

# Atlantic States Marine Fisheries Commission

## ISFMP Policy Board

*February 5, 2014  
3:15 – 5:45 p.m.  
Alexandria, Virginia*

### Draft Agenda

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

1. Welcome/Call to Order (*L. Daniel*) 3:15 p.m.
2. Board Consent (*L. Daniel*) 3:15 p.m.
  - Approval of Agenda
  - Approval of Proceedings from October 2013
3. Public comment 3:15 p.m.
4. Meet and Greet with Eileen Sobeck, Assistant Administrator for NOAA Fisheries 3:25 p.m.
5. Review NOAA Marine Debris' Program Derelict Gear Assessment (*N. Wallace*) 3:55 p.m.
6. Review proposed rulemaking on Special Management Zones (SMZs) for five artificial reefs off the coast of Delaware (*M. Pentony*) 4:25 p.m.
7. ASMFC 2013 Commissioner Survey Results (*T. Kerns*) 4:40 p.m.
  - Summary of results
  - Discuss next steps
8. Discuss definitions for annual fisheries performance overview (*T. Kerns*) 4:55 p.m.
9. Discuss and Consider Recommendations from the Cancer Crab Fishery Improvement Project (*T. Kerns*) **Possible Action** 5:05 p.m.
10. Other Business 5:35 p.m.
11. Adjourn 5:45 p.m.

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

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

# MEETING OVERVIEW

**ISFMP Policy Board Meeting**  
**Wednesday, February 5, 2014**  
**3:15-5:45 p.m.**  
**Alexandria, Virginia**

Chair: Louis Daniel (NC) Assumed Chairmanship: 10/13	Vice Chair: Doug Grout (NH)	Previous Board Meeting: October 30 and 31
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 October 30 and 31, 2013

**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. Meet and Greet with Eileen Sobeck, Assistant Administrator for NOAA Fisheries (3:25-3:55 p.m.)

### Background

- On January 16, 2014 NOAA Fisheries announced Eileen Sobeck will be the new Assistant Administrator for NOAA Fisheries. She will start on January 27, 2014.

### Presentations

- None

### Board actions for consideration at this meeting

- None

## 5. Review NOAA Marine Debris' Program Derelict Gear Assessment (3:55-4:25p.m.)

### Background

- The NOAA Marine Debris Program has a mandate, through the Marine Debris Act, to “undertake efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety,” including activities to:
  - Research and develop alternatives to gear that pose threats and develop methods for marking gear to enhance tracking, recovery, and identification.
  - Develop non-regulatory measures and incentives to reduce the volume of lost and discarded gear and aid in its recovery.
- Since 2006, the MDP has supported various research efforts to survey and assess

<p>derelict gear across the nation. In 2014, the program is launching an impact assessment for the entire Chesapeake Bay region.</p>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Update on Marine Debris Program, including as past and upcoming activities on gear by Nancy Wallace (<b>Briefing CD</b>)</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>

<p><b>6. Review proposed rulemaking on Special Management Zones (SMZs) for five artificial reefs off the coast of Delaware (4:25-4:40 p.m.)</b></p>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• NOAA Fisheries Northeast Regional Office is preparing a proposed rule to implement SMZs for five artificial reefs in Federal waters off the coast of Delaware. These measures are intended to promote the orderly use of the resource, reduce user group conflicts, and maintain the intended socioeconomic benefits of the artificial reefs to the maximum extent practicable.</li> <li>• This rulemaking is in response to the recommendations of the Delaware Fish and Wildlife Department (DFW) and the Mid-Atlantic Fishery Management Council (Council) that the SMZs be established. The DFW requested that the Council designate five artificial reef sites, currently permitted by the U.S. Corps of Engineers in the Exclusive Economic Zone, as SMZs under the regulations implementing the Council’s Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The Council has recommended, and NOAA Fisheries is considering, that all five artificial reefs be established as SMZs through a regulatory amendment. The action would allow only hook-and-line and spear fishing, including the taking by hand, in the artificial reef designated areas (all year round), and these measures would be implemented with a 500-yard buffer around each artificial reef site.</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Consideration of proposed rulemaking on Special Management Zones (SMZs) for five artificial reefs off the coast of Delaware presented by M. Pentony.</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>

<b>7. ASMFC Commissioner Survey Results (4:40-4:55 p.m.)</b>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The Commissioners completed a survey of Commission performance for the fourth year as included in the ASMFC Action Plan</li> <li>• The survey measures the Commissioners’ opinions regarding the progress and actions of the Commission in the previous year</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Staff will present a summary of the survey results highlighting significant changes from previous years’ surveys (<b>Supplemental Materials</b>)</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• Determine if any action is required given the survey results</li> </ul>

<b>8. Discuss definitions for annual fisheries performance overview (4:55-5:05 p.m.)</b>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The Commission updates the performance off all managed species in August of each year. In 2013 the Policy Board tasked staff with providing definitions of the stock categories</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Overview of stock category definitions (<b>Supplemental Materials</b>)</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• Determine the appropriate stock categories to include in the annual stock performance overview</li> </ul>

<b>9. Discuss and Consider Recommendations from the Cancer Crab Fishery (5:05-5:35 p.m.)</b>
<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• In August, the Policy Board requested staff prepare a white paper on cancer crab management and biology after a discussion of a Fishery Improvement Project (FIP) request.</li> <li>• In October staff presented the Board a white paper on current cancer crab management and biology. The FIP has made progress on the Jonah crab work plan and have made management recommendations (<b>Supplemental Materials</b>).</li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Overview of FIP management recommendations by T. Kerns.</li> </ul>
<p><b>Board actions for consideration at this meeting</b></p> <ul style="list-style-type: none"> <li>• Consider initiation of a cancer crab fishery management plan</li> </ul>

**10. Other Business**

**11. Adjourn**

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

**The King & Prince Beach and Golf Resort  
St. Simons Island, Georgia  
October 30 & 31, 2013**

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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## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Loren Lustig, PA (GA)
Doug Grout, NH (AA)	Leroy Young, PA, proxy for J. Arway (AA)
G. Ritchie White, NH (GA)	David Saveikis, DE (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Paul Diodati, MA (AA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Bill Adler, MA (GA)	Tom O'Connell, MD (AA)
Robert Ballou, RI (AA)	Bill Goldsborough, MD (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Jack Travelstead, VA (AA)
David Simpson, CT (AA)	Louis Daniel, NC (AA)
Dr. Lance Stewart, CT (GA)	Robert Boyles, Jr., SC (AA)
Rep. Craig Miner, CT (LA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Spud Woodward, GA (AA)
Pat Augustine, NY (GA)	Patrick Geer, proxy for Rep. Burns (LA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)	Kelly Denit, NMFS
Tom Fote, NJ (GA)	Deborah Rocque, USFWS
Mitchell Feigenbaum, PA, proxy for Rep. Vereb (LA)	Martin Gary, PRFC

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

### Ex-Officio Members

#### Staff

Bob Beal

Toni Kerns

#### Guests

George Lapointe  
Preston Pate

Gordon Colvin



The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Lanier Ballroom of The King and Prince Beach & Golf Resort, St. Simons Island, Georgia, October 30, 2013, and was called to order at 3:05 o'clock p.m. by Chairman Paul Diodati.

### **CALL TO ORDER**

CHAIRMAN PAUL DIODATI: We are going to get started rather quickly. We have people that have flights to catch tonight and we're running a little late. We're going to start the ISFMP Policy Board.

### **APPROVAL OF AGENDA**

#### **APPROVAL OF PROCEEDINGS**

You should have the agenda and minutes from our last meeting. There will be some changes to the agenda, primarily adding a couple of things under other business.

It is mostly letters from earlier board meetings that will go out under the commission's signature. I'm not going to itemize them right now. We'll cover them under other business. We have a letter from one district attorney with the Department of Justice asking for a letter of support on a criminal case they're dealing with. We will discuss that under other business.

We're going to make the schedule change to move Mr. Lapointe up in the schedule. Unless there is any objection about the agenda and the minutes, I'll consider them approved.

### **PUBLIC COMMENT**

Seeing none; is there any public comment at this time for the ISFMP Policy Board? I see none. George, we're ready.

### **NOAA FISHERIES ELECTRONIC TECHNOLOGIES INITIATIVE**

MR. GEORGE LAPOINTE: Thank you for moving me up in the agenda. I'm here to talk about the Electronic Technologies and Fisheries Data Project I'm working on with the National Marine Fisheries Service. The big picture goal of this is to ensure that NOAA Fisheries science

is providing trusted fisheries information to meet varied needs of our partners and stakeholders.

The project goal that I'm working on is to evaluate emerging technologies – and we'll talk about those in a minute – for use in fisheries-dependent data collections. NMFS has taken a number of actions to move along with electronic technologies, and one is the production of some white papers discussing electronic monitoring from an enforcement perspective, from a build-out perspective. They're pretty comprehensive papers.

The website is up there and it will up on the commission website as well; but for those folks who are interested in the thick book on electronic monitoring, those are worth looking at. There is a policy directive from May that was issued by the National Marine Fisheries Service, and it basically said we will promote the use of electronic technologies; and by that they primarily mean electronic monitoring, electronic reporting and VMS.

As much as we can, we will try to put those in fisheries where appropriate. We will with new implementation of electronic reporting and electronic monitoring try to look at some new cost-sharing formulas. That means the feds don't have as much money to pay as they used to. The bottom thing is the direction to the regions to put together regional electronic technology implementation plans. Those are being developed by the NOAA Regions but for the council regions, so there will be eight plans when they're done.

The regional implementation plans are supposed to identify technical and scientific issues, budgetary issues and policy and regulatory issues because the move towards electronic monitoring, for instance, will require a lot of FMPs to be changed; evaluating tradeoffs for the fisheries that are suitable for electronic monitoring and electronic reporting and the appropriate technologies as well.

Then it will talk about which fisheries should have electronic monitoring and electronic reporting implemented and the time schedule for

those as well. The timeline for the project; the first part actually didn't start – well, they started the process in the winter of 2013. I have been talking primarily to people in the management community between the start of the project and now, the councils, the commissions, regional offices, science centers.

I am now shifting to formulating ideas and some of the cross-cutting ideas that I'll talk about in a minute, as well as talking to stakeholders, people in fishing organizations, individual fishermen – I learned a lot from Rick Bellavance, for instance – and working with NOAA Fisheries to figure out a good stakeholder outreach program as well.

I will also be working with the regions in the next little while framing what a regional implementation plan will look like and then they will start working on those. We will clearly have to have a consultation process through spring and fall of next year so that you know what is in those plans.

What I've been hearing thus far – and again I've met with a lot of folks. The only council I have not met with yet is the Caribbean Council – is there is a real strong interest in adopting new technologies. Generally when you talk to industry members, they think the agency is going way too slow; and they probably are. Generally when you talk to the agency, they think the industry is going too fast; and they probably are.

We don't have a good bead on how to implement at the right pace at this point. Nationwide electronic reporting is lower-hanging fruit. We have the technology to do this now. There is a strong desire to do it; so how we put the pieces together – I talked to ACCSP yesterday – and to do it in a coordinated and non-redundant way is going to be really important.

Electronic reporting; they have it operational in some of the big fisheries in Alaska and there have been pilot projects around a lot of the rest of the country. New England has had one; Alaska has had one; Pacific groundfish has had

one; and both the Gulf and the South Atlantic. We will talk about some of the challenges of moving from the pilot projects to full implementation.

The last issue, which I'm actually going to talk to a guy about tomorrow, is the connection for electronic reporting and electronic monitoring to helping people in the seafood industry with traceability and sustainability interests. There is a guy from Darden who says they want this to be in place because it will help with their worldwide marketing. I have heard it from others as well.

The issues that have been raised are the implementation and maintenance cost, how much does it cost to put these programs in place and keep them going? The electronic monitoring systems that have been tested around the country cost about \$10,000 apiece; and the operating cost, although people think it's going to be lower than observer cost, isn't going to be – I think it is still going to be substantial.

Industry acceptance is a big issue to make this work. This is more for monitoring than reporting. To make this work you're going to have to have enough of the people in the industry want to make it work because you have to have individual boat plans, you have to put it in place, you have to test it and then keep it up as you go along.

There are issues of confidentiality and law enforcement. I talked to the Law Enforcement Committee today; chain of custody issues with the information and how it will be used; from a compliance and an enforcement perspective, the confidentiality of the data, who owns it, who has access to it – people in the industry are concerned about that issue in particular – and the issue of availability of technology for compliance, monitoring and catch accounting; and I'll talk about that in a minute.

There are a number of issues that – I call cross-regional issues – that come up time and time again. One is how we move from pilot projects to full implementation. In New England the pilot program had between six and ten vessels,

depending on when it was occurring. The groundfish fishery has 700 vessels, so how do you scale up from a pilot project to a fishery with 700 vessels in it; 1,100 in southeast Alaska?

Some people think it means putting a unit on every vessel; some people think it means subsampling, but we aren't sure how that will occur; and how you build out the program from the agency perspective to handle the care and feeding of the system. The cost comparisons is a cross-regional issue.

Electronic monitoring compared to observer coverage; there is a lot of apples to oranges kind of discussion and we need to get better at that; and the cost comparisons for different technology options. There are two steps for electronic monitoring or two technological advancements that are needed. One is data storage and transfer.

Right now with the pilot projects people physically take out the hard drive that has all the information on it, and it gets transferred to the agency or the third party that's monitoring the information. When I was at the Northeast Fisheries Science Center, the time needed to go to the dock, pick up the hard drive and come back was three and a half hours.

That's great in a pilot project; but again expand it to a full fleet and that's not going to work. They do that now because a three-day trip takes about half a gigabyte of data, and that's too much to send electronically. They're working on technological solutions, way beyond my capacity, but to teach the whole system to grab just the frames and the clips.

They need the behaviors and the activity patterns and it will make that half a gigabyte of data probably 50 megabytes, and then you can start talking about sending it electronically. It also then helps with the law enforcement chain of custody issues. The other is image recognition. The cameras and the software are getting a lot better; but if you want to count fish and estimate size, they can't do that yet. I think they're getting close, but they aren't there. Then the

other cross-regional issue is how do you implement electronic reporting and electronic monitoring in recreational fisheries?

You will hear from Gordon – we've talked about it – in recreational fisheries there a program called iAngler and iSnapper I think it is, and they are a tablet or cell phone based systems that allow self-reporting. They're really cool, but you have the same problem of is it representative of the population you're trying to sample.

I was talking to some people and I said the concern is you'll have the highliners and the braggarts and the psychos reporting and not everybody else. It is an issue that the MRIP Program is addressing, but we need resolution before it is useful in getting better recreational fisheries estimates. Both the issue of reporting and electronic monitoring and party/charters is certainly a significant issue, but it is probably farther along than in the private angler category.

I had mentioned before law enforcement and confidentiality. Those are issues that I'm working with NOAA GC and law enforcement people to address those issues before the plans are done. I talked to the ASMFC Law Enforcement Committee about communicating with them, making sure that the state enforcement people are plugged into that process as well.

Infrastructure is an issue for the data storage. I was in Alaska; and again they've got a couple of fisheries with a small number of vessels, and the storage needed for record retention and whatnot for multiple hard drives with half a gigabyte of data is huge. Information security is an issue and then connecting and monitoring and reporting so that in fact there is a common record so that George Lapointe's electronic reporting records and electronic monitoring records match up.

This is something the data people are fairly concerned about. And then managing expectations; there is clearly a lot of pressure for people to say let's put more electronic monitoring. There is an issue in southeast

Alaska now where the fixed-gear folks want something in place for next February, and it is causing a lot of angst.

I think that's probably too fast, but they're getting pushed for it both politically and by the industry. The next steps for me are – well, I'm completing the first round of meetings and I can cross that off my list. Continued meeting with stakeholders; I'm meeting with the NOAA Fisheries folks; and if people have ideas about how to reach a broad array of stakeholders, I'm very interested in ideas.

