until they get on your boat and rip it up and then it is another story. A bird and an animal that are continuing to really wipe out the winter flounder population in particular – I'm not sure about weakfish. That would be down in your area and you could talk about that – but both of them are really affecting the environment.

We have been led to believe in New York that the gray seals have moved down along the coastline and are now taking over the area off of Block Island. We'll put it on the record and you'll hear me say this again, but I wonder if ASMFC would be bold enough to start a movement to get either one or the other unlisted so we can put some control on them. Seals I thought we could actually package them up and send them somewhere, use them for food. Cormorants, I thought they would be good, but they're very oily and greasy. The feathers might be good for new pillows; but having said that, I'll stop.

CHAIRMAN DANIEL: I do not want a cormorant pillow. (Laughter) That ain't going to happen. They would be awesome target practice, though, when you're getting ready to go duck hunting. I can assure you that we could take care of plenty of cormorants in Core Sound. Dave Borden.

MR. DAVID V.D. BORDEN: Pat is always a difficult act to follow. Maybe we could process some of these for fish sandwiches; but on a serious note what Pat is characterizing is actually a very serious problem in terms of

colony-nesting birds. What I'm referring to there, so everyone is clear, is birds like glossy ibis, which nest in trees.

What happens is the cormorants basically – having had responsibility for this formerly in Rhode Island; cormorants would take over an island that was a colony-nesting site. After a while they use it for a nesting site also, which is fine as long as their density doesn't get too great; but when the density gets great, they produce so much guano on the island they kill the trees off and destroy the nesting habitat.

My only suggestion here is I think this warrants a dialogue; and it might be a good idea to have the Chair put together a small committee to meet with the U.S. Fish and Wildlife Service staff, some NMFS staff and appropriate other organizations in try to figure out a coordinated policy. I'd also note for the record this is a trans-boundary species that goes up to Canada and it receives no protection up there as far as I know. Thank you.

CHAIRMAN DANIEL: We'll call it the Guano Group. I've heard it my whole career and the problems seems to become worse and worse. The research that is done and the amount of fish that are consumed by these huge populations certainly have to have a significant effect. Some people will want to say, well, that's natural mortality. Well, it is severely expanded natural mortality.

If anyone is interested in sitting on a group like that, see me after the meeting. I'll put something together so we can maybe get the assistance from our Fish and Wildlife Service partner, too, and try to see what our options are moving forward with that. Any further comments on the survey? It sounds like it will continue to be a work in progress; but if it is seen as useful, I think we should continue.

I agree with Ritchie's comments primarily that it is – and I think John as well – that it is hard to discern trends, but we do know what a lot of us

are thinking and what we're saying around the table. It does tend to match up a little bit with some of the concerns that we hear except for that last one. I haven't heard those comments; and I'm concerned about those.

Certainly, I think we need to try to keep some of these things in mind and maybe staff can remind us when we're getting ready to make a decision, maybe remind the chairman of the committee, well, hey, this is inconsistent with what you said you wanted to improve in your surveys. Maybe that would light us up little bit and maybe not, but don't get angry with the staff from reminding you, though, what you said you wanted us to do.

REVIEW AND APPROVAL OF STOCK STATUS DEFINITION REVISIONS

The next item on the agenda is a review and approval of stock status definitions. We have beat this to death and the cat is about as flat as it is going to get. We're either going to have these definitions or we're just going to punt; so please no more wordsmithing of these unless it is just absolutely the most critical thing that you're not to going to be able to sleep tonight unless you say something.

I think the staff has done a great job and they have admonished me no wordsmithing of these things anymore; and I kind of agreed with them. I had a couple of suggestions, but I wouldn't make them now for love nor money. With that introduction; Toni, would you like to take us through the definitions.

MS. KERNS: These definitions, you've seen them before. Staff made the suggested changes from the August and October meeting. We pushed this off of the agenda from February due to the time constraints of the meeting. Would you like me to read the definitions?

CHAIRMAN DANIEL: I think they can read them.

MS. KERNS: We have definitions now that are one and the same for rebuilt and sustainable; recovering and rebuilding; unknown; depleted; and species of concern. We also have definitions for overfished and overfishing; stable; unchanged; and a definition for a stock assessment update. Some of these we just pulled definitions – as a reminder, we use these definitions in many different commission products.

We want to have consistent definitions in all of our products; so we would use them for all of them. Then, lastly, Kelly had let the board know back in October that there would be proposed guidelines coming out in National Standard 1 for depleted stocks. Those guidelines are out still as proposed. A depleted stock is a stock whose biomass has declined as a result of habitat and other environmental conditions as opposed to fishing pressure, which is similar to our definition, which says a depleted stock reflects low levels of abundance; though it is unclear whether fishing mortality is the primary cause for the reduced stock size.

The National Standard 1 Guidelines go to give timeframes, either it being two generations or that the timeframe for which it is supposed to rebuild has not happened even though they have followed the catch levels that are associated in the FMP. Our definition is just a little bit more broad in general but somewhat similar. That's all I have.

CHAIRMAN DANIEL: I'd like to get a motion to approve the whole thing, but I would like to make sure, though, with all kidding aside, that everybody is comfortable and good with these. Pat.

MR. AUGUSTINE: Are you looking for a motion now?

CHAIRMAN DANIEL: Please.

MR. AUGUSTINE: So moved to approve the new stock definitions – do you want it as stock definition or do you want –

CHAIRMAN DANIEL: If it is the pleasure of the board to do the whole document would be great.

MR. AUGUSTINE: I couldn't find anything through it that would – you know, I can play with words and we all could play with words; but, indeed, it is a well-developed document and well presented. **I would make a motion to accept as presented all of the stock definitions.**

CHAIRMAN DANIEL: Motion by Mr. Augustine; seconded by Mr. Adler. Yes, Adam.

MR. ADAM NOWALSKY: I'm certainly not going to offer any changes to this at this point; but I did want to at least get on the record and possibly hear from some other commissioners. It struck as we were going through menhaden that with the decision that we made yesterday, we basically enacted a TAC for 2015 that had a 2 percent probability of achieving overfishing; but we had a lot of conversation about the target level.

That was obviously a concern to a lot of commissioners and has obviously been a concern to a lot of the public. What struck me, as I was looking at the document, is that we have no terms to describe our stocks relative to the target necessarily. It is something that I think in the future – I'm certainly not proposing anything here now; but for the sake of telling the public something with these definitions, we could spin the menhaden very differently.

We could spin it as the TAC we came up with has a greater than 50 percent probability of exceeding the target or we could spin it as it has a 2 percent probability of resulting in overfishing. I think if you put either of those in words down on paper and people read them, they would have a very different viewpoint of what our actions said. Again, I don't think it is

anything – nothing is going to change here today; but I think it is something it would behoove this commission to consider moving forward how we express that. I think it is important to the public. I think it is important it goes back to the constituent conversation we had a couple minutes ago and the perception of our actions here. Thank you.

CHAIRMAN DANIEL: Other comments? I wish I knew how to address that because I agree with you. It is a difficult task. I think a lot of that is done in the individual plans; but it is a tough definition sometimes and there is a continuum there that is hard to pinpoint sometimes; but good comments. All right, seeing no other discussion, is there any objection to the motion? **Seeing none; that motion carries unanimously.**

ASSESSMENT SCIENCE COMMITTEE REPORT

CHAIRMAN DANIEL: Next up, we will discuss the Assessment Science Committee Report; and this is an action item to update the stock assessment schedule. Shanna will handle that for us.

MS. SHANNA L. MADSEN: The Assessment Science Committee recently met during its spring meeting in April of 2015. We just have a couple of recommendations that we wanted to bring before the board to be approved. To start, we have two quick changes to make to the Technical Committee Guidance Document.

The first one is a clarification on the timing for alternate analysis submission for a benchmark assessment. The second one is an addition of a Fisheries-Independent Data Use Policy. I'll run through the two of these for you. Firstly, right now members of the public wishing to submit an alternate analysis for a stock assessment must submit the analysis at least one month prior to the workshop; the reason being is that this gives the stock assessment subcommittee some time to evaluate these analyses and determine their applicability.

Now, recently some of our assessments have required more than one assessment workshop; so we have encountered sometimes what have been requests for alternate analysis submission at a supplement assessment workshop. This could be an issue if the stock assessment subcommittee members had already come to consensus on a model and then are brought forward with another model that they need to take time to review.

The Assessment Science Committee reviewed this policy and would like to recommend that the alternate analyses be submitted before the first assessment workshop. This should hopefully provide sufficient time for stock assessment subcommittees to review any alternate analyses. We have added just a little bit of additional language to the Technical Committee Guidance Document.

I have that pulled up here. The Assessment Workshop Section of the Technical Committee Guidance Document was actually in your Policy Board meeting materials. The additional language that we crafted is highlighted; so basically just made a change to one sentence in the document.

Now the sentence will read, "For analyses to be considered for the assessment, the analyses must be sent in the required format with accompanying methods' descriptions to the commission at least one month prior to the first assessment workshop to allow for consideration at the workshop and any subsequent workshops." That is just one of the changes that we suggested being made, and we will discuss that at the end of this presentation.

The second thing that we wanted to add to the Technical Committee Guidance Document is a Fisheries-Independent Data-Use Policy. Currently, if anyone outside of a stock assessment subcommittee requests raw data from assessments, the commission will refer the requesters back to the data providers. Essentially, this was just an unwritten rule that

we had, and this will provide a formalized policy to kind of alleviate providers' concerns with their data being utilized outside of the commission's stock assessment reports.

The Data-Use Policy is designed to clarify how data will be used during and after the assessment to inform fisheries' management decisions while making sure to protect the rights of data providers. The ASC reviewed this document, which can also be found in your meeting materials, and we recommended having this integrated into the Technical Committee Guidance Document as well.

I know this is a little bit small, but this is also in your meeting materials if you guys want to run through it there. First of all, I'll start off with some of the changes that the ASC recommended to the Stock Assessment Schedule. First of all, the Shad and River Herring Technical Committee has requested a shad stock assessment update for 2017; the reason being that it has been ten years since the last assessment with no updates. They recommend a review of the status and trends.

The technical committee did say that when they begin data collection in 2017 they will evaluate if enough new data has been accumulated to warrant a benchmark in place of an update. The timeframe may need to be adjusted if a benchmark is necessary. The ASC agreed with the technical committee recommendation and placed that on the stock assessment schedule for 2017.

The Shad and River Herring Technical Committee also suggested a river herring assessment update in five years and a benchmark in ten years after the last assessment; so the ASC agreed with the technical committee recommendations and added an update for 2018. Those were the two changes that we had to the assessment schedule.

Then I'm just going to run through and keep you guys in the loop on what we have coming up. Striped bass will go through an update this year to get their stock status through 2014. I know we talked about that yesterday. Bluefish and scup both had an assessment workshop last month; and they will be reviewed through the SARC Process in June of this year.

Lobsters' final stock assessment subcommittee meeting was last week. They are scheduled for their review on the second week of June. Red drum is on the schedule for a SEDAR Review in August of this year. Weakfish currently has an assessment workshop planned for early this summer; and they will go through an ASMFC external review this fall.

Black sea bass will have a data workshop in June. Their planned assessment workshop will be in September and October with their assessment review planned for March 2016 as an ASMFC external review. For spot and croaker, both assessments will be on the same schedule since there will be a lot of overlap with the people who are working on them, as well as the data sources. They will have a SEDAR Review in August 2016.

Those are all of the updates that we had to the schedule. I just wanted to finish the presentation keeping you guys abreast of our Stock Assessment Training Program. The ASC discussed getting our Stock Assessment Training Program back up and running. We've created a survey to get input from ASC members as well as our past participants and any supervisors so they can let us know what they would like to have their staff focusing on.

We will be giving an advance course and an introductory and intermediate course. The results to that survey should be coming soon. I just closed the surveys last week, and it should let us know what topics people would like to see in our upcoming training series. With that, I will take any questions and we can discuss the changes that we have to the Technical

Committee Guidance Document as well as the assessment schedule.

MR. AUGUSTINE: Boy, am I glad to be back! If you'd flip back to list of all of the stocks that we are managing; other species that are listed up there that we have done nothing with in 10 or 15 years, it looks there is maybe five. I have two questions. One is are we ever going to do anything with them or do we just carry the responsibility for them?

If we aren't in the next – pick a number – five years, why don't we take them off the list – off the main list and put them down at the bottom and bracket them as whatever you want to call them, species of concern or whatever, but we're not doing anything with them. When that chart goes out to the public, every time I make a presentation I get asked questions; what are you doing with these? Really, I think it takes away from the value added on what this body does in terms of stock assessments and so on.

I would like to get the opinion of other board members relative to that. Look at the chart and there are four or five we do nothing with; but they're there and we are accountable. Anyone interested in moving those down to a place where they're encapsulated together so all the good work is shown at the top and these are things that are still being considered. I think it is a homerun for us if we consider doing that.

CHAIRMAN DANIEL: I like homeruns. Would you like to comment?

MR. GROUT: Pat, I guess I'm not seeing what you're seeing. I see spotted seatrout is the only one that doesn't have anything on there. Spot is going to be done in 2016; something we haven't done it the past; so we've got that on there. The other one is sturgeon and we've got that in 2017. The only one I see where we haven't done anything on this chart and don't have something scheduled is spotted seatrout.

You were talking about five of them and I'm just not seeing that.

MR. AUGUSTINE: From here it looks like more. Okay, maybe it is just the one, so then we'll ask the question – the follow-on question – is there going to be something done with that in the next few years?

MR. PATRICK A. CAMPFIELD: With seatrout specifically, in the last two or three years we did not attempt a coast-wide assessment, but the individual states in the South Atlantic did meet and look at the available data and moved forward on, again, individual state-specific assessments or analysis of trends; but again decided that there was no need to do a regional or coast-wide assessment for seatrout.

MR. AUGUSTINE: And then a final question on we had talked about trying to get the sturgeon delisted. As you had said, Dr. Daniel, it had an effect on you for what permits you had to get in the last couple of years and how many millions of dollars it was costing you to do those. Has ASMFC moved forward any further than looking at trying to get sturgeon delisted? We have a plan to do something after the stock assessment is completed; directly after that?

CHAIRMAN DANIEL: I certainly hope so. Unfortunately, it has taken us quite a bit longer to do the stock assessment than I expected. But depending upon the results of the assessment, will that give us the juice that we need to try to petition to have them delisted? I think that is everyone's intent. I believe it still is; but it is going to set an interesting precedent when we start battling ESA issues based on stock assessment results.

That makes me nervous; and it should make especially folks interested in winter flounder and some of these things that are at a very low biomass levels nervous as well. One point that I hate to even bring up on the record, but I will, I do have some pretty significant concerns about having spotted seatrout on the list. While I

recognize that it is important – it is a hugely important fish to the South Atlantic, up to Virginia at least.

The problem is, though – and I don't know if other states are finding this to be the case; but we're starting to have folks look at instances where we're more restrictive than federal rules. While we're not a federal agency, we're seen as a federal agency by a lot of people. The fact that all we require in our FMP for speckled trout to be in compliance is a 12-inch minimum size limit could really cause some problems particularly for the Virginia/North Carolina stock.

If it was said that by implementing the rules and regulations that we have in place, which are very complex for speckled trout, we're being far more restrictive than the plan requires; and so do we really need it in the hopper at all; and that is a question I think for the South Atlantic Board to discuss first and foremost; but it is starting to create some issues, that specific plan. I'm not aware of any other plan that has that type of problem associated with it.

MR. EMERSON C. HASBROUCK, JR.: Mr. Chairman, the issue with people submitting alternative models between stock assessment workshops, if there is more than one workshop, how problematic is that? What triggered this?

MS. MADSEN: We've only had it come up a couple of times. Essentially the problem is if we have multiple assessments workshops, usually at the first assessment workshop they go through and they look at all of the models that they have on the table. If we have something that is an alternate model, we can discuss it then.

If they're going to have subsequent assessment workshops, by that point they usually already come to consensus on a model; and so we're already moving forward with a model and working through it. If we have someone coming

in after we've already come to consensus, that could pose a problem.

