

**Business Session - Organizational Reports - Exec. Director & Science Report**  
**April 10, 2013**  
**Embassy Suites Raleigh Crabtree**  
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Rick Robins: At this point I'll turn to John Bullard for the Regional Administrator Report for National Marine Fishery Service. John, good morning.

John Bullard: Thanks, Mr. Chair. I'll give a couple of items and then turn it over to George for the remainder. As you know, when I came on board, I wanted to listen to constituents of the Northeast Region, and from August 2012 when I started through February, of this year, I visited 17 ports and conducting listening sessions and conducted one at one ... at of the meetings of the Mid-Atlantic as part of your listening sessions. I want to report back on what we heard. We have compiled all of the comments that we have heard, some of those comments are kind of individual but many of the fall into themes, and we have gathered those themes together, and they are on the website that you can find at NOAA Fisheries Website.

We also wanted to report back in a more personal way. I didn't get our intentions early enough to Chris to do that at today's meeting but I think we are going to do that at the June Meeting in New Jersey. We are also working with Bob, to do it at Atlantic States, in Alexandria in May, and we'll do it at Mystic at the New England Council Meeting. I did the first report out session at the Maine Fisheries Forum in [Inaudible 00:02:00], one or two other ways that different parts of the region to be able to report back. Part of the purpose of reporting back is to give people an opportunity to say, as we report back, give people a sense, "Yes, you heard us correctly. This is what we told you." That's the reason for it.

I am grateful that many people turned out to tell us what they thought, because every time someone makes an effort to attend a meeting, to give us a comment, the way I read it, it is a triumph over cynicism, because it is a belief that government can respond to comments, and so I am grateful to over 550 fishermen and other people who turned out at those sessions to give us an earful. That's our intention for reporting back. It certainly doesn't mean that we are going to stop listening, but it is ... it was a very aggressive attempt to begin, at least my term with that outreach.

The second thing I want to report on. One of the things we certainly heard early on in meetings, I think my first or second week was at a meeting of the Atlantic States, subject of sturgeon came up, low-key issue, not controversial in any way, right, [Bob 00:03:59], all right. I saw Louis Daniel, he heard yesterday I cringed immediately, and we've heard many concerns about Atlantic sturgeon by

catching Federal Fisheries, and we've expanded our analysis about it, it affects and how we handle Section 7 consultations. Working very closely with a lot of State Directors, and we've expanded working with Northeast Fishery Science Center, how we conduct reviews and how it intersects with Federal Fisheries in multispecies: monkfish, dogfish, skate and mackerel, squid, butterfish, bluefish, summer flounder, scup, black sea bass. My take is that we are witnessing in sturgeon, basically something that's a tremendous good-news story, the rebuilding of a historic stock.

My concern is, as you see increasing numbers, there can be casualties of innocent bystanders as there are more and more interactions, and that's why we wanted to get the message across with State Directors, to work on Section-7 Consultations. We are going to report some news next Monday, and have a call set up with Chris, and Rick and counterparts with new England Council at ten o'clock next Monday, and with the Atlantic States, Bob and all the State Directors, at eleven o'clock next Monday to share some news on that, so I encourage people to be on those calls.

That's it for ... I didn't want to do the full report because I always run the risk that the Chairman is going to shut off my microphone. Before I do that, I'll turn to George for the rest of the report.

Rick Robins: Thank you John. George?

George Darcy: Thank you. Just a few things to report today: the spiny dogfish specifications for 2013 to 2015, we published the proposed rules for those specifications on March 12, coming period close to March 27, or currently we respond to those comments in preparing the Final Rule and we expect them to be in place and effective by the start of the fishing year on May 1<sup>st</sup>. Similarly bluefish, the 2013-2014 specifications, we published a proposal February 20<sup>th</sup>, the comment period closed March 7<sup>th</sup>, and we are also responding to the comments there and preparing the Final Rule, which should be out shortly.

On Tilefish, we have issued the Annual Tilefish, IFQ Cost Recovery Bills on March 22<sup>nd</sup>. The fee percentage for 2012 was 0.2650 percent passed on total recoverable cost of \$14,242, which was down from \$21,353 in 2011 and the total value of the IFQ landings were \$5,373,921. Those bills must be paid online to our Fish on Line website, and those payments are due by May 6<sup>th</sup>.

We have also published a proposal rule for tile fish, on March 28, which proposed to make minor modifications to the regulations for the tilefish IFG Program. Comment period closes April 29<sup>th</sup>. It's primarily administrative, it's cleaning up some language, some inconsistencies and making some minor adjustments to that program. If you do want to comment, that comment period is open till the 29<sup>th</sup> of April.

On monkfish, as you know, because we had a discussion on this at the last Council Meeting, based on the request by the New England Council; we've published a proposed rule for an emergency action on February 25<sup>th</sup>, 2013, that would ... they proposed to a one-minute monkfish position, that's for groundfish vessels, issued category C or D Permits, or underground fish or monkfish day at sea. The comment period closed March 12<sup>th</sup>, we did get a number of comments, including comments from this Council, and a number of other Constituents in the Mid-Atlantic area, expressing their concerns about certain aspects of this rule.

We are taking all those comments into account and preparing a Final Rule of that would implement with whatever the final decision is, hopefully before the groundfish, monkfish, season begins on May 1<sup>st</sup>. That should be out within the next week or so, or at least an announcement of the final decision should be out next week or so.

For scallops we published a proposal framework 24 in the Federal Registrar on March 15, the comment period on that closes April 1<sup>st</sup>, that's that specifications for the 2013 fishing year, and a number of other associated measures for the scallop fishery. A couple of things on multi species, I know it's not your FMP but you certainly must be seeing it in the news and it's certainly consuming our resources at a pretty good rate. The beginning of the fishing year of course comes up on May 1<sup>st</sup>, and we have three major rules that are out there, pending final action. The first is a Sector Rule, this would approve the Sector Operations Plans for a total of 18 sectors that have applied for the 2013 fishing year, as well as a suite of exemptions we will be approving, disapproving or partially approving those measures in the Final Sector Rule.

The proposal was published on March 14<sup>th</sup>, comment period closed on March 29<sup>th</sup>, and we are currently preparing the Final Rule for that, again, to be effective on May 1<sup>st</sup>.

The second action we are working on is Framework Adjustment 48, this also has to be effective May 1<sup>st</sup>, and this rule proposes a number of other measures for the operation of the Fishery over the next couple of years including some new annual catch limits accountability measures proposes changes in minimum, of sizes and so forth. The proposal was published March 25<sup>th</sup>, the comment period closed yesterday and I just got an email saying we've received 70,000 comments, most of which came in last night, so we have our work cut out to respond to those in a timely manner to get that in place by May 1<sup>st</sup>.

The third action that has also has to come into place is Framework Adjustment 50, we published the proposed rule on March 29<sup>th</sup>, the comment period on that ends April 15<sup>th</sup>, and this is the actual specification numbers for the Fishery over the next two years, so I'm sure we'll receive a number of comments on that as well.

Where we've got our work cut out for us to get all these things in place May 1<sup>st</sup>, and as you, I'm sure, know pretty much everything and there's controversial in some way or another to someone or another.

Finally, the Spiny Dogfish Exempted Fishery, I mentioned this to you before, it was actually a request from some New England fishermen, we proposed exempted fishery in the waters around Cape Cod to let groundfish fishermen essentially target spiny dogfish in areas where groundfish catches are known to be low to give them some additional opportunities. Comment period closes November 5<sup>th</sup>, we are certainly preparing a final rule and we expect to have that out shortly as well. That completes my report.

Rick Robins: Thank you. Questions for George? Peter?

Peter Himchak: I have a question on Framework Adjustment 50, and for the Southern New England Mid-Atlantic Winter Flounder Fishery, what is the advantage ... what is the rainfall, so to speak, for returning the dealers on an increased trip limit on winter flounder? Because in State waters we are constrained with this 38 fish or 50 pounds, and if something were to be ... if a trip limit was available on the EEZ as of May 1<sup>st</sup> we would have to consider some accommodations so it could be landed ... traverse state borders. I'm getting a lot of questions on specifically on Framework 50.

George Darcy: What has happened here is that stock had previously been in a low enough level that wasn't allocated to the sectors. They couldn't retain that in Federal waters. The stock level now we think is good enough and they have a rebuilding program that will allow that stock to be allocated to sectors for the first time in several years. We were also proposing trip limits, and I can't remember off the top of my head what they are, but they're fairly substantial in Federal waters.

I can get you the details of that, but that's what's in there and that is a significant change to that area's fishery over what they'd been experiencing in the last few years. The trip limits are common pool. The sectors wouldn't be constrained by trip limits ... they're constrained by their allocations.

Unknown: [Inaudible 00:14:30]?

Peter Himchak: No. I mean I'm looking at that ... just as often New Jersey would be in the common pool and would have access to a rather substantial trip limit but they can ... according to the ASMFC Plan, were constrained to simply no harvest or 50 pounds when a fishery essentially shut down; so for them is to take advantage of that. Really, I don't know what other states are going to be ... how quickly they can react to this, but I'm just bringing it up to put it on another state's radar

screen that here's a regulatory dilemma that we might have to solve like real fast.

George Darcy: I think the trip permits, I want to say 5,000 per day up to 15,000 per trip, I could be wrong, but they are substantial and, yes, I assume that this work the way it usually does, where the more constraining regulations either in the state or Federal waters would come into play. I think the result is that the states would have to change the regulations to accommodate the landing in that state of this larger trip limits.

Rick Robins: George, what's again the monkfish emergency rule, what's your timeline on a final action or decision on that?

George Darcy: We are shooting to have it effective May 1<sup>st</sup> but I'm expecting that the decision on what the final action will be, will be made within the next week to 10 days, and then we will announce it so everyone understands what's going to come into play, if anything on May 1<sup>st</sup>.

Rick Robins: You are trying to consider protected resources concerns or considerations in that decision as well, because I think we may have pointed that out in our comment letter, but it was recently brought to my attention that over 90 percent the harbor porpoise takes in the monkfish fishery have occurred by vessels that are home-ported out of New England, they have some significantly different fishing practices in terms of the amount of gear they fish, the times they fish, et cetera. I didn't know if you were considering protected resources in this decision because if the trip limit is eliminated that could potentially induce additional effort.

George Darcy: We have to take into account those concerns in every action we do. Marine mammals as well as endangered-threatened species, that's part of the determinations we make and every action that we do, or the Council does, so yes. As you might expect we've got quite a dichotomy of comments on this Rule. The exceptions in the north were different from the perceptions in the south, but there are some pretty strong feelings on both sides, so we are looking at all those and seeing how they can be addressed.

Rick Robins: George, I appreciate it, and I take it that protected resources concern, and as it relates to fishing practices it's something that the Monkfish Committee will work on in the future, but I think that's an outstanding concern.

Other questions for George or for John? John McMurray?

John McMurray: Thank you, Mr. Chairman. I want to go back to Framework 50, this is really the first I'm hearing about it, and I'm wondering what the rationale was. Was there some new data of stock abundance, or some modeling problem?

George Darcy: The Council decided to revise the rebuilding plan, and as a result of the revised building plan it was determined that they could if they chose to, and they did choose to propose allocating that stock to sectors, there was enough quota that could be made available that made it economic sense and biological sense to provide some landings that previously had been discarded to the sector program. It's not a lot but given the condition of the Fishery, every little thing that we can find that provides some opportunity without causing biological concern, is something that we are certainly proposing and looking at.

Rick Robins: Any other questions? Bob Beal.

Bob Beal: Thank you, Mr. Chairman. Just to follow up on Peter's comment on what winter flounder in the states regulations being more restricted than the Federal Government under the new Winter Flounder Rules. The Commission currently has Addendum-3 up for public comment, and that public comment period is actually open till five o'clock today, so if anyone wants to go to comment, they can quickly do that.

The provisions of this addendum would allow the Board to take action, essentially on an annual specification-setting process, to adjust for changes in the Federal regulations. In this it would apply to the Gulf of Maine and Southern New England. If this addendum passes at the Commission's Meeting during the week of May 20<sup>th</sup>, then the states ... or then the Winter Flounder Board has the ability to adjust trip limits in state waters to accommodate the changes in the Federal regulations.

This wouldn't ... you know, I think the Federal regulations will be in place, so effective May 1<sup>st</sup>, and the states couldn't take action on this addendum until the meeting in the week of May 20<sup>th</sup>. There may be a few week lag there, but we already have initiated the process to allow the state the flexibility to react to the Federal changes.

Rick Robins: Thanks Bob. Other questions? Greg DiDomenico.

Greg DiDomenico: Thank you, Mr. Chairman. Just one quick question, for George, if I may, through the Chairman; we wanted to know, George, we wanted to know. Regardless of the changes you make via the Emergency Rule. There was some leverage in the Emergency Rule that indicated that you would ... it would be in place for 180 days and then be permanent. Is that true?

George Darcy: No. I hope we didn't say that. We have no authority to make that change permanent in the Emergency Rule. We can put in place for 180 days, and then can consider whether it needs to be extended for up to another 186 days, one year, basically; one calendar year, that's it. It wouldn't be any longer that. I think what you maybe ... I think there's language in there that said, "If it were

going to be extended it would have to be done through the Council, either through Amendment-6 or if the Council decided to spread out a separate action to continue it, it would done that way," but is shouldn't then be said that it would be said that it would be permanent. We can't ... we don't have the authority to do that.

Greg DiDomenico: Thank you, for clearing that up, I was going to ask Frank, actually if that's what the Groundfish Committee, or the New England Council is considering, but it's okay. Thank you for clarifying.

Rick Robins: Jeff Kaelin.

Jeff Kaelin: Thank you, Mr. Chairman. Good morning, Members of the Council. I wanted to follow up on the same issue. I think it was implied that the permanency would come forward from Amendment-6 but, I'm not an AP Member but I do attend most of those meetings, and I think that the Emergency Rule request by the New England Council occurred in November. I think we had an AP meeting in December or January, it was never brought to the attention of the AP that this had been happening on the ... from the Groundfish Committee, and that's, I think, one of the reasons why people down here got very riled up about it, because we have an AP meeting, it wasn't discussed, it was glossed over.

In fact, the minutes from that meeting had been embargoed because it became such a controversial meeting, which was, I've never seen that happen in the 25 years that I've been going to Council Meetings.

We have a problem, I think, where you have groundfish actions affecting a monkfish plan without the AP or the Committee fully vetting the change. We have the same problem with Atlantic herring, and I won't get into that today. I will, in April, however, when the New England Council meets concerning haddock bycatch, but that was the problem. The Monk AP Members were never informed that the Groundfish Committee had taken that action, I think that's why so much of the opposition was generated down here because we are going ... that just really seemed unfair.

Now that John is here, I wanted us to realize that there needs to be better cross-fertilization between these committees. We had better ... a Monk Amendment that everybody is looking at, and this action, there was considered but ... although it is assumed that it might become permanent if we ever move Amendment 6, so I just want to make that comment this morning. Thank you.

Rick Robins: Are there any additional questions for the Regional Administrative Report? All right, seeing none; thank you all, both for the report and move on to the Northeast Fishery Science Center, Dr. Karp.

Dr. Karp: Thank you, Mr. Chairman. I'm going to book with Jim on this report, and Jim is going to give some introductory ... address some introductory items. I'm going to come back and talk about a couple of additional items, and then Jim is going to come and provide some detail on this stock plan assessment; so if I can pass it onto Jim?

Jim Armstrong: Thank you, Mr. Chairman. I'll start out by a few pieces of information about surveys and then talk about stock assessment plans. First of all the Spring Bottom Trawl Survey on the Bigelow began on March the 4<sup>th</sup> and there are four legs and it will be completed in early May. The Scallop Survey is planned for the period June 13<sup>th</sup> through July 19<sup>th</sup>, and it will be performed on the UNOL's Vessel, the Hugh Sharp, out of the University of Delaware, and that's the vessel that's been used for the last few years for the Scallop Survey.