I'm working on cross-regional issues. I'm working with regional offices on the draft plans. There will be a National Electronic Monitoring Workshop on the 8<sup>th</sup> of 9<sup>th</sup> of January of next year in Seattle. This is being organized by Dorothy Lohman, who is a consultant and chair of the Pacific Commission. The idea is how do you get electronic monitoring systems implemented well in our fisheries.

I would love advice on how best to keep engaged with the states and with stakeholders. Any help I can get with identifying key stakeholder contacts and engagement opportunities in your states to talk about this, I would appreciate, and then any other ideas you have. That is it for me, Mr. Chairman.

CHAIRMAN DIODATI: Are there any questions for George? I know some of us have heard this version of George's presentation earlier in the week, ACCSP, for instance. George, I don't see any questions; you're going to get to the airport on time.

MR. LAPOINTE: Thank you; and I will work to make sure that I continue communicating with staff so that you guys keep plugged in. Thank you.

**MARINE RECREATIONAL  
INFORMATION PROGRAM (MRIP)  
IMPLEMENTATION UPDATE**

CHAIRMAN DIODATI: Gordon, you can queue up if you're ready. Next we have Gordon Colvin here and he is going to provide an update

to the MRIP Program. I know Gordon has taken some time earlier in the week to meet with some of us, which might eliminate some questions from this presentation.

MR. GORDON COLVIN: Thank you, Mr. Chairman; and as you all see, I'm joined today by Pres Pate, chairman of the MRIP Operations Team, and it's our pleasure to be here again to once again be honored by having you provide us with time on your agenda to update you on what we're up to here.

We've had a lot of opportunity to communicate with the Atlantic Coast States, and we appreciate that and we recognize the importance of keeping all of the commissioners up to speed on the progress we're making. I'm going to work through these PowerPoint slides. There are a lot of them and there is a lot of information on some of them. You may find it easier to follow with the copies that you have on your laptops and tablets or that are being handed out.

I think Toni has a few hard copies of the slides in the back if you want to follow there. We're kind of thinking hopefully that this information, which will be more detailed in some instances than I'll actually report on going through, will be available to you as reference information between now and the next time we get together.

We're going to try to do a very brief run through of the background of MRIP, its origins and where we with it; a summary of the status of the improvements we've made to date for the Atlantic Coast. I want to spend a few minutes talking about party and charterboat logbook discussions that we all need to have that are upcoming.

There are at least two handouts that have gone around to you on that subject. One is simply a much more detailed version of the other. Our new implementation plan has just been completed for FY 14, and I want to hit what the priorities are on that with emphasis on the implementation plan's strategy for regional implementation of MRIP survey improvements.

MRIP is the Marine Recreational Information Program. It is a direct outgrowth of the review that was conducted by the National Research Council at the request of NOAA Fisheries and completed in 2006 of recreational survey methodologies nationwide. It is safe to say that the results of that independent high-level scientific review left the agency pretty well bruised and beaten over the methodologies it was using in the past and what the experts saw as real flaws in some of the details of the survey designs.

Congress picked up on that and incorporated in the Magnuson Reauthorization Act that was enacted in January of 2007 a requirement for NOAA Fisheries to create this new program and to implement through it as many of the recommendations of the NRC Review as were feasible. MRIP is organized under a governance structure that was established in the National Marine Fisheries Service Office of Science and Technology in which the program is located.

There is an executive steering committee, which is comprised of John Boreman, emeritus director of our office, as chair; Ned Cyr, who is the Director of Science and Technology; myself; the three interstate marine fisheries commission executive directors, including Bob; and representatives from the Pacific Islands and, Caribbean Fishery Management Councils, their executive directors; and MAFAC.

The membership of the executive steering committee reflects the philosophy of MRIP that this is not an Office of Science and Technology along program. It is one that we will carry in conjunction with our partners and key stakeholders. The steering committee created four teams; the operations team, which Pres chairs, which has the major responsibility for developing pilot testing and certifying improved survey design methodologies; the registry team, which I chair, whose work is largely complete in terms of creating as complete as possible a registry of saltwater anglers nationally.

Our communication and education team that coordinates outreach activities, some of you may recall that team has been chaired from the

beginning of the process by Forbes Darby of the NMFS Communication Office. Recently Forbes stepped apart from the chairmanship of that committee and it will now be chaired by Dr. Leah Sharpe of the Office of Science and Technology staff.

But Forbes isn't getting too far away from us; he will still be on the team and a big source of support. Our information management team is chaired by Lauren Dolinger Few of the Office of Science and Technology, and those are the guys that handle the data management activities for us and improvements necessary.

Our basic strategy all along has been to address the fundamental design requirements that resulted from the NRC Review first as the highest priority. That work has been ongoing since the beginning of MRIP, and the key improvements there have been completed or are close to nearing completion. Then having finalized and certified new survey methodologies, those are available in the toolbox for use as appropriate around the country in our various regions.

Having completed that work, we would then turn our attention to increasing sampling, scope and frequency, essentially the amount of data collected to address customer needs for improved precision, timeliness, coverage and any special data collection needs not met by the broad survey.

Some of our more recent accomplishments; as I think I spoke to you last year, we completed a new estimation method, a new method of estimating catch from the data we collect in the dockside interviews, the catch-per-trip data, that reduces sources of potential bias and increases accuracy. This was the most stinging criticism of the methodology at least as far as the experts were concerned in the NRC Review. It was the first thing we took on and took care of.

We were able to re-estimate using that methodology back to 2004 and we also came up with a methodology based on a ratio estimator that enables the stock assessment folks to essentially recalibrate catch for years earlier than

2004 for purposes of establishing long-term catch rates for stock assessments. We are still hopeful that we may be able to actually do some actual re-estimates for earlier years, but right now that is on the back burner because of some higher priorities or staff time.

The information team has done a lot of work to try to create as much access transparency and to explain the context of the technical decisions that we're making as they can do. They've generated some new materials this year that I think are kind of interesting. Within the last year based on some extensive input they got from testing products with stake holders, they've developed a new overall MRIP presentation using the Prezi Presentation Software that is now on the front page of our new website.

If you haven't had a chance to look at that, someday you want to have a cup of coffee and let the brain cells rest for a minute, I'd suggest run through that Prezi. I think you'll find it informative not just in terms of what we do but in terms of how interesting that presentation methodology can be, and you might be able to adapt it for your use.

My wife is a teacher and she and her colleagues have fallen in love with it. It is much better than PowerPoint; much better. We've also been working this year with the states and with our contractor to develop some custom handouts, materials that the field staff can hand to anglers and make available through tackle shops upon request.

That stuff has been out there now for most of the summer. We're hoping to get feedback on it from the state representatives that are at the wave meeting this week and continue to improve it. We did make available the offer to customize these materials for any of the states that wanted it done that way. Several states took us up on that.

The offer still stands for next year; so any of the states that would like to see these materials in a custom version for your use, let Leah Sharpe know or me and we'll work with you to get that done. There is on our website

countmyfish.noaa.gov; if you go all the way to the right at the top and pick the outreach materials tab, you'll find basically every outreach produce we've ever done is there.

It's easy to go on there and see what is available or what has been done for some of the states that have custom products. We're working on a couple of new videos. We've done a number in the past, but the two we're working on right now – we're getting close – one is a day in the life of a sampler, if you will, that helps to illustrate the new sampling protocols that we've put in place this year. That was shot with the cooperation of Lou Daniel's staff at North Carolina Marine Fisheries.

Another one they're working on is part of a broader effort to provide essentially a data-users manual for our catch data and to make it more user friendly and to give people a better idea about how to access the data they might want. That will be accompanied by a data-users video. The big news this year was the completion of the new intercept design. I talked to you about that I think at least twice in the past, about this time last year in the spring.

I'm not going into all of the changes, but just to point out that they've been undertaken now. We've got three major sample waves under our belts and we're continuing to assess the effects of that. There are some issues that have risen and the implementation hasn't been as smooth as we would have hoped, and we're continuing to manage that implementation process. There are several things that we've done and several more that are on the way.

The Sample Draw Program is a computer program that is created to draw sampling assignments from the site-assignment register and match it with availability of staff to create assignments that can be done as well as those that are statistically validly selected. The initial draw program didn't work well and had to be completely redone, so a new sample draw program was developed early on and it has proved to be very efficient, flexible and robust, and it's a very substantial improvement.

There were also some issues and concerns that are ongoing about efficiency. The new design has resulted in some decreases in the number of angler intercepts, which we expected but also some further increases in the proportion of assignments that don't collect any data, which is not something we want to see. It is generally a less of efficient use in some cases of the interceptors' time.

The field staff may have not been able to leave an inactive site and go to another site, and they end up in some instances being unproductively sitting on a site for a period of time. Part of that is the fact part of the design can't be corrected, but some of it can be and we have been working aggressively with the states this year to do it, and we have substantially improved the efficiency and the performance so far with changes that we've made at least insofar as the shore and private boat modes are concerned.

We have more work to do that will affect – the charterboats probably need to change the time blocks and the way we cluster sites, but that needs to be done next year when our new intercept survey contract begins as a contract modification. We couldn't do it this year under the current contract. We talked somewhat with some of the states about this.

We need to maintain that dialogue and make sure that we're doing a better job of communicating the reasons for these things and the workings of these things at the state working staff level. This was a big takeaway from yesterday's luncheon meeting; we get that and we're going to work on that.

One of the points I want to make to each of the states is that in the future our wave meetings – the meetings we hold every couple of months to review the information that is generated in the preliminary estimates for that two-month period are going to become more and more important as a vehicle for communicating in a technical level on survey methodologies, survey operational and implementation issues and things of that nature.

In the past they were largely a get-together to review reams and reams of numbers. In the future they're going to be more and more focused on the substance of the survey workings. It is very important for the state technical staff to get to those meetings; and we will continue to provide funding through ACCSP to support the travel.

We're hoping that you can find – and I know what you go through, believe me, because I've done it – the means to get your staff approved to travel to get to these meetings, but it really is going to be important. I would highlight the fact that I think that the ACCSP Recreational Technical Committee meetings will become equally important in the same way.

Just as an example, one of the pieces of feedback we got earlier this year is that the state survey management staff in some states felt that they didn't have a sufficient grasp on the mechanics of the methodology for weighting our data and incorporating the sample weights into the estimates. I mean, that is way down in the weeds. I don't understand it and don't want to.

I don't want to try; but some of the state people felt that they needed to understand that better. At the wave meeting that is going on this week up in Maryland, John Foster from our staff put together a presentation on the weighting and estimation methodology that he presented to that group. We'll see what kind of feedback we get from that, but that's an example of the kind of communication we need to have.

These things are going to become a little bit like your technical committee meetings, I guess is what I'm saying, but the technical subject material will be survey operations and design. We're going to continue working on that and hopefully we'll continue to get better with it going forward and maintain communications with you all about that.

The state directors should have received about three or four months ago a newsletter from Leah that kind of summarized some of what I just said at a high level. This week the MRIP Newscast came out, which I hope all of you are on the mailing list to get, and again it addressed the

same issue; this issue of management initiatives we're undertaking to improve the efficiency and the performance of the intercept survey.

We will continue to try to keep you up to date in that way. If you're not getting the newscast, this is an advertisement for it; [leah.sharpe@noaa.gov](mailto:leah.sharpe@noaa.gov). Get to Leah and get on the mailing list. That's how you can stay up to date.

There is a lot of interest in this issue of going to charterboat logbooks and headboat logbooks in the for-hire sector. In just in recent months we've become aware of interest in the South Atlantic Council and the ACCSP Rec Tech Committee of creating working groups to explore logbooks. A couple of the states are moving in that direction. I think fairly recently New York became the third or fourth state to go to mandatory logbooks; and I know that North Carolina is taking a hard look at it as well.

The Northeast Logbook Program has been discussed forever this issue of why do we have the logbook program and the other for-hire survey intercept program subjecting the charterboats to two different data collection methods and we're only using the data from one to generate estimates. That discussion is ongoing and it is one that eventually will probably get sorted out one way or the other.

As I said, we distributed two fact sheets that will get into the material I'm about to cover pretty much in depth; and hopefully we can have a little time to discuss the follow-ups to that. All this started with the NRC Panel's recommendation that the for-hire industry be handled, if you will, in the data collection context in the same fashion as the commercial industry with mandatory universal logbook trip reporting; that it should be done electronically; it should be trip based; and catch accounting done in that fashion.

We went through a series of decisions and studies to tee that up; that the operations team and the for-hire working group that was convened under it managed their way through to get to a point where several years ago a major

year-long pilot project of trip reporting in the charterboat industry in the Gulf of Mexico.

The areas involved in that included the Florida Panhandle and Port Aransas Area of Texas who participated in this pilot project. For federal permit holders in that area, a ruling was issued out of the Southeast Fisheries Science Center that made reporting and participation in the project compulsory for those permit holders; so it wasn't that they had an option; they were required to.

However, the only sanction that was available under the rule that was in place was that their permits could not be renewed if they did not submit the required logbooks. For those who were in arrears, once they submitted their backed-up logbooks, they could get their permit. A summary of some of the findings they had; I think what we generally would say is that in this context of a logbook report attempt to achieve a census of catch in a fishery, there are three things we need the participants to do.

We need them to submit the reports they're required to submit. We need to submit them on time, whatever the timing is. In this case it was weekly. We need the data that they submit to be accurate. It needs to be complete and accurate as to what they report about their trips, where and when and the catch on their trips.

In the instance of the pilot project, at the end of the day they really didn't achieve all three of these. They did achieve general success on submission of reports. The proportion of vessels that were in compliance with the submission requirement grew over time and, of course, jumped at the end of the year.

The panel felt that they could eventually get everybody submitting reports with the mechanisms that were available to them. However, they were not successful in getting the reports submitted in compliance with the timing requirements. They were not successful in getting the data submitted to match closely to the dockside validation observations of either the effort or the catch information.



It did match compared to the whole fleet, but on a vessel-by-vessel basis it didn't match very well. The study therefore verified that a strong and independent and effective validation program is absolutely key to trying to make a logbook reporting program work. The study team also concluded that they saw the potential for a program of this nature to benefit a regional management program perhaps more than a small scale or a limited geographic area.

Some of the insights that they gained – what is really, really important is that we got a picture of the resource commitments that would be necessary to make a logbook program work on a regional scale, and they are formidable. It will take a lot of effort and money. They noted the very critical importance of having a reporting mechanism that has built-in quality control features to assure as much as possible eliminate errors in reporting at the time the report is generated; but that needs to be done they emphasized with work in collaboration and with the support of the industry.

Compliance and enforcement mechanisms, additional mechanisms to that available to the survey would clearly be needed given the results that they achieved. There are additional compliance and enforcement mechanisms, of course, available. Kind of surprisingly and importantly they determined that there is a strong potential to use the logbook data that was submitted in conjunction with the dockside validation data in some statistical combination to generate an estimator of catch that would be useful and accurate.

They commissioned a follow-up report by Dr. Mark Kaiser of Iowa State University to explore that in depth. Dr. Kaiser's report has been completed and is in the final stages of peer review. He did conclude that he generated at least one way using Bayesian statistics and some completely and comprehensible fashion to do this, and that there might be others.

The fact is that there is hope that if we can't achieve a census, that sufficiently satisfactory census, we could still use validation data and logbook data to generate an estimator of catch.

We're not at a point where we can just turn the key and move to logbooks, we don't think. More work is needed; we need more work to address the issues that were identified in the study.

Until we're able to do that, we're going to continue to use the current surveys that are certified for use on the Atlantic and Gulf Coast and the Atlantic Coast in particular are the standard methodologies in the ACCSP standards, which is the for-hire telephone survey of captains to generate trip data and the access point angler intercept survey to generate catch data for the for-hire mode.

As we've noted, we have already generated improvements to the estimation and intercept design that will benefit the charterboat catch estimates. In the case of the for-hire survey, we had already begun using a registry-based survey before MRIP came along and before that recommendation was generated for the other modes of fishing.