MR. HASBROUCK: I understand the process and I've participated in it a few times. You just outlined the process and I understand that. I guess my question is how frequently does it happen where there is more than one stock assessment workshop and in the period between the first and the subsequent workshop somebody comes along and submits an alternative model?

MS. MADSEN: We've only had it happen once so far.

MS. KERNS: But we want to make it very clear to the public how to participate in our process and how to be a part of it; and so we want to make sure that there are very clear and specific guidelines on how to do so. That's why we're proposing the change so that it is very understandable where we're supposed to be bring these things forward. If, as Shanna said, it comes in the middle – you know, lobster had three or four modeling workshops. If someone came at the very last model workshop because our guidelines aren't very clear that they wanted to bring this whole new model for the committee to consider, they're finalizing their report in three weeks.

That is not very transparent to the public that, oh, they should have come four months ago; and so we want to make sure that we're being very transparent to the public of how to participate in our process. It is not that we're trying to prevent them from participating; it is so that we want them to come in at the right times.

MR. ADLER: Mr. Chairman, I just want to ask one clarification of the report. You said the lobster was going to have the second week in June a review; is that the peer review of the – is that what that is?

MS. MADSEN: Yes.

MR. ADLER: Because then it is coming back to the board here I guess in August, I think; so what you talked about was the peer review?

MS. MADSEN: Yes, that will be the peer review.

CHAIRMAN DANIEL: Any other questions? I think we need a motion to – I'm sorry, I didn't see you there, Dave.

MR. DAVID SIMPSON: That's all right, I was late and debating whether or not to bring it up now. Independent of the agency, the University of Connecticut applied for and received Sea Grant funding to do a stock assessment for tautog in Long Island Sound. They have been talking with the technical committee all along; so they're well aware that – I think they'll be here later today and tomorrow to get to know the commission process and the people a little better.

They already have a post doc on board to do the assessment. I'm wondering in terms of the update schedule for 2016 how the Tautog Board could consider the products of this next assessment, when we might be able to entertain a look at it and how it might fit into the schedule. I mean, is this something we do need to talk about now or could we talk about it next year for planning purposes?

MS. MADSEN: I think that's something that would be brought up on the ASC call. If you guys are already in contact with the technical committee, your technical committee member would be able to bring that up on the ASC call and let us know where they would like to have that placed on the schedule.

MR. SIMPSON: Okay, so a technical committee member – okay the ASC is a subset or a complementary group. We might not have membership on the ASC; I don't think we do. For example, Jay McNamee is intimately familiar with the work that they're doing. They seem to be in communication a lot. I'm not sure what his relationship is with UConn, but

there is one there. He is certainly aware of what they're doing.

MS. MADSEN: Yes; the ASC member who I guess would be closest tied to tautog would be Jeff Brust; so I can get in contact with him.

MR. BORDEN: Mr. Chairman, I'll be brief. Can somebody remind me what the policy is relative to releasing a stock assessment? At what point does the finalized stock assessment actually get released to the public? Is it made, for instance, available before the peer review; is that the way it works?

MS. MADSEN: A stock assessment will be released to the public after the board gets a chance to review it and it is approved by the board.

MR. BORDEN: I guess that at least raises a question in my own mind; the peer reviews, as I understand it, are available to the public. I mean they can attend and listen; and at that stage the board hasn't reviewed the document. I'm just wondering it is almost like a little disconnect in terms of – I would think that somehow we'd make the stock assessment available at the point where we schedule a peer review so that people go into the peer review informed; that they've had an opportunity to actually read the document. Maybe I don't understand what we're doing.

MR. CAMPFIELD: There are a couple of steps there. We have a transparent process; and so just like the stock assessment workshops, the peer review workshop is also open to the public. Anyone that wishes to attend will receive the results or observe the presentations through the peer review workshop.

I will note that in our technical guidelines and benchmark process the board chair for the stock is welcome to come and made aware of the review workshop. They can participate at that time; but because it is a public open process, anyone could be aware of those results. I will clarify that throughout the

development of a stock assessment, including at the peer review, at the opening of those workshops we state to everyone this is still considered draft, changes may still be made, you're going to see the results of modeling for a given stock, but consider these not the final results until they go to the board for approval.

MR. BORDEN: A quick follow-up, Mr. Chairman. I'm making a slightly different point that I totally approve of the way it is being handled, the way it was just characterized, very transparent and open. I'm a little bit more concerned about the issue of the public going to a peer review and not having had the opportunity to at least read the draft that the peer reviewers are going to read.

It seems to me that at the point that you schedule a peer review, the document should be available electronically and then if members of the public are there and want to avail themselves of the document and read it and go make comments within the confines of the commission rules, they should be allowed to do that; but that's my own opinion. Thank you.

MR. AUGUSTINE: Mr. Chairman, are you ready for a motion? Okay, would you like to have a common motion for both, Mr. Chairman?

CHAIRMAN DANIEL: Please.

MR. AUGUSTINE: **Move to approve the Fishery-Independent Data-Use Policy and the revised stock assessment schedule as presented.**

CHAIRMAN DANIEL: How about this Pat; just move to approve the Fishery-Independent Data Policy changes –

MS. KERNS: No; instead of saying approve the Fishery-Independent Data Policy, we could say approve changes to the Technical Committee Guidance Document because the Fishery-Independent Data Policy would be an appendix to the Technical Committee Guidance

Document. We also did have that one line change in the actual guidance document.

MR. AUGUSTINE: Yes, so moved. Yes, please make the change accordingly.

CHAIRMAN DANIEL: I believe staff will correct if I misspeak; that what we're approving is the one-month language change, the data policy guideline which basically says that if you want raw data from the stock assessment, they would sent you to the state who has the data and not be giving it out of ASMF; and approve the revised schedule. That is what we're voting on. Is everybody clear?

We will read it for the record: **move to approve the changes to the Technical Committee Guidance Document and assessment schedule as presented.** Motion by Mr. Augustine; seconded by Mr. Adler. Comments on the motion? Seeing none; is there any objection to the objection? **Seeing none; the motion carries.** Shanna, you can just keep on going if you're ready.

COMMITTEE ON ECONOMICS AND SOCIAL SCIENCE REPORT

MS. MADSEN: I'm ready. I just wanted to briefly update you guys on our last CESS meeting that we had in March of this year. As you remember at winter meeting we discussed the CESS presenting some updates and changes to their role within the commission. The restructure of the CESS was generally well received by the board; and the CESS is moving forward with the plans that we had outlined in our revised guiding document that we went over back in February.

The commissioners did express interest in expanding some of the socio-economic sections in amendments and addenda with basic information and calculations. The CESS reviewed this request and they decided that they should be able to provide some of the information that the commissioners requested.

However, they did want to express caution against depending on that information for making management decisions. They stressed that allocation decisions cannot be made on the data that we will be presenting here and much of the data necessary for allocation decisions is currently not collected.

As you remember, we went over with the CESS restructure that CESS would now be nominating members to serve on each ASMFC species' technical committee or PDT. They should be able to provide some technical support to the development of those socio-economic sections of fisheries management plans.

Some of the suggestions that we propose putting into amendments or addendum that would be a little bit quicker, easier and could be graphical we broke down into both the commercial and the recreational sectors. Some of the brainstormed ideas were making sure that we include things like ex-vessel value overall by gear and by sector; also regionally and by state. We could also include crew size. We also were going to include participation in these sections as well as reliance on other fisheries or species.

All of these things we hope to be able to provide in either ten, five or three-year trends. Then at the end of these sections we would go and have a short discussion on the most recent year's data. We also brainstormed a few data sources that we could pull from while compiling this data. We can go through state data. ACCSP also provides some of this information as does the National Marine Fisheries Service.

For recreational data, we said that we could probably provide effort by mode. We would definitely do this in a ten, five and three-year trend and again the discussion with the most recent year of data. We would also be able to discuss the trends in directed trips, whether the species are caught or were targeted. We would go through changes in discards versus harvest.

The data source for this would be the MRIP Program.

The conclusion was from the committee that a lot of these basic trends could be included into upcoming amendments and addenda when we have that data available. Again, a lot of times these things are patchy; and so it would take time for the committee to go through and make sure that they have a clear trend to be able to provide within the FMPs.

CESS would like to continue to inform the commissioners on more comprehensive data collection programs and comprehensive analyses that would actually fully describe a lot of the socio-economic implications of management measures. We would also want to continue our educational workshops like we had last year and provide reports to the Policy Board. With that, I would be happy to take any questions.

DR. PIERCE: In your slide that showed the commercial fisheries and the information that you believe would be available for our use, you say reliance on other fisheries and species. To me that is an extremely important part of any evaluation of what we do, the consequences of what we do. The question is you really can't provide that information?

This is extremely difficult and hard information to come by. If you can give it to us, it will go a long way towards helping us. You're confident – you and those with whom you've worked with is you're confident you can actually provide us with that kind of a perspective, reliance, the degree of reliance on these other fisheries and species?

MS. MADSEN: Again, I think that a lot of the things that we have listed are brainstorms and are things that we want to be able to provide when we have that data available. We completely agree with you that is something that would be very useful information when making management decisions. It really

depends on the depth of data that is being collected for that particular species; that we would actually be able to provide that information.

DR. PIERCE: Thank you; and this gets to my point about cooperation with our federal counterparts and the importance of staff knowing who the players are since much of this information is in the hands, in the files and in the computers of the National Marine Fisheries Service. To provide this information, we're going to need that kind of cooperation, which I'm certain we'll get. Thank you for that clarification.

MR. HASBROUCK: My question is going to be very similar to the issue that Dave Pierce just raised. A corollary to that as well is if we have or if we can obtain information on reliance on other fisheries and species, I think it would be helpful and important to include, I'm going to say, a cumulative impact.

Even though we manage these species individually, fishermen don't fish on just one species; and we may have taken an action in Year 1 that has an impact and then in Year 2 we're taking an action on another species, which is within the suite of other species, other fisheries or species; so I think it would be very helpful to commissioners as well as to the industry to have some estimate of what cumulative impact is or what it might be. Thank you.

CHAIRMAN DANIEL: That was a good suggestion. John.

MR. CLARK: Can you go back I think it was to the second slide, Shanna, I just wasn't really clear about one of the comments there. Yes, it was caution against depending on information for management decisions; what exactly do they mean there?

MS. MADSEN: I think they were worried that if we provided things that were deemed as very

straightforward graphical information; that they wouldn't want that used for making allocation decisions. The information that they want to provide for making allocation decisions would be based on very significant complex work.

I think that is what we brought forward at our last meeting in February is that we hope to be able to continue to provide the commission with areas of interest that we see where we can start collecting more data, where we can hopefully start to contribute time to building RFPs and pulling in more information or to be able to give you guys more in-depth information.

A lot of the ideas that we've laid out now are more quick things that we could provide during like an addenda process or amendment process; but we want to make sure that we continue to provide the best information that we can and that we're not just giving you basic things.

MR. CLARK: Sure, okay, and I just had one comment on the recreational. Was any thought given, in light of all the complaints that were heard up and down the coast over striped bass, about how charterboats were saying having a one-fish possession limit was going to kill their business; just looking at something as simple as the number of charterboat licenses in states before and after something like Addendum IV? I was just curious just because that was a – I know from the board meetings that we heard that complaint up and down – you know, from many states about what that possession limit would do.

MS. MADSEN: I think that's a great suggestion and I'll make sure that I bring it up on our next CESS call.

MR. AUGUSTINE: Mr. Chairman, a quick follow-on question; so when would you develop a sample of sorts as to what all of this would look like for the board to review; at the annual meeting or something like that? Do you have a

next step in the plan as to how the data would be presented?

MS. MADSEN: I think it is hard to provide a sample because it would be different for every species dependent on what data is available; so I think that one of the next things that I've been discussing with the ISFMP Department is that tautog would probably be the next step in the process; so I would get one of the CESS members – you know, we're in the process right now of deciding who is assigned to which species and things like that; but we will be working together to develop a segment for tautog I think first.

MR. FOTE: I have been looking at the number of trips that we've been down since 2007 in the Mid-Atlantic Bight Area, recreational fishing trips, and that is private boats and shore-based anglers. We've been down about 8 million trips. I know in New Jersey alone it is down 2 million trips. I know we pulled out the figures because I was looking at them for summer flounder.

It would be interesting to look at a table that would basically shows species and the number of trips that are down for those directed trips in the last five years or the last four years. Eight million trips in one area in the Mid-Atlantic Region is a lot of recreational trips that are not participating and it means a lot of money lost; and we should be trying to grab a handle on why those trips are dropping like that.

The only way we do this is we look at the species, and that information can be tweaked out of the MRFSS figures, as good as the MRFSS figures are, but that is another story. But, anyway, we could take a look at the information that we have available. I know John Boreman did that – no, Dave Voorhees did that for summer flounder; and I have it broken it down by state who dropped a number of trips, but that might be information to get to the board so we realize that there has been a huge drop in the number of trips since 2007.

CHAIRMAN DANIEL: Nothing further? Thank you, Shanna.

DISCUSSION AND DIRECTION OF THE WINTER FLOUNDER LETTER TO THE NEW ENGLAND FISHERY MANAGEMENT COUNCIL AND NOAA FISHERIES

MS. KERNS: Next is winter flounder. Melissa, if you put up the motion from the last Policy Board meeting; at the last Policy Board meeting, based on a recommendation from the Winter Flounder Board, you moved to send a letter to the New England Fishery Management Council and NOAA Fisheries urging a reduction in the Southern New England/Mid-Atlantic Winter Flounder possession limit to bycatch limits only for federal vessels based on sea-sampling data for trips targeting other species.

Staff went ahead and drafted a letter that reflected this motion as well as just overall cooperation and coordination between the commission and council as well as NOAA Fisheries and Regional Office on winter flounder management in discussions and discussions.

When we shared that letter with members of the Policy Board as well as members of the Winter Flounder Board, there was concern about the specificity of the possession limits in the letter; so was asked that we bring this back to the Policy Board. At your discretion, Mr. Chairman, I'd like to pass it off to Bob Ballou, who had some thoughts on this.

MR. ROBERT BALLOU: Thank you, Mr. Chairman; and thank you, Toni, that was a very accurate characterization of the record; a rather prescriptive motion from the Winter Flounder Board that was brought before the Policy Board.

A discussion that ensued in a strong inclination on the part of the members of the Policy Board who spoke to the issue to rework the language a bit and yet there was not an amended motion

or a new motion adopted by the Policy Board; so we were left with a sort of disconnect with this original motion; a subsequent discussion that was aimed at sort of tailoring the approach a bit, but no sort of final outcome. That is what left the issue sort of in abeyance.

What I would like to suggest is a motion that I think would put the issue in the place where it belongs. I've already handed it to Melissa; so I will just read it into the record; and that is to **move that the commission send a letter to the New England Fishery Management Council requesting the initiation of a broader dialogue on the co-management of Southern New England/Mid-Atlantic winter flounder, with particular focus on achieving more consistency in the application of management measures in state and federal waters.**

I will just make that my motion; and if there a second, I can certainly go on to speak to it. I again would just note that the record from our last Policy Board meeting reflects this sentiment, and I think this is consistent with what the Policy Board was intending to do. Thank you.

CHAIRMAN DANIEL: Seconded by Mr. Gilmore. Discussion on the motion? Dave Simpson.

MR. SIMPSON: I thought the Winter Flounder Board was pretty clear in their feelings about this. I appreciate the points that Bob made. I think it was mostly Rhode Island that was equivocating a little bit on specificity and maybe the severity of the recommendation and go back to what you were doing before or closer to what we're doing; but this is not my sense

I mean it did pass, as I remember, unanimously, the previous motion that we have now unanimously at the Tautog Board and unanimously at the Policy Board. I do recognize that there was a discussion about softening it a little bit, but we've looked at our trawl survey indices. Winter flounder are in dire straits, dire straits.