On stock assessment issues we have just completed SARC 56 which took place in February and involved reviews of benchmark stock assessments, of white hake and Atlantic surfclam, and as Bill said, in a little while I'll give you a more detailed summary of how the Surf Clam Review went.

The next SARC is scheduled for the week of July the 22<sup>nd</sup>, and I believe the meeting will be a four-day meeting, beginning on July 23<sup>rd</sup>. The two stocks on the agenda for benchmark assessment peer review are striped bass and summer flounder.

There are also track assessments being done. In the spring in June, in Canada, there will be the track meeting for the Eastern Georges Bank cod, Eastern Georges Bank haddock and Georges Bank yellowtail. There is also an Eastern Georges Bank Cod Assessment going on in Saint Andrews this week, April 9<sup>th</sup> through the 11<sup>th</sup>.

For assessment updates the Center has a number of Mid-Atlantic updates on its plate schedule for this spring and summer. Bluefish, black sea bass, scup, dogfish, skates, monkfish, ocean quahog, mackerel and butterfish, and each of these stocks has unique deliverables which we are working on producing. There is a black sea bass data workshop, taking place as we speak in Woods Hole, it's a three-day workshop, and they're talking about the types of research that can be done on black sea bass, and what sort of information will need to come forward to do a benchmark assessment in the future and the timeline for when that might happen.

I believe Toni Kerns and Jessica Coakley are both in Woods Hole at that meeting, along with a couple of your SSC members; Mike Wilberg and Tom Miller.

In the fall-winter, SARC 58 will take three stocks; northern shrimp, tilefish and butterfish. I wanted to mention the ... you may have heard that there was a talk



of doing a peer review of scallop survey methodology and this was primarily a review that was ... the catalyst was through the New England Council, they made a motion that there be a complete review of all the methods that are used to collect data for the cease scallop assessment. Those methods included high technology cameras as well as the traditional scallop dredge, and we've had a number of preliminary meetings between the Center; and there's been good outreach to different partners at academic institutions to try to make this peer review happen this spring.

However, the bottom line is that we were unable to schedule this peer review for this spring, and there are a number of factors that are the reason for that; including budget considerations, travel restrictions, and our inability to find suitably qualified peer reviewers for the peer review. The current thinking on this is to try to tie this in with the scallop assessment next spring so that would be not only a review of the scallop bench mark stock assessment, but also a review of all the methods that are used in collecting data for the scallop survey.

That's all I have at the moment, and then Bill will make remarks, and then I'll come back and give you some details about the surfclam SARC Stock Assessment.

Dr. Karp: Thank you, Jim. Thank you, Mr. Chairman. I wanted to talk about a couple of things, one was the issue of electronic monitoring which came up in the discussion yesterday but which I was already planning to engage in some discussion with the Council over. The second is, how we are moving forward to provide a more deliberative approach to including ecosystem considerations in the self-assessment process and to draw from the breadth and depth of science expertise within the center and outside as we move forward with that.

Let me speak to electronic monitoring first of all, if I may. This is a topic that I think has been discussed over the years many times, and I think that there's a consensus within the agency and probably in the broader community, that electronic monitoring and by electronic monitoring I mean, video together with other electronic tools has some potential for monitoring fishing operations to provide information that's required for both management and science, and as ... the Agency has been looking at this at a national level. We've looked at it in different regions with regards to what the state of the technology is, what opportunities we might have to move forward and implement those technologies configured in different ways.

Over the last six months I would say, or a year there's been some maturing of the thinking and there's a little bit of a clearer picture emerging, I think, of where we think we are going to be going with this, but by "we" I think it's really important to point out that monitoring is really a shared responsibility, the Science Center has traditionally managed the Observer Program and by extension actually

monitoring activities, and originally, I think it's fair to say that ASCII observing was viewed as primarily a tool for supporting science information needs. We heard about the SPR yesterday, supporting the need to fully understand what fishing mortality is, both for the retained and discarded portions of the catch, and to better understand what interactions there are with marine mammals.

Over time, especially in the last several years, monitoring at sea has become increasingly important to support management information needs as well. We see the evolution of our thinking with regards to monitoring as something which needs to engage within the agency, the regional office, the science centers, the office of law enforcement, and then most certainly the councils themselves; so in trying to think about where we are now, I think what I would like to do is engender some discussion, not necessarily today, but in the not too distant future with regards to some of the regulatory issues that may be associated with changes and how we look at the way we monitor our fisheries.

I think as a comment, what I would call a misconception that there's a way to work with electronic monitoring systems such that you can exchange a video camera for an observer. That you could do everything you do with an observer with a video system on associated electronics. I think that's really not true, what is true is that these technologies can be used to collect the data that we need, but it requires some significant changes in the way we think, and perhaps in the way we regulate and manage the fisheries. I'll speak to that a little bit in a minute.

At the national level, there's been discussion and development of some whitepapers that move forward an agency perspective on electronic monitoring. At the regional level over the last couple of months we've had some fairly intense conversations with the Center, the Regional Office of Law Enforcement. We hope within the next little while to generate a short briefing document which will make it a little bit easier to have a more informed discussion that I can share with you. I think pretty much where we are going to be coming from with that document.

In terms of the thinking here, we are looking for a couple of concepts where the challenges associated with making these kinds of changes less than perhaps some alternatives, and by that I mean, if you try to use the electronic systems to collect some of the fine-scale data that observers collect, you're faced immediately with some very complex challenges; species identification, collecting size information, those kinds of things. Instead, if you think about it as: what is it that you can easily do with these kinds of tools, and then build some different thinking around that, that seems to be a better way to go.

The ideas which we have on the table now, and which we are fine-tuning, there's two different ideas here. One would be to use video basically to monitor for

compliance with a discord prohibition with the full retention requirement. All the accounting then for the catch both in terms of accounting against quota for management purposes, and provision of data to support the science information needs would take place at the point of delivery.

Again, that may work for some fisheries, but certainly not with all fisheries, but it provides a simple, or a relatively simple framework for moving forward with this kind of technology, because really all that you're asking from the video is the ability to monitor, to ensure that full retention does occur, or to identify cases where it doesn't occur and deal with those in an appropriate way.

The other thinking that we have follows some work that's been going on in Canada for quite a while, in the West Coast of Canada and it builds on a concept that's called reversing the burden of proof, where catch accounting is based in the first instance on industry's report, on VTRs or, hopefully, electronic VTRs, and various measures are put in place to verify that those reports are within whatever the agreed-upon tolerance is.

The example in Canada, the verification is based on video, on delivery information, on some level of observer coverage, and in the event that the ... it's determined that the reports are not within tolerance, then the vessel operator incurs additional costs for further review of video, additional observer coverage, those kinds of things, which are administrative costs as opposed to being viewed as enforcement type actions, if you will.

Both of those approaches, of course, do require some very different thinking, as I said they're not going to apply in all cases but I think moving forward with one or both of those ideas, holds some promise for us to evaluate the technology, show some places where it can work, and then from that provide a basis for building a more comprehensive approach.

One thing that also important to bear in mind here is that I think it's fairly commonly believed that bringing this kind of technology forward is going to be cost-effective, it's going to be cheaper than using human observers. It may or may not be. There a lot of different nuances to the way that you might implement either of these concepts which would directly affect cost, how much of the video needs to be reviewed, who needs to review the videos, what's the timeliness associated with that? What are the costs associated with the shore side monitoring that's over and above what's going on now?

Those kinds of things; and so in internally, we are discussing which of those two approaches, perhaps, is the best one to move forward with; and as we get to that point, then we will be engaging both with this Council and with the New England Council on how best to move forward to properly evaluate how this

concept might work, and what benefits it might bring, overall, to our monitoring capabilities. Maybe I'll pause there before I go onto the next topic.

Rick Robins: Thank you, Dr. Karp. I think part of the genesis of this may have been driven by cost considerations, given the fact that in the Northeast Region there is a competitive disadvantage on cost of the observed program, relative to observer coverage on the West Coast, and I think that perception remains a strong one with the industry, and yet it sounds like there may be other applications for this, or what ways to frame the use of it, that would be informative specific to individual management objectives.

It sounds like there's been quite a bit of progress in thinking about how to incorporate technology or how that might fit into the real monitoring and management of the Fishery. I think that's a significant evolution in the ... at least in the evaluation of the technology relative to where we started on this, because originally I think it was driven primarily by cost, but we have seen within the Council I think we have seen some examples of the Canadian system and how that's worked.

It was like video technology was very effective on certain types of fisheries to answer certain questions looking at how it worked on the Longline Fishery, for example, but considering how you might use that on high-volume [krill 00:40:19] fisheries is an entirely different question, because again, trying to use that for fine-scale questions is probably not viable, but asking that technology to answer bigger questions about the nature of the activity, and whether or not, like you said, discarding has occurred or not occurred. It seems like there are probably questions that that could be used to answer and some of that monitoring may, in fact, be ... may be very cost effective if it's done at that type of resolution.

I appreciate the presentation; I think that's a significant development relative to the technology and how it might be used.

Are there questions for Dr. Karp? Dewey.

Dewey Hemilright: I'd like just to make a observation so when we look forward in this technology in different things you also have to consider the aspect of what it costs the fisherman, as far as the price of equipment and different things like that, ongoing, we are looking at where we have better monitoring systems, and right now you get reimbursed and a couple years later if the system breaks down you're left with the expensive system to fix, it's costly. When we are looking at the different aspects of monitoring, keep in mind the future of what it costs the fisherman and what fisheries you're in, and how much revenue that fishery is producing, because it seems like every day now, it's something that ... whether it be reporting or something, to just generate, it takes a lot more money from the fisherman.

Something before, we believe that ... the [inaudible 00:42:03] need, and as you know the electronic log book, but before we go into more vessel monitoring and stuff like that, we need to get to where we are able to have real-time reporting. That's something, I mean, I've got four, five stacks of different log books I have to sort out. I can't even keep track of the different ones, but electronic reporting it seems like that should be in all our fisheries, not only in the Mid-Atlantic but all up and down that coast before we are moving on.

So, before we go into all this other type of looking at electronic log books or some way to get better real-time reporting since we are having an annual catch limits and different things. That would be the first place to start and do that, and once everybody has got that, then you've got the real-time data, then you look at the other things. It seems like we are just getting in certain different fisheries or you get a little real time reporting, you get this, and this, and just ... no need to be from a starting point, but electronic log books, would be a definite for everybody; somehow for us real-time reporting that that would be a good start.

Rick Robins: Dr. Karp?

Dr. Karp: Thank you, Mr. Chairman; and Dewey. I think both of your points are very important points for us to continue to bear in mind. I think, personally, and I think personally, and I think it's true, you know, collectively across the agency in this region that we need to move forward with electronic reporting. We are making some significant gains in that direction, but there's a lot more work to be done.

With regard to the cost of electronic monitoring, any kind of new technology clearly that's a big issue. There are costs associated with the equipment itself and maintenance of the equipment, and then there are costs associated with extracting information, reviewing, and then the ancillary costs associated with the other pieces of the monitoring system. We are in this sort of ongoing discussion particularly in New England now, but I think it's going to be something that's much broader with regards to costs, both the cost that we are placing on the industry and having to be mindful of that, and recognizing that there's only so much that ... particular some sectors can bear.

These challenges that we are facing within the Federal Government with regard to shrinking resources to bring to the table; so the challenge really is to figure out how to do this as cost-effectively as possible.

Rick Robins: Jeffrey Deem.

Jeff Deem: It's my understanding that observers are required on every boat every day, so could this type of hardware be something that an organization within a port

owned and they could share, they could maintain it, and then provide to the fishermen on a random basis as required?

Dr. Karp: Mr. Chairman. Jeff, that actually raises a really challenging technical question because up until now at least, the installation that's required is really vessel-specific and requires trained technicians, and quite a high degree of customization, so that's something that we really have to look at with regards to how we manage that sort of level of instrumentation, if you will, and what the costs are associated with that.

Rick Robins: Other questions? Dr. Karp, if I can just follow up, too, on Dewey's point about electronic reporting, I think Russ Brown has pointed out previously to us that that's something that is ... that he's personally interested in at the Center, and has been working toward. I think that's something, in terms of improving reporting technologies, that will also likely be folded into our strategic plan, but we would look forward to following up with the Center on that specific question, because I think either several ... there are several collection systems in place that would benefit significantly from those types of advances. I would suggest that we continue to follow up with you on that.

Dr. Karp: Mr. Chairman. We would be pleased to do that, and I think, again we need to work very closely with the Regional Office on this because it's another one of these areas where there's a significant shared responsibility and shared challenges.

Rick Robins: John Bullard?

John Bullard: I think, too, to Dewey's point, about cost, as Bill has said, we are working very closely, you know, on this. I think the second model that he talked about to the extent that I understand it, maybe [inaudible 00:46:43], he mentioned this ... the first burden of proof, maybe you call it the trust, but verify. I think if I've heard one message, over the last month from members of the fishing industry, it is: reduce the cost to the industry of observers, and that cost in ... as we explore this, can be found in many ways.

I mean, in the first model that Bill talked about, there's a cost of a full retention in some fisheries, you know. What do you do if you have a full retention policy in some fisheries? The cost of disposal, it can be a huge cost, right. So you have to look at cost wherever it occurs, and so as Dewey talked about, if you can focus on the industry members doing the recording of catch with instruments that they already have, and that's the trust part, and then focus on the verify with auditing, with cameras where, as Bill said, you come into the dock, we are going to take the camera. We are going to audit what you already recorded. Which you're already used to doing, and if under the parameters, what you recorded, lines up, boom, good to go.

We are good to go, and if it doesn't line up, then you're in for a full-blown audit on your nickel. So that's the trust but verify. That's a model that I think shows some promise because it puts the burden on what the industry is already doing, which is recording catches, and using electronic gear, video cameras. Yes, it's sophisticated electronic gear that's got to be put on fishing boats in really difficult marine corrosive environments, but you guys put sophisticated marine electronic gear in difficult situations all the time. People do that, and figure out how it works.

I think that has the potential, that trust, but verify a reverse burden of proof, of having a system where you're lowering the cost in many ways, of verifiable results, to everyone; the government and the industry, of this; but we are at the beginning stages of how to do it and cost is a major part of this.

Rick Robins: Kevin Saunders?

Kevin Saunders: Thank you, Mr. Chairman. This is another benefit of the observer program as it stands now, and I'd just like to point out. I know it's not what it's funded for and I can understand the struggle with balancing the cost to the industry with the program, but I'd seen enforcement component that the coastguard does, it's great 360 feedback from the observer program. What I mean is, when we get reports from fishermen of, boarding didn't go properly, and if we know that there is an observer onboard, we would reach out in the past and kind of gotten out a less biased opinion about how that went, and it will be something on a couple of occasions it's just turned out that we did the wrong thing.

The [inaudible 00:50:35] of boarding reports and we need that information, we could look through and we could find promise of their own program and rectify them that way, so there's obviously the cost to the industry, there's a value in the industry. I don't think that replacing observers with video cameras would allow us to maintain that same value for our boardings. Just something I wanted to point to the Council. Thank you.

Rick Robins: Thank you. Dr. Karp?

Dr. Karp: Just a closing comment perhaps on this issue, and that is that in my view, in the future on monitoring systems are going to be comprised of a number of different components, and they're going to be customized to the particular fishery and the information needs and we will always require some degree of observer coverage for different reasons. There will be some places where we bring electronic tools to bear more than others, and so there's, our thinking this, has to develop along these lines but I think we are making ... beginning to make some steps in the right direction.