That's where we are for the time being, but we want to recognize that there is a need to continue the discussion and continuing to advance consideration of how we might get to logbooks. Our thinking on that is that given the interest is to convene regional dialogue in the key regions – and right now it's the Atlantic Coast and the Gulf Coast – to conduct a coordinated exploration of the next steps, a partner willingness to address the issues that will identify here and who will commit to doing what, including funding.

We think that costing out what it would actually take in terms of time and money is a useful first step; and if a dialogue does ensue, we would encourage and support that. We suggest that ACCSP, as the single standard-setting entity for the Atlantic Coast fishery-dependent data collection programs, is the appropriate entity to help manage and coordinate that kind of a dialogue.

I think, lastly, we would note that in the case of the Atlantic Coast in particular this may not be a one size fits all requirement. It may well be that

what works best in the South Atlantic states might be different than what works best in the New England states, and we wouldn't rule out that possibility, and I wouldn't want to rule that out from the beginning. Hopefully, that dialogue will occur and we're certainly talking to ACCSP about that as well.

Moving away from for-hire and into the effort survey, the last major component that needs to be completed to address those fundamental design issues from the NRC Report is a replacement for the coastal household telephone survey. A year ago I told you that we were concluding a year-long pilot project in the coming months and embarking on another one that we felt would be the last pilot that we needed to do in order to get a final solution in place hopefully in 2014. We're now a year forward and we're about to release the report on that one that finished last year or early this year.

We're in the last couple of a few months of data collection on the last big pilot project. There is a fact sheet that has been distributed that kind of summarizes in a very kind of a high-level way where we are. We're going to need to talk a lot more in the coming year about where we're going with the effort surveys.

We're going to face the decision on what to implement and the likelihood is that the new methodology will generate trip estimates that differ consistently from the trip estimates we have had in the past. We're going to need to make sure that we understand very, very completely the reasons for the changes and what drives them, what sources of bias if we eliminated and to be absolutely certain we don't as yet unaddressed sources of bias in the new methodology.

That is going to take us a little bit longer and some really high-powered expert help. We're going to have to address the consequences in the stock assessment and management context of having trip estimates – producing trip estimates that differ from the old ones. Now, that has been done before, and I think probably the for-hire survey was one example and the re-estimation was another.

I think in this particular case we expect this to be somewhat more challenging than those earlier efforts at essentially, for want of a better word – and I don't like it but I don't have a better one – recalibrating our historic legacy estimates. Annually we do an implementation plan update for MRIP. That was just issued at the end of September; and due to the shutdown, I don't know if got up on the website yet, but it will be up there imminently if it is not yet.

There will be a Newscast issued next week that announces the availability of the update. The updates basically summarize accomplishments from the past year and lay out priorities team by team for activities in the upcoming fiscal year. The first slide identified some of the operations team priorities for further projects and further methodology development.

Pres issued the request for proposals for FY 14 projects back in August I think. We had to delay the delivery date because of the shutdown, but project proposals are due tomorrow. The operations team will meet in Jacksonville the 19<sup>th</sup> and 20<sup>th</sup> of November to review the proposals and make recommendations for funding for next year.

As I said earlier, there is not much hot news on the registry front. The basic thing is that we're working with the states to complete their data quality improvement plans. All of the states should have gotten or will be getting letters from us. You've all gotten your data evaluations from our technical staff.

You should be getting letters from me, if you haven't already, advising you about the need to complete the data quality improvement plan within six months, and we'll do one more round of registry grants to help states fund any improvements that they need financial help with as result of those plans. I think we've gotten two plans in so far that I know of; the first one from Georgia, no surprise. Kathy was the first to deliver. I would say it's a magnificent job; and you're going to be getting a letter from us very shortly to that effect, Spud. She did a great job on it and nothing really substantive we're

going to say back to you about it. I think we have one from Florida that we're overdue to report back on.

The information and management team, just a couple of highlights from their stuff. We're really working on improving documentation of metadata that's an agency-wide and office-wide policy, but that will also be applied to MRIP. As I mentioned, we're developing user guides including a video to help make it more easier to use the data available on our queries tool.

An important thing new thing is the development of a new comprehensive integrated for-hire vessel directory for next year. It will be an improvement and hopefully close some of the gaps in the one we use now for the for-hire survey. The communication and education team; we have been doing a lot of work with field trips, road trips, outreach product development for the Atlantic and Gulf Coast states.

We really want to give some attention to the Pacific Coast states next year. A lot of the team's attention will be given to supporting the release of the angler effort survey and the next steps' discussions there and to work with us. We want to do a directed outreach effort to the for-hire industry on the Atlantic and Gulf Coast that will dovetail with the dialogue we hope will occur on charterboat logbook development.

Lastly, the executive steering committee is focusing its attention now on implementation of MRIP-developed designs and improvements and those next steps going beyond making decisions about investment in expanded data collection. We've have said from the beginning that we won't have a one size fits all program, that we will develop methodologies, put them in toolbox and make decisions about which ones we use that are best adapted to each region and try to make informed decisions, evaluating tradeoffs on investments for improvements beyond the base.

In July of this year the executive steering committee held a workshop to discuss this issue in more depth and tried to address the question

what kinds of decisions are we going to have to make looking forward and who makes them. If we have alternative methodologies available for use – and the clearest example I can give you is let's assume we get to a certified for-hire logbook program that will be available for use alongside the for-hire intercept survey methodology present in use; how does the region choose; who chooses.

Once you put a base program in place; what should MRIP's role be in helping regional partners meet these expanded needs for sampling to improve precision, timeliness, coverage, et cetera? And assuming we can't cover them all, which is a pretty safe assumption, how do we make the choices; what are the priorities and what is the process for doing that?

This is what they came together to discuss. Their workshop report is on our website. I think we did get a Newscast out on it over the course of the summer, and it will be a chapter in the implementation plan.

Basically the recommendation is that we continue the same basic structure that we have now whereby the executive steering committee would be maintained and the role of the operations team would be broadened to support implementation as well as development, which is what we have been working on up until now. The main role at the national level for MRIP will be to develop and certify methodologies, establish national standards, best practices and to provide such funding as we have to support the implementation of certified methodologies around the country and to help set priorities. The ESC and its supporting team structure would be looked as a national team that has that fundamental role.

We would look to the FINs and their equivalents in the non-FIN region in the Caribbean and the Western Pacific as regional teams that would be the entities that as partnerships would make choices about which methodologies to employ, identify priorities for enhanced collection and communicate back to MRIP what the needs were

and try to work together with us in making the choices we need to make.

Pres' team is inheriting the unenviable task of trying to assess those needs coming back from the regions comprehensively and maintain a continuously updated assessment and make recommendations to the ESC about where they see the priorities fitting overall. Our budget has gone up about \$10 million and now it has fallen back the other way to about \$9 million last year and we're not sure what this year.

It's not that we have no money. We have some and we've got to figure out how to best invest it. Some of it will be invested in addressing the increased costs of implementing the new methodologies for the surveys we're already paying for. The new intercept survey is more expensive than the old intercept survey. The effort survey that replaces the CHTS is going to be more expensive.

Those costs have to be met but at the end of the day – and we need to maintain some funding long term for maintaining methodological development progress. We can't abandon that; we're not ever be done. But we will have some funds left over at the end of the day that hopefully we build over time if we can demonstrate success to Congress; and we need to figure out where and how to invest those funds among competing regional needs; and that is the process that has been identified here.

There are a couple of tables in here that come out of the strategy. I'm not going to go through those. Those are there for your reference, but they try to identify to some degree the roles of this regional and national team as the ESC envisioned it. I think the last point I'll just make is I actually had this slide up last year.

We're not in bad shape on the Atlantic Coast in terms of identifying needs and setting standards. We have a little more to do. We're in better shape than some of the other regions are; and we look forward to continuing to work with the states and with ACCSP to address and prioritize these needs.

One thing we do want to do – and we talked to some of the states about this yesterday – is to plan a workshop hopefully for early next year – but we'll see, and we'll work with Bob and Mike on that – to bring the states together in a needs' assessment context. The example I'll give you is not an Atlantic Coast example but it's one that is timely and very clear.

Gulf red snapper; we have learned and we have become convinced recently that the current way that Gulf red snapper are being managed and the way they're going to be managed requires data that we can't reliably produce or at least not in sufficient precision and timeliness to meet the needs of the managers. They're managing a very intense pulse fishery with a very short season. It is so intense that they're shooting way over their catch limits months before anybody knows it, and it is creating havoc.

Talking to the partners down there and talking to the states we have determined we need to try to see if we can develop a specialized survey, something different that would supplement the basic survey that we do that gets long-term annual catch estimates that focuses on that pulse fishery. Next week we're going to have a workshop in New Orleans to sit down with the states, the council and our Southeast Region NMFS folks to put some ideas on the table about survey designs that address that and have our expert consultants evaluate them and identify those things that can be further developed and pilot tested.

That's the kind of need that we would see as being identified in the workshop is a need for that sort of thing as well as some of the things we talked about at lunch yesterday in terms of perhaps some unmet needs for biological data collection that states may need for stock assessments and how do we get at that sort of thing. All of that kind of thing is what we'd want to do in the workshop. Mr. Chairman, I'm going to stop, finally, and we will take as many questions as you will permit.

CHAIRMAN DIODATI: Nothing like a good MRIP discussion at four in the afternoon. (Laughter) Go ahead, Adam.

MR. ADAM NOWALSKY: I appreciate your being here today, both Gordon and Pres, and the work that has been done. I think you just touched on the first issue I was going to ask about, and that would be the events of the last weeks, specifically with Louisiana withdrawing from the program effective 2014. I think that what you just touched on was probably a start to that.

I was wondering if there was anything else you might want to detail with that to give us some insight on what that might mean to MRIP, how it might affect other planned operations or where you're going with that. Then after you have a chance to respond to that, I wanted to ask a question about your plans for participation. You talked a lot about effort, but I'll follow up with that. I'll give you a chance to touch on that Gulf issue first.

MR. COLVIN: In the Gulf it is quite a different situation down there than it is on the Atlantic Coast. On the Gulf Coast the four states, Louisiana, Alabama, Mississippi and Florida, have historically performed the intercept survey work and the telephone calls for the for-hire survey by the state fishery management agencies.

Unlike on the Atlantic Coast where this is done by a contractor who may subcontract with a state or may not, down there the funds all go directly to the Gulf States Marine Fisheries Commission, and they then parcel them out to each of the four states and they put the field staff in the field to do the work. They collect the data; they send it back to the Gulf States Commission Office; they compile it, edit it and send it up to our office for estimates.

In August the agency, not MRIP and not our office, received an e-mail from Louisiana that said that they had decided that effective next year they didn't want to do that work anymore and were developing their own survey that they hoped to use. We're engaged in a continuing discussion with Louisiana about that decision, but the bottom line is that we have an obligation to maintain a data collection program through

that four-state area that will continue to provide a consistent time series of catch estimates for recreational catch that is required for the stock assessment and federal management process.

What may or may not happen with Louisiana, I don't know. We're actually meeting with them next week for the first time to see what design they have in mind and to assess its consistency with the sample design and the likely consistency of the estimates that they might produce with such a design, and then we'll take it from there.

But the bottom line is that we're not likely to fund a data collection program that isn't using MRIP-certified designs or it doesn't continue data collection that generates estimates that we will think consistent with the time series. We've heard that already pretty much – I think the Science Center Director down there has been pretty emphatic about the need for that as well.

That could mean that the money that we've used in the past to support Louisiana's effort would be used to support a contractor effort in the state, which may or may not run parallel to the one that the state is doing. That might not be a bad thing because we have an opportunity to kind of pilot test and compare two different designs and see how they work, I don't know.

But that's where we are and that is above and beyond the red snapper thing. The red snapper thing is a separate issue that is focused directly on the question of what can we do to help the management community down there generate estimates are more usable to them in the context of how that fishery works; whereas, the Louisiana decision is for the broad everything.

MR. NOWALSKY: Thank you; I appreciate that. And then you talked a lot about effort; you presented a lot about that in reviewing where you are with an implementation plan. Can you provide some input as to what work is being done on the participation component? Specifically when I look back at historical MRFSS numbers, those numbers were approximately five times what certain states saw

in license sales or other registry activities with regards to participation.

What we're seeing now with the MRIP-reported participation number is in some states, New Jersey in particular is averaging 250 to 300 percent of a participation number above what our registry shows. In looking at North Carolina license sales, I see their participation numbers are of the same magnitude.

What does that mean and how are we going to reconcile this? I know that you don't even have New Jersey's registry data yet; so once you start incorporating that, how are you going to reconcile the participation numbers currently being reported with existing state license and registry data moving forward?

MR. COLVIN: Okay, that's a long question and it's going to be a long answer with many parts, but let me just address the last thing first. We do have New Jersey's registry data. They submitted their data last year to us. We have reviewed it, evaluated it, sent back the report. Brandon hasn't gotten my letter yet.

It is sitting on my desk at home ready to be signed and he will, but Scott already has sent the data quality evaluation report in. I think Joe Purcell is talking to the staff about the next round of transmissions and trying to make that more and more frequent. That is being done everywhere; but let me back up to the issue of participation. The first thing and foremost, this is really, really important and fundamental.

We don't use participation estimates in any way, shape or form to generate catch estimates. Catch estimates don't come from participation estimates; they come from trip estimates. Any changes that you see or discrepancies or unusual things or things that don't compare to other data sets that you see on participation estimates don't have anything to do with catch estimation; Point 1.

Point 2; how do we use participation estimates? For the most part they're not used in catch estimation at all, but they may be used in some instances in stock assessments, but the primary

use of them in some of our economic studies where the number of participants might get multiplied against a survey-generated cost per participant to come up with a total estimate of expenditures, for example, but that's basically it.

Now, thirdly, why would our participation estimates necessarily differ from the number of licenses that states might issue or registrations that states might issue? One of the key findings – and I talked about this last year, but I'll emphasize it again – one of the key findings of our effort survey pilot projects to date is that many, many, many people who fish don't get fishing licenses.

It is for that reason that we have not been able to develop and certify a methodology that simply uses the license registries alone as the survey sample frame. I think it actually says that in that fact sheet in some way that went around today, but I'll emphasize it again. In many states – Louisiana included, I think – we saw as many as 60 percent of the people we talked to who said they were fishing who didn't have fishing licenses or weren't on the state's registry list.

That is not just a matter of exceptions to the licensing requirement based on age or fishing on a charterboat or something else. People who needed a license don't have one, so that's another thing. But all that, bear in mind that we are not at all satisfied with the methodology that we use to generate participation estimates.

There are some significant concerns with it and we have found that it was not – it turns out to be a very complex problem and not one that can be simply addressed through application of the weighted estimation methodologies. In fact, we have a separate team of consultants, including some independent experts, some folks from the Census Bureau and the U.S. Fish and Wildlife Service, that do their survey that generates different participation estimates working together – and they have been for a couple of years – to try to develop and pilot test a couple of different approaches to generate participation estimates.

Now, a lot of this information is on our website in the projects' section where there are reports on projects completed and projects in progress. I can refer you to those and I'd be happy to send you an e-mail that identifies exactly where to go to get all those details. The expectation is that we will be developing a new method for estimating participation that will be separate, largely separate from the effort survey and intercept survey that we generate those estimates from now.

MR. THOMAS FOTE: I understand the saltwater registry part of that and how people don't basically register; but when you register a boat, you don't usually not do that because they check them and the boat registration is right on the boat when you see the intercept. When you look at the boat registration numbers in like, say, New Jersey, basically in 2004 we had 220,000 boats. Before Sandy we had dropped to about 160,000 boats registered.

This year I'm only guessing because we're waiting for the figures to come out of the Department of Transportation, but we're probably down to 120 or 130,000 because 30,000 boats were damaged and lost and a lot of people never put their boats in the water. When we look at trips – and summer flounder is an example where most of those trips, because if you look at the surf fishing catch for summer flounder, it is very limited; so most of those trips are boat trips.