There was a little bit of recovery for a couple of years when coincident with the moratorium in federal waters. Since the moratorium was lifted and directed fishing was allowed again, our indices are back down; and I don't mean a little bit. I mean in our April survey we caught 116 fish. For winter flounder that's shocking.

We used to have an old gadfly, we'll call him, in Long Island Sound who used to criticize everything we did; and at one point probably ten years ago he petitioned NOAA to have winter flounder listed under the ESA. I'm beginning to think that is how close we're getting to a problem with winter flounder. I mean there are no fish left in many areas of the Sound.

Winter flounder was a species we've been doing a survey for 32 years now; 97 and 98 percent occurrence for 31 of those years. In the last two years we're down to 69 percent occurrence; so we can't even find them in some locations anymore. The Niantic River is probably the most studied stock anywhere because Millstone Nuclear Power Station; they've been monitoring that population for decades.

We've gone from a stock of 50,000 fish in that little river down to dozens of fish. This is a resource that is being wiped out. It is facing the adversity of climate change, but it is at such a stock level that our previous couple of winters that would normally provide favorable recruitment, it can't produce strong recruitment anymore.

I don't think we can be strong enough in our urging to the federal government to please do some conservation with winter flounder; don't restart the clock and give yourself another ten years. This stock is in serious trouble. This is beyond chasing optimum yield. This is a stock that is in real trouble; and I think the commission shares that sense with me. This is not a time to talk about, you know, our fishermen need these fish. I mean, that kind of

to me 1980's mentality, but they need these fish, is what got us into trouble with a lot of stocks. This is one that is predominantly a state-waters resource. It is spawning in our estuaries.

I think there is a lot of state-level identification with this fish; and that the months they spend in federal waters, they have no protection anymore and it is showing in our assessment of them. I'm very concerned and I think we need something much stronger than this as a signal, much more like what we agreed to three months ago.

MR. TERRY STOCKWELL: Mr. Chairman, as someone who is going to be the recipient of whatever letter comes from this council, I just want to provide a little context to the way the council sets its trip limits. The common pool trip limit is tied to a fixed amount of fish; so it is probably better for us not to argue about the trip limit but to recommend that the council sets a lower mortality rate on the catch altogether. To David's point, this year's assessment may well take care of that. It doesn't look very good.

DR. PIERCE: I share David's perspective on the status of the stock. Like Terry, I'll be the one who receives this correspondence and I will be talking to myself as a board member of what should I do, as a council member what should I do, and I think as a board member I would prefer to go in the direction that the Winter Flounder Board has already states; that is, action definitely needs to be taken, something very aggressive. I appreciate the maker of the motion, Bob Ballou.

However, initiating a broader dialogue with co-management will not necessarily result in the outcome that will be of benefit to the Southern New England/Mid-Atlantic winter flounder resource; not at all. To give you an example as to what is going on with this particular stock, in the context of habitat management, the Omnibus Habitat Amendment of the New

England Council at our last meeting we adopted a closure area to protect habitat that includes a rather large stretch area in the Great South Channel Area into which this stock goes; an area where the so-called channel flounder are caught.

Those flounder will be off limits, but I suspect that at the next council meeting there will be an initiative especially by the fishing industry that wants to catch this winter flounder to change that council decision, to revise that decision to open up those areas again for fishing on winter flounder. There is still is this mindset that winter flounder, Southern New England/Mid-Atlantic winter flounder should be targeted, can be targeted.

I don't think it should be, not to the extent that it has been or might be in the near future. I can't support this motion. I would prefer to support the other motion, although at the same time Terry also makes a great point about perhaps the need for us to recommend something that would relate a lower F target; and maybe the stock assessment that will eventually be brought forward will kind of put this issue to rest. In the meantime we have to act and this is a motion that I don't want to support.

MR. BORDEN: Mr. Chairman, I think everybody knows I've spoken on this issue at I think three prior committee meetings on this; and I always align my thinking completely with what David Simpson said. I think this is a really – the whole system is setting itself up for failure unless we address this right up front. I point out that in our charter – and this is only a sentence in our charter – it says, "Coordination with the regional fishery management councils; each management board shall work with the appropriate committees of the regional fishery management council's appropriate federal officials to ensure state and federal fishery management programs are coordinated, consistent and complementary."

We're not doing that, plain and simple. In order to have coordinated programs, you need a dialogue. The two parties have to set down and discuss the rules and the goals and objections in order to have complementary regulations, which we do not have. The commission is managing the stock as a depleted stock with a bycatch limit.

The council, because of the Magnuson requirements when you can't rebuild within ten years, has extended the rebuilding timeline for another ten years and then managed it with a constant catch scenario and certain recruitment assumptions. The long and short of that is that if those recruitment assumptions are wrong – and I think you're hearing some testimony from a state official here that they probably are wrong – then we're just setting ourselves up for failure.

In my own case I can support the motion. I would be happier if the motion ended with the sentence that requested that a subcommittee meeting be set up between the council officials and representatives of the commission, including the National Marine Fisheries Service, to bring this to a head and basically end up with a coordinated program. I think that's what needs to be done.

MR. BRANDEN MUFFLEY: Mr. Chairman, I think in any letter that we send, I think the more specific you can be I think the better the letter is. I think the original motion by the Winter Flounder Board is pretty specific, and I think there was an intent behind it being so specific because of our concerns.

I certainly think that letter can also indicate that the Winter Flounder Board would like to encourage greater dialogue between the two management agencies, but I think it needs to contain the specific language that the original Winter Flounder Board agreed to. I think it is a lot clearer. This is a little bit nebulous in terms of what may happen and what the outcome might be. It is pretty clear what the Winter

Flounder Board is asking; and I think we should send a letter to that effect.

MR. FOTE: I think the letter also should go to the regional director since he has to approve what the New England Council does; and we're asking them not to approve what they're doing the last time. I should it should be pretty clear that we send it to the regional director.

MR. BALLOU: Thank you, Mr. Chairman, and I do appreciate the comments that have been offered. I just want to make it clear that the issue certainly for Rhode Island – and I think it might be true for others – is the disparity in possession limits that currently exists. We're well aware of the issues, the operational assessment underway, which is very likely to show continued low abundance, and we're certainly not suggesting that there should be an increase in effort by any means.

What we're suggesting is that there needs to be a more harmonization between the two management programs; the one being the ASMFC program for state waters, the other being the New England Council program for federal. That was what we were trying to get at or that is what I'm trying to get at here with this motion is to try and step up the dialogue to at least achieve a more consistent approach aimed at addressing the issues that need to be addressed, whatever they may be, such that there isn't disparity in terms of how state-water fishermen are treated versus federal. I just want to clarify that is really where we're coming from on this. It is not to disagree with the sentiments that have been expressed today. It is to rather focus on trying to step up the dialogue with a particular view to addressing the disparity in possession limits. Thank you.

MR. AUGUSTINE: Mr. Chairman, I would move to amend the motion; and I would like call, if I may, Mr. Chairman, on Mr. Borden to restate his additional sentence that he wanted to put in there. I thought it was clear. What Mr. Ballou put up there I think is extremely important to

set the stage, but I think Mr. Borden was trying to close the loop on the rest of that. I will second what he said; and I don't remember exactly how he put it, but he was very articulate in how he presented; so if we could do that, Mr. Chairman, I would appreciate it.

CHAIRMAN DANIEL: And we can agree to do that without amending it if everybody agrees with – I guess you're calling on Mr. Borden. Would you like to speak, Mr. Borden?

MR. BORDEN: The only problem with this, Mr. Chairman, is I can't remember what I said. We might need a minute to wordsmith this.

MS. KERNS: David, I think that we can express in the letter that we would like to have a coordinated meeting with the council, regional office staff, commission members and maybe technical individuals to discuss how we move forward with winter flounder management in a more coordinated way.

MR. BORDEN: Yes; I actually think the point that got Pat's attention is that we would just simply **add a sentence to it that requests a subcommittee meeting between the commission and the council with GARFO and maybe even Center personnel** to move the discussion forward; that's all.

CHAIRMAN DANIEL: Okay, we'll just do that if it is okay. Is that okay, Pat?

MR. AUGUSTINE: That's perfect; thank you.

CHAIRMAN DANIEL: Oh, oh, maybe not. Roy.

MR. ROY MILLER: Mr. Chairman, I find myself in alignment with David Simpson and Branden Muffley on this particular issue. I think just pointing out that there needs to be better consistency is not a strong enough message. This is a stock that virtually disappeared from our area many years ago.

My personal opinion is we'll never see any more winter flounder unless something is done drastically to increase or allow the species to reinhabit its former range. I think the message from the letter that we're considering sending at least highlighted the urgency with which we view this particular issue. I'd like to see us recapture that urgency in our letter. Thank you.

MR. STOCKWELL: Mr. Chairman, just timeline-wise, all the winter flounder stocks will be updated this year in September; so we really have an opportunity now to start the discussion of improved collaboration between the commission and the council. Whatever version of this letter goes out there, my suggestion would be to get a subset of the Winter Flounder Board and GARFO and the Groundfish Committee together at some point this year and put a process in motion before the council sets its specifications in the fall for the next three years.

MR. SIMPSON: I think Terry made good points about the particulars of the motion that passed unanimously three months ago. We can finesse that, but it seems clear to me that the board's sentiment is we need to start a dialogue and cooperatively manage. There needs to be added to that a sense of urgency about the status of this resource and our significant concerns about it.

This isn't just another species and another allocation issue. This is the survival of an important species in state waters. Again, we caught 116 winter flounder. This is like you catch 116 bay anchovies; you start to panic. That is a very, very low number. This is a species that is ubiquitous or supposed to be.

Thousands every month we would take normally; and I have staff concerned about our policy of aging because that requires we kill the fish. That is how concerned our staff is about it; so this isn't about better coordination of management. This is it needs to be a strong signal to the federal government that states

have concerns about the viability of this population in the future; now and in the future.

DR. PIERCE: Yes; this discussion has made me think that perhaps the motion could be simply stated as is, but with a particular focus on achieving – with a broader dialogue on the poor status of the winter flounder resource and co-management of the flounder. In other words, highlight the fact, as David Simpson just said, that we believe right now and we have plenty of evidence that the status of the stock is very poor.

All right, so we put it into the motion; we then pass this motion; and it is done in a way that precedes the winter flounder assessment that will eventually come out that will make our points that the status of the stock is very poor. With regard to the co-management, when we get into the co-management discussions, I suspect that the Winter Flounder Board may actually say that we need to do with winter flounder what we've done with spiny dogfish; and that is ASMFC should control the winter flounder fishery in the Southern New England/Mid-Atlantic Area potentially through landing limits. We can and we do it with dogfish.

If we believe the status of the stock is as we suspect it is and that the actions in federal waters by the New England Council, me and others, are insufficient, then we can implement landing limits that would constrain what is landed in our states; hence, what is coming out of federal waters as well as state waters.

Now, that might not be appreciated by some council members because it hasn't been appreciated with dogfish; but still we can do it if we care to. It is an aggressive move on our part. It would make it very clear that we're very serious about this. If this motion passes perhaps with the change that I've just suggested, then we could go down that road and have some very productive discussions with ourselves and with our federal counterparts to

do something meaningful for this flounder resource that is indeed in very serious shape.

I could make that suggested change to the motion, Mr. Chairman, if you would like to add "request the initiation of a broader dialogue on the co-management of Southern New England/Mid-Atlantic winter flounder with a particular focus on the poor status of the stock and on achieving more consistency" and it goes on from there. Just to put it in there so there is a clear understanding as to why we want this focus of consistency.

CHAIRMAN DANIEL: Is that a friendly change? We'll do it. It is nice not to have a dog in this fight for once; but we're actually seeing more sturgeon than you're seeing winter flounder; a lot more sturgeon than you're seeing winter flounder. I mean we're seeing them every day. We're observing them daily in North Carolina. You could be in a real scrape, New England Council. From my perspective, you need to hold NMFS' feet to the fire.

If they even think about listing them and they're the problem, that is going to really be a mess. My only question is have we done enough at the commission level that if we needed to take emergency action, we could, and would that be something that the New England Council could consider to take some action right away. Those are just thoughts; but we're seeing more sturgeon than you're seeing winter flounder; so that should raise some red flags. Dave.

MR. BORDEN: Mr. Chairman, I'll be very brief. Is it your intention to continue this meeting tomorrow or continue on with the agenda today?

CHAIRMAN DANIEL: No; we're going to continue until we done.

MR. BORDEN: Okay, with all due respect, this might be one of those moments where if we're going to take a lunch break, if we could take a lunch break and allow somebody to craft a

motion that represents the sentiments that have been expressed around the table and then put that up so everybody can read it; that might expedite the deliberations.

CHAIRMAN DANIEL: I have no problem with that; so we can do a lunch break now and we'll come back and we'll finish up our agenda.

(Whereupon, the meeting was recessed for lunch.)

CHAIRMAN DANIEL: Would someone like to dispense of this issue. I think there was some discussion, and I think we've come to some agreement of how to move forward. Since it was your motion, Bob, maybe you can help us out.

MR. BALLOU: I would venture to say based on the discussions we've had during the lunch break that this motion may be deemed acceptable. That is my sense so I'm comfortable with the motion as proposed and as amended in particular to reflect the focus on the poor status of the stock as a key aspect of this. Thank you.

CHAIRMAN DANIEL: Is everybody good with the motion on the floor and everybody is happy? All right, I'm going to read it: **Move that the commission send a letter to the New England Fishery Management Council and NOAA Fisheries requesting the initiation of a broader dialogue on the co-management of Southern New England/Mid-Atlantic winter flounder, with particular focus on the poor status of the stock and achieving more consistency in the application of management measures in state and federal waters.** Motion made by Mr. Ballou; seconded by Mr. Gilmore. Any objection to the motion? **Great; the motion carries unanimously.** Dave Pierce.

DR. PIERCE: I have one more winter flounder issue, if I may, Mr. Chairman. It relates to something the New England Council did at its last meeting. It is very relevant to the

discussions we had on winter flounder before lunch; especially a point that was made by representatives from the Mid-Atlantic – I think it was Delaware – about winter flounder coming back; the need to rebuild to winter flounder reestablish itself in areas where it no longer is abundant. The New England Council – and Terry Stockwell can help me with this if I misstate this – we voted to remove the essential fish habitat designation for Delaware Bay and for the southern shore, the coastal waters of New Jersey.

This was done at the request of a Mid-Atlantic Council representative and I think from the Chair of the Mid-Atlantic Council. This has been an important issue for the Mid-Atlantic Council. The argument was winter flounder habitat is no longer down there. It has changed dramatically. That was the argument, for siltation, what have you.

Therefore, by removing the EFH designation, it becomes easier for the states of Delaware and for New Jersey, at a minimum, to get involved in a more aggressive way with dredging, with beach enrichment. In other words, no longer would there be a need to deal with terms of reference or time-of-year restrictions on winter flounder – you know, to protect winter flounder habitat.

The New England Council did this; and at the time – and I'm still not sure if the state of Delaware and New Jersey understand what the New England Council did; and for that matter I don't know what the Winter Flounder Board would have done if it had known that this was going to be an action taken by the New England Council.

Now, a member of my staff, Steven Correia, has been involved with essential fish habitat issues for winter flounder for it seems like decades. He was really influential in helping the Winter Flounder Board, ASMFC, move the plan forward, the initial Winter Flounder Plan, having

a large element of environmental protection, habitat protection.

I recently asked him “What do you think about this action by the New England Council?” He said, “You know, I don’t think it is such a great idea. It is like saying that we should destroy the prairie the buffalo are gone.” I’m calling this to the attention of the Policy Board because of this letter that is going to be sent.

Now, I don’t know what the proper procedure would be. This is the Policy Board and not the Winter Flounder Board. At a minimum I would think that the Winter Flounder Board should be tasked – requested to address this issue to see if indeed it agrees with what the New England Council did to remove this essential fish habitat designation from Delaware Bay; all of Delaware Bay and the southern part of New Jersey.