Rick Robins: Thank you, Bill. It sounds that the, I think, important steps to take and to consider how to develop additional validation-type tools, that don't fit the traditional mode of an observer. I think some of those developments will be interesting for management and hopefully, ultimately, some of those will be cost effective, so thank you.

Dr. Karp: Thank you.

Rick Robins: Are we back to Dr. Weinberg. Are there any follow-up questions for Dr. Karp?

Dr. Karp: Oh, yeah, because I had another topic that I wanted to go to.

Rick Robins: Go ahead.

Dr. Karp: Stock assessments, environment considerations in stock assessments. As you know, and every time Jim gives a report to the Council you can see the workload we are facing with regards to the assessments that we do; whether they be benchmark assessments or updates of various kinds, so operational assessments which are somewhere in between. In this region as in New England we are dealing with stock assessments in the context of significant changes in the ecosystems and, we are to varying degrees, taking those changes into account in our assessments.

We always take them in to account in the sense that the changes that we see in the dynamics of the stocks that we are assessing, are related to the changes in the ecosystem; but we are not in a consistent way, looking directly at what the drivers might be, what the interactions might be between species. What the sensitivity of population dynamics might to particular environmental factors. How it all fits in a climate-change scenario. We have been engaged in discussions about these challenges in a number of different levels. They come up, obviously, quite frequently at the stock assessments or when we give briefings following the stock assessments.

I've been concerned since I came in to the Science Center that we are not taking full advantage of the breadth and depth of the science capability within the Center, to look in a more holistic way at this whole assessment enterprise, if you will. Recently in New England some very specific issues came up, relative to questions about regime shift and how those might affect reference points, and the feedback loop with regards to rebuilding plans and related questions that directly affect the setting of ACLs.

Specifically in response to some issues that came up at the New England Council both to motions that were passed by the Council earlier this year in a letter that one of the Council Members, David Goethel wrote to the Council. We are taking some steps to make some changes in the Science Center in response to these



concerns and, again, in response to the challenge to better use the scientific capacity of the Center and the understanding that we have about what is going on in the ecosystem.

I've asked ... I've set up a high-level working group at the Science Center, which includes the leadership from the stock assessment part of the organization, the leadership from the ecosystem processes division which is based in Sandy Hook, New Jersey. Leadership from our Ecosystem Assessment Group which is led by Mike Fogarty, and I've asked, actually, Jon Hare who is in charge of our Oceanography Group, and who, I think, has a very good and kind of broad view of these challenges. He actually came over here this year or maybe last year, and gave a presentation to this Council about climate change in fisheries.

I'm asked him to lead an internal working group that we've set up, with some explicit terms of reference, to look at what it is that we are doing now to better understand the challenges and how we might make changes in the whole stock assessment process, if you will, to recognize these issues and to integrate this kind of thinking more into the stock assessment process itself.

I just, at this point, wanted to share with you the thinking and the commitment that we have to moving in that direction. I'm hoping that we'll be able to see some changes in the short term, but of course looking longer term as well, because the first things that I'm hoping that we'll see is building on what we've done in the past. Looking at explicit terms of reference that address the ecosystem climate interactions in each of the benchmark assessments, but ultimately, this would result, hopefully, in a much more integrative approach along the lines that both Councils would have had discussions, I think, relative to how we better, really, consider stock assessment in an ecosystem context. How we move forward in a more deliberative way to economic-based fisheries management.

So that's a very general kind of statement, but I just everybody to know where it is that we are coming from, and that we will keep you apprised as this thinking develops.

Rick Robins: Thank you, Dr. Karp. Now those terms of reference for the working group, are they focused on both environmental conditions and interactions among species. Is it a full suite of terms of reference?

Dr. Karp: Yes, Mr. Chairman. That's the intent, and if it's not explicit it's certainly implicit.

Rick Robins: Okay. Thank you very much. I think that's a significant development and if you consider the work that we are doing to try and advance our ecosystem guidance document and make progress on some of these questions; it obviously takes a long time. As I look back, I think we set the terms of reference to our SSC,

perhaps several years ago now, and they've been working on it, and we've been working on it, but these are not simple questions.

As you know, tomorrow we have a full-day workshop on low-traffic level or forged type species and how we might consider their ecological significance in the management of those types of species and how that fits under the broader ecological consideration of management questions. It sounds like the assessment process could benefit significantly by better integrating those considerations, so I think that's an important step for the Center to take.

Dr. Karp: Thank you, Mr. Chairman. I think ... you're right, it's a big challenge, and there are some small steps which we'll be able to take quite quickly, but there are some very big issues that we need to resolve, but from where I sit, I think this is the grand challenge, this is really why we have a Science Center to support our understanding of what's going on in the broader ecosystems and how that affects the productivity of the resources that we depend on, and I think over the years we've actually done some remarkable work together, collectively.

I think there's much more to be done, and I think that another dimension of all of this is, that we've been successful, I think very successful in this region, at leveraging our capabilities through partnership with academic institutions and with the fishing industry and the challenges are to leverage more. To use this initiative and other things that are going on to build broader collaborations to help us answer some of these questions

Rick Robins: Thank you. I think the changing environmental conditions are going to have a profound effect on our managed stocks, for Jon Hare to give us a presentation that showed the changing distributions of summer flounder in response to changing ocean temperatures, and the transformation of that distribution over time was very striking. We've also seen recent presentations with respect to butterflyfish distribution and how strongly their habitat association is with specific water temperatures; John Manderson has been doing at work.

These are very important things for us to try to understand but some of them are changing at such a pace, so I think will have a very dramatic impact on some of our managed stocks. Trying to get ahead of that, or at least be in a position to understand it in the context of our management I think is very important.

Are there other questions for Dr. Karp? Okay, we are ready for the office General Counsel?

Dr. Karp: Mr. Chairman I think we were going to have Jim talk about the Summer Flounder Assessment.

Rick Robins: Thank you, Jim.

Dr. Jim Weinberg: Okay; as soon as Jan gets that on the screen. Now I have a few new faces here so I'll just describe my role in this. I'm Jim Weinberg, and I'm the Chairman of the Stock Assessment Workshop Process in Woods Hole, and I am not on the peer review ... I was not a peer reviewer, and I'm also not on the working group that did the analysis. My role in this is to oversee the process and then I typically come to the Councils and give a report and I try to make it clear and as unbiased as I can, but this is my view of the results. There are complete reports that are online that document what the reviewers actually concluded and what the results actually are, but this is my summary.

I have approximately 20 slides, and I can move through this fairly quickly, but if you have questions at the end, feel free to ask. This was the 56<sup>th</sup> SARC. We have a process that we follow for each of our stock assessments, where we have working groups that do the work, and then we have peer reviewers who come in, who are independent and they are selected by an organization called the Center of Independent Experts, and they choose ... we tell them the qualifications and expertise that we are looking for a particular assessment and they provide reviewers to us.

We had three SARC panelists from the CIE and their names are on the left. We also have a Chairman of our Review Panel, from the SSC of either the New England or the Mid-Atlantic Council and in this case, Dr. Houde was selected by your Council to be the Chairman of the SARC that took place, and the two stocks that were reviewed were Atlantic surfclam and white hake, and I'll be talking today about surfclams, and I have a couple slides at the end on white hake.

The assessment terms of reference are carried out by a working group of scientists and the working group is not only people from the Northeast Fishery Science Center but it's an open group that is also comprised of members of the clam industry, and academia, and Mid-Atlantic Council Staff, so it's a rather large working group. The terms of reference are developed within the Center initially, but then they go out for comment, and we sent the terms of reference to the NRCC which is the body that oversees the SARC process; and your leadership, they are members of the NRCC, as are the members of the New England Council and the Regional office, and ASMFC.

All of these terms of reference are sent out and we get back comments and then we modify the terms of reference and they tend to grow based on what we get back as feedback and then ... so there's a long list of terms of reference and many of you are familiar with these, but they have a few special things in them that are unique, in this case, to surfclams that I'd like to point out.

The first term of reference is a generic one to look at all of the catch data that are coming in landings and discard. In the second one, that has to do with evaluating the survey data that are available for the assessment and in

particular, there's a line in there that talks about investigation the utility of the commercial LPUE, that's the landings per unit of effort, as a measure of relative abundance. The third one is also unique to surfclams in this case, and that was the working group was asked to evaluate whether the current stock definition, which is a unit stock, all the way from North Carolina through Georges Bank.

Whether that is okay or not, or whether there should be recommendations to change the stock definition, to possibly break it up into more stocks. Then there are two more slides of terms of reference, which I don't have to go into, that's more the typical kind of term of reference where you estimate fishing mortality and biomass and so forth, and then in number five, use that information to evaluate the stock status of surfclams. Then in the next slide, this is the final one, it has to do with doing projections of the stock into the future.

Now, this slide is one of two slides where I've taken ... I've gone back to the reports from the SARC peer-review panel and I've tried to pull out the main points that they made that I think are important findings to relate to you, and as I said, these are points that you can read about in more detail, in the report, but number one, the stock of surfclam is not over-fished, and over-fishing is not occurring in 2011, and this is not a new result, this is ... a similar result was found in the previous stock assessment.

Number two, the surfclam fishery has been concentrated in relatively small areas, much of the stock area has not been heavily fished. This explains the low, overall F estimates and is consistent with previous assessments.

Number three, the projections were done and there are very low probabilities of the stock being overfished in any of the projected years. In particular, they're thinking along the lines of between two to four years out into the future. If things continue going the way they are, there's very low chance of becoming overfished.

The fourth one is the assumed natural mortality rate  $M = 0.15$  is uncertain, and may overstate the stock's productivity. Further work on  $M$  is recommended to better understand this, and in fact if a future review finds that the natural mortality rate is actually lower, and there were some evidence in the assessment that it might be. Then the productivity of the stock would be lower, and that would imply that there could be some changes to the way it should be managed, but they didn't have any firm recommendation that it be changed, just at it be examined in the future.

The next one is the ... this is the last on the stock definition issue. The SARC could not decide whether to recommend changing from the current single stock definition. However, they said this should not prevent conducting stock

assessments by subareas, nor should it preclude area-based management if appropriate.

The next one has to do with the biological reference point, and I think this is another important one that needs to be looked at in the future. For surfclams the biomass target that's used the proxy that's used as a biomass target is the biomass of the stock in 1999, and this as a decision that was made, I think it was three or five years ago, that this seemed like a reasonable proxy for a biomass target for the stock, but there wasn't a real ... from analytical basis for choosing this year, but there were a lot of pieces of information that all indicated that the biomass in 1999 was reasonable.

With the results that came out of the new assessment, the SARC questioned the basis of using 1999 as a basis for the biomass target, and partly that had to do with, for instance, the shape of the ... the estimates of biomass through time, and now with the new results, it looks like 1999 was not the year when the biomass was the highest. In fact, it was a higher biomass well before that, which seems to make more sense for those of you that remember the Anoxic event that occurred in the '70s, and there was a die off of the population and a huge rebuilding.

It makes sense that the peak abundance of biomass occurred more into the 1980s and then has continuously declined since then. They were recommending that the basis of using 1999 be looked again.

Next one: trends in LPUE during the past decade area downward except for Georges Bank, and recent LPUE on Georges Bank is five times higher than elsewhere. The last one: commercial LPUE trends are similar to the declining surfclam stock trends estimated in the analytic assessment, and LPUE could potentially serve as a useful index of abundance. What they're saying here is that the LPUE was examined and it was presented, and it was going down but it was not used in the analytical model. They're saying that LPUE follows the same trend as the results in the analytical model, and therefore in the future, people should consider incorporating LPUE into the model as an index of abundance.

Those are the main findings. Now, I'll just briefly show you some of the results. This map just shows the regions that have typically been talked about during working group meetings and in the peer review. Although it's a unit stock there have been a lot of analyses done through time to look at what's going on in each region, and most of the activity in the surfclam fishery has occurred early on in the Delmarva region and then in New Jersey especially. Most recently Georges Bank has been opened up for ... it was an experimental fishery and I believe now it might be opening on a different basis. Anyway that has very recently been reopened for harvesting.

This is the history of catch of surfclams from 1979 in the EEZ and this goes from 1979 through 2011 and it's broken out by region. The big white area that's in the middle that's the catch from New Jersey, so that's where all the activity has been, and you can see the dark area below New Jersey, that's the catch from Delmarva, so you can see that that initially where a lot of clams were taken, and then that was gradually reduced through time, and replaced by activity in New Jersey. Then that little peak in 2011 at the very top, that's a light color; that represents the harvest from Georges Bank in the last year, or in 2011.

Here those commercial LPUE data that I talked about and it's very striking that in every region, there has been a decline in landings per unit of effort, if you think about New Jersey where all the landings were taken, and look at the catch per unit of effort in New Jersey, you can see that there's been a significant decline from around 350 down to approximately 100 on the scale of ... on this Y-axis.

There's that very high recent landings per unit of effort on Georges Bank, and the Committee concluded that the population of clams on Georges Bank has a structure which is very similar to an unexploited population and they were unable to come up with any sort of estimates of what the level of overfishing would be on Georges Bank, but they were able to say that at the moment it has the characteristics of an unexploited stock; and there are boats moving out to Georges Bank to start harvesting that.

This slide shows the recruitment series and for a long time there's been a declining trend in recruitment from around 1990 to 2002, but as a little bit of good news recently, according to the results from the model, that since about 2003, the level of recruitment has been ... seem to be increasing, picking up a bit, so there's some good news there in the recruitment. These are results that represent the whole stock; this is not for any particular region. From reading in the report I think that where they were saying that recruitment was above average, in particular, was off Long Island, in that region.

Here are the results related to the Fishing mortality rate; and this slide shows you that ... the conclusion is that overfishing is not occurring. The red line that goes across at  $F$  of 0.15 is the overfishing threshold and the estimate of fishing mortality that's estimated in the model, that's the grey band with the line through it across the bottom. The fishing mortality rate on the total stock is about 0.03, so it's about 3 percent of the stock being harvested per year and it's well below the threshold, so overfishing is not occurring.

They also noted that in addition to the low  $F$  value for this stock overall, they noted that there were a lot of old surfclams that were found in the survey that were 20, 25 years old, 30 years old, and this is addition to other age classes, so they felt that overall the stock had a wide range, a lot of different cohorts

represented in the population which is good. It had some stability to the population and what you can predict can be taken from it.

I'll get to this in a moment; but the big question is how can  $F$  be so low and how can biomass be declining? The working group felt that this probably was a reflection of changes in the environment more than it couldn't be attributed to the low fishing rate, and then the low landings per unit of effort that have been seen in the areas where fishing is taking place. Particularly off New Jersey, they recognized that LPUE is going down, it's hard to find dense beds of surfclams off New Jersey and that's of course why the LPUE is going down, but overall the stock is so large that there are a lot of areas where clams are present in lower densities, including large, old clams, and that's why, overall, the  $F$  rate is very low.

Here's the slide that has the summary of the biomass results for the entire stock, and the green band shows the biomass target, and the pink band below it is the biomass threshold, and the grey above that shows the trajectory of the estimated stock biomass through time. You can see that after the die-off the stock increased in the late-'80s and then has been declining steadily since then, and is now approximately at the biomass target which is one-half of the biomass in 1999.

I wanted to say a few words, about, if you break the stock out into ... think of it as a pie chart. How much of it is on Georges Bank and how much of it is elsewhere. You think of Georges Bank as being the Northern region; that is 34% of the total biomass. Everything else to the south and west of Georges Bank is 66% of the biomass, currently.