If we look at a loss of almost 50 percent of our boats in the last ten years, that should affect the number of trips because it's a lot less boats; maybe not 50 percent, but there should be a reduction. When I look at the numbers from 2004, the numbers this year so far for trips, it is just way higher than any number from 2004 on. I know the PSEs – and I know they're preliminary figures but that's what I'm trying to figure out.

MR. COLVIN: Tom, I looked at the New Jersey trips today and the trips for Wave 4 were lower than they were last year; not a lot; not as much as we probably would have thought, but they were lower, the private boat mode trips. The

for-hire trips were down by almost a third. Now, that said, I'll just say this, too, and I said this to you yesterday and I have said to other people.

Give those numbers a couple of weeks before you go back and look at them again because we're still in the middle of the review process for that Wave 4 data set, and those numbers are likely to change. There is no point in getting too deeply into them here today. Give that process time to complete. That is what those folks are doing up in Columbia; they're reviewing those numbers.

CHAIRMAN DIODATI: I don't see anymore hands up. (Laughter) All right, Doug.

MR. DOUGLAS E. GROUT: I've asked this before. Given all the challenges you have with the registry; does the executive steering committee have a goal of when they might have an effort-based survey based on the registry at this point?

MR. COLVIN: Doug, I think realistically we're talking about figuring out what methodology to employ during 2014 and figuring out how to address its implications and get a plan in place to deal with that recalibration and all that stuff and to hopefully be ready for a startup at the beginning of 2015.

MR. GROUT: That is very positive; I'm glad to hear that. I won't hold you to it, but I'm glad you have a goal. And the same thing with any potential charterboat logbook or for-hire survey logbook; are you looking at the same timeframe?

MR. COLVIN: In that case not really because I think we need to kind of hand the dialogue off to the leadership, the regional partners. We have this process of sorting out what improvements would need to be made to get us to a certifiable methodology and then cost it out and figure out who can do what is going to be a complicated one that many of us would have to be involved in. I can't speak for all of us; it might take us no time at all or we might decide right away we're not going to go there; we're going to stick with what we've got.

I was a little surprised that some of the leaders in the charterboat industry in the Gulf, who were very supportive of going to logbooks, looking at the results of the pilot are now saying maybe we should just stick with what we've got. I don't think it's a foregone conclusion that we'd necessarily go there, but it's a discussion we need to have.

**CHAIRMAN DIODATI:** Gordon will be sticking around until after the meeting if you have anymore questions. Gordon and Pres, I appreciate you guys coming. Those were good questions; but believe it or not we're going to talk about Cancer Crabs now. (Applause) There is a white paper. It was brought to our attention the last time by Steve Train. Steve did bring it our attention the last time. I think it may have come to us through the Lobster Board, I'm not sure, but nevertheless Toni is going to present the staff findings.

#### **DISCUSSION OF CANCER CRAB WHITE PAPER**

**MS. TONI KERNS:** As Paul just said, the Policy Board received a FIP. As a reminder a FIP is an industry-led initiative to develop and implement plans to improve the sustainability of fisheries. The FIP is being moderated by GMRI and it's composed of buyers and sellers of crabs, scientists and managers. David Borden is one of the members of the FIP who is now Bill McElroy's proxy.

There are some members from the states, like Bob Glenn is also on the FIP, who is our Massachusetts Lobster Technical Committee representative; as well as David Spencer, who is the LCMT 3 chairman for the commission. The goal is to enact a Fishery Improvement Plan that would result in improved fisheries data and monitoring as well as traceability efforts that enable product differentiation in the market.

The board asked me to put together a white paper that outlines the Cancer Crab Fishery. Remember that Cancer Crabs include both Jonah and rock crabs. There is very limited life history information on the crabs, and there is not a

current assessment. The range is from Newfoundland to Florida, from the inner-tidal to about 750 meters.

Jonah crab is believed to migrate but the Jonah's migration is more limited compared to rock. There are very few maturity studies from what is reported. It believed that females are mature around 89 millimeters carapace width and males about 128 millimeters carapace width. The Jonan crab landings are majority bycatch in the lobster fishery while there is an increased directed fishery on Jonah crab.

The landings' data is uncertain due to the confusion of the species. It's not in the confusion of the actual identification of the species, but it is in what we call them. The common name for Jonah crab is often rock crab, and the common name for rock crab is often sand crab. So when the information gets reported, Jonah crabs can be reported as rock crab, so therefore the landings' information is deemed uncertain.

Typically rock crabs are harvested in inshore waters and Jonah crab in offshore waters. Because there is very little detailed landing information on the two, I can't say that definitely through data, but that is the information that I got from most of our fisheries' biologists. Here we have the landings of Cancer Crabs in the North Atlantic, which includes Maine through Connecticut; and the Mid-Atlantic, which is New York through Maryland. We do have sporadic landings in North Carolina as well as Florida throughout the time series, but I did not include them here because there are so few.

I had to combine all of the landings in these two regions due to confidentiality of the data. In some of the states there may only be one dealer that is reporting, but in the white paper it does outline the increase in landings for a couple of the states that your big player, and I'll go over those.

You can see that we had this big spike in landings for both Jonah and rock crabs in 2002 to the current years. For Jonah crabs in the Mid-Atlantic we are up above 12 million pounds and



in the North Atlantic we are almost at 12 million pounds for the Jonah crab. In the state of Rhode Island in 1990 they landed about 900,000 pounds of Jonah crab, and that was the largest state share. Maine was second with around 400,000 pounds.

We saw Maryland, New Jersey and New York starting to land less than about 22,000 pounds in that year. In 1994 we saw landings come in also from Delaware, New Hampshire and Massachusetts. Maine's landings dropped below 55,000 pounds, and then in more recent years Maine's landings of rock crab dropped from two million pounds in 2004 to one million pounds in 2012.

Rhode Island and Massachusetts have seen the largest increase in the crab landings in recent years. Rhode Island went from 900,000 pounds of Jonah crab in 2004 to over three million pounds in 2012. Massachusetts went from 900,000 pounds in 2004 to over 7.5 million pounds in 2012. The X-vessel value has also increased in these species with the increased landings since 2002 to recently.

The Jonah crab boat prices has risen from about fifty cents to seventy cents per pound in 2009 to 2012, but rock crab prices have remained around the same, approximately forty-five cents per pound since 2007. Where we have seen a substantial increase in price is from the Jonah crab products.

I think from what I've read, that is when we've seen the increase of Dungeness crabs, then these crabs can be a replacement or an alternative for Dungeness crab, and those prices have increased. We see in 2012 the price for meat that has been processed is around thirteen to fifteen dollars per pound. In terms of the different types of management measures that are out there, there are indirect management measures.

Several of the states, either through harvest methods – so, for example, in federal waters, in order to have trap that can catch lobster it has to be licensed. You have to have licensed fisherman; that trap has to have a tag; and there

are trap limits for the number of lobster traps. Since most of the Jonah crabs are coming in as bycatch, you're sort of regulating indirectly there.

If an individual's vessel does not have a lobster license, though, they can go out and set as many traps as they want as long they do not bring in any lobster. There have been stories told of individuals bringing in crab, passing off the lobster to a vessel that does have a lobster license that they catch in the traps and then coming in.

That could be deterring the efforts of the Lobster Management Plans having all of these additional Jonah crab pots out in these recent years as we've seen this increase in landings. There also are states that have landing licenses; so in the states of Maine, New Hampshire, and Massachusetts you have to have a license to land crabs, so that does help.

As well as in the state of Massachusetts there is a closed season for edible crab and the Cancer crabs are part of that. The market dictates the size of the crab. Most of the landings are large females, and those are for claws, but they do land the entire crab. There is a small market for dining crab that are used in bait mostly in the lobster fishery.

I'm not sure what the size that the market has dictated. I've tried to get that from a couple of different people and no one could give me an approximate size. With the increase in catch and effort in the crab fisheries, there are questions that are being raised about its long-term sustainability for a species' resiliency to exploitation is dependent on all of its life history parameters. Unfortunately for these species we don't have an answer to a lot of those parameters.

The Fishery Improvement Project is developing a work plan that will hopefully bring forward management recommendations. They're using the 30 MSC Standards to develop that work plan, and they are hoping to have that work plan come forward for the February commission meeting. It's staff's recommendation to wait to see what that work plan has in terms of

management measures and moving forward before we make any final decisions on management plans. That work plan is supposed to contain a very thorough look at the species beyond what I've prepared here for you today. It also does include recommendations that will be developed by industry members as well as biologists and managers.

CHAIRMAN DIODATI: Okay, so that is the preview and it seems that we're not ready to make a decision about this today on whether this becomes a separate plan or a portion of the American Lobster Management Plan or do we continue as we have been and ignore it in a sense. It seems from what you've said that it's a sizable fishery and it's becoming more important for a number of reasons in recent years. I think we're going to hear more about this, obviously. The Fisheries Improvement Program; can you refresh my memory on what is that?

MS. KERNS: The Fishery Improvement Plans was started, I believe, by the Hannaford Market. They do not sell any product or seafood product that is not sustainably managed. I believe that they came forward to GMRI to see if they would moderate a fishery improvement plan which works with buyers, sellers, managers and biologists to put together a sustainable harvest plan for a species.

CHAIRMAN DIODATI: Okay, so what would your recommendation be for the next step for this body?

MS. KERNS: I think that the next step would be to wait to see what comes out of that Fishery Improvement Plan. I'm hoping that they invite me or some member of the commission to their final working plan that springs forward, their management recommendations, so that I have a good understanding of what they are thinking about putting forward so that I can explain that to the Policy Board when it's finished. In talking with Jen Lavigne, who is the GMRI person that is working on this, she is hopeful that it will be completed by February, as was David Borden when I spoke with him about it yesterday.

CHAIRMAN DIODATI: Okay, I hope that the board is comfortable with that strategy. It sounds reasonable to me and I don't see any disagreement, so thank you, Toni. Bob.

MR. ROBERT BALLOU: Toni, I'm just trying to get my head around this. What would explain the surge in landings if most of the crabs are caught with lobster traps and the number of active traps fished has been decreasing?

MS. KERNS: I think the increase in need for alternative crab product has brought on that surge is one of the things that I read about. I'm not sure what the other rationale would be. I know that in speaking with David Borden, a lot of industry use this as supplemental money to make sure they have ends meet. Especially with the reductions in the lobster fishery, the Jonah crab are significant in the offshore fleet and rock crab are much more significant in shore.

MR. BALLOU: Just a quick followup; so is it clear or is it still up in the air as to whether the population is increasing or they're just bringing more crabs home?

MS. KERNS: I do not have an answer. It could be both or it could just be one.

CHAIRMAN DIODATI: Bill, did you want to shed some light on something to that point?

MR. WILLIAM A. ADLER: At certain times the offshore fleet concentrates on crabs out there, and their catch of lobsters is down and so the main landing is crabs at certain times of the year. Inshore, there are certain times when there are a lot of crabs in your trap; and then it seems that when the lobsters move in, the amount of crabs that show up in your trap goes down.

It used to be we used to use crabs a lot for bait. We just take and put right on the spike. But at least what I've been listening to more frequently is we don't need that stuff; we don't need the crabs to be spiked and used for bait although I'm sure some people do. That is not a big thing so I would think that the big increase in crabs is coming probably from the time when –

particularly offshore, although this happens sometimes inshore, too, but when lobsters aren't running too freely but the crabs are, and the major landings by these offshore boats are crabs

CHAIRMAN DIODATI: All right, we're going to talk a lot more about Cancer Crabs as we move forward. Toni, now I think you're going to present a similar report for the shad and river herring management action.

### **MAFMC ACTION ON SHAD AND RIVER HERRING MANAGEMENT**

MS. KERNS: Because we did not have a Shad and River Herring Management Board Meeting, but the Mid-Atlantic Council took some action and we've had a couple other things going on with shad and river herring, we're bringing this report to the Policy Board since it's a coast-wide board.

Both the Mid-Atlantic and the New England Fishery Management Council have put in place catch caps since the last time the Shad and River Herring Management Board has met. The Mid-Atlantic put a 236 metric ton cap on incidental river herring and shad catch in the Atlantic Mackerel Fishery for 2014. The New England Council put in a 312 metric ton proposed closed on gear types when 95 percent of the cap for the gear type is reached, and that 312 is the total amount. It is all broken down by gear types specifically.

The Mid-Atlantic Council also had a draft DEIS to consider shad and river herring as stocks in the fishery as part of the Squid, Mackerel, Butterfish Plan, but they did not enact that. Instead they passed this motion that is up on the screen that basically says to put together a working group that is made up of the council, the commission, states, the regional office, the regional center working group to improve the current management by aligning current commission, state and at-sea cap management measures to comprehensively address fishing mortality throughout the species range in both state and federal waters.

Second, to use the Mid-Atlantic Council and the New England Council's SSCs and other relevant scientific bodies to develop a scientific-based approach to determining the proper size of the catch cap in the mackerel and herring fisheries; and, thirdly, to monitor the success of current management actions by the council and our partners.

This is the action that they took at the last council meeting instead of including shad and river herring as a stock in the fishery. NOAA Fisheries has also put together a technical working group that is developing a long-term and dynamic conservation plan for herring throughout the species range.

They have asked us to sign on to a letter requesting that states bring forward an expert to participate in this working group; and without objection, then we would sign on to that letter to reach out to the states for that from the Policy Board. Lastly, the ACFHP has put together a multi-region webinar to prioritize river herring habitat restoration projects, and these will be on the ground restoration projects.

It is sponsored by NFWF, which is a part of their River Herring Initiative. As you can see, there are three fairly significant working groups that are going on concurrently in the upcoming year focusing on shad and river herring. It is staff's recommendation to work with commission leadership in supporting all three working groups, but also to make sure that we avoid duplicate efforts of these groups and to prioritize commission work when necessary, if that is the pleasure of the Policy Board.

MR. DAVID SIMPSON: I was present when the Mid-Atlantic Council voted on this motion to help us manage river herring, and I have some concerns. I really don't think it's consistent at all with Amendment 2 or 3. I don't think it's consistent with the history this country has of managing anadromous fisheries.

They're taking a simple stock type of approach and saying we can calculate an ACL and effectively we'll decide how many we get and many you get, and that's complete contrary to

the Sustainable Fisheries Plans that we all just developed in order to keep runs open. Well, that's the main point; I just don't think it's consistent at all with the history of anadromous fisheries management in the country and it's not consistent with our plan.

I might thank them for their effort, but I would rather that they took a hard look at their intercept fishery and do as the New England Council did and look at ways to mitigate the impact they have on our runs; not close their fishery, certainly, but mitigate it, take steps necessary to reduce to the extent practicable their interception of American shad, alewives, bluebacks, and I think hickory shad are also included. That is my strong preference here.

MR. ADLER: Mr. Chairman, I agree with David, because I don't like them use the words "help us" manage. You know that means. We get the SSC involved and we get the federal thing and then we might as well give up our plan; because it seems that every time we have a joint thing, we always have to agree with them. You've heard this before. Particularly because this particular species has a lot of contact with up the rivers, I would prefer to leave to our management operations. I think David was heading in that direction. Thank you.

CHAIRMAN DIODATI: Okay, I don't see any other questions. Tom.

MR. FOTE: Well, I'm torn on this. I look at what New England has done on winter flounder compared to what we've done on winter flounder. I'm looking at what I think is still a high level of bycatch of river herring and shad. My state completely closed down so it wouldn't make any difference to us.

To rely on what New England has done and say they're doing everything right, I'm not sure that it is. I think the Mid-Atlantic was looking at trying to help us rebuild these stocks and looking at how to reduce the bycatch and the discard rate on this and other fisheries. I'm not ready to throw it out and I'm not ready to come out against this, especially what I've seen again on winter flounder where we have very small

seasons and very short catches. I see the catches up north going up.

CHAIRMAN DIODATI: I've got Pat and then Bill, and I guess first I want to say that what strikes me is that, yes, they're recommending a working group; but at the same time they've quickly recommended that they lead this working group and suggesting that the expertise on anadromous fisheries lies within the Mid-Atlantic Fishery Council, and I do disagree with that. I think there needs to be more discussion with the council about how that working group, if it develops, should proceed. I'll take your comments, Pat, and then Bill's and then we'll see where we're going to go with this.