It is not my neck of the woods; and I don’t want to step on the other states’ toes, but still I would think this is still an important issue for those two states. I look to you for your guidance, Mr. Chairman, as to how this could be addressed by this Policy Board relative to this important issue.

CHAIRMAN DANIEL: I would just ask if it is a Policy Board issue, then, yes; but if not, for the sake of time we could deal with it at the working group level. Doug.

MR. GROUT: Dave, I just want to make a clarification. It was not a removal of all EFH life stages; designation for all the EFH life stages of winter flounder down there. It was a specific removal of the egg life history stage from down there. That is because they haven’t seen – the data that was brought before the Habitat Committee was – and this was data outside of trawl surveys. This was egg deposition surveys that have been done by someone down in New Jersey, a researcher down there.

The impact of this is – and it would probably be good if the commission as a whole got the full

details of this from our Habitat Committee PDT person, Michelle Bachman; but apparently it was having an effect on the ability of some harbors to even be dredged because of this egg EFH designation and not because of adults that were there, but because of the egg designation.

Because there hadn’t been eggs found there in a number of years, we felt it appropriate to at least recommend to the council that it be moved up to the Atlantic City area up there. If we are going to take this on, I think we should get Michelle Bachman down here to give us a little clarification of exactly what was done.

MR. BORDEN: I attended that Habitat Committee meeting that Doug is referencing and I agree with everything he said. I think there is probably a pretty good written record on this that the council staff – we’ve got a council staff member in the audience; and I think that if he goes back and simply asks staff to provide a written record on the basis of the decision, I think that will accelerate the handling of the issue.

DR. PIERCE: Just a quick follow-up; yes, Doug is quite right, eggs; but winter flounder lay demersal eggs. They lay their eggs in the shallow bays and estuaries; so for all practicable purposes, it is winter flounder essential fish habitat. Yes, indeed, council staff will look into this, and that is fine and dandy.

I was guided by that particular analysis done by her and staff; but I just did not know and still do not know the perspectives of the states of Delaware and New Jersey on this. They may be completely in agreement with it. However, again this is winter flounder; and it is about successful reproduction.

As noted earlier this morning, before lunch, there is a desire for winter flounder rebuilding with the anticipation that they will reestablish themselves in area where they used to be extremely abundant and not so much now. You take away the habitat, destroy the habitat; are

they going to be able to come back and reproduce; potentially, but maybe not. Again, I'm just looking for some guidance as to how to proceed in a way that will be timely and responsive to what the New England Council has done.

MS. KERNS: Dave, what we can do is I'll work with Michelle to get the information that was discussed at the meeting. I'll work with John and Branden to get New Jersey's opinion; and then we can take that to that coordinated working group to see how we want to move forward with that – that includes both NOAA Fisheries, council staff and council members – and move us forward in that direction.

CHAIRMAN DANIEL: So we're done discussing this issue? Okay, we're done talking about this issue. I've got to move on; I've just got to. We're so far behind and we're taking everybody else's time. Go ahead.

**UPDATE ON MID-ATLANTIC FISHERY
MANAGEMENT COUNCIL UNMANAGED
FORAGE FISH ACTIVITIES**

MS. KERNS: This is just a brief update to the Policy Board on actions that the Mid-Atlantic Fishery Management Council has been considering for unmanaged forage species. The council initiated a regulatory action to prohibit the developing of new or expansion of existing directed fisheries on unmanaged forage species. Until scientific information is available to promote ecosystem sustainability, they would not expand or start new fisheries is what they're looking to do. The council, at their April meeting, discussed a series of possibilities to move forward with this type of action.

They are considering moving forward with taking this action as amending an FMP to include ecosystem components within the species. They're considering to add this action as a part of either the Bluefish or the Mackerel, Squid, Butterfish FMPs. They would ecosystem components within them.

The thought behind adding it to the Mackerel, Squid, Butterfish FMP is they're forage species included in there; and then looking at the Bluefish FMP, bluefish prey on forage species. The advantage that they discussed for adding to the Bluefish FMP is that it is a coast-wide fishery management plan, so they would be able to get the full range of the Atlantic coast there.

Commission staff was at that meeting; and we did have a concern with adding this component into the Bluefish FMP because it is a coast-wide measure and that the commission does have a Bluefish FMP as well; that not all states are on the Mid-Atlantic Council, so they wouldn't be a part of the voting process there if they did amend the Bluefish FMP.

We had said to the council in order to get information about what is going on with the states, particularly states that are not on the Mid-Atlantic Council, that we would request from the states what forage species you are currently managing as well as what types of provisions do you have in your state regulations to prevent emerging forage fisheries.

We're going to do that through the MSC; so if you get these requests from your staff, this is where they're coming from. Then we're going to present those back to the council at their June meeting as they continue forward with deliberations. If you have any particular concerns or questions about this, you can contact myself or Pat or Bob and we can work with you to address those.

**ATLANTIC COASTAL FISH HABITAT
PARTNERSHIP STEERING COMMITTEE REPORT**

CHAIRMAN DANIEL: Is that satisfactory to everyone? It looks like it. Lisa is up on ACFHP.

DR. LISA HAVEL: Mr. Chairman, I'd like to give a very brief update on the Atlantic Coastal Fish Habitat Partnership Steering Committee Meeting that was held April 20th through 22nd. We have a couple of science and data updates

that we discussed at the meeting. The first one was a decision-support tool to assess aquatic habitats and threats in the North Atlantic watersheds and estuaries.

We are currently wrapping up the winter flounder model for Narragansett Bay and Long Island Sound. We're working on the final report for that; and we're moving on to river herring today, actually. We have a call at 2:00 p.m. We also had a discussion about our NFWF-funded river herring habitat restoration strategies project; and that final report was submitted to NFWF back on Friday.

We discussed the potential for ACFHP to submit a proposal to the Mid-Atlantic Fishery Management Council on working on offshore reef restoration and monitoring. We're going to move forward with that proposal and submit it once the RFP is officially put out there. We also had a discussion on ocean acidification. We would like to incorporate more work on ocean acidification in our next conservation strategic plan in 2017 and also incorporate it more into our science and data needs in the future.

We plan on having an in-person meeting with our Science and Data Workgroup this summer as well. We had an in-depth discussion about our implementation plan; and we evaluated the status of every action item in the plan and identified new tasks to address because we have completed over 50 percent of the tasks that we had set out to accomplish.

We received an update from Ryan Roberts, who is the communications coordinator for the National Fish Habitat Partnership. He talked about the 501(c)(3) status of the National Fish Habitat Partnership; and we currently have received that status and we're working on the tax status of that. We also got an update on the rebranding and marketing of the National Fish Habitat Partnership.

Back in March I presented to the National Fish Habitat Partnership Board in Arlington, Virginia; so I talked about that as well. Then Steve Perry, who is the coordinator for the Eastern Brook Trout Joint Venture, gave an update to the steering committee on the white water to blue water initiative that the Eastern Brook Trout Joint Venture, ACFHP and the Southeast Aquatic Resources Partnership is working on together.

The North Carolina Coastal Federation was welcomed into the partnership after applying earlier in the spring and making a presentation to the committee at the meeting back in April. We are excited; this is our 33rd partner to sign the MOU for ACFHP. Julie Devers from the U.S. Fish and Wildlife Service gave an update on the different projects that ACFHP recommended for funding to the U.S. Fish and Wildlife Service. They're listed here in order of priority.

The first one was ACFHP operations followed by a fish-passage project in Patten Stream, Maine; and then a dam-removal project in Bridgewater, Massachusetts; a dam-removal project in New Haven, Connecticut; shoreline stabilization in Charleston, South Carolina; river enhancement in Cape Fear, North Carolina; and a dam-removal project in Dover, New Hampshire. There were a lot of proposals this year for dam removals; so 2015 is the year of the dam for us.

In other business we discussed the potential to change and update our proposal criteria for evaluating proposals that are submitted to ACFHP. We formed a subcommittee in order to work on this further. Pat Campfield gave an update on the business plan that ACFHP is working on in order to solicit donations once the fund is in place so that we can build and work on different ways in order for ACFHP to receive money in order to work on grants.

We had guest presentations from local scientists working on different issues in the South Florida Region. We learned about lionfish invasion, marine debris and also coral reef restoration and nurseries in South Florida.

We had a site visit to one of the projects that we endorsed, Grassy Flats in Lake Worth Lagoon, as well. With that, I'll take any questions.

CHAIRMAN DANIEL: Questions for Lisa? Seeing none; thank you very much.

HABITAT COMMITTEE REPORT

CHAIRMAN DANIEL: Back to Toni, Habitat Committee Report.

MS. KERNS: The Habitat Committee met right after the ACFHP did. The committee has decided on a new topic for the Habitat Hotline for the upcoming year, which will be on energy development. Jake Kritzer is taking over as the new chairman of the Habitat Committee. Kent Smith's time has finished for his two years as the committee chair. I would like to thank Kent, even though he is not here, for his leadership and guidance.

He has done a fabulous job taking the Habitat Committee's new guidance and work plan and moving them forward to address commission species' needs concerning habitat. January Murray was elected as the new vice-chair from Georgia. I also would like to thank Melissa for all of her work that she has done as the Habitat Committee staff person as she moves on to her new and greener pastures in California or sunnier pastures, I should say.

Lisa Havel, who was just giving our ACFHP Report has agreed to test out the waters for being the Habitat Staff Coordinator for both ACFHP and Habitat. She is going to see how well she can balance the workloads between those two committees; and if it works out for the next six months or so and then will report back after annual meeting to see if she wants to continue to move forward with that or just go back to just doing the ACFHP coordination.

Within a month the Habitat Fact Sheets will be updated on the website, and this is a reminder

the Habitat Fact Sheets include information on movement and migration, spawning, habitat use, threats to habitat, habitat areas of particular concern, and recommendations to improve habitat quality.

We hope that these are useful for folks as they work with your other state agencies on different issues concerning fisheries' habitat and help leverage those partnerships and management measures as moving forward. Especially when the FMPs don't have as much information in them, these fact sheets can be very useful for those.

Lastly, the focus for the next species to address some of the habitat needs will be tautog as the Tautog Board is likely to move forward with an amendment to address the concerns of the newly released stock assessment that the board saw back in February. That's the majority of the action items that came out of the Habitat Committee. Any questions?

MR. FOTE: It is more of a concern than a question. I'm wondering if it is happening in other states besides New Jersey. Because of the hurricane like Sandy, we started beach replenishment. The Army Corps of Engineers, in its usual wisdom, has decided that the best place to get the sand is from some of the fishing lumps.

Now, these lumps have been designated by the National Marine Fisheries Service as areas you can't sand mine. They're under the Coastal Zone Management Act. They amended their EIS to basically say, okay, we'll only take 70 percent of the lump and then we'll profile it after we're done. I'm saying if you take 70 percent, how can you profile it?

They're doing it for two or three lumps in one area. Thank God, there have been some lawsuits so they can't do beach replenishment; and there will probably be a lawsuit over this. I was wondering if that is happening in other areas, because it seems that the Army Corps is

looking for the fastest and easiest place to mine the sand.

We were able to fight off the glass companies 35 years ago when they wanted to basically flatten all the lumps in New Jersey. They would do us a favor and make it essential fish habitat, as they thought it. They wanted to use it to make glass. But now when you're dealing with the Army Corps of Engineers, it is a lot more difficult. They have a lot more power than the glass companies do and they're very hard to defeat on this issue, especially when the states are looking at, well, maybe it is what we do beach replenishment for. I'm just asking if any other states are having the same type of problem.

MR. ADLER: We had the situation up in Boston where actually the state wanted to take cobble to repair a beach. It was lobster larvae and it was also in the cod conservation zone. It was off of Winthrop, Massachusetts. The association threatened to sue the state. It resulted in meetings where the state said, you know, well, we'll never do it again.

We'll always come to you or come to everybody before we ever do anything if you would drop your legal action. We did; however, we knew coming up behind us was the National Marine Fisheries Service with their habitat protection this at that time. We had suggested that the city or state get their source from land-based.

They said, no, it is too expensive, we're going to just go out there and pull up the bottom. Come to find out, the National Marine Fisheries Service stepped in and said you can't do it because it is cod area; and they never got the permit to do it. They did have to go to the Army Corps, but somehow it seemed like the National Marine Fisheries Service had a big hand in that decision; and it never was taken because they ran into all these other pitfalls. If they had taken our advice in the first place, it would have been done in six months if they just took the stuff from the land source. As it is, this is

several years now and they've got the permission to take the cobble away.

CHAIRMAN DANIEL: Anyone else? If not, any other questions for Toni on the Habitat Committee?

All right, if not, we will go to Mark Robson for the Law Enforcement Committee Report.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MARK ROBSON: The Law Enforcement Committee met yesterday and this morning. We had a very good meeting again, as usual. One of the key topics that we touched on was to review the current Jonah Crab Management Plan and some of the key features of that plan that might warrant some law enforcement input to you.

We had a good review of that and decided in our initial review to establish a subcommittee that will work with Toni and with their states to take a look at that fishery. We would be in a position to provide you or the Lobster Board with some law enforcement guidance in a written form at a later date; I presume possibly August.

We're on track to do that and to respond to some of those key issues such as the minimum size recommendations or how to address permitting and the question of tolerances and how law enforcement might view that issue of tolerances and landings. We have a lot of new members. We also have people retiring. As you know, our Chairman Lloyd Ingerson is retiring.

Part of our discussions during our meeting this time around were to reinforce the addition of alternate representatives of the LEC to the various species' management boards in part so that we can sure we have people who are available to you to provide law enforcement advice and also to give an opportunity for some of our newer members to kind of get more

acquainted with some of the species' management issues that you are dealing with. I look forward to doing that and hopefully you'll be able to get to know some of these new folks on the LEC. We had a couple of good discussions and some information-sharing that turned out to be pretty valuable with regard to some of the safe harbor provisions that a few of the states are addressing particularly for the summer flounder fisheries along their coast.

We just had some pretty frank and open exchange about how the states are handling those safe harbor requests, whether we have written policies or regulations in place. I think that was a very good exchange for the LECA to have. We also had a good discussion this morning about closed areas and in particular whether specific kinds of closed area boundaries or boundary designations, whether you use depth contours or latitude/longitude, whether they should be regular shaped or if there are enforcement problems with irregular-shaped boundaries.

These are things that came out when we were working on the revisions to our enforceability guidelines. There was kind of a wide range of enforcement opinions about how best to design closed area boundaries or protected area boundaries so that you can make enforcement as feasible as possible.

Because of the retirement of our Chairman Lloyd Ingerson, we did have an election for our new chairman who will be Mike Eastman from New Hampshire. We voted for a new vice chair, Steve Anthony from North Carolina, so they will be helping out in future LEC meetings. The last point I will make – and I will be working with Toni on this – back in 2014 one of our action plan tasks that the LEC was to address was to revise the enforceability guidelines that were first drafted back in 2009. We refer to them on occasion in meetings. I think you may be familiar with them.

We've completed that review and revision of that document; and I'm submitting it to Toni and to the staff. Just as a heads-up, I think you may be seeing that or we may be bringing that to you at a future date for your consideration and hopefully approval. With that, Mr. Chairman, I'll conclude my report.

MR. AUGUSTINE: Did the subject of tracking blackfish, tautog, come up? I know a couple of years ago we talked about a possible tagging program and that fell – I think you agreed with – your group agreed with that at the point in time, but it kind of fell on deaf ears for some reason or another. Would you address that or could you address that in your May 13th and 14th meeting and possibly come up with some recommendations as to how we can get a better handle on the illegal dealing of the live fish market?

MR. ROBSON: Yes, Mr. Augustine, I know it did come up before; and I think we did have some discussions. I don't know where those ended up, but we can go back and reexamine what we presented. It would probably be a good thing for the LEC to review that issue and make any adjustments and recommendations to you, if that's what the commission would desire.

MR. AUGUSTINE: Follow-on, Mr. Chairman; from what I understand, there is more illegal harvest going on now than ever. There doesn't seem to be a slowdown. I know in our state I've heard similar reports, but it is only anecdotal. I think it is a real major concern; so I think we need to put some priority on that. We only discussed it I think it was in Philadelphia a short period of time and toward the end of the meeting. We ran out of time, but it appeared there was some interest in looking at a tagging program for commercially harvested fish. We look forward to seeing a follow-up on that. Thanks.