Just a few words about the biological reference points; in this SARC assessment there were some changes made to the model that was used in the past, they were using a ... what's called a stock production model and ... I'm not going to actually talk about the model for this audience, but there were changes made to the model in this assessment, and it resulted in some pretty significant changes in the estimates of biomass through time, and it also changed the biomass reference point, because that's actually the biomass in 1999. So this slide shows the change that occurred from the last assessment to this one.

No even though the model resulted in some big changes in the estimates, they are still fairly certain about the stock status conclusions because the ratio of the estimated biomass to the biomass reference point, they're scaled together, so that ratio is very well estimated and that's why they know that the stock is not overfished, even though both of those quantities have changed between the two assessments.

Finally, one slide with some panel recommendations: to reinvestigate using LPUE as an index of abundance in the assessment. Undertake a formal investigation of commercial LPUE in the future assessment model. The 1999-based biomass reference point needs to be better justified and possibly reconsidered. Determine whether a different assumed value of  $M$  should be used in the population model.

Better characterize the clam habitat on Georges Bank and this is because if the fishery is going to become active on Georges Bank, then it would really be important to have a better database on where the sand areas are, where there's cobble, where there's rocks, how dense the clams are in each of those different sediment types.

Then finally, do some additional work on the conversion factors, between clam size, meat yield and landings.

Then I just wanted to show you three slides, I think on white hake. Some good news for our New England stock, that white hake occur primarily in the Gulf of Maine. The results from the previous stock assessment re shown on top that the stock was overfished and overfishing was occurring, and this assessment concluded that things are better now. It's not overfished and not overfishing; and this is not the result of changing models, there are actually some good signs in the data that can explain this, so it's not a modeling artifact.

This shows the estimate of fishing mortality rate through time and you can see that it was very high throughout the 1990s and early 2000s and it's just been coming, dropping and dropping so that for the first time in a long time it's below the overfishing threshold. With lowering  $F$  rates this is the text book what you would like to see. An increase in biomass through time over that same period when fishing has gone down. The stock has been increasing, it's not rebuilt yet, but it is now well above the overfished level.

That concludes my report.

Rick Robins: Thank you. Questions for Dr. Weinberg? Rob O'Reilly.

Rob O'Reilly: Good job. Very good job.

Dr. Jim Weinberg: Thank you.

Rob O'Reilly: Thank you, Mr. Chairman. Thank you, Jim. Just a couple of questions, one has really captured my ear about natural mortality rate and possibility that should be changed. I'm wondering what the basis for that would be. I'm wondering how that as determined, is that through modeling or does that have to do with longevity, changes, and the other thing would be the expected change in the



exploitation rate, because if that is at 0.03 now, what would be the expectation if M were higher. I don't know whether that was talked about.

The other quick thing just to add on, so others can speak, would be you mentioned the recruitment, a little bit of positive news there, and I didn't really understand the variance that you have there, whether it's 95 percent confidence interval or what you have around that, the line going through the center, but that clearly looks like it was a decreasing situation, so I wondered what the situation was with recruitment too. Thank you.

Dr. Jim Weinberg: Yeah. On the natural mortality rate the ... Ed Houde had asked that the ... a different way of estimating natural mortality is from looking at the data on Georges Bank, where the stock has not been exploited, so presumably, any mortality on the stock as natural mortality, so he has that a cohort analysis be done, and they did that during the meeting, and they found that the estimates of M were on the order of 0.9 ... 0.09, sorry, 0.09 instead of 0.15, so they found lower estimates of M on Georges Bank.

If you were to continue using the approach of using M as a proxy for the overfishing definition, then that would result in using a lower estimate of ... that would result in a lower overfishing threshold, so it would be ... one could more easily declare that overfishing was occurring if that were to change that way. I think a lot more work needs to be done because this is just data from Georges Bank and applying that into the entire resource would be a big leap.

In terms of how that would change the exploitation, it wouldn't change the stock assessment enough to make us change the conclusion that overfishing is to occurring. Even if you were to go to that lower value of M you would still conclude that overfishing was not occurring on the stock overall. The recruitment, I think that was a 95 percent confidence interval, and I think recruitment has been low for a long time in the New Jersey region, and this higher recruitment off Long Island is promising and I'm not ... that has never been an area that ... Along Long Island there is a good, sandy area, but as you get further out it becomes very muddy, and it's not surfclam habitat. I'm not quite sure how much scope there is to really build a large surfclam population offshore, off Long Island.

Rick Robins: Peter Himchak.

Peter Himchak: Thank you, Mr. Chairman. Jim, I'm still confounded by the LPUE data, and when you look at some of the stock coast-wide everything looks great, but yet there's no recommendation for area-specific management coming out of this SAW/SARC. Again, I'm perplexed by the ... like the precipitous drop in of course New Jersey the LPUE and so I'm led to believe that that's simply a reflection of the operation of the industry, and of course and how far they can go out and

bring back, and the price of gas et cetera and why they constantly work the same area which is driving down landings per unit effort.

At the same time there's an overall decline in surfclam stock trend, even at such a low F ... I get the similar, but a message on area-specific issues, it seems like it was discussed and it was just, like, glossed over?

Rick Robins: Jim?

Dr. Jim Weinberg: Yeah. I think that the ... you've really hit an important topic, and I think that the review panel answered the questions that they were asked. They were asked, "Is the biological evidence strong enough to recommend changing the stock from a unit stock to something else?" It could be two stock or three stocks or whatever, so they considered the genetic data which suggest that there's mixing all the way from Georges Bank to Virginia. They looked at growth rates which suggest that there are differences in growth, that are considered level transport in the direction of currents, and all kinds of things, and they ... the working group debated the topic and SARC Panel heard a rehash of that entire debate. In the end the SARC said, "The evidence or dividing this into multiple stocks is not strong.

There's some evidence one way, and some another way, and they said we can't make that decision, so they did their job, they said we don't see enough evidence to recommend changing this, and they answered the question that they were asked. I think they recognized that there may be reason to spatial management which they were not really to advise on, but they left the door open and they said, "If the Council, the region or whomever, feels that it's important to manage on a spatial basis, go right ahead," they're not saying don't do it, but they answered the question that they were asked, and perhaps in retrospect we wished we had asked them a different question, but they answered the question that they were asked.

Rick Robins: Peter, just to follow up, we did add that as a term of reference in this assessment because there's been such a persistent concern about that exact question, the fact that the fishery was basically concentrated. A lot of the catch, I think, the last time we had the updated 90 percent of the catch was occurring in one 10-minute square off New Jersey, we wanted to understand what the biological and management implication of that were, and so we added that as a term of reference in this assessment.

As Jim points out the working group [inaudible 01:32:44] and the CIE has offered their comments here, I think there's another layer of information that's rolling, that's economic information, in other words trying to understand the implications of that as well in economic terms or social terms, what the

implications of that declining LPUE. That question is not addressed in the assessment, so this was strictly biological.

Anyway, John Bullard.

John Bullard: My question I think is along the lines of Peter's. There was one slide, I don't know if you could bring it up, that showed, I think, the stock declining, that grey band, on surfclams. Yeah, that one; leaving aside Georges Bank, I looked at that and your report started, that was so much good news, and then I looked at that and the conclusion I drew was the stock seems to have no relationship at all to fishing effort. You could eliminate all fishing on this, just stop all fishing, and that grey band is headed to zero regardless of what this Council does. That grey band looks to like it's headed to zero regardless of fishing effort, that there's a relationship to something other than whatever it is we do.

Maybe we didn't ask the right questions, but it's a pretty strong signal there, and I'm trying not to get depressed because it's only 10:30 in the morning. With all this good news about how we are managing and how we are keeping, we are not overfishing and all of this and, again, leaving Georges Bank out of this, what the hell is going on there? What is ... am I reading that right? What is going on with that grey line, Jim?

Dr. Jim Weinberg: Well, it is going down, no doubt about that. Whether it's going to go to zero, I think that's debatable, because the stock, when it was in a very high level back in the early-'80s that's being considered by the assessments scientists, that's being considered the unexploited biomass. Now, according to fishery theory, you want to reduce that value to approximately half of the unexploited biomass to get your maximum production out of it. It's actually down now at about the level that according to theory, the population will be producing its maximum ... having its highest productivity.

The question that the Review Panel, there were two questions actually, they were struck by the fact that LPUE is showing the same trends as this, and LPUE was not used in the model, so in the backs of their minds they were thinking maybe there's something going on that's related to fishing that's causing this; although they couldn't prove it because when you estimate  $F$ , whether you do it on the whole stock. Or even, just think about  $F$  in New Jersey, you can't extract enough clams from the population based on our data to show that it's having a huge impact.

At least, according to our data  $F$  is very low and that's why we conclude that overfishing is not occurring.

John Bullard: But is it possible it has nothing to do with  $F$ , it's something else is driving that, driving the LPUE in that? That something else is behind it.

Dr. Jim Weinberg: I think the environment is certainly something and that include predators as well as temperature change or a number of factors.

John Bullard: Chemistry change?

Dr. Jim Weinberg: Yeah. I've actually studied this a lot and published paper on how temperature can affect surfclams and about 10 years ago I wrote a paper about ... there was a big die-off off the Delmarva Peninsula, that we were able to tie very closely to a warm water event that occurred that year, and it was all consistent with ... If you looked at the former tolerances of surfclams the data showed pretty clearly that the water temperature exceeded their tolerance, and that's exactly where they disappeared. Now that work was all done in the Delmarva area, and no one has actually done a similar type study and shown a ... using hard data on temperature to show that the temperature ever exceeded the tolerances of surfclams in New Jersey, or anywhere else.

They keep pointing back to my paper as the evidence for how this can occur, and then they see trends like this of the whole stock going down, and they think, well, maybe in the back realm this is the driver. We have to stick to the hard data that we have and I haven't ... I've looked at a lot of studies and I haven't seen the smoking gun, if you will, that shows that temperature has caused this change off New Jersey, although there are people invoking that and they are saying, for instance, that the evidence that surfclams are recruiting in deeper water now off New Jersey in areas that used to be more ocean quahog habitat. That's evidenced that they're extending their range to stay within their thermal optimum; so there's indirect evidence as well that it could be temperature.

John Bullard: Well I guess ... I'm not a scientist, of course you are, but we manipulate F, so we think everything relates and responds to F, and the only point I want to make is that F is very low and my non-science says, F is really low, this looks like it's a major trend, and for us to think that it just stops here, because that's where it is now, when F is very low. Why should we assume that it's going to stop, and that it's responsive to F because that happens to be the thing we manipulate?

Dr. Jim Weinberg: Yeah, I agree with you, I think that's a very good point, and in this assessment when F is so low it's very hard to do an assessment, there's not much of a signal. In the last few slides that I showed you for white hake, there was a nice signal, and you see the textbook response, but you're right in pointing out that we don't have that in the surfclam assessment.

Rick Robins: Jim, you previously pointed out that the abundance in the late-'80s was at a high level and that was regarded as the, or was thought of as the un-fished biomass level. What ratio out of the working group offer either in the previous assessment or this one, for using 1999 and half of that as a basis for balance of

reference point if half of the un-fished biomass would be the value we might typically think of as a BMSY value?

Dr. Jim Weinberg: Yeah, I think that was sort of what we call expert judgment by the working group, they were thinking ... they were probably ... this is really digging into my memory banks because we are talking about reports from three or six years ago, but I think they were looking at the results from the biomass time series that came out of the model from that assessment, and it showed that 1999 was about the peak that they had ever seen in biomass. They were also coming off results that showed that recruitment had ... there was like a change in people's perception of how the surfclam population dynamics were driven.

Originally people felt that it was boom or bust, that you had this die-off that occurred in the late-'70s due to the Hypoxic event and it was only after a major die-off that killed all the predators, where you could get a substantial recruitment. Since then work had been done ... looked at recruitment into the population, and it actually showed that there were multiple cohorts that had come into the population every year but they were in low abundance, so the new view of the stock was that recruitment occurs every year, it's just not this major boom that takes place, so they felt that kind of the new stable population was this high value supported by study recruitment coming in, and it was ... and 1999 seemed to capture that.

I think that was how the working group arrived at 1999, but now if you look at the new results it appears that the big population, the bubble there, was in the ... I can't read that, but I think it's around 1983 or something, and so that shows that if you were to then use the peak as the new reference point, then half of that would be the new biomass target, and it would put the current estimate much closer to ... it would be then below the new biomass target, it would be somewhere between the biomass target and the biomass threshold, but I'm really getting ahead of myself, because I'm not even on the working group and that would be work for them.

Rick Robins: Thank you, Jim. Tony DiLernia.

Tony DiLernia: Thank you, Mr. Chairman. Bill, you fish clams, don't you? Okay, we are going to use you for ... maybe a couple minutes. I couldn't agree with the Regional Administrator for what he just said regarding what we see there in that grey line regarding the surf clams. We had a buy-off in '76 and within seven or eight years we were at the top of that bubble. It was almost no clams left; all of a sudden we would have clams all over the place. You could see the stock at [inaudible 01:44:17] biomass was highest level, maybe only six to seven years after the die-off.

Clams will come real fast, we have a significant lack of clams in Northern New Jersey and Western Long Island right now, that's been going on for a few years, the trend shows that and not much of clams very closely because of the recreational fisheries when there are primary baits that we use. The clams probably doubled in the past two or three years, Frank, and that's because of our clams has doubled in the past two or three years, that's because of the landings are low and the amount of what would be required, and so it's becoming more and more expensive to catch clams and that gets translated into recreational fishery.

Dr. Weinberg, you said there was an area of surfclams off of Long Island, that seems to hold promise, I was unaware of that. Could you tell me exactly where that would be?

Dr. Jim Weinberg: No, I can't tell you. I just read it in the report I'd have to dig into it.

Tony DiLernia: I don't what I'd give, I've found that surfclam fishery closer because of the bait situation, and also because it's the distant family members worry about with all the surfclam fishery and process and for a number of years. I'm not aware of any additional surfclam that are said to have occurred on the shore of Long Island, that's why I'm curious regarding that.

We used to fish surfclams in Western Long Island and Northern New Jersey, and what they call ... you fished to the [inaudible 01:45:49] but you took clams out, you thinned it out a little bit, then you leave the area alone for a while, and you'll see that they were growing faster if we thinned the area out rather than fish them down all the way, I don't ... That's what I've been always taught. I never fished on the back ... on the back of the clam boat, so I can't say for sure, but that would seem like ... that's what I was told or close to it. Am I ... please?

Erling Berg: Mr. Chairman, the way the dredge is configured it's not configured to catch small clams, that's a rarity, so you're not going to get an indication of a lot of young recruiters. Now, in the survey I did, because they used a liner, but the dredge, the clam dredge, I don't know if you've ever seen one, it's made of power bars, and the space to let the smaller ones out and you adjust them whether you're doing quahogs or surfclams; so you can open or close that.

You're not going to get a lot of small ones, but they do once in a while if there's thrash or whatever, they will get some smaller clams, but it's not what they're looking for, they're looking for the larger ones. I agree, I mean, I think you need to harvest the area, till the soil and then leave it alone for a while. I'm an advocate of closed areas and I've said so here at this panel, some of the industry don't agree with me but it is working in the Scallop Fishery, and saved the Scallop Fishery, that was the Fishery that was on the verge of collapse, and now

is one of most profitable fisheries in this country. Maybe we need to look at that, close off some areas, what have we got to lose?

Tony DiLernia: Thank you. I bring that up because I think with an industry it was almost like a gentleman's agreement that you would fish in the area, then leave it at bay, and then let them close off on their own. I also want to point out that when that bubble occurred, it was right after Amendment 8, it was related to surfclam fishery, occurred, and there was consolidation of effort. A lot of those busts went to Northern New Jersey and so that bubble occurred when fishing effort was increasing at an exponential rate, and landings went up very high and that was after the '76 die-off and yet we got that much of an increase in the stock.