MR. PATRICK AUGUSTINE: Mr. Chairman, all of this turns out to be – I was at the same meeting David was and several others – this is almost a knee-jerk reaction to the effort that the council has put into possibly ending up developing a Herring FMP all by themselves. There was movement in that direction and it was pushed real hard and there was bitterness at the end of it because the whole thing wasn't approved. It was kind of shot down by one or two votes.

I think maybe the chairman actually made the last vote. You're right, Mr. Chairman, this abdicates our authority to do what we do and leave what we're doing; and therefore I would not support this. I like the idea of the follow-on, Toni, that you put up there that the National Marine Fisheries Service is interested in forming or has formed or will form a group; and if there is anything to be done, it seems to be the combination of their efforts and our efforts with us still having the lead because it's our FMP.

MR. WILLIAM J. GOLDSBOROUGH: Mr. Chairman, I was at that council meeting as well and I want to echo Dave Simpson's view of it. This commission since a shad benchmark assessment – and I want to say about 15 years ago if not longer than that – has had the view that alosid stocks needed to be managed on a tributary-specific basis.

To that end we phased out the coastal intercept fishery in states' waters effective in 2006, I believe. Of course, we've many of our river herring fisheries now and only have a few open, I think. A lot of the states have put a lot of effort into dam removal, as we all know, and fish passage.

I think what we have concluded in several at least of our letters to the councils and perhaps to NOAA as well is that the states have done about all they can and that these are historically very important fisheries and ecologically very important fisheries that are basically missing from our coastal ecosystems now and that there is something else going on even if we don't have really strong data.

That is really the problem; we don't have really good data on the nature of the bycatch, but there is a lot of circumstantial evidence that it is a major problem and may actually be the final thing that is standing in the way of any kind of significant recovery. As I recall, the staff analysis at the council ranked dams – obstructions to fish migrations as a bigger impact – most likely a bigger impact than offshore bycatch.

And yet I don't think they fully recognized all the effort that has gone into dam removal and fish passage in the last couple decades, mostly by states efforts, and that actually in a previous era, several decades back we had much stronger herring and shad runs with less historic spawning grounds available to them.

In addition they made a comparison to striped bass and said that, well, the ASMFC has proven its ability to recover an anadromous stock – and they cited striped bass – implying that, well, we ought to be able to turn around alosid stocks without that kind of attention to offshore bycatch was the implication I took from that as well.

Again, I think that was a little shortsighted because it failed to recognize that in fact the striped bass recovery was a result of range-wide coordinated management and these alosid stocks clearly extend their range well out into the EEZ. If you want to take the striped bass comparison a step further, the federal government did close

the EEZ to striped bass, so that would suggest the precedent would be for much stronger action than just making alosid stocks in those fisheries. I think we should feel disappointed and frustrated. I'm not sure what step we should take, but I think it's a setback for our alosid restoration efforts.

CHAIRMAN DIODATI: Bob, I hope you're going to have a resolution. Go ahead.

EXECUTIVE DIRECTOR ROBERT E. BEAL: A thought if nothing else. I think the good news is everybody is realizing shad and river herring need some work. The bad news is we're kind of all tripping over ourselves trying to do something. I think there are a number of different initiatives at the councils and NOAA Fisheries and states, and I think there a lot of moving parts and there is not a lot of coordination between those parts.

The Northeast Region Coordinating Council is meeting I believe November 20<sup>th</sup>, and that is a body with the commission, the Mid-Atlantic and New England Council, Northeast Regional Office of the National Marine Fisheries Service. They're meeting in a few weeks. I would suggest that – and Terry Stockwell will be there – Terry and I can kind of bring the message forward that we need to sort out all these initiatives and figure out the best way to coordinate this.

There is a lot of redundancy in the system right now and there is a lot of – I think there is conflict with who is managing and what authority should take the lead. I think somewhere between the two councils, the commission and the Northeast Regional Office we can start the dialogue, anyway, at the Coordinating Council and then bring it back to the commission leadership and see where folks want to go. It seems like we're working too hard at this or too many moving parts to get where we need to go.

CHAIRMAN DIODATI: I agree; I think that there is something here. We certainly need to coordinate all these efforts, but again I feel very strongly and I think most of you do as well that

the leadership role in this I think belongs in ASMFC because it's really the states that have – most of at least have statutory authority over regulating these anadromous fisheries and resources as they come up into the rivers.

That has been pretty well established going back to colonial times and MSA never changed that. I think there has got to be some clarification if you want to do it at that meeting, but I don't think to forget about this. Before there is any action that comes out of them following up on this motion, we want to make sure that we get on the field.

EXECUTIVE DIRECTOR BEAL: I think that's fair; I can bring that message to the Coordinating Council and see what their reaction is and let you guys know.

CHAIRMAN DIODATI: I appreciate what Toni presented that NOAA Fisheries is preparing a very large effort, it looks like, probably with funding, who knows; I don't know.

MS. KERNS: \$90,000.

CHAIRMAN DIODATI: \$90,000; that's great. Dave.

MR. SIMPSON: The federal slide got by me and I just wanted to see it.

MS. KERNS: And I did not say that it's a \$90,000 initiative that we are working very closely with them to develop what goes on at those regional workshops to put together. That was in direct response to the non-binding ESA listing.

MR. TERRY STOCKWELL: Mr. Chairman, I'll be very brief just to inform the board that the New England Council shares the sentiments expressed around the table.

CHAIRMAN DIODATI: So this is another issue that we'll be talking more about, so thanks, Toni. I see Madeleine Hall-Arber is here and has joined us. Those of you who don't know Madeleine; she is an anthropologist with MIT

Sea Grants Program. I guess you're representing our Economic and Social Science Committee today.

### COMMITTEE ON ECONOMIC AND SOCIAL SCIENCES REPORT

DR. MADELEINE HALL-ARBER: Thanks for inviting me to talk. Some of you even may remember that over a year ago, maybe as long as two years ago, we sent out a survey of the commissioners to try to find out what kinds of economic and social science data you use in your decision-making and what other data you would like to have that you don't.

We sent it out to 45 commissioners and about half of you responded. All 15 states were represented. A lot of the people who actually filled out the survey were state staff. What we did was we analyzed the responses and did it on what they call Likert Scale, which shows the most important, least important.

The most important was five and the least important one, so it wasn't a huge range but it gives you an idea. When we asked what research areas contribute to the commission's decisions, this is what came up. Now, it is not a huge surprise, policy and law and economics topped the list. As an anthropologist, however, I was a little sad to see anthropology and sociology so low on the list; but actually as I went through the survey responses, it turns out that there were a lot of questions that really anthropology and social science would answer those questions or decisions that had to be made.

I think maybe we need to do a better job of letting you know what information would be useful to you. When it came time for the questions about what the states found were the most important pieces of data, again it wasn't a huge surprise. Economics topped the list and then attitudes towards proposed fisheries regulations, which includes values and goals, and I will point out this is social data.

Three was the effects of tradable quotas and catch shares and caps. Again, this is social and economic data intertwined. Then number four was the social effects of fisheries regulations and

five was trends in fishing communities. One of our economists found this whole discussion quite interesting because he noticed that when the commissioners talked about the data that was important to the commission's decisions, only about 56 percent said economics; whereas, when they talked about the states' decisions, it was more like 74 percent as being important or very important.

What he surmised is that because when you're dealing with the states, since most of you have much more knowledge about your local situation and the economics and what is important to you, that was why economics was so much more important than it was when you're dealing with all the states combined; and people rely on their own knowledge of their local area.

In New England, as in many parts of the world, the small-scale fisheries have started to disappear since management turned to individual tradable quotas or ITQs. Even in the context of New England where we have groundfish management and they use sectors, they call them catch shares, but in effect they're the same as ITQs, and there are many reasons for this, but consolidation and corporatization tend to follow ITQs.

Herring is a fishery that many of you have been involved in I gather and you know that there are very diverse stakeholders. They're the small operators that are operating the local lobstermen for giving the bait, and then there are the large operators that are not only dealing with bait but are also trying to jump into the food market, especially the foreign food market.

Right now the quota is general. It's based on fishing areas; it's not applied to individuals or individual permits, individual boats. So if you did switch or if one switched to ITQs, you could conceivably have consequences that were not intended like consolidation; so many of the small operators, such as the whiting fishermen who only rely on herring for a small portion of the year, and it's to make their year's pay; they might be impacted negatively.

This shows that you need both economics and social data in doing your analysis and coming to your decisions. There is another thing where the ASMFC has made some changes for herring; for example, the landing days. Well, at what point the landing days were one or two days out of the week – and when I did some interviews on what the impacts of those were, it was the shoreside businesses that were affected. It was like the truckers because one of the dealers had to bring all of the trucks in to pick up the herring on that one day of the week that they were landed, and it was very tough to get enough trucks.

So that kind of thing can have a greater impact on small operations since they tend to be the dayboats that don't have the capacity to hold the herring in the RSW; so their fishing as well as their landing is affected. Finally, the restrictions on herring, both federally and regionally, have led to lobstermen seeking alternative bait.

Now, this could end up having an impact on the herring fishery because of the prices, the whole demand and supply issues related to that. As I said, economic impacts and social impacts are generally intertwined. You have economic consequences of management actions that lead to social consequences. Some of those might be the consolidation which leads to fewer jobs, fewer crew positions; probably larger vessels; changes in schedules, et cetera.

Partly because of the expense of permits when you have an ITQ, you have fewer young entrants into the fishery. I'm sure you're all keenly aware of the impacts of a lot of your allocation decisions. Attitudes is something that you always talk about, but it's something that is critically important because researchers found that if fishermen agree with the regulations – and they're more apt to agree if they actually participate in making the decisions about how they should be managed – they're more apt to abide by those regulations, so that's really quite important.

Now, every time you make a management decision, there are impacts. In the survey a lot of you noted that it would be very helpful to have a comparison of what the impacts were

depending on the kind of decision you made and choices you made in your management plan. Now, ASMFC has a little more freedom, a little more maneuverability than the federal plans because you're not absolutely required to have social and economic data, but clearly it is something that would be helpful. These are just some of the things that the responses to the survey noted would be useful.

It was a very short survey, as you may recall, and not very detailed, but we could honestly say that the commissioners are concerned about socio-economic information. They do believe that it's important and they are concerned about the impacts of their decisions. You're limited by funding; you're limited by access to information for reliable sources.

Maybe we're limited by the way the analyses are presented. Maybe the models aren't as useful as they should be. Of course, there is always the time – we've talked about that already several times today – and political pressure. I define the issue about access to information from reliable sources a rather interesting comment; because in an interview I had on the topic of a federally managed species, one of the managers told me that he does not read social impact assessments.

I was pretty astounded. He said that instead he talks to a few people that he considers reliable. Now, I am sure that same manager would not talk to two reliable scientists rather than going to look at the TRAC or the other scientific assessments and consider that was sufficient. He would want that science. Well, social science is also a science.

You can get an impression from talking to trusted individuals and you can even go to your technical committees or go to your social scientists on your staff and ask them to investigate, but just to take the impression of a few people is probably not the best way to go. One of the things that we're hoping to do in conducting this survey and the followup is to find out what would be useful to you and how could we help you incorporate social science data on a scientific rather than an impressionistic basis.

We do have economists on our committee who would really like to help you understand the differences between economic impacts and cost-benefit analysis, for example. Those are very pertinent to your decisions because they can be designed to achieve different goals. Your understanding of the differences between these are really important because you might have stakeholders who come up you and call on one or the other kind of study to prove their point.

Unless you're aware of the differences, you might make the wrong choice, the choice that isn't really equitable. One example of that is there is a modified cost-benefit approach that does address equity and distributional impacts rather than just economic efficiencies. We do have some follow-up questions, as you might imagine.

First I'll just call these rhetorical questions, just to have you look at these and think about it and then I'll go on for the next couple of slides and go into a little more detail about what we think might be helpful. Basically we're trying to find out where in the system and in your activities would be the most useful for us to get involved.

We spend a fair amount of effort and don't want it just to be useless or sit on the shelf someplace. Some of the options are should CESS; and not just the CESS but the technical committees as well – there are social scientists on most of the technical committees. They aren't necessarily all part of the CESS, so that's why I have both the technical committee and the CESS here.

We think that with the FMP reviews we could provide basic data, baseline data on the economic status of the fishery, for example, and that would be things like the current dockside and dealer prices, the markets, the products, current fleet capacity, numbers and sizes of vessels, ownership, et cetera.

Then we can also look at existing community profiles and indicators that would give us an idea of the status quo. Now, you probably are already aware that the National Marine Fisheries Service has been making a serious effort to put



up community profiles. They have a whole group of people working on indicators as well and it becomes very complicated.

But in any case what we're thinking is that for this baseline data it would probably take a couple of months to put that together for any particular question that you had, any particular species, and it might be possible to get the CESS with the technical committee people to do this on a pro bono basis, although I've not been able to run this by the committee since this idea came up, don't take that as Gospel.

Another place that we could interact is at the amendment or addendum point. What we're thinking there is that we could provide data on the tradeoffs between the different options. That would give you projected socio-economic impacts of regulations. Those are things like the trends and dockside dealer and market prices, fleet capacity, social variables indicating vulnerability or resilience, wellbeing, that kind of thing. That would cost a little money and it would take a little more time.

Then the third place that we think we might be able to have some impact is during the actual stock assessment development. There we would like to see CESS really give you much more comprehensive data; socio-economic impacts not just of what the current status is but your past actions, what has happened.

A lot of people do social impact assessments but very few people look back at what the real impact has been after all the regulations have been put in place. Here we would also want to talk about the impacts on landings, the trends and the prices, the capacity, user conflicts or cooperation and community vulnerability, resilience, wellbeing, governance, all those kinds of things.

Again, that would be a little more costly, a little more time, but I think it would be well worth it in the long run. If any of you have comments or suggestions or ideas where you'd like to see this kind of information, how you would like to see this information used to help you with your decision-making, I'm all ears.

CHAIRMAN DIODATI: I don't see a lot of hands going up, but what strikes me here is that the investment, the cost seems pretty modest compared the amount of dollars that we're spending overall. I would guess that there is an opportunity for here to take one or maybe multiple options and see where it leads us. I'm not sure how to proceed today. Dave.

MR. SIMPSON: I think this is great information. I think with the struggles we have with lobster management in Southern New England, collapse of the stock, how do we respond to that, I think it's a really good case study of distributional impacts, as you called them, versus economic efficiency and a little bit of social science.

Economics assistance in looking down the road at what the outcomes of the consolidation measures we're implementing in Areas 2 and 3 I think would be really instructive. I understand that is an offshore fleet, but I look at my own state in Connecticut and the nearshore type of fishery, and I'm thinking of going in a completely different direction so that we have Greenwich to Stonington, east to west, continue to have some kind of participation in lobstering on a broad scale and not just the five guys now that take up half of the landings. I think it would really help us on lobster in particular.

CHAIRMAN DIODATI: So is that a recommendation to take these options and implement them in a case study type program over, say, a year? Maybe it is the lobster fishery; I'd be fine with that, but we can have more discussion. Is that something that's doable, Bob? Let's assume that it would cost some money, but in total it doesn't look like it is more – it is under maybe \$20,000 to do this?

EXECUTIVE DIRECTOR BEAL: We're still wrapping up the action plan and the budget for next year; so as we get closer to wrapping that up, I think we can come back to the board with how much money we have available, and then work with the board and CESS maybe to prioritize those projects and see what we can do in the next calendar year.

CHAIRMAN DIODATI: All right, so why don't we do that, why don't we have you work with the committee and come back an estimate and a target plan. It may not be lobster; maybe we should pick one that is lined up perfectly with assessment timing and other – an addendum and so forth. All right, are there any other questions for Madeleine? Lauren.

MR. LOREN W. LUSTIG: Thank you for a very fascinating report. I was taking notes and when you were talking about attitudes that fishermen have, I believe you said that if they agree with those regulations, they tend to abide with them.