MS. KERNS: Pat, maybe at the Tautog Board this issue could be brought up under other business and the Tautog Board could give more

specificity to what it is that they would like to see from the Law Enforcement Committee; and then they can report back at the August meeting.

CHAIRMAN DANIEL: Good suggestion. Branden.

MR. MUFFLEY: Mark, I just had a question in regards to the safe harbor discussion that the committee had. Safe harbor has been an issue for a few states and the implications of that. I was just wondering was the Law Enforcement Committee thinking about discussing maybe a coastwide sort of standard policy to apply or go back in each state and kind of discuss what they might want to do. I'm just curious as to where the Law Enforcement Committee may take that discussion.

MR. ROBSON: We didn't conclude to do anything. As a follow-up there was a request for information, and I believe Rhode Island has a specific policy on how they address requests for safe harbor; so sort of a checklist of criteria. Some of the other states were looking for information or guidance as to how they could address these kinds of requests.

Most of the other states do not have any kind of specific policy on how to approve a safe harbor request from a vessel coming from up the coast who needs to come into port. There may not be a specific set of criteria for allowing or disallowing that. I believe maybe Virginia, instead of a policy, they have actual regulations in place for addressing a safe harbor request.

There was more of just an information sharing. In fact, there wasn't really total agreement on whether a policy is good or bad or if there should be a policy or if you should use more open discretion or if it should just be done by regulation. There was certainly agreement that you have to have some kind of provision to allow vessels to seek safe harbor when they need to; but you also have to be very careful that it doesn't get abused. There was some

discussion about how that potentially can be abused if you have the repeated request for safe harbor particularly with people who are fishing up the coast for a particular species.

CHAIRMAN DANIEL: Any other questions for Law Enforcement? This is an update. We were about that close to entering into the JEA; but we didn't quite get there. There is now another bill in the North Carolina, I believe it is in the Senate that would prohibit North Carolina from entering into the JEA again. I'm sure Steve probably updated the Law Enforcement Committee on that, but we remain the sole holdout on the Joint Enforcement Agreement. Thank you, Mark. George.

**PRESENTATION ON THE NORTHEAST
REGIONAL OCEAN COUNCIL ON
COMMERCIAL FISHERIES**

MR. GEORGE LAPOINTE: Thank you, Mr. Chairman, I appreciate time on your agenda today. I'm here to report on the Northeast Ocean Planning Process or the New England Planning Process, if you have confusion about those two. It is nice to see people here. I'm going to report briefly on the regional planning body efforts in the northeast, because John Weber is not here with me, and then talk about the fish mapping that I've been doing on contract with the Northeast Regional Ocean Council.

This is just a bit of background. The Northeast Regional Planning Body was set up under the National Ocean Policy in late 2012. They're on track to do an ocean plan for the northeast in 2016. I know that marine salty; but this is a slide I stole. The focus of the northeast plan is from Long Island Sound through the Gulf of Maine. They want the plan to be scientifically based.

They want a lot of public involvement. They want it to be principled and practical and to implement under existing authorities. The Northeast Planning Body is ten federal agencies,

the states and ten federally recognized tribes as well; ex-officio membership by Canada and New York and the New England Council. Doug Grout sits on it for the New England Council.

You can see it is a diverse group. The timeline for the regional planning body is that through June 2015 they're going to do outreach to various interests, shipping, fishing, recreation, et cetera. They're trying to develop a marine life data base with expert workgroups, which I'll talk a little bit about later.

They held an Ecosystem-Based Management Workshop on the 8th of April in New Hampshire, trying to figure out how to come to grips with ecosystem-based management like the rest of us have. On the 12th of May, next week, they have a Stakeholder Forum in Salem, Massachusetts, to talk about the work done to date and the process moving forward.

The regional planning body will meet in early June in Mystic, Connecticut. After that meeting they will go largely into work mode trying to complete the plan for June of 2016. The fishing part; I've been contracted with NROC to work on fishing mapping. We have used vessel monitoring system data.

That is a map shown here, the scallop fishery, based on VMS pings, trying to look at spatial patterns and patterns over time of the fishing industry for those fisheries that have VMS requirements. We've included in the second part of the project separating fishing from transit areas based on vessel speed; not perfect but not bad.

We are working a pilot project to try to work with charter captains to identify recreational fishing and transit areas. I'll show you a little bit about that later. Then looking at methods of trying to fill gaps for other species, particularly lobster, and I'll talk about that in a bit as well. The VMA maps; our early project had VMS maps for groundfish, monkfish, scallops; the species listed on top from 2006 through 2010.

We have gotten data as well from 2011 through 2013 and 2014 so it allows us to look at changes over time. The map on the right of your screen is herring fishing from 2011 through 2013 below four knots; because people in the industry told us above four knots was for transiting. This color scale is standard deviations around the mean for mean numbers of VMS pings.

Blue and green are lower levels of numbers of pings and yellow, orange and red are higher numbers showing high levels of activity, which are correlated with higher levels of fishing. We have recently gotten the data for squid, mackerel and butterfish, which started a VMS requirement in September of last year. I talked briefly about the fishing trend differentiations by speed. We've done that for all the species above as well.

On the party/charter pilot project, some work was done last year with folks in Rhode Island. Rick Bellavance is the most visible spokesperson. These are tracks of his charter vessel, used with his permission. We are trying to get people to participate. The software – and we're working with ACCSP on this – allows electronic reporting and also allows reporting of location; clearly a sensitive issue for some charter captains. In the case of a guy like Rick, he doesn't care if people know exactly where he fishes.

For other people we've talked about the ability to generalize or make the areas fuzzy; because from an ocean-planning perspective, if we're within a quarter mile, it is like playing horseshoes; you still get points, but we don't need to know exact locations. We are actively seeking charter captains to help us this year with this.

For lobster, this was something people really wanted done; and we're really no closer than we were before. There is no consistent mapping of lobster effort region-wide. The best map I have found to date is the one that is on

your screen, and that is the end-line survey that NMFS did of pots and traps along the coast.

So, clearly, as you get farther south, there are more types of traps than just lobster fishing; but for consistent application across the region, this is the best map I have found. We originally thought we could mash together different state and sub-regional mapping efforts, but we found limited utility in that just because of trying to do apples-to-oranges comparisons. For marine life characterization, the team has worked with Duke and NOAA trying to characterize different types of marine life.

You can see here the breakdown for marine mammals, birds, et cetera; and looking at spatial models that integrate observations over time; and importantly looking at distribution and abundance over multiple temporal scales; looking at persistence; looking at probability of occurrence and uncertainty; no small task, for sure, but they're working on that. That is my presentation. I would be happy to talk to state folks about the fish-mapping work that we've been doing in more detail. We've got like 30 maps and so this isn't the time or the place for that. I would also welcome the chance to talk to states about the party/charter mapping as well.

CHAIRMAN DANIEL: Questions for George? Mr. Adler.

MR. ADLER: George, have you been in touch with the ocean partnership – it used to be called Massachusetts Ocean Partnership in Massachusetts – where they did a survey on recreational activities. Have you contacted them at all?

MR. LAPOINTE: I haven't, Bill, but NROC has. One of the slides I skipped over talks about all the things NROC is looking at. They've looked at these various categories and recreation is one of the things that they did look at. They did it through I believe surveying different recreational users along the coast.

MR. ADLER: I just wanted to say they did do a survey which could go into your overall thing. They hadn't done lobster, but they were going to. They're very much involved with the Massachusetts Ocean Plan and beyond that. I didn't know if you knew of their whereabouts or whatever.

MR. LAPOINTE: I don't so much just because I've been working on the commercial fishing characterization, but I know NROC has been. Their characterization of recreational use isn't just recreational fishing. It is all kinds of recreational boating so it is a broader class of activities. You can see from this slide emphasis on a lot of both human activities and marine life. My observation is that the Ocean Planning Group talk to one another a lot, so I suspect they are aware of what they are doing.

MR. CLARK: George, is there a lot of suspicion about the goals of the RPB up in New England? I noticed in the reauthorization of Magnuson-Stevens, there is still that language in there to prevent NMFS from sharing fishing data with any of the National Ocean Policy like these RPBs. I know in the Mid-Atlantic there is a lot of – even though the goals seem pretty general and all; that a lot of people are very suspicious about the whole process.

MR. LAPOINTE: I'm shocked, John, because there is no suspicion in New England whatsoever. Okay, there is a lot of suspicion for a couple of reasons. One is I was the New England Council meeting and one fishing industry representative said, well, because this effort is funded by Packard and Pew, which it is not in New England, it clearly part of the conspiracy to get rid of fishing and putting in oil and gas exploration on Georges Bank.

There is a lot of suspicion about pushing traditional uses aside. Part of that suspicion or I guess one of the things that fuels part of the concern and the suspicion is that they are developing what they want to do in the long term, so they don't really have a strong plan

yet. People says, well, are you included this activity; and some of the answers so far are no or we don't know, rather; and so because of that lack of clarity, I think that raises suspicion. Doug, is that a fair characterization?

MR. GROUT: Yes, it is a fair characterization. One of the things in my participation in this is that the fishing industries aren't as involved with this as the environmental groups. The environmental groups are heavily involved at every meeting. In fact, one of the meetings; that ecosystem-based fisheries management or ecosystem-based management was changed to accommodate the environmental group schedule.

MR. CLARK: I just wanted to ask if whether you're also getting a lot of suspicion that this is to set up marine protected areas up there, because that is one we hear a lot also?

MR. LAPOINTE: I think the short answer is yes; but because the New England Council spends so much time on their habitat amendment, I think that suspicions about marine protected areas have been diverted to them and not to us, but it will likely come back. Because there are many interests, like Doug said, about what happens in the future and because MPAs or no-use areas are part of that, it does fuel that concern.

MR. MILLER: George, I've kind of lost touch over the past several years with what has been going on in the Mid-Atlantic area in this regard. Do those folks have anyone such as yourself that has stayed in the federal level fisheries experience guiding them as well?

MR. LAPOINTE: There is a group called MARCO, Mid-Atlantic Regional Council on the Ocean, and they are interested in similar things. I don't know a lot more about that, Roy. I'll have to follow up with you exactly on who the contact person is; but there is a similar effort in the Mid-Atlantic.

MR. FOTE: Actually I was on a panel discussion with the group about I guess three weeks ago at Monmouth University. A person with VEP is involved with it. There is also somebody on the Mid-Atlantic; I can't remember whose name it is, but they're there representing the fisheries end of it. I and Bruce Freeman have attended most of their meetings throughout their things. It is interesting. They had the cable people there that put all the cables in the ocean. They had the wind people there.

They were showing this Frontiers II. I don't know if you've seen that yet, George. That is where the oil work in Massachusetts and Rhode Island cumbia together to plan where you're putting everything. It was an interesting thing. Of course, they have no authority to do anything. They're just planning. It is interesting because in New Jersey the environmental groups, especially one of the big ones, is not giving much support. They're actually fighting them all the time because they're afraid they're going to take control away from the states. It is an interesting dichotomy in New Jersey.

OTHER BUSINESS

CHAIRMAN DANIEL: Any further questions for George? If not, thank you, George. This moves us down to other business. A few folks grabbed me at lunch and said they had additional other business issues. If we can go ahead and get those mentioned one more time for me; I know John Bull has an issue on black sea bass. There was one other; I think it was Emerson. What was your –

MR. HASBROUCK: RSA.

CHAIRMAN DANIEL: Research set-aside. Dan, are you going to come to the table?

MR. DAN MCKIERNAN: At the Lobster Board Meeting, we worked on a couple of issues I think that need to have further action. One of them had to do with the recent cumulative findings that the lobster ghost panels may not

be as successful as we were assuming at releasing and allowing lobsters and other bycatch to escape a lobster trap that might have been lost on the ocean floor.

The suggestion was to have this group task the Commission's Gear Technology Working Group to work with the trap manufacturers and the lobstermen to assess the effectiveness and maybe make some recommendations. The second issue has to do with developments that are occurring right now at the New England Council concerning the Habitat Amendment and new scallop rules.

This is a follow-up to correspondence that the Lobster Board made at a previous meeting concerning possible bycatch of egg-bearing and otherwise reproductive female lobsters in Closed Area 2 seasonally. We'd like to send a follow-up letter to the council and NMFS reiterating our concerns. There are two motions on the board. Would you like me to read them both?

CHAIRMAN DANIEL: Yes; why don't you read them one at a time because they're from the Lobster Board so we don't need a second. If you'll just read those into the record, I'll take the vote.

MR. McKIERNAN: **First on behalf of the American Lobster Board, recommend the commission task the Gear Technology Working Group to work with industry to assess lobster ghost panel effectiveness.**

CHAIRMAN DANIEL: Dave Borden.

MR. BORDEN: Just a quick question; working with the industry, could Toni tell me what the process is for doing that, please?

MS. KERNS: I assume that we'll work with the vice-chair and chair, yourself and Dan, to identify members of the industry that we think would be good to include this meeting; not only fishermen but as well as gear manufacturers,

such as trap manufacturers to talk about different ways that we utilize ghost panels. I know that fishermen also have different ways of adhering tops, et cetera, to traps. We would also look at other studies besides the ones that came out of the Fishing for Energy Workshop.

MR. BORDEN: Just a quick follow-up, Mr. Chairman. I totally agree with what Toni proposed. I think it is a good idea. This is a big issue for the lobster industry because of the volume of traps that are involved. I mean, literally there millions of traps involved in the fishery; so we have to have plenty of industry input and think through this carefully. Thank you.

CHAIRMAN DANIEL: Yes; those of us involved in the black sea bass fish pot fishery in the South Atlantic are very aware of how many pots there are in New England. Any further questions or comments on the motion? Yes, Dave.

MR. BORDEN: Yes; your response actually triggered a thought that I had made the statement to Dan at the meeting that I think this working group actually should think in a broader context. In other words, if we're going to have ghost panels be effective, it not only applies to the lobster fishery; it should apply to fish pots. I mean, we've got the same issues with fish pots; and so I think that should be factored into at least the discussions.

CHAIRMAN DANIEL: Anything else on the motion? Is there any objection to the motion? **Seeing none; the motion carries.** Dan.

MR. McKIERNAN: **The second motion is on behalf of the Lobster Board, recommend the commission send a letter to the New England Fishery Council reiterating our concerns for lobster and request a prohibition on all bottom-tending mobile gear in Closed Area 2 from June 15th to October 31st north of 41 degrees 30 minutes.**

CHAIRMAN DANIEL: Any comments on this motion or questions? Dr. Pierce.

DR. PIERCE: Just a little background; the groundfish fishery, the sector fishermen in New England have actually got an agreement with the lobstermen to protect the egg-bearing lobsters by living with this particular approach; that is staying out of Closed Area 2 from June 15 to October 31st north of that line of latitude.

Unfortunately, the sea scallop fishery has not yet agreed to abide by this approach despite the best efforts of David Borden and others to try to get the scallopers to reach that agreement. As a consequence, at the last New England Council Meeting I made a motion relative to this prohibition as part of the Omnibus Habitat Amendment and what we're doing with Closed Area 2 on Georges Bank. The motion was tabled.

Actually it was postponed until our June meeting in hopes that the scallopers will actually be able to reach some agreement with representatives of the lobster fishery. As of this moment, at this time it doesn't appear that we're going to have that agreement; so this will be revisited – this issue will be revisited at the New England Council. It would be useful for ASMFC to once again reaffirm its concern about mobile gear fishing on these lobsters at that time and in that area. This is a very good motion in my opinion on behalf of the Lobster Board.

MR. GROUT: Dave said most of what I was just going to say that this is an issue that I think is very important given the amount of egg-bearing female lobsters that are out there. I support this motion.

CHAIRMAN DANIEL: Any other comments on the motion? Mr. Adler.