Yes, I completely agree that there are things that can affect surfclam recruitment absent of fishing. At the same time I will also point out that we were, the Surfclam Administrator of Rhode Island is of the opinion that the two recent hurricanes, Sandy and the one preceding that, had such an effect of the bottom, and had a significant ... a lot of those clams just ended up some place in the middle of Brooklyn somewhere [inaudible 01:48:34].

The surf just threw up and just smashed them, so they're concerned about the ... it's going to take a little bit longer for that area to recover. What I'm saying, getting to a point that I hope and I think that that stock will begin to recover and I don't think that the decline will stop as a result of so much fishing effort. Well, there is some fishing effort involved, but I think also a natural cyclical change within the stock, and the bigger sign curve is for a stock abundance in decline. Thank you.

Rick Robins: Erling, did you have another comment?

Erling Berg: Well, I wanted to comment on what Tony just said about the storms. That's true, in the winter time you get these Nor'easters and they will stop the bottom and we have seen that after a Nor'easter that the surfclams will come to the surface. You catch them in the scallop catch, and you get bushels of them; where normally they're burrowed in the bottom.

I have a question for Dr. Weinberg. This fishery on Georges or cultivator, I guess, probably they're going on now four, five years, I don't remember exactly, since it kicked back in; is there any reduction in the amount of the ... the landings, for this, is it a drop down? I was involved in the earlier fisheries in the '80s I was part of that, and a lot of boat participated and we didn't have the red tide, all that wasn't going on, but it did get fished down to a point that wasn't profitable anymore and everybody left, that as mostly in New Jersey or Delaware, or Maryland boats. The question would be, is it dropping, is there indication that this will be fish-down?

Dr. Jim Weinberg: I put up the slide that has ... these are the data landings per unit effort and the black, it shows Georges Bank, and there's also the period in the 1980s where Georges Bank was being fished, and it looks like they've ... it was very high back then, and qualitatively it's at about the same LPUE right now, and there is only a couple of years of data there. It's not enough years to say whether it's going down or up or whatever. All I can say from that is that it looks like it's as high as it was before.

Erling Berg: Thank you. That was my question I don't remember the exact year. Memory is fading me and I would ... it did fall down, but I'm hoping that they can sustain this. We need that area, Georges Bank is very large, and hopefully this will continue. Thank you.

Rick Robins: Lee Anderson?

Lee Anderson: Jim, I too, am confused and puzzled by the answer that said, they couldn't decide whether we should go over my single stock to a multi-stock basis. Look at this chart here, look at how those LPUEs are moving around, and so maybe I guess we should have phrased the TORs differently. I think it is important that even the answer we did get is we can look at geographical ways of managing, and I would hope that we look into it, because this stuff is very puzzling and continuing to go down where we've got the stationary resource and it's a big area. How can we say that it's ... and we are getting different LPUEs that ... I know there's two sides to the story, but I think we need to do a little more.

Rick Robins: Peter Himchak?

Peter Himchak: Yeah. I can't leave this without bringing up my horseshoe crab theory. I don't know how recruitment can be very successful, at least for the New Jersey stock when you look at the graph back with the grey bar, the declining stock status, essentially in 1996 was the height of our horseshoe crab landings off New Jersey, and we took about 604,000 horseshoe crabs for bait and then after around 1996 which was a rough period of landings, there was a continual ratcheting down of horseshoe crab harvests from New Jersey and every other state. What we did is we actually drove the harvest into the Delaware system, and now ... of course now we have a moratorium, we've had a moratorium for five years, I think.

When I see the data from the surfclam survey that the State does, the bycatch of horseshoe crabs is skyrocketing. Of course we've advanced, so what I'm picturing is that we've unleashed 600,000 ravenous predators up to feed on our juvenile surfclams and it's kind of like they're doomed because if you look at horseshoe crab stomach ... A low rate, yeah, it's just leveled with shell. I don't have any proof of this but it's just very intuitive to me that the likelihood for



getting a good stock from New Jersey is being complicated or compromised by a moratorium.

Rick Robins: Thank you, Peter. Chris Zeman, you had a question?

Chris Zeman: Did that create any projections of biomass into the future in the next five years or so, mild estimates, and I have a follow-up comment?

Dr. Jim Weinberg: Yeah. They did. They're in the report and they have projections up to 2016 under a few different scenarios, and the most likely one of course is the current quarter catch that has been taken which has been very stable under the ITQ system, and I think ... I'd have to spend some time looking at the table that give you the details, but it didn't show that there would be a big decline over time, I think that was what ... when they were saying that the stock isn't going to be overfished in the future. I can continue to look at that while we are thinking about other questions and I'll know better in a minute.

Rick Robins: Jeff Deem.

Jeff Deem: Yeah, Jim, if I can ask you for just a second, you would expect when a stock is beginning to see a peak and then to see a drop-off after it reached its carrying capacity and then you throw in the horseshoe crabs and all the other things, and as you mentioned when there's a die-off the predators die off as well. Is there a good record of what the biomass was before the die-off in the '70s and was it consistent? Can we go back and say this is the normal level?

Dr. Jim Weinberg: I'm not sure about that. That kind of gets into another era of stock assessment, with where we could go to filing cabinets with paper reports to dig out, most of our assessments began around using the primary, the initial year of 1980 or '82, which was I believe that the clam survey as we know it got its standard methods. It started around in the very early-'80s, recognizing that there was the die-off before that, but there were assessments done by Fred Serchuk and Steve Murawsky in the '70s and those would have estimates, but those were all based on surveys and not based on analytical models that we use nowadays and in clam surveys, estimating the dredge efficiency is a real tough thing.

The estimates that are in those reports would be minimal estimates based on what was captured by the dredge without taking into account the knowledge that we have today about dredge efficiency and the area that's actually fished and so forth. Those numbers are in reports but I'm not sure we'd want to use them to compare against our current numbers.

Rick Robins: Jim, thank you. We are going to have an opportunity to come back to this at the June meeting, we consider setting three of your specifications for the fisheries,

so I'm sure we'll have more questions for you then. I would suggest that we develop those for that, but thank you, for the report.

Tony? Go ahead.

Tony DiLernia: The one that we are going ... white hake, if you had only three slides, so we could go to that. You showed that there was ... there wouldn't be [inaudible 01:58:39] of white hake if you showed there was all the fishing occurring a few years ago, the stock was overfished, and recently overfishing is no longer occurring and the stock is no longer overfished. My question is, could you tell me what the management measures were? Was that a result of management measures that were in place over the past five or six years? Considering I don't want to speculate regarding the reclassification of the white hake stock to not overfished ... with no overfishing occurring.

Rick Robins: Jim, do you have any comment on that?

Dr. Jim Weinberg: That's a tough question, we'll have to get Tom Nies in here I think to talk about New England management and what went on each year. It's very complex and I'm not really sure how it exactly impacted white hake. Frank may shed some insight on this but I don't really have an answer to tell you about the management related to the landings and so forth.

Rick Robins: George, to this point?

George Darcy: Yeah, I can't definitely answer it, but I can tell you that white hake is distributed over a wide area in the groundfish fishery, it's one of the most difficult ones to specifically manage for that reason, but as a result of that, and because there have been really restrictive measures for a number of the stock, white hake would, at least, indirectly benefit if you will from that. I should also note that because of this improved stock condition we are intending in the Final Rule for Framework 50 on through emergency action, increasing the allocation of white hake to the groundfish fishery next year by, I think it amounts to about 15 percent.

Rick Robins: George, thanks for that update. Frank, did you have any further elaboration on that?

Frank Blount: No. I think George said it. I think it's just the measures that were place, there were low trip limits the white hake in the quarter was down for a few years, but I don't think there was any specific measure directed right at white hake.

Tony DiLernia: Is there ... directed fishery for the white hake, or is it just more of the ... just shell fishery?

Dr. Jim Weinberg: I think there is some directed at fishing.

Frank Blount: Thanks. In the deep water, thanks.

Rick Robins: Chris Zeman.

Chris Zeman: Just have one follow-up question on surfclam.

Rick Robins: Yeah.

Chris Zeman: Can you provide us ... if you go to Figure A-1, the assessment regions for the surfclam stock, you have these different areas with different numbers. Is there a way to provide us the information like: abundance, recruitment and fishing effort by area before the June meeting; if that's not already in the SARC Report, or SAW Report?

Dr. Jim Weinberg: Yeah. Some of that information is in this report, Center Reference Document 1304.

Chris Zeman: Okay.

Dr. Jim Weinberg: But we are working on editing the big report which will have all the tables and figures, it will probably be some 400 or 500 pages and that will be published well before that meeting.

Chris Zeman: Okay, thanks.

Rick Robins: Thank you, Jim. I'm going to move on now to the report from the office of the General Counsel. Denise?

Denise Desautels: Thank you, Mr. Chairman. As far as the Litigation Report is concerned, just one item, Oceana versus Lock, the challenge to the Final Rule implementing the Omnibus Annual Catch Limits and Accountability Measures. The Administrative Record was filed with the court on March 11<sup>th</sup>, so that's moving along. Then I guess I will take this opportunity to respond to Mr. DiLernia's legal questions, is that okay?

Rick Robins: Yeah.

Denise Desautels: It may take a while, I don't know if you want to take a break first or do you want me to just follow through?

Rick Robins: All right.

Denise Desautels: Okay. This is in response to the March 14<sup>th</sup> letter from Chris Moore summarizing the January 15<sup>th</sup>, 2013 request from Anthony DiLernia. The question is legality of the recreational portion of the Summer Flounder FMP, is

the current conservation equivalency process legal under National Standard 6 and 3?

Mr. DiLernia you mentioned that the current geographic characteristics of fluke stock are expanding and shifting northward. Different distribution then existed when conversation equivalency measures were developed, utilized in 1998 data. As we know recreational summer flounder landings are mostly taken from State jurisdictional waters. The states primarily regulate inland waters and coastal waters sometimes referred to as the territorial sea, which is usually three miles but not always; and the Federal Government regulations and exclusive economic zone that is from the EEZ inner boundary out 200 miles seaward.

Regulations implementing FMPs rather than the plans themselves are subject to judicial review. National Standard 6 reads: "Conservation and management measures shall take into account and allow for variations among and contingencies in fisheries, fishery resources and catches." This issue was litigated in the U.S. District Court, the Eastern District of New York as you probably know. The State of New York and the New York State Department of environment conservation and United Boatmen of New York, Inc.; the New York Fishing Tackle Trade Association, Inc., and the Fishermen's Conservation Association versus NOAA.

The court rendered a June 30<sup>th</sup>, 2010 opinion: Plaintiff sole contention concerning the percentage of recreational total allowable landings or TAL, allocated to New York. As we know TAL, after deduction of research set aside, is divided between 60 percent commercial and 40 percent recreational landings. Once the TAL has established the commissioning accounts to determine whether to achieve TAL or either state-specific measures or coast-wide measures.

Since 1999 the Council and Commission have voted for state-specific regulations referred to as Conservation Equivalency, for both state and federal waters. In this litigation plaintiff claims NMFS Final Rule for 2008 Recreational Summer Flounder Fishery violated the Magnuson-Stevens Act, and the Administrative Procedure Act. The 2008 regulations at issue were conservation equivalency including performance-based adjustments for overages, our plaintiffs ... I view that the conservation equivalency measures based on the 1998 Proxy year's landings violated Nationals Standards 2, 4, and 6, because changes in population have just reached their flounder rendered the current allocations obsolete and inequitable.

Gross recreational flounder landings are taking from State jurisdiction waters regulated through a commissioned interstate plan. The Federal Government regulates fishing in the EEZ, seaward of state waters. State and Federal regulations are applicable within their respective geographic areas, and as the court notes, need not be identical. Since 1999 the Commission's Flounder Board

and the Council have voted for a management regime of state-specific regulation. That is conservation equivalency for state and federal waters respectively.

Under conservation equivalency each state formulates individual management measures in terms of minimum size, daily bag and length of season ... season limits to constrain the state's recreational harvest to an assigned percentage of the cost of our TAL.

That said, FMPs and regulations must be consistent with the 10 National Standards, each state formulates individual management measures that will constrain the state's recreational harvest to a percentage of the coast-wide TAL. The 2008 Federal Rule specifies that fishing ... I'm sorry ... specializes that vessels fishing for flounder in federal waters shall be subject to the recreational fishing measures implemented by the state in which they land. The Secretary retains power to adopt coast-wide measures if he determines that the proposed state-by-state conservation equivalency measure conflicts with the MSA.

The court denied the plaintiff's and intervenor-plaintiff's motion for a summary judgment and granted [no risk 02:06:17] with respect with claims against the federal defendants. The plaintiff and intervenor-plaintiff's motion for summary judgment against the Commission was dismissed for lack of jurisdiction.

The court ruled because there was no allegation that the conservation equivalency measure failed to include a suitable buffer to mitigate uncertainty. The Secretary's decision to regulate through conservation equivalency measures did not violate National Standard 6. Moreover, the court ruled that the National Standard 2, 4 and 6 claims failed because the record evidence is, at best, ambiguous concerning the nature and extent of a redistribution in the summer flounder stock.

The court noted that in numerous ... that there are numerous legitimate and compelling considerations supporting the choice of state-by-state over coast-wide regulations and noted NMFS alliance on 1998 as a proxy year to perpetuate the existing fishing practices in place prior to the onset of regulations and NIMS considered these benefits in crafting the 2008 Summer Flounder Regulations.

In summary the court has that the record evidence regarding the nation extent of a geographic redistribution of summer flounder stock is in fact speculative, uncertain and entirely unquantified, and in light of that uncertainty, and the noted advantages of state-by-state regulation, it was not arbitrary or capricious or in violation of any national standards for the Secretary to regulate the Summery Flounder Fishery through state-by-state conservation equivalency rather than coast-wide regulations.

Then you also asked if summer flounder can be managed on a regional basis by combining states in their allocations in regions, that's basically an annual decision by the Commission and Council.

As far as National Standard 3 is concerned, this is slide ... Yes, attorneys can create slides, not often, but you scientists have great slides, I only have one. This is very interesting question you ask, on National Standard 3. Recreational Regulations differ between states that share a common body of water, for example, Long Island Sound which is depicted there. Is there a violation of National Standard 3 because summer flounder in Long Island Sound is not managed as a unit because of the difference in the state regulations?

National Standard 3 reads: To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination. Long Island Sound is entirely state waters so would normally be federal waters ... be on three waters ... beyond three miles, but the U.S. Supreme Court in 1985; U.S. versus Maine, found that Long Island Sound is a juridical bay with state jurisdiction because Long Island is not an a natural island. The East River is not really a river, and consequently Long Island is a Peninsula, so there's a juridical bay right below the Connecticut-Rhode Island boundary.

That is a U.S. Supreme Court decision that made it all state waters. I have to pull back to my preppy law stuff and my time with the coast guard to get this for you, so as we know the Councils and NIMS work collaboratively with states but NIMS cannot directly manage in state waters, and this is a juridical bay which is entirely state waters.

The MSA provides for conservation management of fisheries in the EEZ and the U.S. claims sovereign rights and exclusive fishery management authority over all fish in the EEZ. States retains jurisdiction within their boundaries with a certain exception that we know that's in 306-B, and that's when the Secretary may regulate fishing within state waters but only if certain criteria are met which is not in this case here and there's notice and opportunity to be heard.

There's an unpublished decision, and if anyone wants a copy of it, please let me know, it's entitled Southeastern Fisheries Association Inc. versus DOC, NOAA and Coastal Conservation Association in the State of Florida. It's rather old, it was from 1991 but it's the closest case on point, and what it finds is that the Magnuson Fishery and Conservation Act; does not expressly preempt state regulation of fisheries, but Federal preemption would be implied there were actual conflict between State and Federal Law, that dual compliance was impossible, which is not the case.