Earlier this afternoon we had a very interesting speaker who commented that sometimes he had seen where up to 60 percent of fishermen in certain states chose not to purchase fishing licenses. Could we extrapolate, then, that indeed they don't perhaps agree with the whole concept of a fishing license?

DR. HALL-ARBER: Since I wasn't privy to that and I don't know which group it was or what state; it is interesting that there are very local differences. You can have opinion leaders who will cause a whole group of people to do something or not to do something. It is kind of a blanket statement that may not hold true in every case that people who participate in the decision-making will actually abide by the regulations, but that's what the research has found. I don't know; maybe those people didn't participate.

MR. ADLER: I think that's very true and I will use lobster. This group, unlike the federal council, way back when we started to move into lobster management, this group, the Atlantic States was willing to have the fishermen sit down to address a problem in their area; and they did.

I think to this commission's credit, when the fishermen presented their plan, which they had run through the scientists and everything about does it do the trick, you know, that whole thing – when this commission adopted – for the most part adopted what the fishermen had put in for their medicine – and I have spread this over and

over to the fishermen – they listened and it did the trick and you get compliance because it was their idea sort of.

That definitely is the situation where if you make it reasonable and you let them get involved in it, then you can have one of the most important parts; because a rule you make and put in a rulebook won't save one fish unless out there they're doing it. I think that's a very good statement as to if you let the fishing people, recreational or commercial, work on a situation, you will have a better chance that whatever you do put in that looks good in the rulebook will in fact do what you want it to do. Thank you.

CHAIRMAN DIODATI: Okay, we have some next steps outlined. I have Terry and I'm going to take one question from the audience.

MR. STOCKWELL: Thanks, Madeleine. I don't know if you were here earlier when we had a somewhat lively discussion on eels.

DR. HALL-ARBER: I was here part of the time.

MR. STOCKWELL: My counterpart from New Hampshire whispered over to me that perhaps eels would be an interesting case study. We're looking at some significant reductions in what is right now Maine's number two fishery. I'll be happy to follow up with you offline after this.

MR. DICK ALLEN: I'm just speaking as a member of the public who has been very interested in ITQs and catch shares and advocated for them since about 1990. I think Madeleine gave you a little bit of misinformation when she said that the New England Groundfish Fishery as have fisheries around the world are losing all the small-scale fishermen because of ITQs.

The data that I have looked at indicates, first of all, that the New England Groundfish Fishery doubled in participation between 1975 and '80. The fishery was already fully exploited. The fishery became seriously depleted. People started leaving the fishery in the 1990's, and the consolidation rates in the groundfish fishery were higher before the catch share program was

put into place than they have been since Amendment 16.

I don't think it's at all fair or even accurate to say that ITQs have caused serious consolidation in the New England Groundfish Fishery. And because it's such an important issue in so many fisheries, I think we need to try to correct information like that.

CHAIRMAN DIODATI: I'll let Dick and Madeleine discuss that –

DR. HALL-ARBER: Can I have one word? Dick and I have been arguing this since about 19 whatever; so it's not an old discussion. I will say that it's the small-scale fishermen that seem to be falling by the wayside. It is not just consolidation but it's who is losing out.

CHAIRMAN DIODATI: Thank you, Madeleine. Okay, we have several more reports to get through. Emily Greene has joined us and she is going to give the **Atlantic Coastal Fish Habitat Partnership Report**, as she has done for the past couple of meetings.

#### **ATLANTIC COASTAL FISH HABITAT PARTNERSHIP (ACFHP) REPORT**

MS. EMILY GREENE: The Atlantic Coastal Fish Habitat Partnership Steering Committee met yesterday and today. It discussed and came to a decision on numerous activities which they're conducting in three major topic areas; on the ground fish habitat restoration, science decisions' support tools and partnership building.

To begin, we received 19 applications this year for on the ground fish habitat restoration project funding. Yesterday the steering committee considered the scores provided by its project review team and will finalize a ranked list and submit to the Fish and Wildlife Service by the end of this year.

The steering committee also heard an update and agreed to move forward with implementing a conservation mooring project at able and willing marinas near Jamestown, Rhode Island with

funds from the National Marine Fisheries Service. The steering committee also heard an update on a National Fish and Wildlife Foundation Grant, which ACFHP and the Nature Conservancy are jointly leading to convene stakeholders and experts to develop a set of river herring restoration strategies.

We anticipate coordinating these efforts with other groups working on river herring conservation planning that Toni just briefed you on earlier. In addition, the steering committee reviewed survey questions which will allow habitat restoration and passage restoration practitioners in the near future. The purpose of this survey is to collect information about on the ground restoration work currently being conducted by our partners along the coast in order to better align with and provide support to these efforts.

On the science front, the steering committee discussed and confirmed ACFHP's guidelines regarding endorsing science projects, which articulate that research projects will be considered so long as there is a clear connection to an ACFHP protection or restoration habitat objective. Also on the science front the steering committee heard an update and provided feedback on a North Atlantic Landscape Conservation Cooperative Funded Habitat Assessment, which is being conducted by a contractor, Dunsom Strategies.

ADFHP is taking the lead in guiding the coastal component of the project, pulling in pertinent technical expertise as we move forward. In the very near future the partnership will be submitting a species habitat matrix manuscript for publication in Science and we will be serving the results of that project online.

The steering committee also discussed several collaborative science, communications and operational activities that are being developed with the two other east coast fish habitat partnerships and other closely focused fish habitat partnerships nationwide. I'll be happy to provide more information on these initiatives offline for those of you who are interested; actually some really exciting work happening there.

Lastly, the steering committee provided or approved a set of criteria for bringing in new MOU partners. To wrap up, we had an opportunity to visit some of the terrific work that the Georgia DNR is conducting on oyster reef restoration sites in the area, which was a lot of fun. That concludes my update. Thank you.

CHAIRMAN DIODATI: Always concise but comprehensive, Emily; thank you. Are there questions for Emily? That was a good report. Mark is going to present the Law Enforcement Committee Report. I bet the estuarine work around here must be pretty interesting, the marshes, and it's just an incredible piece of the country.

#### **LAW ENFORCEMENT COMMITTEE REPORT**

MR. MARK ROBSON: Since our Law Enforcement Committee just broke up a little while ago, I haven't been able to complete the written report for you, the summary of our work today. But just to give you a few of the highlands, we had a couple of discussions with your ASMFC staff. Marin Hawk and Toni Kerns came in and talked to the LEC about a number of different issues relating to identification issues with Asian horseshoe crab, some discussion about dusky shark identification problems that law enforcement might see in the field.

Of course, Toni has talked to us about a couple of other issues related to research set-asides and also some issues regarding – and I'm trying to remember now – trip limits in the spiny dogfish fishery where there may be consideration of cumulative trip limits versus daily trip limits and possible problems with different jurisdictions having different trip limit standards.

We had a guest speaker today who came and talked to us. Mr. George Lapointe came and talked to the LEC about his project working on some of the monitoring technology that they're looking at to report back to the federal councils.

He was specifically there and asked to be there to get input from the law enforcement perspective on those tools that may become available or that are being used now such as on-board video cameras or other electronic monitoring and some of the concerns that might ensue when you try to apply those to enforcement type of issues.

We had some good discussion and I think he came away with some good insights into some of the enforcement issues surrounding those technologies. We also had a conference call today with the National Coordinator for NOAA and their Joint Enforcement Agreement Program, which are the agreements that NOAA has with the states to help fund law enforcement activities, particularly for federally related activities.

It was good to have that person on the phone with everybody from the LEC representing the various states and the entities that are involved in that; and particularly because of the government shutdown, some of the concerns with reimbursement processes and where the status of certain JEA funds or agreements were at. I think we cleared the air on some of those issues as well.

That's pretty much the highlights. Again, I'll provide a written summary. I was working on that at the time when I got called down. We did have an election and we now have a new chairman of the LEC, and that's Lloyd Ingerson from the great state of Maryland; and the LEC elected a new vice-chair, and that will be Michael Eastman from the great state of New Hampshire. Mr. Chairman, that's my report.

CHAIRMAN DIODATI: Are there any questions for Mark? It's a good report. I recommend that if you have a chance to attend one of their meetings or you can sit in for a few minutes – I've done it and try to do it every time. I didn't get there this week. Thanks, Mark. Ritchie, did you have a question for Mark?

MR. G. RITCHIE WHITE: Well, just a comment on your comment. I was able to attend for a while this morning, and I also try to sit in

when I can. If there is the opportunity to schedule law enforcement in a time when more of us might be able to attend, I'm not sure just how you do that but if there is that opportunity I think there might be more commissioners willing to sit in. When we're there, we get asked questions, so I think it's a good interaction.

### **MANAGEMENT AND SCIENCE COMMITTEE REPORT**

CHAIRMAN DIODATI: I was frisked when I was there. (Laughter) I see Dr. Armstrong is at the time. Mike Armstrong has been chair of the Management and Science Committee, which met this week, and I hear he has an exhaustive report to provide, a very extensive report.

DR. MICHAEL ARMSTRONG: I do, Paul. I have 45 minutes or so; is that all right.

CHAIRMAN DIODATI: I'm going to say for you, yes, go ahead.

DR. ARMSTRONG: You can pull the hook at six minutes. We actually were very busy. We covered a lot of topics, but I think the most germane you want to hear about is the climate change things we have been working on. Let me blast through just touching on a few things so you know what is going on.

Led by Marin Hawk, we did talk about and we will be putting all the state fishing rules on the ASMFC Website. We think that's probably a product people need. The recreational regulations will probably go on as a list, but the commercial regulations, because they're so dynamic in every state, we'll probably put that as just a link. It is another way to get to the people so they can find things easier.

We talked about compliance reports and staff is going to take a very critical look at them; the feeling being they really should be compliance reports, short and to the point. Some states, my own included, can get kind of wordy so staff has trouble pulling out the germane information. You might see a shortening and a little more concise form for compliance reports.

We also talked about survey, state and federal. We tend to go and get data several times a year for every assessment. We're talking about a methodology where we can get all the data in one fell swoop and minimize for state and federal people that job. We heard about a system called MATOS, the Mid-Atlantic Telemetry Observation System, which is a system being set up with analysis tools and a backing data base to store acoustic data.

There are now thousands and thousands of fish and receivers on the east coast that are very ad hoc being managed in terms of data. The presenter, Doug Wilson, showed us this currently not well-funded methodology that a lot of research could potentially use; very interesting. It is developed but it needs a little more, and they'll be looking for money for that.

We reviewed the stock assessment schedule in terms of does it make sense for staff time, knowing that a lot of the state biologists are really burdened by doing a lot of assessments. There is a lot coming up but we signed off that the current schedule looks pretty good. There are some outside peer reviews coming up, and we will be looking for reviewers for tautog and black drum, which I believe will be done together, and for the lobster.

If anyone has ideas of potentially good reviewers for those, we'd like to hear about it. We did spend a fair amount of time – we're still working on the management of risk and uncertainty. We have a subgroup but we brought in the whole group to talk about it more. We have a document that will be coming to you very shortly that is a list for every species of all scientific uncertainty and all management uncertainty. That itself will be a useful document to look at.

The next step is the ASC is working on a strawman of how to insert uncertainty. All the councils have done it. My guess is you folks don't want the kind of rigidity that is in the council methodologies, so they'll have a strawman maybe next meeting about how to address scientific uncertainty. We will still

working on how to address the management uncertainty. It could be anywhere from ad hoc or to rigid system, so we're working on that.

Anyway, let me tell you a little bit about the climate. We spent again a considerable amount of time. This has been in the hopper for several months. We basically had four presentations, really, and I'm just going to talk about one mostly. Chris Kennedy and Malin Pinsky, who is really an up and coming superstar in spatial modeling; they just got a grant to look at summer flounder – they're out of Rutgers and VCU and NMFS – looking at connectivity of the stock movement and displacement in response to temperature or variables.

But the important part is they really want to see if they can come up with management implications out of it. The timeline for that unfortunately is probably two years. Of course, we talked also with Jason McNamee about Dave Simpson's Fluke Working Group, which is doing something very related to what we're trying to accomplish.

I'm not sure it will be exactly in place, but it is definitely going to be an adjunct, and we will be talking with those folks. We heard from Wendy Morrison of NMFS, who is working a vulnerability analysis for all species I think in the U.S., but fortunately they're working on the northeast and mid-Atlantic first. This will be an analysis of the key species based on the physiology and their biology, how vulnerable are they to temperature increases. That will be also a helpful document.

Now, one we heard about led by Jon Hare at NMFS and with his Post Doc Rich Bell, and others is an analysis that we have been working hard with him on. They're doing the work and I really thank NMFS for the work they're putting into it. His analysis shows – and again there are dozens of data sets just for temperature, and you have to pick which one is right.

They went this methodology so they're not done, but their findings right now are the abundance of fluke is clearly higher now in Southern New England, so they did an analysis

to figure that out. I think the time series was late seventies until today. The factors that came out important are temperature, but to a greater degree it is really about the age structure of the stock expanding in response to the good management we've had.

Older fish go further north and so there is tremendously more abundance in Southern New England now than there was at the time when the quotas were set back in the late eighties. The next step is what do we do with that? They have more analysis to do and we've asked them to put the next species in the queue to be black sea bass.

Looking at the timeline that we laid out; we're actually fairly well on it, but I add the caveat that we have several hours' discussion and we will not achieve what we put out, which was basically a year, a year and a half mostly because the science is taking a long time, so we're kind of at a crossroads.

Do we sit and wait for the science to get where we need it to be or do we go another route; do we go more qualitative? We can wait – let me step back and say there is not a ton of staff time or expertise for these sorts of analyses, and we're very lucky that NMFS has stepped in and can do these things for us.

The other thing we might want to consider is bring outside consultants, which, of course, takes money; and whether or not that's available, I don't know. That could speed up the process, so we're at sort of a crossroads. We're getting the science that proves that redistribution is taking place. I forgot to add we've reviewed dozens and dozens of papers, and you've all seen them.

There is some seminal work published in Science and peer-reviewed literature. It is happening; the question is how do you quantify it? Jon Hare is doing a good job with fluke. The next step is the reallocation scheme and that can go many different ways. The committee is proposing that we send out a survey and we come up with a handful strawmen of how we could handle reallocation.

It will be very general, send it out to you folks, to technical staff, to maybe industry and I guess it would be here is one proposal; can you live it; do you hate it; would fight to the death to prevent it? We're proposing that so we'd like to get your comment on whether a survey would be useful. Other than that, we're flying blind creating these reallocation schemes. Even we get an outside entity, we still need you to provide direction. I actually don't really have anything more than that.

CHAIRMAN DIODATI: We're going to fight to the death. We'll take questions for Mike. Roy, I take it is on this last topic?

MR. ROY MILLER: Yes. Mike, what I heard concerning fluke, I heard conflicting opinions, if I may. I was wondering if you help me sort that out a little bit. Is it in fact because of expansion of the age structure of the stock that larger fluke are now appearing in New England or is it in fact related to climate change; which is the more important factor in your view?

DR. ARMSTRONG: That's a good question. Let me step back; if you look at the relative abundance, say, off Virginia and North Carolina, the abundance is a little bit more than what it was back in the period when quotas were set. In Southern New England it's tremendously more abundant, so the models come out more significant for the expansion of age structure.

Because bigger fish travel further, they end up on New England waters during the spring and summer and fall and then go back to deeper water. Those fish in age is six, seven, eight were not present back in the late eighties because of fishing effort. They're now present; they're filling New England waters.

There is a signal that comes out significant in the models they ran for temperature. The problem as I see – and they still have to tease this out – is the recovery of the stock overlies the temperature increase perfectly. They're very confounded so the models have to fight to tease out which is more important. At this point they're saying the expansion of the age structure.

They didn't analyze any data from the Gulf of Maine, and we've all heard about fluke, scup and sea bass pouring into the Gulf of Maine. They haven't incorporated that and they're struggling with how they would do that and whether it would show the same pattern. Anyway, does that answer temperature, yes, is important; the age structure expansion is more important. That's what we're sitting on right now. That is not published, but they're standing by that right now.