MR. ADLER: Yes; very briefly. Remember when this idea came up of opening this area, which had been closed, and the agreement indicated

that as long as the bottom-tending gear, mostly groundfish, could come here and the lobstermen would remove their gear from the area, after this area opened up after October, and it was interesting that when the agreement was reached, the federal government or whether it is NMFS – yes, NMFS – sort of put it to the groundfish fishermen, who they manage, that you will keep to this agreement.

However, they said we can't tell the lobster guys what to do; and so it came to this body of the Lobster Board. We actually did an addendum – I think it was XX – that basically put the agreement to the lobster fleet out there that you've got to abide by the agreement; so we're sort of involved in this.

We have gone through the efforts to get the bottom-tending mobile gear, except scallops, to – and the lobstermen out there to work together with an agreement that they worked out. We're involved in this and that is why I support this motion because the glitch is if they open the area to the mobile gear, and if they do open it, there is no constraints on the scallop fleet from dragging into this area and getting into gear conflicts, destroying the resource there, unless they abide by the same agreement that the groundfish people have agreed to. That's all.

CHAIRMAN DANIEL: Okay, is there any objection to this motion? There is objection.

MS. STEPHANIE HUNT: NOAA Fisheries would just like to abstain.

CHAIRMAN DANIEL: Abstain, okay. **With no objection and one abstention, the motion carries.** All right, I think I've got Jim Gilmore and Ritchie. I think Ritchie is gone.

MS. KERNS: Conservation equivalency.

CHAIRMAN DANIEL: Conservation equivalency; I don't know what they wanted to talk about.

MR. GROUT: It is essentially what we talked at the executive committee under other business is that we should take a fresh look at our conservation equivalency policy. Ritchie didn't realize that I had brought that up at the end. I think we can bring it back to the executive committee and the executive committee can then, after reviewing it, bring it to the Policy Board; just to refresh people's memory and to see if we need to make any changes in light of having 50-some-odd conservational equivalency proposals in our Striped Bass Addendum IV.

CHAIRMAN DANIEL: And the executive committee is moving forward with looking at that, because really that is not the intent of the conservation equivalency; at least not in some people's opinion. We're going to look at that in more detail. All right, if nothing else on that, we'll go to Mr. Bull from Virginia.

MR. JOHN M. R. BULL: I'm going to make this succinct and not trespass on the board's time here; it has been a long day here. I have a couple of issues that are related to black sea bass management coastwide. As some of you may know, last year the National Marine Fisheries Service was considering an early closure coastwide here for fears that we were going to blow through the coast-wide quota; and there was a bit of an overage.

The impending potential early closure caused me some great concerns and it is partially because of how Virginia manages its commercial black sea bass fishery. Our harvesters work on IFQs; and they often delay their harvest until the end of year to time the market. We have significant landings at the end of the year, November and December. The last three years it has averaged 50 to 100,000 pounds, which to some of you I'm sure will seem like an awful lot of black sea bass.

As it stands now if we are faced with an early closure coastwide here, Virginia's commercial harvesters will likely be stuck with some significant quota they will not be able to use.

This strikes me as something that we should be concerned about and Virginia is very concerned about this. We keep a close eye on our black sea bass harvest.

We have hail-in and hail-out to keep a real close eye here on the bycatch. The IFQs here give our anglers the opportunity to time their landings so that we're not dumping fish on the market when other states are harvesting in fair numbers. I'm not sure what the right answer to this is; but it strikes me that we could use some commission staff help here in more closely eyeing the landings along the coast to have a better idea if we're going to get close to a coast-wide overage.

I would be very hopeful that the facilitation of transfers would be a tool to help manage that. The other related issue is the payback system. We had bit of an overage coastwide last year; and we don't manage paybacks with black sea bass the same we do with flounder. This isn't a state by state; the state pays back its overage pound by pound. This payback is spread across the coast. No? All right, then I misunderstood that.

In which case, then, really my big concern is the potential for an early closure and what we can do to make sure that doesn't happen. I would hate to see Virginia's IFQ holders here harvesting earlier in the year just to get it out of the way and not risk it when it wouldn't be to anyone else's benefit that would happen. I'm open for any questions and my thanks for consideration and the time.

MS. KERNS: John, just to inform the Policy Board, for those that aren't a part of the Summer Flounder, Scup and Black Sea Bass Board, the commission does monitor the quota. We rely on the NOAA Quota Monitoring Report. That information does have delays in reporting as dealers don't always report on time or have errors and changes to their reporting.

When we see that a state is getting close to their quota, we let that state know and then the state takes action to close their fishery. I know in recent past, for example, the state of New York was informed by NOAA Fisheries that they had made an error in their reporting, which caused the state to go over their quota; which they wouldn't have done if there hadn't been the error in the reporting through the system.

We will be sure to keep an eye on that. We can talk with ACCSP to see if there is more up-to-date information that we can use to try to get that to stay on top of it. I know the states themselves also do their best to stay on top of the quota. With such a small quota for black sea bass, it can be difficult to manage that quota in states like Massachusetts where at times their quota is achieved in a week's time, which can be difficult to stay precisely on the quota.

In terms of overages, what we do is if the coast-wide quota is not achieved, then any state's overages is cleared because the coast-wide quota was not achieved. When the coast-wide quota is achieved and there are overages, we take the overage out of the states that had overages proportional to the overage that they achieved. Just in case there were some underages, we'll account for those from the other states; and then those states that had overages will come out of their state-specific quota for the next year.

MR. BORDEN: Mr. Chairman, this is kind of an unusual situation because John's fishery is being managed with an IFQ. It is almost like we should set up a dialogue between our staff and the Virginia staff and NMFS and just talk about the problem more in detail and figure out – I mean, logically to me we would exempt Virginia from any federal closure that resulted as long as they adhered to their IFQ. In other words, they're constrained by their IFQ.

If they catch it during the last week of the season, the problem here is – and I want to be

explicit – the problem is if all the states have an overage and NMFS looks at the projections and then they close based on that and Virginia has 100,000 pounds left for the last two weeks, they get closed out when there is no need to close them out. That is the problem so I think you could resolve this with a discussion to some extent.

MR. SIMPSON: Yes; I think the issue comes up because with joint management, the Mid-Atlantic Council manages the coast-wide quota. It is the commission that is doing the state-by-state quota. What is happening is the federal looking at the big picture, seeing we're at an overage and closing the whole coast; and that is jamming Virginia's plans up.

CHAIRMAN DANIEL: Yes; it creates a problem. I mean we run into a similar situation with summer flounder where we have to get our season – we don't want to go too early for our fall fishery in fear that we might go over and have a coast-wide closure before our season is over. We have a similar problem to that issue in summer flounder; but my understanding is that when NMFS closes it, they wouldn't give you an exemption. We'd have to somehow come up with an agreement that they wouldn't pin the Virginia boats for being in the EEZ with black sea bass. Did you have something, Dave?

MR. BORDEN: I just kind of echo what I said before. I think it is going to be problematic for this committee to kind of deal with this. I think we need somebody to go work on the situation and just talk about all the different aspects of it – I think they're well known – and then bring a recommendation back that kind of addresses not only John's concerns but some of your concerns. There has got to be a different way to handling this given the situation. Thank you.

MS. KERNS: The other issue that we have is that North Carolina's landings are only north of Hatteras; but we look at the quota it is all of North Carolina's landings. The projections that come from NOAA do not proportion out the

southern part of North Carolina's landings; and so it also makes us look like we're going to hit the quota sooner than we are. We continue to work with NOAA on that issue.

There had been discussions in the past with the Mid-Atlantic Council about aligning the plans to have state-by-state allocations in the federal plan as well as the commission plan. We've moved ahead with different priorities for amendments; and so it is an issue that could come back. John or Rob, since Rob sits on the council for Virginia, can bring that issue up as another way to address it. We can continue to follow up with NOAA Fisheries on some of these issues.

CHAIRMAN DANIEL: Well, one little piece of other business that I had that I'll go ahead and lay out there is I talked with John Bullard before he left. He has been coming to these meetings. One of the things that he was hoping to do – and I kind of missed the hint, I guess – was that there would be opportunities at the executive committee for the state directors, primarily, that stood on the executive committee, but others as well, to have an opportunity to dialogue with John.

What I was going to do is talk with Toni and Bob and try to get a little longer executive committee meeting that would give us at least say a half an hour at the beginning of the meeting or whenever to have an opportunity to have dialogue with him. I think this would be a good first topic that we could put on that agenda for the next executive committee.

That would be an open session. I think you've got some issues there and with the IFQs, I think we'd want to try to support those where they're used and try to get good information back on that controversial way to manage the fishery. I think it is a good attempt. Did you have something, Doug?

MR. GROUT: Yes; I agree with that. In fact, I thought we had already planned to have a half-

day executive committee meeting before the August meeting to not only talk with John but the Southeast Center representative. They were going to come up and talk to us about a variety of issues, including next year's fiscal budget. I think that should be already planned for our August meeting.

CHAIRMAN DANIEL: And just for future executive committee meetings, that is one of his intents is to try to have that time; so I think that's a great opportunity, John. Is that satisfactory to you?

MR. BULL: That satisfies me very much. Thank you very much; I appreciate the help here.

CHAIRMAN DANIEL: Anything else on that issue? If not, the last issue, Emerson, with the RSA.

MR. HASBROUCK: Just to recall that last summer the Mid-Atlantic Fishery Management Council suspended the research set-aside program. While it is suspended, the council was to develop a plan to address problems with the RSA Program and to make recommendations to improve that program.

Some of the discussion last year at the council was that in early 2015 the council was going to develop a working group and hold a workshop to move the process forward. I haven't heard anything about activity related to restarting the research set-aside program. There are people around this table who also sit on the Mid-Atlantic Council and our executive director attends those meetings

I would just ask that we continue to put some pressure on the council to move this process forward so that it doesn't slip onto the back burner and then just completely off the stove and forgotten about. The program was suspended for 2015. If progress is not being made here, it won't be anything in place for 2016; and if we don't start doing something relatively soon, it will be too late for 2017. I

would like to not have that program pie just because of lack of activity.

CHAIRMAN DANIEL: We can do that; staff says we can do that and get that word out. Dave.

MR. BORDEN: Mr. Chairman, have we ever defined our role in the discussion? I guess this was a question for Toni.

MS. KERNS: I can't answer the status of where they are because I did not go to the last Mid-Atlantic Council Meeting. I'm sorry, Emerson, that I am not able to provide that information. We have talked with the council and Bob does sit on the RSA Committee as well as the council has agreed to invite states that do not have seats on the Mid-Atlantic Council to participate in that meeting when it happens; for example, Rhode Island and Massachusetts who are impacted by RSA measures but don't participate on the council level outside of the New England Council management representative on the council now.

That is how we are moving forward in the talks of the changes to RSA in terms of how we utilize RSA. While it is not part of the FMP, we still do make motions to adjust quotas, et cetera, for RSA measures and that during joint meetings staff has asked that we make sure that reports from RSA projects get reported out during the times when we meet together so that the commissioners can hear about the results of the projects that are funded through RSA jointly with the Mid-Atlantic Council.

MR. HASBROUCK: Thank you, Toni, for your explanation. I just wanted to highlight, though, that many of the species that are included in the RSA Program, we also set the specifications on those and allocate the 3 percent off of the top to go to the RSA Program; so we're very much involved in the process. It comes off of, you know, I don't say the commission's quota, because it is the commission and council, but we're helping to allocate those – or when the

program was active, we were helping to allocate those fish.

DR. PIERCE: Another reason to promote discussion as to what is going on with the RSA, to involve Massachusetts and Rhode Island in particular is that, if I understand correctly, the National Marine Fisheries Service has funded NEAMAP, all or most of it; so NEAMAP at least at this time is not dependent on the auction of RSA fish, which means that if that funding continues for NEAMAP; and then collectively the states and the fishing industry from our different states would be in the position to try to get RSA fish to do specific research projects that we feel will be of benefit to our management initiatives as opposed to just giving it to the auction for them to do with as they see fit involving recreational fishermen and commercial fishermen in a way that I don't care to – well, I won't go there.

It will be used in the way it was originally designed to be used for good research as opposed to just giving it to NEAMAP. I'm looking forward to progress on the part of the Mid-Atlantic Council with our involvement to get this thing done and resolve the problems that have been identified.

CHAIRMAN DANIEL: We'll make it happen. Toni says we'll make it happen. That is all I have, but I wanted to go back to Item Number 9, because I cut off discussion on the winter flounder letter, thinking that I was running out of time. The next meeting is not until 2:30; so I did cut off debate there. I know Tom Fote had his hand up to speak. I don't know if there were others; but, Tom, if you want the floor to speak – I'm sorry to bring that up without notice, but I felt like I should give you that opportunity.

MR. FOTE: All I was wanting to say is I would like to see what areas would – this is the first I've heard about the dredging issue; and that is really is what pushing this is people wanted the areas designated not as winter flounder areas

so they could dredge during the period of time that their eggs could be possible.

Now, from Atlantic City south it is questionable whether those eggs are presents, but there are a lot of areas I know that there are still eggs present. I want to see what exactly was passed by the New England Council. It seems that we never got word of what was going on. When you get that information, would you please make sure I get a copy of it?

CHAIRMAN DANIEL: We will. That I think was everything and all the people I had signed up to speak. I thought I was more pressed for time than I actually was.

ADJOURNMENT

CHAIRMAN DANIEL: If there is no other business to come before the ISFMP Policy Board, we will adjourn.

(Whereupon, the meeting was adjourned at 2:25 o'clock p.m., May 6, 2015.)

Atlantic States Marine Fisheries Commission

Guidelines for Resource Managers on the Enforceability of Fishery Management Measures

Developed by ASMFC's Law Enforcement Committee

**Second Edition
2015**



Vision: Sustainably Managing Atlantic Coastal Fisheries

Introduction

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) prepared the *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures (Guidelines)* in 2009. In keeping with ASMFC direction to periodically review and update the guidelines, the LEC has prepared this second edition, effective January 1, 2015. The core of the new *Guidelines* is an enforceability matrix for fishery management measures. The matrix table was developed from the responses to a survey of LEC members. The enforceability ratings cover a variety of management strategies are employed in marine fisheries management programs. Ratings for these strategies are based on overall, dockside, at-sea and airborne enforceability. The LEC strongly encourages managers to take into account the enforceability of all management regulations. The *Guidelines* support and strengthen the effectiveness of ASMFC efforts to conserve marine fisheries resources.

Acknowledgements

The LEC gratefully acknowledges current and past members who contributed time and expertise to the *Guidelines*. We thank NOAA Fisheries Northeast Division of the Office of Law Enforcement, NOAA General Counsel Northeast Enforcement Section, and United States Coast Guard Districts One and Five, authors of the *Enforceability Precepts for Northeast Regional Fishery Management Councils (June 2013)*, for sharing their publication with us and allowing us to incorporate selected material from that document. We thank Toni Kerns and Tina Berger for assistance in developing the survey and matrix. We also acknowledge the opportunity afforded our committee by the commissioners and staff at ASMFC to revise the 2009 *Guidelines*, and to make them available for general use and reference.

How to Use This Document

The *Guidelines* are organized into three sections for ease of reference.

SECTION ONE (Page 4)

This section provides general guidance in the form of **general enforcement precepts** that should be considered when evaluating fishery management options or strategies. These precepts apply regardless of the species or area under consideration.

SECTION TWO (Page 6)

This section presents the relative **enforceability ratings** of specific management options. Using a matrix table, readers may quickly identify the relative enforcement characteristics of the management strategies, including their overall, dockside, at-sea and airborne ratings.

SECTION THREE (Page 8)

This section provides details regarding the **enforcement strategies and recommendations** for the management measures covered in the *Guidelines*.

SECTION ONE

General Enforcement Precepts

SIMPLICITY

The most enforceable regulations are generally always those that are simple, realistic, easy to understand, and presented in an accessible way to the regulated community.