Summer flounder is managed to the extent practical, as a unit and compliant with National Standard 3.

Thank you for your question.

Rick Robins: Denise, thank you, for the answer. Tony, did you want to follow on that?

Tony DiLernia: Yes, I'd like to recognize Denise for the work that she's done regarding my request. I was hoping for a little bit more rather than the reviewing of the decision from Federal Court, because I had read the decision myself. I was aware of the decision, and if the revisiting of that decision to where ... we have some of our Council Members, so I apologize for placing us in that situation.

I asked the question that I asked in December because it's clear that perhaps since that decision has been made we, managers, Northeast Fisheries Science Center, NOAA, take your choice, choose or continue to recognize that there were changes occurring. I've heard that the ecosystem considerations. I've heard term used by the Science Center today. I've heard the Science Center refer to possible regime shifts occurring within our region.

NOAA has recently created an office for climate change, it was in process of and we ... I won't quote global warming or ocean warming, or ocean certification we call "climate change" and we had a presentation on the distribution of summer flounder with the redistribution of summer flounder regarding the ... in response to a change in oceanographic conditions. Every state sitting at this table recognizes that there are changes in the distribution of summer flounder and the availability of summer flounder, I have ... where is it? The Commonwealth of Virginia, for their citation, it's a press release, regarding the [inaudible 02:12:24] 6,000 citations for the first time since 2007. It talks about striped bass, trout, close to about the increases in White Marlin and Red Drum, great triggerfish and blueline trout and tilefish awards within the state, or more and more of species.

Also recognizes that ... this press release recognizes trophy-sized flounder continue the downward trend that began in 2006 as only 99 flatfish met the minimum qualifying standards in 2012. Some of these southern states have been able to transfer fish to the State of New York and we thank you for that, New Jersey, we thank you for that for the upcoming fishing season. Why? Because their quota has been under-harvested; is it merely all coincidence, or is there a redistribution of summer flounder?

I believe there is. To refer to the court decision that occurred in '98, does it recognize the additional evidence we have regarding the redistribution of summer flounder. Pretty soon we are going to be working on a quota system that's 20 years' old. The system that distributed summer flounder amongst the

different states pretty soon will be almost 20 years old, and we'll still be working with that state-by-state allocation and I believe it's unfair.

I don't want coast-wide management measures because I understand coast-wide management measures will inconvenience many of the states. At the same time if we are working with quotas that are 20 years old, perhaps on the next re-authorization of Magnuson, we may have to look at how old can a quota be before you have to revisit it. How long may a quota have to be before you institute coast-wide measures again to establish a new baseline?

I don't think we have elected officials writing fisheries management for us, but sometimes the same elected officials become frustrated. I hope that as the Commission continues to develop, perhaps alternatives to the Summer Flounder Conservation Equivalency Program that they examine the possible use of regional management, not coast-wide management, regional management.

I can assure you that the fishermen from New York if they don't see some type of consideration of the changes that are occurring will become very frustrated and we hope that will only be ... will have to resort to some type of legislative actions to resolve this issue.

Thank you, again, for your work, appreciate it. Council Members, thank you, for your time.

Rick Robins: Tony, I think we heard that sentiment pretty clearly throughout Southern New England when we had our small group meetings over the last couple of years, and I anticipate that that will be a component of the strategic plan. That is how do we deal with changing conditions in the fisheries as it relates back to that questions, but I know ASMFC, Summer Flounder, Scup, Black Sea Bass Board has also had some discussion about that, and I believe at the last meeting they agreed to develop and working group, and I'll ask Bob Beal if he could elaborate on that a little bit.

Bob Beal: Thank you, Mr. Chairman. You're right. The Summer Flounder Board did convene, we established a working group, they have not met yet, and one of the things that they want to look at, summer flounder allocation is one of the top priorities, but I think the workload of that group, if I could expand a little bit. Summer flounder, scup and black sea bass, and they also ask that a member of the Mid-Atlantic Council staff be placed on that working group. I think we can work with ASMFC leadership to get possibly one or two Council members in there, so it's a larger group. We don't want it so big that it doesn't ... it's not functional, but I think there's a right number of people that represent the Council and the Commission and we get staff on the Council and the Commission on a working group to start these dialogues.



I think we are at the point where everything is fair game right now: regional management, coast-wide management minus some of the Southern States that have small fish, have availability issues with only having small fish. There are ... Chris more can comment on some of the modeling efforts that are going on through John Ward and some other folks. I think all those things need to be rolled into this discussion for 2014 and beyond. We are at the initial stages right now, but I think there's a lot of work to do as the calendar year rolls on; and as the Council and Commission get into spec-setting process at the end of this calendar year.

Rick Robins: Thanks for that follow up, Bob. Rob, O'Reilly?

Rob O'Reilly: I wanted to ... I have several comments. One is, I think it is a good idea to progress forward about allocation issues and I think that's already started, I think there have been some surprises, I think just from NEAMAP data the ASMFC, for example, has shown the states the NEAMAP data as far as size composition and some of the trends are not what you would think. For example, for Virginia's size distribution is fairly large compared to some of the other states, large sizes, so we would need more data. You know, Virginia also has a Chesapeake beneficiary and has trust maps since 2002; so there's that data.

I think that's what's needed. I think the states will need to bring the data forward and don't have to be someone else who's done, and that was underway, and that's the way it should be. I also have a comment, though, for Tony; that it's not an indicator that states can't make their targets or quotas in 2013 as to why there is a provision in the fast track addendum by ASMFC to shuttle fish from one state into a pool of fish for those who do have to reduce. It's more that it's a potential, so just not belabor it, but to give an example, any state could say: we are going to the moon on this one, and put in measures that they know could get them in trouble, versus putting in measures that they think are conservative, but there still could be some trouble.

You heard yesterday about the [inaudible 02:19:00] process and how the survey has changed the intercept survey, and the dual frame and everything, and it could be they rile that was state ... like Virginia for example, thinks that 16 was a fairly sound management measure for size limit with four fish, but that ends up over-target, so that could happen. I think that the situation is the same with the other states, so as the Council from a few years ago, it's very difficult to liberalize regulations.

I think, Tony, knows all this, but I just want to comment on that. The other small point here, you'll know, Denise, that I have no attorney skills but I did want to ask you, you mentioned 1999 twice, I think, in relation to conservation equivalency. Chris, I know will know, but I certainly remember that that avenue at least in practice didn't seem to open up until 2001 because the states were

definitely on a close-ride measure from 1999-2000 and it took a lot of jockeying by several states to make that change, the conservation equivalency, so there must be something that you found that I'm not aware of and that would be understandable, but I just wanted to comment on that.

Denise Desautels: The Judge's decision. That's how the Judge interpreted it.

Rob O'Reilly: That's good.

(Laughter)

Rick Robins: Are there any further questions for Denise on her report? All right, seeing none, we'll go on a little to Law Enforcement Reports. Logan Gregory, do you want to go first?

Logan Gregory: Thank you, Mr. Chairman; Members of the Council. I'm Logan Gregory, I'm the Special Agent in charge for the Northeast Division; Office of Law Enforcement for Fisheries.

I was a little late getting my report to the Council but I think it was submitted, email, to everyone. I'll just go through the summary in the interest of time, and a few highlights.

During the second quarter of fiscal year '13, the Office of Enforcement put out for public its national priorities, regional proprieties for FY '13. As we are finalizing these we continue to focus on priorities working with our state and federal partners. In the second quarter we documented 119 patrols, 49 instances of outreach and attended approximately 14 meetings. These are not all-inclusive numbers there's a lot of records so we can't collect with contacts with industry, but we attempt to do the best we can to document those.

We have a new Enforcement Officer joining Mid-Atlantic, hopefully, in late-May, he's finishing up his training at the Federal Law Enforcement Training Center, he's scheduled to graduate this week, I believe from his basic school, and then he will be attending Marine Law Enforcement Training for five weeks. After completion of that he will arrive in Newport News. Justin has a Master's Degree in Criminal Justice, and an Undergrad in Environmental Science and Policy with a focus on Marine and Coastal Resource Management, and we are really looking forward to adding Justin to our dwindling resources in enforcement.

Currently we have ... I think I have 19 Special Agents, and with Justin, six Enforcement Officers. Of course, VMS staff and enforcement technicians, we are going to lose two Special Agents to retirement this year. Those positions will not be backfilled with agents, and we don't anticipate any backfills for the remainder of this year due to hiring freezes and sequestration and all of that. As to when

we'll be hiring any additional resources, it won't be in any kind of future that I can see right now.

As part of the plea agreement for the Lacy Act and striped bass, the Charter Boat Captain agreed to serve 30 days in jail, paying a \$5,000 fine and \$1,300 in restitution to NOAA and to surrender his Captain's License for life. It's a pretty significant prosecution, a pretty significant penalty for these violations. I hope the Council appreciates all of the work that's been done, by the Coast Guard, the states and by us, in trying to pin down some of this unlawful striped bass fishing in the EEZ.

These weren't simple cases to prosecute or to investigate, they were quite complex, on what we had to do, but we hope that it will send a message to the industry that, you know, we are not really going to tolerate this continued fishing for striped bass in the EEZ. We couldn't possibly catch everyone doing this but hopefully this sends the right message.

Moving on to some Magnuson Act violations that occurred in New England, we had a couple of the net liner cases recently that the Office of General Counsel Enforcement Section has issued NOVAs on, two NOVAs. One was for \$74,411 which is \$34,411 for the economic benefit of what they made for their catch, and \$40,000 for the fine. The other one is a \$40,000 fine with a notice of proposed forfeiture for the ceased catch, which was sold for \$19,453.14.

Those cases ... those notices have been issued, they've been sent to the respondents and I'm not aware of any replies from those respondents yet, but obviously they can now request a hearing if they intend to do so.

For the Northeast Observer Program, we've documented 19 complaints during the second quarter of '13, ten of those were observer refusal complaints, three were interference complaints, four were safety complaints where the vessel didn't have the proper safety care on board. One was failure to provide reasonable assistance; and one was complaint regarding observer notification. Most of those complaints were closed via compliance assistance, or a warning. There are, I think, four ... five that are still ongoing investigations.

Turning to the second quarter of '13, we documented 181 total incidents, 64 of those where investigations were initiated, 98 were inspections, board inspections, dealing with inspections, and 18 were complaints received from a variety of sources. During '13, we have completed 48 ... no, we have completed 133 of those incidents and 48 are still ongoing. We have opened in the second quarter 47 cases, issued 27 summary settlements and sent 14 cases to the Office of General Counsel Enforcement Section. The rest remain ongoing investigations. This is just ... for the second quarter there were also ongoing

investigations from past quarters, past years, so I don't have the exact number as to how many ongoing cases we have, but there's a number of them.

That concludes my report.

Rick Robins: Logan, thank you. Are more striped bass cases still in your pipeline?

Logan Gregory: Yes. One of them I believe is slated to go to trial May 14<sup>th</sup>, I believe. One decided to go to trial, so we are preparing for that. I don't know if there are any other pleas agreements in the pipeline, I'd have to check with Sarah on those.

Rick Robins: Thanks. I think you mentioned you had six enforcement agents, is that for the entire region?

Logan Gregory: Yeah. I have six uniformed enforcement officers for the entire division. I will have one in Newport News, I have one in Cape May, and one more in New Jersey. I have two in New Bedford, and I have two in Maine. That's the current contingency for our uniformed officers, and then special agents I have 19, soon to be 17.

Rick Robins: The cases that you've mentioned are they being made by those uniformed officers? Or are they being made through cases that are interdicted by a joint enforcement agreement?

Logan Gregory: It's a combination of both. One of the main focuses of the enforcement program, the officer program is to work directly with our JEA's partners and with the coast guard, because we don't have our own vessels. Anything we do on the water is going to be done in conjunction with the coastguard or the state, or both, a combination of both.

Rick Robins: Thanks. Other questions for Logan? Howard.

Howard King: Yes. Thank you for the report. If you forecasted the retirement rate for your workforce, what does that tell you over the next five, seven years?

Logan Gregory: I expect to lose ... we are looking at that, but I don't have it on the top of my head, but I'm just trying to roll through people's faces in my head. I expect to lose at least six people in the next five to seven years due to retirement. Some mandatory, some will just retire before the mandatory retirement age. Our current staffing plan doesn't call for any additional special agents. Our current staffing plan calls for 10, for the entire division, and I think upwards of 20 officers, so any agent positions that retire will be replaced with either some other staff type position or an enforcement officer currently.

Rick Robins: Follow-up questions for Logan? Okay, thanks for the report. We are going to Kevin Saunders; Kevin welcome.

Kevin Saunders: Thank you, Mr. Chairman. I handed out the report yesterday and I hope you guys all have it at your desk; didn't make mail out, sorry Jan. Just as in the last two months we concluded three major fisheries operations and one marine protected species operation. The three fisheries violations, one was safety-oriented, two were more fisheries oriented, and you could see in the report that they accounted for 379 safety exams. Those were people conducting exams of the pier; 265 decals issued in 269 fishing vessel boarding.

Those boardings don't correlate to the boarding number you see below. I know that Dewey is going to point that out to me in a second, so I'll just bring it right up. We are at 89 for this same two-month period. Number one, this Safety Op and all these op's I'm talking about, actually went longer than the two-month period you could see in past reports. Number two, the 89 number that I have here correlates to the number that you see on the following page, page 2, where I go through our major fisheries and how we are doing with our benchmarks, so that explains that.

We had in two violations these past two months; one of them was the North Carolina unit actually. Brought down \$250 summon for a black sea bass violation. The guy was weighing undersized black sea bass, small quantities. Number two was a [inaudible 02:31:19]; a written warning for a charter vessel that was trying to bring back a bluefin tuna and they did not have the proper permit to do so.

Two marine protected species supports. You could see that if you try next on the reverse page. I know all of you save your reports that I give from year to year, so if you actually compare this to last year, you'll notice we are doing far better than we were this same time period last year, as far as hitting our benchmarks. Ironically our boarding effort is done, but we were able to distribute our boarding effort a little bit better. That explains that.

I want to bring your attention to page three, the commercial fishing vessel safety page. In this you'll see some statistics about how we did our operation safe catch and what we did. On the back page you'll also see some information about a counterfeit fire extinguisher. I'm not sure why anybody would decide to counterfeit fire extinguishers, but since coastguard approved, if you're looking at it with a lot of detail, which you'll find out it's not really coastguard-approved, and in the back it gives some tips on how to determine the real from the fake fire extinguisher.

By consumer numbers and some other things, so you don't have to get real fire extinguisher because it's probably not going to work when you want it to, when you need to. One more thing I'd like to plug is on Friday of this week ... I'm sorry ... Saturday of this week, a person from the Northeast Regional Fisheries Training Center is going to be in our Newport News area, and we are going to be doing

voluntary examinations of the new turtle deflector device which is going to be a requirement in May.

There's some issue with [inaudible 02:32:55] product that's out, some of them are compliance with what the requirements are and some of them are not. What we want to do is give fishermen the opportunity to see if their particular dredge is going to be in compliance with the regulations once they come in effect; and give enough time to get the manufacturer to fix whatever the is, if there's an issue.

I'd like, Jan, to pull up a video. In the past two months we had the sinking of the Seafarer, you guys are probably aware of that. In that sinking, tragically, there were two crew members that were lost, but one crew member was saved, and I have a video, I don't get these all the time, but I have a video of the rescue when it comes up.