CHAIRMAN DIODATI: You guys actually did good work there. Not bad; that's very informative.

DR. ARMSTRONG: I can turn off the smoke machine now. (Laughter)

CHAIRMAN DIODATI: Are there any other questions for Mike? Bob.

MR. BALLOU: Well, I guess just to follow up on Mr. Miller's comment; I mean, I find the cause interesting but I find the result even more interesting; the result being the apparent redistribution of the stock. As I stand your proposed followup, it's a survey to perhaps throw out some new configurations, some new allocation schemes, and ask people what they think about them. Did I misunderstand that or can you clarify that?

DR. ARMSTRONG: I think that is basically what we're thinking. For instance, we could suggest to an outside contractor or some NMFS folks give us an allocation scheme and they'd say, "Where do you want us to start?" There may be some non-starters. We heard a few things. For instance, we could define a period of recovery and quota increase after that would be disproportionately distributed to the states that have had greater abundance in the recent years.

You may say that's all right, that's workable and maybe other people would say no. We're looking to see if something jumps out as a non-starter and also asking people if they can come up with things, too. There are a limited number of different schemes you could do, and I think

you might see half a dozen and say yes, no, maybe, no way.

MR. SIMPSON: I was going to suggest that maybe our working group and the two of us for starters – kind of the chairs of the two groups could get together and share some ideas and come out with a game plan.

DR. ARMSTRONG: I think that sounds terrific.

CHAIRMAN DIODATI: Does the committee plan on writing up their findings?

DR. ARMSTRONG: Well, this isn't our findings, really.

CHAIRMAN DIODATI: I know but you've done a good review of existing literature and you've met with researchers and it would be nice if we had a memo of some sort so we could institutionalize some of that.

DR. ARMSTRONG: Okay, a brief white paper.

CHAIRMAN DIODATI: A brief white paper.

DR. ARMSTRONG: I'm amenable to anything because this is my last day as the chair.

CHAIRMAN DIODATI: Okay, and you'll take any assignment for the committee.

DR. ARMSTRONG: Whatever you've got.

MR. JAMES GILMORE: I was going to say the same thing Dave said; I think it would be good to hook the two groups together because it's obviously a lot of overlap. Timing, if you do that survey, how long would that take because the clock is ticking on this, and 2014 and our decisions are coming down pretty quick.

DR. ARMSTRONG: We are not going to have a reallocation model for 2014. The survey we could get in and out in a month or two; just do Survey Monkey or like that.

CHAIRMAN DIODATI: All right, so it sounds like you've made some progress and that is mostly related to what is happening with some

of these stocks. They do seem to be moving or expanding for a couple of different reasons. The next step looks like it's coming but not next meeting or maybe next year. I appreciate that and I guess we'll hear more about that.

I think it would be very helpful if we had a written summary of this. I think that would help these folks think about it and get more questions to you. Thank you, Mike.

#### **OTHER BUSINESS**

CHAIRMAN DIODATI: I did say under other business that we had a couple of things to talk about relative to letters and that sort of thing. Did you have something, Terry?

MR. STOCKWELL: From the Herring Section.

CHAIRMAN DIODATI: The other business. Okay, we have a couple of things. Let me start with Toni and DOJ attorney.

MS. KERNS: At the beginning of the meeting staff passed out an e-mail that was from Scott Doyle to all the commissioners. This e-mail is presenting the commission with an opportunity to provide comments to the U.S. District Court concerning the investigation of illegal and underreported summer flounder by an RSA fisherman.

We did send out press releases concerning this case. It was a New York commercial fisherman; Charlie Wertz pleaded guilty to covering up through the use of false VTRs and false dealer reports the illegal harvest of summer flounder from 2009 to '11 that approximated almost 86,000 pounds of summer flounder that was worth just under \$200,000.

He admitted to at least 137 false dealer reports to be submitted during that timeframe. It seems from reading this e-mail that there are concerns with the sentencing for this case because it is a non-violent case and that the victim is mostly the ecosystem that there may not be a charge that equals the guilty plea from the attorney.



The commission could provide comments to the court if it is the will of the Policy Board that addresses the importance of honest reporting on catch and sales data in terms of the resources available to groundtruth the actual use of submissions in formulating policy and quota decisions, the extent of the deception as to how it disrupts the modeling and policy setting for management in the light of the RSA Program where the quota is auctioned off and how illegal harvest impacts the population of available fish and/or impacts on the other fishermen that are not reporting illegally.

I also did touch on this letter with the Law Enforcement Committee this morning because it was also – or the e-mail was also sent to them. If the Policy Board does decide to send a letter, then the Law Enforcement Committee recommended that it includes the importance of setting penalties and fines high enough to deter others from also doing this action as well as highlighting the number of law enforcement manhours that goes into investigating and prosecuting cases such as these. There is a quick turnaround so the attorney needs a letter by November 8<sup>th</sup>.

CHAIRMAN DIODATI: Okay, many of us in our home jurisdictions have probably been in similar situations where serious fishery cases and some maybe not so serious, but cases end up in criminal court and we're concerned about the outcome and how they're judged given the other slate of issues that the courts are dealing with.

I've seen what I thought were pretty egregious cases in our neck of the woods gets swept aside. I think the only downside here is that it creates a precedent that this might become a faucet-type thing where now are we doing letters like this every time someone asks for one? This one sounds like it is coming from the Department of Justice so I assume it's a case that we're kind of invested in. What do you think, Bob?

EXECUTIVE DIRECTOR BEAL: Yes, I think so and I think this is one of the first RSA cases that I'm aware of. The RSA Program is based on confidence in the managers; and if folks are using the RSA as an excuse or an opportunity to

skirt the rules, I think it's probably worthwhile and maybe commenting on this one.

CHAIRMAN DIODATI: And RSA is becoming more popular, so I think it's important to draw the line. Is there any objection? Adam.

MR. NOWALSKY: Mr. Chairman, I certainly can't sit here and condone what happened in any way, shape or form. That goes without saying; but that being said, we sat here earlier and had a specific request from a state about doing something with regards to aquaculture and we said that might set a precedent and acted against it.

We can all pick up Commercial Fisheries News every month and read law enforcement; and to pick out one specific example, I think we have to think very clearly about that. Again, in no way do I endorse what is here. I think there might be an opportunity here for us to maybe step back and maybe weigh in at a higher level wherein we could weigh in on the fact what a lot of this letter touches in; that the fines in a lot of these cases are not enough. I think there are other places to weigh in than on an individual case against an individual. I have very real concerns about that as a precedent here.

CHAIRMAN DIODATI: Okay, it looks like this is going to require some discussion. Ritchie.

MR. WHITE: I guess I would have concern from Adam's point of view if we were getting these types of requests on a regular basis; but obviously the Department of Justice felt that this warrants additional help in getting the proper penalty and has asked us. I kind of think that takes it to a different level than if we were made aware of this and we were kind of sticking our nose into it. I think there is a little bit of difference here where they're looking for help; and I think it's worth doing it with the idea that if it starts to become a faucet, then we have to create some policy on when we do and when we don't.

CHAIRMAN DIODATI: Let me just ask Bob do you recall the commission in recent years doing this type of testimony?

MR. WHITE: Yes, on striped bass we did, yes.

CHAIRMAN DIODATI: Was it the Bay case recently?

EXECUTIVE DIRECTOR BEAL: Well, that one Vince was actually given the option or writing a letter or going to court to testify; so a writing a letter is a much more attractive option at that point. Ritchie is right; we have not received – to my recollection this is the first opportunity to write a letter that we've received in a long time.

MR. AUGUSTINE: Mr. Chairman, I talked to Scott Doyle. As soon as it came in my e-mail, I jumped on the phone and called him. He says they need all the support they can. There are several major pending cases similar to this, as large as or larger, and they want to use this case as precedent.

This guy just openly went totally against what he was supposed to be doing, and he was adamant about it and kind of made a mockery of the whole situation. He said any support that they can get from any organization such as ours would be greatly appreciated. I do think this is one where we do want to help set precedent. I doubt the DOJ will be coming back at us again for a while. They really want to get this guy to go to jail and show these people that we and the system mean business, and the laws are there for a reason and that is to protect the species of fish that we're managing.

MR. NOWALSKY: With regard to Scott's specific request, if we followed it in manner as he suggested that we're writing a letter to the U.S. Probation Office in a general manner describing the severity and impact of these without specific reference to this individual and the prosecution therein, I think that would be a direction wherein we could provide that general level of information that I think he is requesting as well as would appropriate for us to weigh in at that level, and I would have no objection to that.

CHAIRMAN DIODATI: And neither would I. In fact, that was my initial impression; this if more like we're being asked to come in to provide expert testimony; you know, how important these conservation programs are, what is the jeopardy when you corrupt them this way; when they're corrupted in any way.

If there is no objection, why don't we ask Bob to respond to the request from a high level and not deal with this case specifically, but certainly the RSA Program, what our conservation expectations are and so forth.

I don't think we're going to have time to circulate the letter ahead of time and to get a lot of back and forth, but I'm sure Bob will use some good judgment and our officers will take a look at it. The chair could take a look at it. As Mike said, that won't be me. There are some other issues here. Now, Terry, the Herring Section has requested to do a letter. Do you want to talk about that?

MR. STOCKWELL: It seems like a month ago but the first thing on Monday morning the Herring Section made a motion recommending that the Policy Board send a letter to the New England Council requesting to have its SSC and PDT work with the Commission's Herring Technical Committee as a priority issue to identify what is known about Georges Bank, Nantucket Shoals spawning and to provide an offshore sampling protocol for the purposes of protecting spawning herring. This motion carried without any objection.

CHAIRMAN DIODATI: Okay, I don't believe there will be any objection to that. It sounds like a very reasonable thing to do, so will do. The Lobster Board has something similar. Doug Grout, do you want to talk about this?

MR. GROUT: Yes, Mr. Chairman, we actually have two letters. Louis is going to be very busy here with letters. The first letter that the Lobster Board is asking that the Policy Board support being developed is a comment letter from the commission on upcoming proposed rules on implementation of trap reductions and transferability.

We were given a heads-up by NOAA Fisheries that these proposed rules were going to be out for comment between this meeting and our next meeting and the comment period will close. We asked board members to provide any kind of input and comments to Kate and then with the approval of the Policy Board we'd develop a comment letter.

CHAIRMAN DIODATI: And the other is a completely different topic?

MR. GROUT: Completely different; well, other than the fact that it applies to lobsters. Do you want me to talk about that one, too?

CHAIRMAN DIODATI: No; is there any objection about that particular letter going to the National Marine Fisheries Service? Seeing none; you've got it. What is the other one, Doug?

MR. GROUT: The other one is actually a response letter. The council had sent the commission a letter because of concerns that were brought up by the council's Law Enforcement Committee about gear marking and buoy markings for fixed gear out in federal waters. They asked that the commission work with the Large Whale Take Reduction Plan and also have the state directors get together and try to come up with some feedback on how we might be able to effectively have some marking that mobile gear could see out in federal waters and maybe have some consistent gear markings. The state directors from Maine, New Hampshire and Massachusetts or their representatives got together and we had a conference call and have some feedback that we'd like to provide to the New England Council on the directions that we're going to proceed.

CHAIRMAN DIODATI: And so you'd like that to be a letter under the commission heading to the New England Fishery Management Council?

MR. GROUT: Correct.

CHAIRMAN DIODATI: Okay, seeing no objection to that, we'll go for that as well. Toni,

you have one for summer flounder, scup and black sea bass?

MS. KERNS: I actually have two. Since Dr. Pierce is not here and he is the chair of the Summer Flounder, Scup and Black Sea Bass Board, the first letter that they recommended that the Policy Board send is a reply to the New York Commission, informing them of the action that the Fluke Board took to initiate Addendum IV and moving forward with the 2014 recreational summer flounder fishing year and just letting them know what steps we're taking.

CHAIRMAN DIODATI: Is there any objection to that? It sounds good; you've got it.

MS. KERNS: The second letter – and, Bob, correct me if I get this wrong – is a letter to the Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council highlighting the commission's concern for the black sea bass stock and the lack of progress to move forward on a sea bass assessment and us wanting them to make that a priority. Is that about it?

MR. BALLOU: About it; it was particularly focused on the spatial analysis of stock structure as a key source of scientific uncertainty, holding black sea bass at that Tier 4 level; and as far as I know, no ongoing research; so it was a call to kind of prioritize that research.

CHAIRMAN DIODATI: Very good; so without objection that will be the final letter for this week. With that, if there is no other business to come before the – go ahead.

MR. WHITE: Sorry, Paul, one more. It is my understanding that there was a presentation at the executive committee from the state of Maine to the executive committee on eels. I didn't hear the presentation, obviously, but I question the appropriateness of when there is a contentious issue at a species board and prior to that there is what I would assume would be a sales pitch or an explanation of a direction the state is going to go; and it is only given to one-third of the commissioners. I think that could create some real issue and I wonder whether that's something

that the Policy Board should look at to see if that's something that should take place in the future.

CHAIRMAN DIODATI: Okay, point well taken. It was my impression that the representative from Maine was just giving us the heads-up given that the Eel Board was coming up shortly after our meeting. I don't know if I sensed it was more of a sales pitch other than this is what I plan on doing at the meeting, so I thought I would give you the heads-up.

But, clearly, if the executive committee business should not be focused on a specific fishery's management issues that are being dealt with by boards, especially those boards that are keyed up to deal with the issue, we should be at a higher level administrative function. Dennis, did you want to add anything to that?

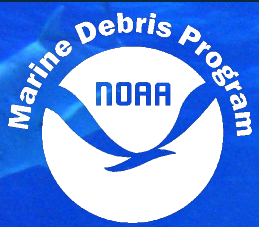
MR. DENNIS ABBOTT: Well, I do want to comment because to me it was clearly a sales pitch. In my mind my thought was it had taken us back somewhat to the old days where we always thought that the administrative commissioners were able to do things on their own. I understand what the gentleman was trying to do, but like Ritchie said I – I didn't put Ritchie up to this, by the way. As you know and as I objected at the meeting, I just thought it was inappropriate for us to go in that direction.

CHAIRMAN DIODATI: I don't disagree and all I can say is as your chairman I'm going to work to the end of my term (laughter) to make sure that it doesn't happen again; and I'm going to let the next chairman know.