Simple, straightforward regulations are easier for the regulated community to understand and remember which is critical for voluntary compliance. They are also more enforceable because violations of simple regulations are easier to detect and to prove. For example, a simple regulation such as “possession of an undersized fish on a commercial fishing vessel” stands on its own. A violation of this regulation would apply regardless of where the fish was taken, how it was harvested, or any other regulatory variable. Conversely, complex regulations are more susceptible to confusion, misunderstandings, and differing interpretations among the regulated community, law enforcement personnel and the court system.

The proliferation of regulations frustrates industry as well as law enforcement personnel. Cumulative, piecemeal modification of regulations to address fishery or environmental changes inevitably leads to more complex and occasionally even contradictory regulations unless the entire suite of regulations for a particular species is carefully reviewed in its entirety when modifications are made.

Every effort should be made to write regulations in simple, clear language that avoids jargon or technical terminology. And where possible, all related regulations for a given species should be bundled or linked together in the appropriate regulatory format.

CONSISTENCY

Regulations should make every effort to minimize exceptions and exemptions. Wherever possible, managers should adopt the same management measures among different fishery management plans, across different state boundaries, and between state and adjacent federal waters.

Anytime there is an exception to a regulation, such as under a conservation equivalency, there is the potential to make the regulation more difficult to enforce. The LEC recognizes that conservation equivalency is an important tool for fishery resource managers working within the collaborative structure of the ASMFC. However to the extent possible, states should make every effort to work within a regional or coast-wide regulatory framework. This is especially important where two or more states share contiguous waters or concentrated fishing areas. When individual states choose conservation equivalency, this document should be used to select management measures that are the most enforceable.

To the extent possible, there should be consistent definitions of terms for management measures, gear types or use, measurement standards, regulatory areas, and between federal and state waters.

STABILITY

Regulations should avoid frequent changes. When this occurs there must be a concerted outreach and education effort to adequately inform the public. This principle especially applies to recreational angling, where bag or size limits change from year-to-year diminish enforceability and increase the likelihood of unintentional violations.

Enforcement personnel may require several years just to provide adequate training or to get the equipment necessary to implement new or modified regulations. More frequent changes in regulations might result in very little effective enforcement during those short regulatory time frames.

EFFECTIVENESS

In general, the most effective regulations from an enforceability perspective are those based on controlling effort (closed area or season), and not the outputs (catch quota, trip limits). Effective regulations promote rather than hinder voluntary compliance. Effective regulations take into account and are matched up with available enforcement staffing, funding, technologies and equipment.

In addition to adding complexity, the proliferation of new regulations often requires new or significantly enhanced enforcement resources. If new resources are not provided, enforcement will need to shift effort from what is currently being enforced. This can result in an arbitrary prioritization of enforcement effort that may or may not correspond to the conservation needs of the species affected.

Certain management measures can enhance effectiveness. For example, regulations that can be enforced through more than one means, or at more than one point during fishing operations, allow enforcement some flexibility in using available resources in the most efficient way possible.

Any regulations that strengthen documentation and labeling of fish and fish products would enable law enforcement personnel to more effectively track products back to the harvester and/or the initial purchaser and to intercept unlawful seafood at various points between harvest and final sale for consumption.

Enforcement tools such as electronic reporting and vessel monitoring systems (VMS) have greatly improved the effectiveness of certain regulations by allowing enforcement staff to focus effort on high priority areas. These tools do not replace traditional enforcement but rather complement patrol work and inspections.

SAFETY

Regulations should be designed such that they do not create an unintended safety-at-sea issue. For example, specified allowable days for fishing may increase pressure to go out to sea when weather conditions are unsafe. Likewise, establishment and design of closed areas should take into account safe and direct transit needs of fishermen when weather conditions change rapidly.

SECTION TWO

Enforceability Ratings

The 2009 *Guidelines* included a survey of voting members of the LEC to numerically rate the enforceability of 19 management measures based on four categories: overall, dockside, at-sea and airborne enforceability. For this revised edition of the *Guidelines*, 15 LEC members completed a new survey using a simpler, qualitative ranking and an expanded list of 26 management measures. Each management measure was rated for its overall, dockside, at-sea and airborne enforceability using a 3-tiered scale of “no” “limited” and “yes”. Additionally, the overall enforceability of each management measure was rated numerically on a scale of one to five (1=poorest, 5=best).

The results of the updated survey are presented below in a visual matrix. Management measures were arranged in descending order of their average overall numerical ranking from the survey. Color coding represents the relative enforceability of the 4 enforcement categories (overall; dockside; at-sea; airborne) based on survey responses using the 3-tiered qualitative scale (yes; limited; no). Color selection was based on the following 3 rules:

1. If any one tier (yes; limited; no) received greater than or equal to 65% of responses, the representative color for that tier (green, yellow or red) was shown.
2. If only two tiers were selected, the representative color of the tier with the greater response was shown (green, yellow or red).
3. If all three tiers received selections, and none were equal to or greater than 65%, that cell was shown as yellow (limited).

ENFORCEABILITY OF MARINE FISHERIES MANAGEMENT MEASURES

MANAGEMENT MEASURES	Average Ranking	OVERALL RATING	DOCKSIDE RATING	AT-SEA RATING	AIRBORNE RATING
Bag and Possession Limits (low volume)	4.67	Green	Green	Green	Red
Minimum/Maximum Size Limits	4.67	Green	Green	Green	Red
Permits	4.67	Green	Green	Green	Red
Prohibited Species	4.67	Green	Green	Green	Red
Closed Seasons	4.60	Green	Yellow	Green	Yellow
Closed Areas	4.53	Green	Red	Green	Green
Gear Marking Requirements	4.07	Green	Yellow	Green	Red
Gear Regulations except Method of Take	4.07	Green	Yellow	Green	Yellow
Method of Take	4.07	Green	Yellow	Green	Yellow
Bycatch Prohibitions	4.00	Green	Green	Green	Red
Slot Limit	4.00	Green	Green	Green	Red
Trophy Fish Allowance	4.00	Green	Green	Green	Red
Vessel Monitoring Systems (VMS)	3.87	Green	Yellow	Green	Yellow
Gear Restricted Areas	3.67	Green	Red	Green	Yellow
Electronic Reporting	3.67	Yellow	Yellow	Yellow	Red
Trip Limits (Daily)	3.47	Green	Green	Green	Red
Days at Sea	3.27	Yellow	Yellow	Yellow	Yellow
Annual Quotas	3.07	Yellow	Yellow	Red	Red
ITQ/IFQ/LAP	3.00	Yellow	Yellow	Yellow	Red
Bycatch Limit (weight or volume)	2.73	Yellow	Yellow	Yellow	Red
Trip Limits (Aggregate)	2.73	Yellow	Yellow	Green	Red
Catch-Release Fishing	2.60	Yellow	Yellow	Yellow	Red
Bycatch Limit (percent of total catch)	2.27	Yellow	Yellow	Yellow	Red
Harvest Tolerances (wt./vol./percent)	2.27	Yellow	Yellow	Yellow	Red
Targeting Prohibition	2.21	Yellow	Yellow	Yellow	Red
Limited Drag or Soak Time	1.93	Yellow	Red	Yellow	Yellow

SECTION THREE

Enforcement Strategies and Recommendations

This section provides information about each of the management measures considered in the *Guidelines*. Included is a brief definition of the measure, its numerical ranking based on the survey results and some points for consideration when drafting regulations. For ease of organization the management measures are listed alphabetically.

ANNUAL QUOTAS

Definition: A specified amount of a particular species is allowed to be landed per fishing year (or fishing season). Typically a quota is established for the entire fishery, and occasionally is subdivided by region or time. Quotas are not usually employed for recreational fisheries.

Average Overall Rating: 3.07

Recommendations:

- A straightforward opening and closing of fishing to meet quota objectives is preferred over measures that will extend fishing, such as trip-limit triggers or progressive area closures, which complicate enforcement efforts.
- Incentives to under-report or not report are greater, so available enforcement resources must always be considered to ensure proper accounting of catch. Requirements for electronic reporting, daily or weekly reporting, on-board monitoring or tagging regulations can aid the enforcement effort. A well-designed catch documentation scheme to track fish from harvest to offloading, and through the processing and shipping phases, adds transparency and effective accountability.

BAG/POSSESSION LIMITS (low volume)

Definition: A specified amount of a particular species is allowed to be landed per trip, per fisherman or per vessel. Low volume limits are generally established as some number of fish that is easily counted on board. They typically apply to recreational fisheries. In some cases, commercial fishers may also be subject to low bag or possession limits.

Average Overall Rating: 4.67

Recommendations:

- This measure remains one of the most easily definable ways to quantify allowable harvest. It is easy to enforce and prosecute. It is simple.
- Bag and possession limits should be consistent across state and federal boundaries. The standard of measurement should be clear if the limit is based on weight.
- A possession limit is superior to a landing limit and allows for at-sea as well as dockside enforcement.

- Requiring fish to remain intact facilitates identification. Particularly for large-party charters, processing at sea or filleting out catch on board complicates enforcement. Where processing at sea is allowed, enforcement staff should be consulted. Supporting regulations requiring that skin must remain on filets, counting two filets as one fish regardless of size, or requiring retention of “racks” may aid enforceability in specific circumstances.
- Enforcement personnel find that frequently changing bag limits are difficult for fishermen to follow. Maintain limits for a minimum of 3 years to ensure consistency of enforcement and greater compliance.

BYCATCH LIMIT (Weight/volume)

Definition: Bycatch limits restrict, but do not prevent, the incidental harvest of non-targeted or otherwise protected species in the course of legal fishing activity.

Average Overall Rating: 2.73

Recommendations:

- These limits, often large weights or volumes, are difficult to enforce and even more difficult to prosecute.
- Enforcement would be enhanced if bycatch was required to be segregated from the targeted species. Accurate count of catch onboard cannot easily be done at sea due to species mixing, loading, icing, safety of boarding party in accessing the fish hold at sea, etc.
- Enforcement of bycatch limits typically are time and labor intensive.
- Bycatch limits and measurement standards should be consistent across jurisdictions.

BYCATCH LIMIT (percent of total catch)

Definition: Bycatch limits restrict, but do not prevent, the incidental harvest of non-targeted or otherwise protected species in the course of legal fishing activity.

Average Overall Rating: 2.27

Recommendations:

- These limits, especially when there may be large quantities on board, are difficult to enforce and even more difficult to prosecute.
- Enforcement would be enhanced if bycatch was required to be segregated from the targeted species.
- Enforcement is very time and labor intensive to verify the percentage of the catch that is bycatch, and to successfully document excessive bycatch volumes.
- Bycatch limits and measurement standards should be consistent across jurisdictions.

- Regulations should specify how much target species catch is required to justify retention of bycatch species and in what amounts. This is necessary to prevent a bycatch species from becoming the target species.

BYCATCH PROHIBITION

Definition: Incidental retention or possession of non-targeted or otherwise prohibited species caught during normal fishing operations is prohibited. Any bycatch must be discarded immediately. It may not be retained.

Average Overall Rating: 4.00

Recommendations:

- A bycatch prohibition is the easiest and most effective enforcement measure for bycatch.
- The enforceability of a bycatch prohibition is reduced if adjacent or nearby jurisdictional waters allow limited bycatch quantities (weight, volume or percent of catch).
- Because of perceptions of waste from discarding bycatch, other regulations (gear specifications, soak times, area restrictions) may be implemented to minimize the likelihood of catching incidental or non-targeted species in large quantities. Enforcement challenges presented by these other regulations may negate the enforceability advantage of a full bycatch prohibition.
- Clearly identify when possession of a prohibited species is restricted (i.e., returned to the sea as soon as practicable).

CATCH-RELEASE FISHING

Definition: A fish or marine organism cannot be retained but must be immediately released at the site of capture without any unnecessary harm or destruction. This is typically applied to certain recreational fisheries. Temporary possession may be allowed for proper identification, photographing, or determining compliance with applicable regulations.

Average Overall Rating: 2.60

Recommendations:

- Regulatory language should clearly specify the conditions for any temporary possession of a catch-release species on board (Identifying, measuring, photographing).

CLOSED AREAS

Definition: Fishing in a specified area is prohibited.

Average Overall Rating: 4.53

Recommendations:

- It is critical to have clearly defined areas. Use exact latitude/longitude and straight lines with regularly shaped areas as much as possible. Avoid general descriptions such as distance offshore, or a center point and radius. Do not use depth contours to define closed areas.
- Closed areas are more likely to be understood by fishermen, and to result in less unintentional non-compliance, if they are regular in shape, and where possible, oriented north-south and east-west in concert with latitude/longitude boundaries.
- While clearly defined, regularly shaped and large areas simplify enforcement, advances in tracking and monitoring technology are mitigating factors that might allow for smaller, irregularly shaped closed areas, especially when such areas are more likely to garner support and compliance, enhance safety at sea, or better protect fish and habitat.
- Successful prosecution of violations must generally include the capability to conduct vessel monitoring, aerial and at-sea surveillance. Even with VMS capability, law enforcement must document the violation at-sea to gather sufficient evidence for prosecuting the violation.
- Depending on the fishery and gear type, restrictions on only certain activities within a closed area may require at-sea boarding to document a violation.
- The more complete the closure to all fishing activity, the easier it is to enforce and successfully prosecute violations.
- Large, contiguous areas are preferable to more numerous, smaller areas.
- If possible, the area should be closed to transit with fishing gear onboard. If transit is allowed, regulations should clearly specify the proper stowage of fishing gear during transit through the closed area. Transit must be specified as continuous, direct and expeditious. If an allowance for loitering or stopping is included in regulations, there should be a mandatory call-in or reporting requirement.
- Gear closure areas or regulated mesh areas are very difficult to enforce. If regulations only prohibit the use of a particular gear type within a closed area, possession of that gear within the closed area should be prohibited.
- Temporary or short-term rolling closures are very difficult to enforce and increase the likelihood of unintentional violations because communicating the requirement to the fishing fleet can be challenging. In addition, shifting closed areas within a season increases the confusion of enforcement officials on the current status of an area.

CLOSED SEASONS

Definition: A specific fishing activity is prohibited during certain times of the year.

Average Overall Rating: 4.60

Recommendations:

- It is important to clearly define the date and times of seasonal closures, even to the minute.

- Describe what activity is allowed to occur before, during, and after the closure. For example: “all gear must be hauled in prior to the closure and gear may not be set prior to opening the closed area.”
- For high-value, short-duration fisheries, fishing for other species with the same or similar gear should be prohibited for at least 72 hours before and after the established closed season.
- Minimize exemptions or exceptions to prohibited activities during the closed season. If possible, avoid allowance of gear placement or transport prior to the opening of a closed season.
- Enforcement is enhanced if retention, possession, purchase and sale of species included in a seasonal closure are all prohibited. Possible violations could then be inferred if a covered species is encountered in the market during a closed season, and would prompt an investigation into the origin of any fish or product encountered and how it got to market.
- Fisheries in which smaller vessels participate are more difficult to monitor during closed seasons. Small quantities of fish can be more easily hidden in the marketplace, or sold outside of normal market channels or dealers when the season is closed.

DAYS AT SEA

Definition: A specified amount of days are allotted for fishing for a particular species. Days at Sea are typically allocated to individuals or groups.

Average Overall Rating: 3.27

Recommendations:

- In its simplest form, without any exceptions or exemptions, this is enforceable. However it is manpower intensive unless VMS or other electronic tracking is implemented.
- Additional complicating regulations, such as associated trip limits, should be avoided.

ELECTRONIC REPORTING

Definition: Data transmission, electronic logbooks or other digital recording systems are used to record harvest activity on a vessel. Enforceability is based primarily on use in commercial fishing operations.

Average Overall Rating: 3.67

Recommendations:

- Reporting systems should be established to record and transmit data as soon as possible after actual harvest activity occurs.
- Delayed reporting should be specified to occur on a daily or weekly basis. Long delays between harvest activity and required reporting intervals greatly reduce the effectiveness of enforcement monitoring.
- Data storage systems should be readily accessible to enforcement personnel in the field or on the water.

GEAR MARKING

Definition: Regulations require specific marking of gear to identify the owner or permittee, to mark the location of gear that may not be visible at the surface, or for other identification purposes.