If you're not familiar with the case I'm going to talk a little bit because there is no audio, we do that to make sure you guys don't hear our colorful language in the cockpit, but if you could maximize it please, right. That's our Coast Guard District 5 logo. That's with two helicopter aircraft in the Mid-Atlantic area to 65, which is based on Atlantic City. That is a high-pitched buzzing sound that you hear when you're on the beach and then our North Carolina aircraft mainly 60s.

This particular aircraft is a 60 from North Carolina and a little bit longer range, a little more capability, and if you're going to compare aircraft to cars which is never really a good event because cars don't fly. The 60 that you're seeing now is more like a suburban, whereas the 65 out of Atlantic City is more like a Porsche; so faster, shorter fuel tank, but can get on so much quicker. These guys, once they're on scene they have a little more endurance, and they have a lot more room to carry more people.

With this case what happened was we found the Seafarer, there had been ... they'd been an accident, they are being towed by their sister ship back in the port, a very harsh weather day. I believe it was March 11<sup>th</sup> ... I'm sorry, March 6<sup>th</sup>. They had weather outside; you can see when they lower ... rescue someone in the water how the hoist flop back and forth. The wind speeds were about 50 knots right there. One on the guys report from the towing vessel, the vessel that was towing the Seafarer, that they lost the Seafarer, at some point the tow broke and they lost contact, so we sort it out, and "sorting" means we launched our assets.

We have a 60 on sea and a 47 is close on them; 47 is a boat that operate in up to 50 knots of wind, and we are dealing with 50-knots wind right now. If you look in the top right-hand corner of that video you can see the rescue swimmer, he is being thrown around pretty harsh. This is a really fun job when you're like 25 to

20, and I could tell you from experience you're going to be in hoist up and down, it should be a great experience when it was calm outside and I was 20. I wouldn't want to do it today; I definitely would not want to do it in 50-knots of wind.

You could see the high winds catching the line right and pulling the forward wheel. We are talking about some really, really harsh conditions. Right there officer lost control of the line for a second which can be scary. Before we do in operation, we do a risk assessment, the one we do is called GAR Model, it stands for green, amber, red, just like a traffic light. If it's red you're supposed to stop, maybe not go. However we are the Coast Guard so we decided if we were go on a red light, if the risk is worth it, just like an ambulance would. In this case lives were at stake, when lives are at stake we take more risks, that's what we do; if lives weren't at stake, we won't.

Another thing I'd like to point out is that pilot of this is Paul Johansson from Station Elizabeth City. He's one of our top law enforcement pilots for fisheries flights. Whenever I can coordinate our flight for our fisheries operations I try to get him. There's another flight course behind him that same day, the C1-30 flight with J.D. McManus, he is also our top fisheries guy for the C1-30 which is fixed-wing aircraft.

If there is some fisheries going on this day, we would have had ... been in good hands, right now we are doing search and rescue. Other crew member because we have the location of the vessel that took a lot of the search out, a lot of the time out, give this guy some greater chance at surviving. As you can see when he comes up, he's not in emergency suit, so he would have limited time in the water. The reason why he wasn't in emergency suit is probably the speed that the Seafarer sank.

Comes back to the cockpit another camera, and you can see that when he pulls him in you can see that he's still a little it shocked and how he as communicate to get him in a safe spot to continue the evolution of the search and also recover the rescue swimmer. By the way, this is a good example of advanced technology operating in harsh environment so we could use this for observer cameras if you want.

Male ? : [Inaudible/no microphone 02:37:59]?

Kevin Saunders: I don't have on the top of my head, I'm sorry.

Male: [Inaudible 02:38:10]

Kevin Saunders: So once the crew member gets secured, is puts the harness on the person that's operating the hoist right there to ensure he doesn't fall out, which is

critical when you're operating in environments like they're in right now. Sending down the hoist to recover the ... Yes, sir?

Male ? : You send down the hatch, and so he knew [inaudible/choppy audio 02:38:33]?

Kevin Saunders: Well, we couldn't see him from where they were at, they [inaudible 02:38:39] on the date recovered he was inside the raft, so they had the hoist back up, the rescue swimmer, number one, because operating in environments like that you get tired very, very quickly, and that allowed them to continue the search. Also, what we are going to find out, I mean, you can't see this from the video, but the crew member that they had, he was in shock and he wasn't in great condition so they needed to get him back to the hospital as soon as possible.

You can't see him in this video but the 47-foot boat is also on scene conducting a search, and we have the C1-30 operating that day as well, lots of was searching. One of the tough things to do is to be able to balance the conditions of the people that you are able to recover, with the condition of the rescue swimmer, the harsher environments are, we are human, the more time you get to keep them out of the water if you can, and then the stall limitations of the aircraft itself. We are pretty much at capacity for all three.

You see up there the pilot, when he landed that day, we were running another case shortly after this one where it was ... where we had to remove a passenger from a containership and it was pretty dicey with the way that the rescue swimmer is actually beat up against the hold of the containership, so when everything was sent down we lost two members, two crew members of this vessel, we were able to support the case for it, the containership, and we rescued this crew member , but when the seamen came up for landing, it was probably the scariest day of the pilot's life, he said afterwards.

I just wanted to point that out, you know, obviously we conduct search and rescue, we conduct fisheries operations and stuff like that, but the National Standard 10 is a big deal to us. If it wasn't for the life raft working, this crew member wouldn't be down in the water long enough to survive. We conduct a long effort in searching for the remaining two crew members after this. [Inaudible 02:40:42] with all the details about the search patterns and the amount of time, but it was in the hundreds of miles that we actually flew looking for that remaining two crew members.

The commercial fishing vessel safety inspection examinations don't really prevent you from getting in bad environments, but they give you a better shot once you're in the bad environments, because of the safety mechanisms that are built into the program. Whilst [inaudible/choppy audio 02:41:05], so I encourage people to go out and get their commercial fishing vessel safety exams, in 2015



it's supposed to become mandatory. If you remember reports in the past, earlier this year, it was supposed to be mandatory October 16<sup>th</sup> of this year, it actually went mandatory for a little bit, but then we scale back with some new legislation. Thanks a lot.

Rick Robins: Kevin thanks for sharing that with us, Tony.

Tony DiLernia: Thank you, Mr. Chairman. Mr. Chairman since 1988 the program that I had for the City University of New York has joined with the United States Coast Guard, in air-sea operations and air-sea rescue. Originally out of their station in Brooklyn, when their station in Brooklyn a field which closed ... where training was transferred to Air Station Atlantic City. Over the years I've been told by graduates from our program, that that training that they've received in conjunction with the United States Coast Guard has been some of the best training that they've had and they've saved lives.

That training that we are down [inaudible 02:42:00] this coming weekend, and next Tuesday, and it's a direct result of Lieutenant Saunders giving me some help in having that training arranged for this year; you know, with the sequestration of funds and all he's not going to be able to do that training.

First, I would like to publicly thank Lieutenant Saunders for his assistance in securing that training this year, and most I would like to recognize the United States Coast Guard for all they've done for the City University in my program, and my graduates over the years. I know they've saved a number of lives through that training, and I'd like to thank them.

Thank you, sir.

Rick Robins: Steven Linhard.

Steven Linhard: Kevin, the container that was intercepted in the harbor, do you know what the ultimate demise of that fish was? Was it confiscated or was it kept, retained?

Kevin Saunders: It was retained. We made sure the vessel did have correct permit. It was a correction on the spot, that's where we go down with a written warning for that particular violation.

Steven Linhard: Okay, thank you, because the rumor was that it was thrown in the dumpster by the Coasties; so a 360-pound fish is what I heard.

Kevin Saunders: Yes. It might be an inaccurate rumor, so. Wouldn't do what we would do with a fish like that, and even when we do seize the fish or voluntary abandonment, that's typically not how we handle it at all so. Thanks.

Rick Robins: Thanks, Kevin. Any follow-up questions? All right, Bob Hogan would you like to report out as well?

Bob Hogan: Yeah. Bob Hogan from the General Counsel Enforcement Section; our two northeast attorneys are actually on board, Rita Hendrickson and Joe Hackworth. Rita started about two weeks ago, Joe started Monday, I believe they were both supposed to start the same day, but there were some issues with paperwork for Joe. He was coming from the State of Maryland.

Rita spent the past few years at DOJ, ENRD and I believe working mostly in the environmental realm. I think with coal mine stuff in West Virginia. Joe comes to us from the Attorney General Office in Maryland, and he apparently did a lot of DNR cases for Maryland, that was his experience and background. Both of them will be in New England the first week of May, and they'll be there permanently. They'll be in Silver Spring the rest of this month working with us there at headquarters, and they'll go up ... I think they report April 29<sup>th</sup>, or something like that, up in Gloucester.

Things in our office seem to be a little bit on the uptick, I just went down last month and did in-service of the federal agents at [Inaudible 02:44:57] and we did some slides on cases over the past few years. Typically, what my office does; is this has a five-year spread of cases, and I'll have the slides available, even the actual numbers.

But I know this year the bar graph was this high for nova's issued, last year the bar graph was this high, and the year before this high, so we are kind of coming out from underneath the Inspector General investigation and the resulting work that we had to do there, that took away from us being able to actually prosecute cases which is definitely a positive thing. I don't really know the numbers I just know the representation of the bar graph and that was really pretty impressive relative to what we are doing.

That's a national number, how it applies directly to the Mid-Atlantic I can't speak, but nationally everybody seems to be able to be getting back to real legal work as opposed to rewriting policies and changing things per the Inspector General's recommendations that they made during the investigations.

I don't think I have anything else. I think this may be my last Council trip, because those two guys were so new they didn't ... we thought about bringing one of them with to introducing them, but with the budget issues it was too much. I guess New Jersey is next. I assume that one of the two will be there for that meeting, and will be introducing themselves, so we guess, Logan, who is somebody from OLE can introduce them, maybe Denise; because I doubt that we'll be sending two to the next meeting.

Any questions?

Rick Robins: Bob, thank you, and we look forward to meeting them at the New Jersey meeting. Are there any questions for Bob? Okay, Bob, thank you, for the report. Appreciate it. Bob Beal you want to report out on ASMFC.

Bob Beal: Thank you, Mr. Chairman. It's a tough spot following the law enforcement guys and their cool videos; I'll try to make it interesting if possible.

The Commission's last meeting week was in February following the Mid-Atlantic Council's Meeting, and for some reason is included in the briefing materials, so I won't go through all the details, but there are a few ... I think there are four documents that are out right now as a follow up to that meeting for public comment. The first is the American Eel Addendum-3, this document ... public comment opened through May 2<sup>nd</sup>, so a couple more weeks. This document responds to a depleted stock status finding of a benchmark period, and the assessment has the potential to adjust the harvest practices and reporting requirements and scientific data collection for live states of American eels, silver eels, yellow eels.

The final decision on that document will take place at our meeting May 20<sup>th</sup>, or the week of May 20<sup>th</sup>. Summer Flounder Addendum-24 is out for public comment. That comment period extends to April 12<sup>th</sup>, so two more days after today, and that's the document that folks have been talking about earlier today which is the ... which allows states that ... which allows summer flounders that weren't fully ... weren't projected to be fully utilized by states that needed ... that were allowed to liberalize. Allows access to those fish by the States of New York and New Jersey, so that they don't have to take the full reduction that was required under conservation equivalency, or they may actually be able to liberalize a little bit. There'll be a Summer Flounder Management Board Conference Call most likely next week to make final decisions on the back measures for 2013.

Winter Flounder Addendum-3, as I mentioned earlier, the public comment period, it closes today at the close of business. This document provides more flexibility for our Board to respond to federal actions taken for the Winter Flounder though their annual specifications or ACLs, and sub-ACLs that are established for Gulf of Maine and Southern New England. We've also got Black Drum Fishing Management Plan out for public comment through April 26<sup>th</sup>. This will be a new Fishery Management Plan for the Commission and we don't have a ... there's not an Interstate Fishery Management Plan for Black Drum right now, so this will be a new avenue for the Commission.

Those are the four documents we have for public comment; there is also a highlight of the meeting with a Horseshoe Crab Resolution that was passed.

Some importers; or big dealers in the U.S. has imported non-native horseshoe crabs, in three different species of Asian horseshoe crabs.

There was a lot of environmental concern, ecological concern and potential human health impacts of these non-native species being imported. There is so some [inaudible 02:49:43] all its member states, particular the states in the Mid-Atlantic regions and on this Council to take action to ban the import of Asian horseshoe crabs as well as ban the possession and use of those crabs as bait; just given all the uncertainties and potential negative impacts on the environment that these crabs may pose.

Our next meeting week is the week of May 20<sup>th</sup>, and I'll be in Alexandria or Virginia. A couple highlights from that meeting. We are embarking on a new Strategic Planning process. Current Strategic Plan expires at the end of this calendar year, so we need a new plan in place for 2014, and it will extend from 2014 through 2018. This is our ... we are clearly in our third iteration of our Strategic Plan. We'll have a facilitative workshop at our main meeting to kick that off and explore where the Commissioners feel the progress of the ASMFC, to determine if we need a wholesale rewrite of our Strategic Plan or just some relatively minor tweaking of the direction that the Commission is going in.

We are going to ... one of the big issues, obviously, in our Strategic Plan is we have a deadline of 2015 in the current plan for rebuilding all those stocks or having successful restoration well in progress by 2015. It seems like a good idea, 1998 seems like something that was pretty easy to achieve in 1998, 15 years ago, but 2015 is obviously almost upon us and the Commissioners are going to have to figure out what they want to do with that deadline.

We've made a lot of progress, but all of our stocks are not going to be rebuilt by the 2015 deadline, so that's going to be a big issue. We are going to have a number of facilitated meetings somewhere about the Mid-Atlantic data, up and down the coast this summer. Probably be in July and August. We probably have at least one meeting per state, somewhere that will ... this Council can do their Strategic Plan process to hear what the fishermen have to say, and hear where they feel their concerns are and what direction the agency should go in the future, and so on.

Stay tuned for more information on our Strategic Planning Process and opportunity for input by this Council and members of the public. I think we also ... the Regional Administrator, as I mentioned earlier, we are going to include a session with the Regional Administrator at or meeting in May, most likely Wednesday afternoon, so that will be May 22<sup>nd</sup>. We'll get that on the agenda so John can report out on the findings with his public hearing sessions, or public listening sessions that he's done.

Those are the highlights of our meeting. In Alexandria the week of May 20<sup>th</sup>, and I can answer any questions Council might have.

Rick Robins: Thank you, Bob. Any question? John McMurray?

John McMurray: Thank you, Mr. Chairman. Bob, what's the timeline on striped bass benchmark? When is that going to be available for the public?

Bob Beal: Jim, that's going through the December SARC. Is that right? That's my recollection.

Jim Weinberg: It's in July, we'll have the reports from the Review Panel in late August, and we'll be publishing reports in September.

Bob Beal: John, the follow-up to that is our Board will be probably hear the final report out of our Annual Meeting in October, and they'll decide what action, if any, they want to take based on those findings?

Rick Robins: Bob, where is your Annual Meeting going to be?

Bob Beal: St. Simon's, Georgia, down in the Southern End of Georgia Coast.

Rick Robins: John?

John McMurray: Just a quick follow-up. Is it correct to assume that any management action will be for the 2014 season, or the 2015 season?

Bob Beal: It probably depends on the severity of what action needs to be taken. If there is a slight decline in the stock, and I haven't seen any preliminary results on that projecting what may happen. If there's something drastic that has occurred with stock and they need to take action, I think our Board will move pretty quickly and get something in place by '14. If it was just slight decline and they want to respond to the five or six years of low recruitment and it's not as urgent, then maybe it will wait till 2015.

Rick Robins: Preston Pate.

Preston Pate: Bob who is facilitating your Strategic Planning Workshops?