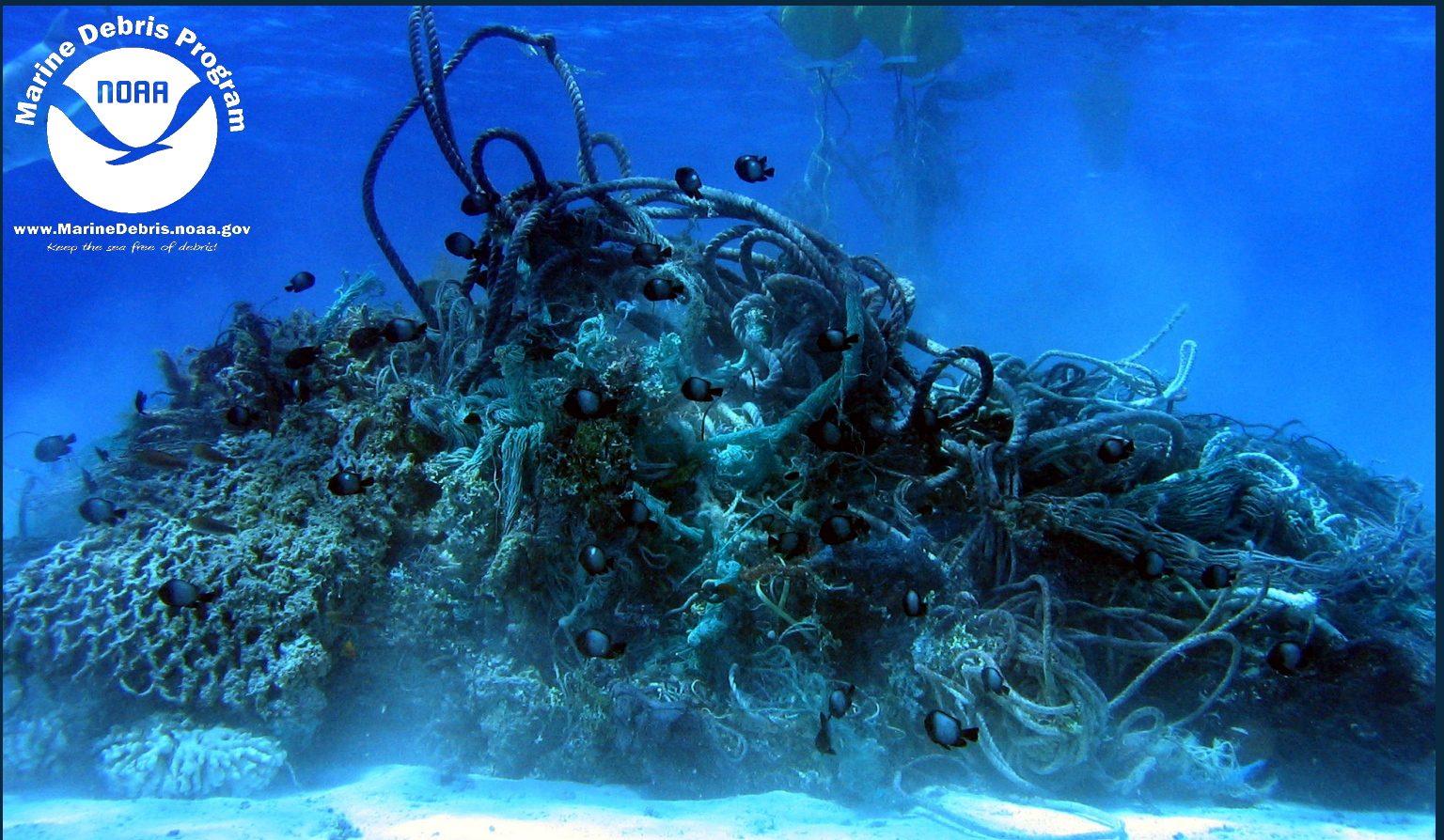
#### **ADJOURNMENT**

CHAIRMAN DIODATI: If there is no other business to come before the Policy Board, I'll consider us adjourned.

(Whereupon, the meeting was adjourned at 6:00 o'clock p.m., October 30, 2013.)



www.MarineDebris.noaa.gov  
*Keep the sea free of debris!*



# NOAA Marine Debris Program

Marine debris is everyone's problem. It affects everything from the environment to the economy; from fishing and navigation to human health and safety; from the tiniest coral polyps to giant blue whales.

The NOAA Marine Debris Program (MDP) leads national and international efforts to research, prevent, and reduce the impacts of marine debris. Its staff, which is positioned across the country, supports marine debris projects in partnership with state and local agencies, tribes, non-governmental organizations, academia, and industry. The program also spearheads national research efforts and works to change behavior in the public through outreach and education initiatives.

## VISION

The NOAA Marine Debris Program envisions the global ocean and its coasts, users, and inhabitants free from the impacts of marine debris.

## MISSION

The mission of the NOAA Marine Debris Program is to identify and solve the problems that stem from marine debris through research, prevention and reduction activities, in order to conserve and protect our nation's marine environment and coastal economy from the impacts of marine debris as well as ensure navigation safety.

Marine Debris  
[mə-rēn' də-brē'] *noun*

Any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes.

## Community-based Removal Projects

Each year, the NOAA Marine Debris Program supports locally driven marine debris prevention and removal projects. These projects benefit coastal habitat, waterways, and wildlife including migratory fish.

From derelict fishing gear removal in the Pacific Northwest, to derelict and abandoned boat removal in the Great Lakes, the program's grants offer communities a way to engage in marine debris removal and prevention in their own backyards.

Since 2006, NOAA has supported 76 marine debris removal projects across the country and removed more than 3,814 metric tons of marine debris from our oceans.



Photo courtesy of NOAA PIFSC CRED

## REGIONAL COORDINATION

The MDP has regional coordinators across the United States, from Hawai'i, to the Gulf of Mexico, to New England. These coordinators provide expertise to local marine debris initiatives and projects to ensure that stakeholders have the best information available.

## RESEARCH

Marine debris is a relatively new field of research, and there are many opportunities to advance understanding of how debris impacts the environment. The MDP has developed a strategy that will guide holistic, efficient, and impactful research projects through 2016, focusing on plastics, fishing gear and entanglement, and economic impacts.

## EDUCATION, OUTREACH, & PARTNERSHIPS

The best way to prevent marine debris is through education. The MDP works to show the general public on how their choices impact the ocean, through formal education initiatives and innovative awareness campaigns.

The program also partners with groups with expertise in marine debris removal, research, and education. *Fishing for Energy* is one such partnership - where NOAA, industry, and NGOs come together to provide gear recycling bins to fishermen at no cost. Since the program began, fishermen have recycled more than two million pounds of gear.



Photo courtesy of NFWF

The MDP is a partner in "Fishing for Energy" a program that provides fisherman a no-cost disposal service for old or derelict fishing gear and converts it into energy.





December 2013

## Funding Partners

Major funding for the Fishing for Energy partnership is provided by the National Oceanic and Atmospheric Administration and Covanta Energy Corporation. Additional in-kind support is provided by Schnitzer Steel Industries, Inc.



## A NEW TACTIC TO REDUCE MARINE DEBRIS

Fishing for Energy launched in 2008 through a partnership among Covanta Energy Corporation, the National Fish and Wildlife Foundation (NFWF), the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program, and Schnitzer Steel Industries, Inc. to provide a cost-free solution to fishermen to dispose of old, derelict (gear that is lost in the marine environment) or unusable fishing gear and to reduce the amount of derelict fishing gear in and around coastal waterways.

## OUR STRATEGY

Fishing for Energy supports four strategic initiatives that seek to reduce the amount of derelict fishing gear and the impact of that gear in and coastal and marine ecosystems:

- (1) *Disposal Opportunities*: provide collection bins at strategic ports for commercial fishermen to unload gear;
- (2) *Management*: collaborate with state managers to address legal impediments to derelict fishing gear removal;
- (3) *Technological Innovation*: identify, test, and deploy innovations to reduce accidental introduction of derelict fishing gear into the marine environment and innovations to reduce the impact of gear if lost; and,
- (4) *Outreach and Education*: increase public awareness about the environmental and economic harm of derelict fishing gear and Fishing for Energy initiatives to make measurable improvements for coastal environments and communities.

## GENERATING NEW ENERGY FROM OLD GEAR

The NOAA Marine Debris Program has identified derelict fishing gear as one of the major types of debris impacting the marine environment. Marine debris threatens important living marine resources and their habitat, and hinders navigational safety. Studies show that inactive or derelict fishing gear continues to “fish” commercially-valuable species targeted by fishermen and can snag on active fishing gear – creating high costs to fishermen in both time and money. Derelict gear also catches non-target species, including species that may be listed as endangered or threatened like marine mammals and sea turtles. Marine habitats, which are smothered when derelict nets sink from the weight of their catch, are further damaged when nets on the bottom are shifted by storms creating a scouring action on the ocean floor.

## WITH COMMUNITIES, FOR COMMUNITIES

With support from the partners, the Fishing for Energy partnership continues to identify priority ports for the program, support innovative prevention strategies through technological advancements in fishing gear, and increase public awareness of derelict fishing gear. These efforts help prevent derelict fishing gear creation and accumulation.

The partnership also works closely with state and local agencies, community groups, and local ports to install bins at convenient and strategic locations for fishermen to deposit gear. When these bins fill up, the gear is collected and transported to a nearby Schnitzer Steel facility where the metal (i.e. crab pots, gear rigging) is pulled for recycling, and rope or nets are sheared for easier handling for disposal. From there, the gear is brought to a Covanta Energy-from-Waste facility where the gear is recycled into electricity for local communities.

## RESULTS TO DATE

Thanks to the Fishing for Energy partnership, a national understanding of the problems associated with derelict fishing gear is better known. More importantly, Fishing for Energy demonstrates that solutions do exist to tackle a conservation need that once appeared insurmountable. The partnership has established a foundation for a multi-pronged approach to creating disposal opportunities, developing prevention mechanisms, and increasing awareness to reduce the generation of derelict fishing gear and marine debris.

- Each partner plays a distinct role in the successful execution of the disposal program. NFWF works with NOAA to identify priority ports and high-need locations to participate in the Sustainable Port Disposal Program. After fishermen dispose of gear, Schnitzer Steel receives the load and extracts any metals in the bin. The remaining gear, mostly nets, is then sheared and shipped to a Covanta Energy facility. The Covanta Energy facility then converts the gear into renewable energy and puts it on the electric grid.
- More than 2.2 million pounds of fishing gear has been collected at bins placed in 41 communities across the country.
- State resource managers from New England states have collaborated with counterparts across the U.S. to reevaluate outdated regulations and implement new policies to reduce gear loss and streamline removal efforts.
- Grant funding has resulted in the removal of 250 tons of derelict fishing gear, established a new technology that makes crabs five times more likely to escape derelict crab pots than other release mechanisms, and has engaged more than 1,000 fishermen as environmental stewards.
- In 2012, FfE launched a partnership with the Association of Zoos and Aquariums (AZA)-accredited institutions to increase visibility on the impacts of derelict fishing gear and marine debris. You can learn more by visiting the National Zoo in Washington, DC and Mystic Aquarium in Mystic, CT.

As a public-private partnership, Fishing for Energy has impacted the lives of fishermen and coastal communities as well as the health of the marine environment. The partnership has invested more than \$2 million to address the issue of derelict fishing gear across the U.S., to remove debris in ten states, and to generate enough electricity to power 183 homes for one year.

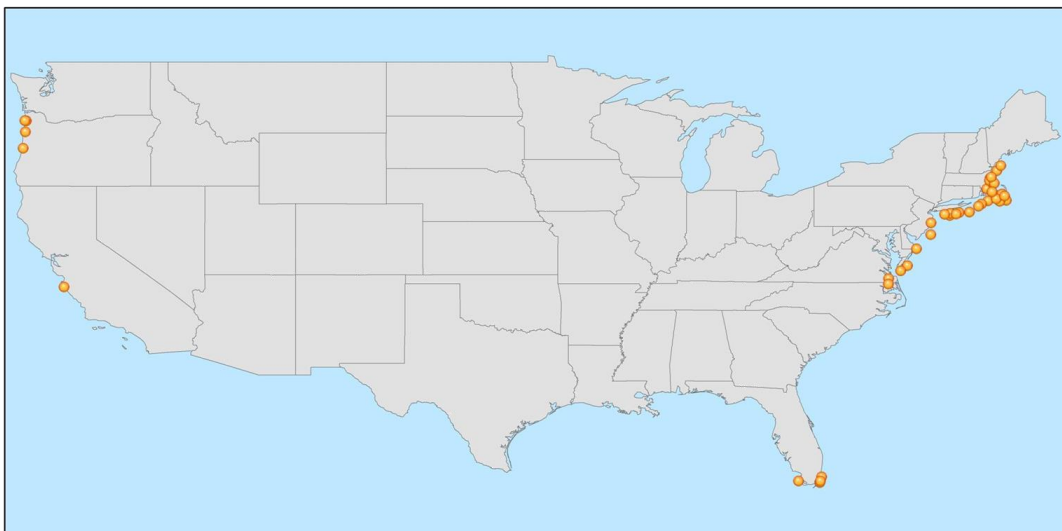


Figure 1. Map identifies all locations that have participated in the Fishing for Energy Sustainable Capacity Program since 2008. In total, 41 locations in ten states have hosted bins to collect derelict fishing gear.



## **NOAA Fisheries Consideration of Proposed Rulemaking on Special Management Zones (SMZs) for Five Artificial Reefs off the Coast of Delaware**

### **Proposed Action**

NOAA's National Marine Fisheries Service (NOAA Fisheries), Northeast Regional Office, is preparing a proposed rule to implement SMZs for five artificial reefs in Federal waters off the coast of Delaware. These measures are intended to promote the orderly use of the resource, reduce user group conflicts, and maintain the intended socioeconomic benefits of the artificial reefs to the maximum extent practicable. This rule is in response to the recommendations of the Delaware Fish and Wildlife Department (DFW) and the Mid-Atlantic Fishery Management Council (Council) that the SMZs be established.

### **Background**

The DFW requested that the Council designate five artificial reef sites, currently permitted by the U.S. Corps of Engineers in the Exclusive Economic Zone (EEZ), as SMZs under the regulations implementing the Council's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The SMZ request noted that the DFW has received complaints from hook-and-line anglers regarding fouling of their fishing gear in commercial pots and lines on ocean reef sites for more than 10 years. It also noted that the U.S. Fish and Wildlife Service (FWS) Sportfish Restoration Program (SRP) had notified DFW that these gear conflicts are not consistent with the objectives of the SRP, which provides funding for the building and maintenance of the artificial reefs. In order to comply with the goals of the SRP, the FWS is requiring that state artificial reef programs be able to limit gear conflicts by state regulations in state waters or by SMZs for sites in the EEZ. The major issues from the FWS's perspective include: 1) Proliferation of commercial fishing traps/pots on artificial reefs constructed with SRP funds; 2) commercial/recreational gear conflicts interfere with accomplishment of artificial reef grant objectives; and 3) absence of mechanisms to manage commercial fishing on reefs located in state-controlled waters and the EEZ.

The FWS has terminated SRP funding for New Jersey's artificial reef program because that state has no mechanism to manage recreational/commercial gear conflicts on its artificial reefs. Concern over the recreational/commercial gear conflicts on the DFW artificial reefs, and the FWS termination of SRP funding for New Jersey's artificial reef program, led DFW to petition the Council for SMZ status for its five Federal waters artificial reefs.

Based on requirements in the FMP, the Council formed an SMZ Monitoring Team (Team) that evaluated the DFW request based on the following criteria: 1) Fairness and equity; (2) promotion of conservation; (3) avoidance of excessive shares; (4) consistency with the objectives of Amendment 9 to the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law; (5) the natural bottom in and surrounding potential SMZs; and (6) impacts on historical uses.

After a review of the Team's report, and input from three public hearings, the Council recommend that all five artificial reefs be established as SMZs through a regulatory amendment. The action would allow only hook-and-line and spear fishing, including the taking by hand, in the artificial reef designated areas (all year round), and these measures would be implemented with a 500-yard buffer around each artificial reef site.

NOAA Fisheries is in the process of developing an Environmental Assessment and proposed rule to evaluate and consider implementation of the Council's recommendations.

The measures proposed for the SMZs are not expected to be controversial; some small amount of commercial fishing (mostly black sea bass pot fishing) will no longer be allowed on the comparatively small areas of the five artificial reefs. The total area designated as SMZs would encompass 11.9 square nautical miles (Attachment 1). The recreational fishing fleet would retain access to the artificial reefs sites, and the State of Delaware would maintain its SRP funding for its artificial reef program. Commercial activity would continue to be allowed on the artificial reefs through hook-and-line fishing.

Summer flounder, scup, and black sea bass are managed jointly by the Council and the Atlantic States Marine Fisheries Commission (Commission), with the implementing of complementary action in state waters to the Council's FMP by the Commission. The five proposed SMZs are all in Federal waters. However, the black sea bass pot fishery that takes place on or near the artificial reefs also may catch and land lobsters. There is no Council FMP for lobsters although NOAA Fisheries issues lobsters regulations in close cooperation with the Commission under the Atlantic Coastal Fisheries Cooperative Management Act. Coordination with the Commission will continue on the SMZ issue as this action progresses.

Attachment 1

**Five Artificial Reef Sites in the EEZ (DE Artificial Reef Sites 9, 10, 11, 13, and 14)  
Considered for Special Management Zone (SMZ) Designation**