Average Overall Rating: 4.07

Recommendations:

- Regulations specifying the marking of gear should be clear and unambiguous as to the exact markings to be used, tags or tag placement, information included on any markings, visibility requirements or size of markings, and all other marking details to ensure standardized criteria can be enforced.
- Exceptions or exemptions to any gear marking requirements hinder overall enforcement efforts.
- To the extent possible, markings should be required to be located where they can be easily and quickly inspected by enforcement personnel.

GEAR REGULATIONS (excluding method of take)

Definition: Specific gear types or gear modifications are restricted or prohibited. “Gear” might include not only the primary methods and tools to harvest the resource, but also include the vessel, horsepower, the number of traps, mesh size and other such variables. In some cases gear regulations might stipulate a particular type or design (e.g., bycatch reduction devices or escape panels on traps).

Average Overall Rating: 4.07

Recommendations:

- Limitations on the amount of fixed gear/hooks, traps or pots is extremely difficult to enforce and manpower intensive to monitor on the water.
- Regulations stipulating how gear is to be deployed (e.g., soak time, net or trawl depth) are difficult to enforce because of inspection requirements once the gear is deployed or being actively worked.
- Monitoring and checking gear requires specialized equipment and training, and enforcement agencies may incur liability costs while handling gear.
- If a gear limitation is employed to restrict or control catch, an associated catch limitation should also be implemented. For example, a mesh size restriction to control the size of fish caught should have a companion minimum or maximum fish-size regulation.
- Standardize gear requirements, measurement procedures, equipment and techniques across all appropriate jurisdictions and time periods.
- Trap limits are more enforceable in conjunction with trap tags being required on all traps at-sea (i.e., not transferable from trap to trap while underway).

- If a specific type of gear is prohibited for use in a fishery, then carriage of the gear type should also be prohibited.

GEAR RESTRICTED AREAS

Definition: Areas where the use of specific fishing gear is prohibited. Regulations may also prohibit the possession of such gear in the specified area.

Average Overall Rating: 3.67

Recommendations:

- These are manpower intensive regulations to enforce. A gear restricted area often requires a boarding to determine if specific gear is legal, such as nets of a specific mesh size.
- In general, gear prohibitions are more enforceable than gear restrictions. Areas prohibiting nets are more enforceable than areas restricting certain net mesh sizes. Trap prohibitions are more enforceable than restrictions on certain trap types or sizes.
- Prohibit possession of restricted gear, rather than prohibiting “use” in a gear restricted area.
- Do not allow the use of similar gears within the area. Law enforcement assets may be able to differentiate between a trap boat and a dragger from a distance, but will probably have to conduct a boarding to differentiate between two types of draggers.

HARVEST TOLERANCE (weight/volume/percent)

Definition: A catch is allowed to exceed a legally defined limit of allowable harvest by a defined amount. This may allow retention of over or undersized animals or retention of a defined amount of harvested species over a specified landing limit.

Average Overall Rating: 2.27

Recommendations:

- Tolerances are often applied to large catches or landings, and so they may require extensive time and labor to verify the weight, volume or percentage of the catch that exceeds a specified limit.
- Additional tools or equipment may be required to assess amounts of catch exceeding a specified limit.

ITQ/IFQ/LAP

Definition: Individual or vessel quotas, where a specified amount of the total allowable harvest of a species is allotted to that individual or vessel. Such individual allotments may be taken over the course of a fishing season or year. This management measure is considered as it applies to commercial fishing operations only.

Average Overall Rating: 3.00

Recommendations:

- Enforcement is limited by the ability to monitor and verify individual quota limits and reported harvests under that quota. Real-time access to landings information is essential.
- Regulations must limit the number and location of authorized landing points to ensure proper harvest monitoring and dockside enforcement.
- Specific call-in procedures should be established to maximize dockside enforcement capability.
- Monitoring and enforcing individual quotas is labor intensive. Because of variable and extended time frames during which an individual could fish, it is difficult to focus enforcement efforts for maximum effectiveness.

LIMITED DRAG OR SOAK TIME

Definition: This management measure limits the amount of time between deploying and hauling back the gear, normally to allow for live discards of bycatch. This management measure is considered as it applies to commercial fishing operations only.

Average Overall Rating: 1.93

Recommendations:

- This management measure received the lowest overall rating out of the 26 measures considered in the *Guidelines*.
- Ensuring that specified time limits are followed requires close, at-sea enforcement of fishing operations, and/or onboard observer capabilities.
- Electronic reporting, onboard video monitoring, and vessel monitoring systems provide needed additional support for enforcement monitoring.

MAXIMUM/MINIMUM SIZE LIMIT

Definition: Possession of fish below/above a specified size, or inside/outside a defined “slot” limit, is prohibited.

Average Overall Rating: 4.67

Recommendations:

- This type of regulation is considered among the more straightforward and enforceable regulations, at least as it would apply to small quantities of catch.
- Standardized measurements, procedures, equipment and techniques must be used across jurisdictions to be effective.
- Exceptions allowing at-sea or onboard processing hinder enforceability. There should not be any allowable filleting at sea. Measurement standards should stipulate head and tail intact.
- Maintain size limits for a minimum of 2-3 years to maximize compliance.
- Clearly spell out exactly how a species is to be measured in the regulation.
- Specified size tolerances are not necessary, and complicate officer discretion in dealing with individual violations.

METHOD OF TAKE

Definition: A regulation stipulating a particular type of gear or fishing operation for legally harvesting a species. *See also "Gear Regulations (excluding method of take)".*

Average Overall Rating: 4.07

Recommendations:

- If a certain gear type is prohibited, that gear should not be allowed onboard if otherwise legal fishing gear or operations are being employed.
- Regulations should specifically prohibit the possession of any net with prohibited mesh sizes from being onboard the vessel; similarly, if a net, pot, longline or other gear type is required to be modified to reduce bycatch, then the possession of any gear not properly modified should be prohibited, not just prohibited from use.

PERMITS

Definition: Fishing (usually for an identified species) is only authorized by the issuance and possession of a permit.

Average Overall Rating: 4.67

Recommendations:

- This is considered among the more straightforward and enforceable regulations.
- Successful enforcement depends on real-time access to permit-holder databases. Technologically sound permit tracking systems should be implemented or already in place for any permit requirement.
- Laws or rules should provide for permit suspension and revocation upon successful prosecution of fishing violations.

- Permit numbers should be required to be displayed on commercial fishing vessels. Permits must be in possession of the fisherman or vessel at all times.

POSSESSION/BAG LIMITS (low volume)

Definition: A restriction on the number of animals of a given species that may be caught and/or possessed by a fisherman, a group of fishermen, or onboard a vessel.

Average Overall Rating: 4.67

Recommendations:

- This is considered among the more straightforward and enforceable regulations, at least as it would apply to small quantities of catch.
- Enforcement is enhanced if any allowed bycatch species is required to be segregated from a larger catch of another or multiple species.
- Allowable quantities should be clearly stipulated and standardized across all appropriate jurisdictions.

PROHIBITED SPECIES

Definition: Possession or retention of a particular species or group of species is prohibited.

Average Overall Rating: 4.67

Recommendations:

- This is considered among the more straightforward and enforceable regulations.
- For difficult-to-identify species, it may be necessary to include species groupings in a prohibition, or to ensure adequate identification training and tools for both fishermen and enforcement personnel.
- Prohibitions should be restricted to a species or group of species across the board. There should be no exceptions for where it was taken or how it was harvested.
- Any permitted species kept on board must remain in a form easily differentiated from similar prohibited species.

SLOT LIMIT

Definition: Retention and/or possession of any species outside of a specified size range is prohibited. A slot limit may prohibit possession between a certain size range, or it may prohibit possession above or below a certain size range.

Average Overall Rating: 4.00

Recommendations:

- Regulations should clearly stipulate the range of the slot size and measurement standards should be consistent across all appropriate jurisdictions.
- Provisions allowing onboard filleting of fish or other processing of animals greatly hinder enforcement of slot limits.

TARGETING PROHIBITION

Definition: A regulation that prohibits the act of fishing for a particular species, to the exclusion of effort to catch other species.

Average Overall Rating: 2.21

Recommendations:

- This management measure is among the least enforceable of the 26 considered in the *Guidelines*.
- Enforcement would require a level of physical observation and surveillance beyond the scope of most agencies.

TRIP LIMITS (daily)

Definition: A specified amount of a species is allowed to be caught and possessed onboard or landed by weight, volume or number, on a daily basis. In most situations this applies to commercial fishing regulations. It is a form of possession limit intended to slow down the rate of harvest in a commercial fishery.

Average Overall Rating: 3.47

Recommendations:

- Enforcement is typically restricted to dockside, and requires adequate measuring capability while offloading. Checking and verifying a trip possession limit at sea is extremely difficult.
- A “possession limit” as opposed to a “landing limit” would allow more at-sea enforcement.
- There is a significant time and labor commitment to enforcing such limits, even at dockside.
- When daily trip limits are implemented a limited number of designated landing points, and advance reporting of landing would enhance enforcement.
- Limit any at-sea processing to ensure accurate identification of species subject to trip limits at dockside.
- The trip limit or possession amounts should be consistently defined and used across all appropriate jurisdictions, along with any measurement standards and techniques that are to be applied.
- Allowance for multi-jurisdictional trip limits greatly hinders successful monitoring and enforcement.

TRIP LIMITS (aggregate)

Definition: A specified amount of a species is allowed to be caught and possessed onboard or landed by weight, volume or number, covering a specified number of days' daily trip limits. In most situations this applies to commercial fishing regulations. It is a form of possession limit intended to slow down the rate of harvest in a commercial fishery. Aggregate limits allow a vessel to remain at sea fishing, rather than having to come to port with each day's harvest limit.

Average Overall Rating: 2.73

Recommendations:

- Most of the difficulties or concerns with enforcing daily trip limits would still apply to aggregate trip limits.
- It is even more difficult to enforce an aggregate trip limit at sea.
- This type of regulation allowing for a vessel to remain at sea and catch multiple daily trip limits essentially precludes any significant at-sea enforcement.
- It is extremely difficult to monitor the actual number of days at sea spent fishing, or matching up a total aggregate landing with the number of days spent fishing.

TROPHY FISH ALLOWANCE

Definition: Usually applied in recreational fisheries, it allows retention of one or more fish over a specified maximum size or slot limit.

Average Overall Rating: 4.00

Recommendations:

- Any allowance for filleting or processing at sea hinders enforcement of such provisions.
- Measurement standards should be consistent across all appropriate jurisdictions.

VESSEL MONITORING SYSTEM (VMS)

Definition: A requirement to keep a positioning transmitter (transponder) onboard a fishing vessel. The transponder transmits position and movement information at specified time intervals.

Average Overall Rating: 3.87

Recommendations:

- As VMS use is expanded it should incorporate data transmission regarding gear onboard and the fish being targeted. It can increase the efficiency and effectiveness of enforcement patrols and inspections, but does not replace on-the-water or dockside enforcement requirements.
- VMS should be considered for any large-scale fishery that is conducted in remote waters or offshore where at-sea and airborne enforcement is difficult or inefficient.



Atlantic States Marine Fisheries Commission

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

MEMORANDUM

July 14, 2015

To: Sturgeon Management Board

From: Max Appelman, Fishery Management Plan Coordinator

RE: Transfer of live Atlantic sturgeon from LaPaz, LLC (NC) to Horse Creek Aquafarms (FL)

This memorandum is intended to inform the Sturgeon Management Board that in February 2015, 6,837.6 pounds of Atlantic sturgeon (approximately 600 individuals) were sold from LaPaz Group LLC (LaPaz) in North Carolina to Horse Creek Aquafarms in Florida. These fish were sold for the purpose of commercial production and sale of meat and caviar.

To be consistent with management measures in Addendum 1 to Amendment 1 of the Interstate Fishery Management Plan (FMP) for Atlantic Sturgeon, Horse Creek Aquafarms received approval from the Florida Department of Agriculture and Consumer Services (FL DACS) to aquaculture Atlantic sturgeon for the purpose of commercial production and sale. Horse Creek Aquafarms was certified by FL DACS because their facility met previously established best management practices and complied with state aquaculture regulations. A formal letter confirming the Horse Creeks certification was sent to the Commission. Additionally, the Commission received a copy of the bill of sale from LaPaz to Horse Creek Aquafarms, and a certificate of non-indigenous origin which accompanied the sale. Although the sale of live Atlantic sturgeon by LaPaz to other commercial aquaculture facilities is not explicitly permitted by the FMP, all Atlantic sturgeon sold were from non-indigenous origin, and Addendum 1 permits Horse Creek Aquafarms to culture Atlantic Sturgeon from non-indigenous origin as described above.

With this completed sale, LaPaz no longer possesses Atlantic sturgeon at their aquaculture facility in North Carolina, and has no plans to do so in the foreseeable future.

Horse Creek has been formally briefed on their compliance and reporting requirements detailed in the Atlantic sturgeon FMP. Horse Creek is currently in the process of researching and drafting a formal proposal to the Management Board detailing a mechanism that easily distinguishes their caviar from wild caught origins.

Enclosures: Approval from Florida Department of Agriculture and Consumer Services
Bill of sale from LaPaz to Horse Creek Aquafarms
Certificate of non-indigenous origin

M15 040

DIVISION OF AQUACULTURE
(850) 617-7600
(850) 617-7601 FAX



THE HOLLAND BUILDING, SUITE 217
600 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-1300

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

April 28, 2015

Max Appleman
Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200A-N
Arlington, VA 22201

Subject:
Horse Creek Aqua Farm
AQ # 5 1 24 018
6817 SW CR 769
Arcadia, FL 34269

Horse Creek Aqua Farm #2
AQ # 5 1 24 019
11751 SE Head Avenue
Arcadia, FL 34266

Dear Mr. Appleman,

Horse Creek Aquafarm and Horse Creek Aquafarm #2 both currently hold an Aquaculture Certification of Registration issued by the Florida Department of Agriculture and Consumer Services – Division of Aquaculture. Both facilities meet all applicable Best Management Practices (BMPs) for the holding and culture of Atlantic Sturgeon. Applicable BMPs include on site containment practices to prevent escapement of all life stages. In addition, both facilities retain all production water on site and do not discharge production water off site. Site visits are conducted routinely to ensure the facilities continue to meet all applicable BMPs.

If you have any additional questions or concerns, please feel free to contact me.

Sincerely,

Serina Rocco
FDACS – Division of Aquaculture
170 Century Blvd
Bartow, FL 33830

LaPaz Group LLC
 3232 Indian Grave Rd
 Lenoir, NC 28645

Invoice

Date	Invoice #
2/9/2015	1263

Bill To
Horse Creek Aqua Farm 11751 SE Head Ave, Arcadia, FL 34266

Ship To
Horse Creek Aqua Farm 11751 SE Head Ave, Arcadia, FL 34266

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			2/9/2015			

Quantity	Item Code	Description	U/M	Price Each	Amount
6,837.6	ASL01L-COHO...	Atlantic Sturgeon, 75 larger fish		4.50 0.00%	30,769.20T 0.00

Total				\$30,769.20
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Acadian Sturgeon and Caviar Inc.

114 King Street East, Saint John, New Brunswick, Canada, E2L 1H3

Saint John, New Brunswick, Canada
July 24, 2008

To Whom It May Concern,

By this letter we certify that the content of the 2 accompanied boxes, to be exported by our company to LaPaz Group LLC, Lenoir, NC, are Atlantic sturgeon (*Acipenser oxyrinchus*) fertilized eggs (approximately 25,000 eggs) bred in captivity from wild parents.

If you have any questions I will be happy to answer them at (506) 639-0605.

Yours respectfully,

Cornel Ceapa, PhD
Director

1 (506) 639-0605 (mobile) ; 1 (506) 763-3202 (farm) ; 1 (506) 642-1616 (telex)
cceapa@acadian-sturgeon.com, cceapa@nb.sympatico.ca, www.acadian-sturgeon.com