Bob Beal: The facilitator, her name is Colette Collier-Trohan, she's done a number of things with the Commission on Roberts Rules of order, and meeting facilitation and a number of things, and she ... a number of our Commissioners know her, and she's done a pretty good job for us in the past.

Rick Robins: Thank you, Bob. Any final questions? Chris.

Chris Moore: I may have missed it, Bob, but three guys out with black sea bass recreational measures for 2013?

Bob Beal: There's some ... denial about that, so I didn't bring it up. The states have pretty much finalized their regulations for this year. We are hoping to have more consistent regulation in the northern region of New York through Massachusetts ... or Connecticut through Massachusetts, there is going to be some variety unfortunately, up there, and some of the states are asking a lot from the MRFSS data and separating out by modes for certain times of the year, so I think that's part of this discussion that I mentioned earlier that this working group needs to tackle is black sea bass for 2014 and beyond.

Rick Robins: Thank you. Any additional questions? All right, Chris Moore.

Chris Moore: Thank you, Mr. Chairman. There's a number of items behind tab five, I would like draw the Council's attention to. First is our June meeting, it's in Eatontown, New Jersey. Eatontown is close to Brick and north of Wall, New Jersey. That particular meeting we'll be talking a number of things, including surfclams and ocean quahogs, butterfish, RSA stuff, approve Amendment 16 to Squid-Mackerel-Butterfish, which is our Deep Sea Coral Amendment.

I'll also will be looking at: the Omnibus Amendment, approving that for Secretarial submission; reviewing data collection, a report for surfclam and ocean quahogs; talking about strategic planning; actually looking at our strategic planning document and also talking about an update of Amendment 15 to Squid-Mackerel-Butterfish.

Expect that that's going to be, based on this list, a very full meeting, so plan on a full day on Tuesday, a full day on Wednesday and a half day on Thursday, at least at this point. It may be possible that we have to schedule some things for Monday afternoon, but we'll see; so a full meeting.

On the next sheet behind there is the schedule of events for 2013, typical list of things that I provided the Council just to keep you informed of all the things that staff and Council Members are doing over the next couple of months, and see that in April, we have a number of things scheduled including our AP Fishery Performance Report Meeting, scheduled for Baltimore. There's Deep Sea Coral Workshop that we'll talk about in a little bit, also in Baltimore, and some other things.

At the beginning of May, Rick and Lee and I and John and Rich Seagraves will be attending the NRCC Meeting which is our Planning Meeting, and is scheduled for Providence. We also have the CCC Meeting and Managing Our Nation's Fisheries Meeting in May. I think many of you are going to be attending that.

The next sheet is the 2014 Council Meeting Schedule. You can take a pen or a pencil and scratch that June Congress Hall Meeting, because that deal fell through. Right now we are looking for another place in New Jersey, maybe going back to Eatontown at this point, but Jan is busily checking out a number of other hotels in New Jersey for that particular month in 2014.

We have an interesting schedule a couple different places; we did have the opportunity to reschedule our Montauk Yacht Club Meeting. That we had to cancel this year, because of space limitation, so things worked out well there.

The next couple of sheets, typical sheets we are going specifications, we talked about those. We've also talked about some of the amendments; that's on the next sheet; as well as the status of our amendments and frameworks in terms of our submissions.

The next item behind the tab is the Agenda that we had in front of us when we attended the CCC Meeting in February, right after our Council Meeting. That meeting occurred in Silver Spring, Maryland. There are a number of items that were on that particular agenda. That meeting is usually held to discuss budget, and we didn't hear much about the budget except that they could not provide us with much information.

We actually did have that discussion with Gary Reisner. Things are still uncertain as to our FY 2013 Budget. We've received small portion of that grant for this year, we are waiting to see how much more we are going to get for the rest of the year. Of course there's ongoing discussion about the FY 2014 Budget, so the President's Budget has just come out.

There are a number of other items there that you may find of interest and if you do, you certainly can ask me about them today, or we can talk about them later. There is an update by Galen Trumble on our National Standard 1 Guidelines. We've know we've had discussions about that. It was an interesting presentation by Steve Leathery on NEPA and it's in the way that NEPA works with Magnuson Stevens. There are ongoing discussions, there's the sub-committee that I'm on working with them to actually try to figure some of that stuff out, so that's something we'll talk about later.

Also, there's some discussion about the Inspector General's Report on MSA Rule Making, electronic monitoring in fisheries, and some other things that you can see there, if you have a chance. Next behind the tab relates to this workshop that we are having on deep sea corals. One of the ideas that we had after our last discussion about deep sea corals was that it might be a good idea to get some of the industry members together, some of the ENGOs to talk about deep sea corals. We were able to do that, and Warren might have something additional to add at this point.

Warren is the Chair of the Steering Committee that's put together that workshop, and as I said, that workshop is scheduled for next week. Warren?

Warren Elliott: Yeah. Thanks, Chris. Just very briefly, the Steering Committee is: myself, Greg DiDomenico, Jay O'Dell, and the idea is to get more input and have another opportunity for Greg's participation on this issue. The meeting will be held next Thursday, a week from this Thursday from 9:00 to 5:00, at the Hilton Garden Inn in Hanover, Maryland. It's thanks to Jan it was really a struggle to find a location, but this is four miles from BWI. Certainly any of you are welcome, we would welcome your participation, and you can come in and get back in a day, that's what Greg thought was important, particularly for the industry folks.

We are looking forward to it, we have a full agenda, and I'll be happy. I'm sure Greg would be to talk to anybody if you'd like see more detail. I have the proposed agenda with me. Thanks.

Chris Moore: Thanks, Warren. Just have a few more items. Jan just passed out a one-sheet document, it is NMFS Policy Directive, and annexes, it's PDS30-125. This relates to a question, or actually a statement that Tony brought up at the last ... I think it was the last Council Meeting, regarding emails, and emails that Council members had regarding specific actions that were taken at Council meetings, or not.

The bottom line is if you read this, basically what it tells you is this. If Tony gets an email from John Smith, and Tony comes to this meeting and talks about the email that John sent him, that becomes part of the record, subject to FOIA.

If Tony gets an email from John Smith that talks about an issue we are going to be talking about in the Council meeting, and Tony doesn't bring up the email at the Council meeting, it's not subject to FOIA and it's not part of the public record. Concerns about emails being private, public, having separate email accounts for Council Members, I think go away given in that particular directive. We can talk about that if you want.

The last couple things I wanted to talk about, many of you have provided us comments on the website, hopefully, if you haven't had a chance to look at our new website you should. It's going to be launched to the public, or launched for the public this week. Obviously it's something that can change easily. If there are concerns, or questions, or comments, or you really like something, please let us know, and I expect that launch to occur either tomorrow or Friday.

Last, but not least we did get a draft of our strategic plan from Adam, it's a document that we've had now since early February. We wanted to spend some time reflecting on that document and taking a good, hard look at it, to make sure that it's something that we wanted to present to the Council. It wasn't ready for this particular meeting, it will be ready for the meeting in June.



One other item; and I want Rich to talk about this. Behind Tab Five is a letter to Rich from Michael Cahall regarding ACCSP actions regarding a particular proposal, and Rich, do you want to talk about it?

Rich Seagraves: Sure. As Chris indicated we were notified in the letter of February 5<sup>th</sup>, from Mike Cahall who is the Director of the ACCSP Program, and we teamed up with the Atlantic States Marine Fisheries Commission, and myself and Russell Payne, to write a proposal to apply for ACCSP Funding to augment at the at-sea observer coverage in small-mesh fisheries in the Mid-Atlantic, and we were successful in fiscal year 2012, and this letter is for continuation of that funding of about \$180,000 and the purposes to augment at-sea sampling observer coverage in the Mid-Atlantic the first year is still in progress.

I did get some preliminary information that I couldn't share, but we were able with to reduce the CV for several species in the Mid-Atlantic small-mesh otter trawl fishery, because of the sampling. It looks like it's going to help us to reduce uncertainties about discards, and this will continue in the next year. Thanks.

Chris Moore: With that, Mr. Chairman, I'd be glad to answer any questions.

Rick Robins: Any questions for Chris, on his report? Okay. Rich, do you want to go ahead and do yours and then we'll break for lunch?

Rich Seagraves: Bob was for the Science Report, Mr. Chairman.

Rick Robins: That's it?

Rich Seagraves: Yeah.

Rich Seagraves: Okay, great. Why don't we go on and take lunch and try to be back in an hour. It's 12:10; they're going to have a buffet here in the hotel restaurant, so that should be fairly quick as an option. If we can come back in an hour and we'll have the RSA Report at that point and New Business, and the SSC Report.

Thank you.

(LUNCH BREAK - 03:05:00)

**Committee Reports - Continuing & New Business**  
**April 10, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Rick Robins: Thank you. Let's go ahead and get started. Our next item is the Research Set Aside Committee report and for that I'll turn to Preston Pate, Pres?

Pres Pate: Thank you Mr. Chairman. It's been so long ago that I can hardly remember what happened during the meeting yesterday afternoon since we've had such a stimulating conversation this morning from the other reports.

I lost my sheet of paper now. This will be a tag-team between me and Rich Seagraves to give you as much of the information as both of us can remember to get into the record. Mostly it was a meeting between the Research Set Aside Committee and Ryan Silva from the Northeast Regional Office responding explaining the response that John Bullard wrote in his letter back to the Council in March of this year, answering questions that we raised in a letter to Mr. Bullard in a letter that was dated in November of last year.

Ryan did an excellent job in responding to those questions and there were quite a few of them, but I don't know that we necessarily need to go through all of them unless you're keenly interested in doing so. I going to find my notes here in a minute.

The discussion on each of the questions led to the RSA Committee concluding that it needs to do some work to provide some better guidance to the group that sets priorities for us. We identified two or three specific points of action that we're going to take in the next few meetings.

Rick do you want to take over there?

Rick Robins: Sure. Go ahead Rich.

Rich Seagraves: Thank you Mr. Chairman. As Pres indicated that most of the discussion at the RSA Committee yesterday revolved around the response from John Bullard relative to the Council's letter which we sent to them. The Council had been, and the RSA Committee had been involved in a roughly two-year programmatic review of the RSA program. They culminated last August and we wrote the letter in September summarizing the findings and request to the service on ways to improve both the science and the administration enforcement of the RSA Committee.

In that letter which is behind tab one resulted in a couple of things. One, we revised the timeline for the RSA program which is the first item behind the tab. I'll quickly go through what the responses were. Basically on the science side of the house we had recommended that the SSC be more fully integrated into the RSA program both from a setting research priorities, which is going internal to the Council, as well as integrating the SSC into the review of proposals under RSA as well as the interim and final reports.

NMFS agreed with that, so they will accommodate us and try to integrate the SSC into that review process which is done by the Northeast Fishery Science Center. In terms of administration enforcement, the issue primarily revolves around tracking of the RSA amounts that are landed under that quota set aside program. They Council made a number of recommendations of most of which were agreed to and accepted by a service in that the latter one is a pre-landing call-in whereby RSA vessels landing quantities of fish under the RSA, must call in one hour that they had their landing, provide their VTR serial number. There's also an element of using some sort of communication to the enforcement folks in the area to let them know that there's RSA activity occurring.

We also requested a financial audit and sort of annual review of the RSA program. NMFS agreed with that and they said, "Well, much of this is confidential." There are requirements now currently in existence, but they agreed that the development of some sort of RSA annual report would be at the interest of transparency would be a good idea. Once it worked with the committee and the council on developing a sort of annual reports stated the RSA program what was funded, what was accomplished, moneys that were spent, those sorts of things.

After that there was discussion by the committee and the committee agreed to add the term of reference to involve the AP in the research priority setting process. The suggestion was that this would be added as a term of reference towards the development of the AP performance reports to seek industry by advice on research needs and priorities from their perspective. Also, there was discussion about the concept of implementing an AFC type approach for the party charter sector of this; whereas one of the problems with tracking to the RSA quota especially on the party charter side is that -- head boat side is that they don't weigh their fish like the commercial people do. It's very difficult to track their landings and so forth, one of the big issues with this program.

There were some agreement that maybe a day at sea approach might be something we should pursue and also the use of tags to actually tag the fish that are going to be landing RSA programs. There are two things that some of the work that Pres talked about that we need to do. We also talked about what future research projects might get funded on RSA. One was the idea of which we

got shot-down initially, was the idea of funding at increase observer coverage. But we think there might be ways that we could do that as being done in the scallop fishery.

Also we talked about using RSA funding to fund stock assessment modeling development. There was no objection to that, it was just the idea of test of orders and see if that was something that the council might entertain before we even pursued the idea. That was really the gist of what the committee covered.

Pres Pate: Thank you Rich. I found my notes and you followed them quite well and covered the major points of the meeting for yesterday. Mr. Chairman, that concludes the report.

Rick Robins: Preston, thank you. Would you plan on having a follow up meeting presumably in June to consider some of those other aspects of the committee discussion?

Pres Pate: Yes.

Rick Robins: Thank you. Any question for Pres of this report? Okay, Dewey would you like to report out or Jim, go ahead? Do you have a question?

Jim Weinberg: Yes. I think it's a comment to the comment that Rich made at the end about funding stock assessment modeling and potentially ... and I just wanted to comment on that. I think that we're fully supportive of and recognize there's a need for more research to be done to support our stock assessments. Doing stock assessment modeling, that's another flavor because it gets very close to what is in the performance plans of the people at the science center to do stock assessments and bring them forward to the SARC for peer review.

I think we need to be careful about how we integrate outside people so that we don't end up with dueling models coming in to these review meetings and that's my concern on that. We can talk about it in other meetings, but ...

Rick Robins: Jim, I'll report to that follow up because as we discussed in the committee yesterday, I think it was clear that to be in order for staff to work to flesh that out a little bit more and then we can continue the discussion with the center and presumably three in RCC process as well. Thank you. Any other questions for Preston's report, or comments?

Okay, thank you Pres. Dewey Hemilright attended the SEDAR meeting on our behalf and he'll be reporting on that. Dewey?

Dewey Hemilright: Yes. In February I attended a SEDAR, I think 32 stock assessments from blueline tilefish and gray triggerfish. The things that come out of it's ongoing for the next probably six months where we have webinars and stuff. Some of the things that were lacking are a couple of different things. One is the lack of data

to do stock assessment and general information that comes from the different states because as the states had moved forward, North Carolina and Virginia are instrumental in the blue line tilefish landings. The data is kind of lacking is coming from other states.

It was a pretty good group of folks put together, scientists and academia and fishermen. There weren't too many ax-grinders there, so that was good. Hopefully in the next few months we'll see the fruition of it, what comes out of it. Another thing that was touched on is the general lack of data as far as reporting for accuracy for electronic logbooks, real-time reporting, stuff that you can count on. You can count on the log books but just lack of the times reporting and fax or stuff, whatever, annual catch limits and different things. That pretty much sums up all. I also attended a bycatch workshop for gillnets that had to do with research in January. It had to do with all types of gillnet for interactions with turtles and sturgeons. It had fisherman researchers, they're all looking at different ways and maybe some different gear technology to work on a couple of things, but that was everybody working together trying to figure out something for large mesh gillnets basically. That sums it up pretty much. Anybody have any questions?

Rick Robins: Dewey, thank you. Did the assessment working group that was discussed in blue lines have any evidence about stock structure or discussion on that or they're just looking at it as one stock?

Dewey Hemilright: They're pretty much looking at it as one stock until somebody has some different data that comes up. I think it's as you look up and down the coast, the states don't have a lot of interaction with blue line tilefish. The data is kind of limited but it's definitely ACCSP was there with all their information. It's one stock pretty much is what they're based on until there's something else, conclusion comes up.

Rick Robins: Thanks. Any questions for Dewey on those meetings? Thanks Dewey. Dr. Boreman do you have an SSC report for us?

Dr. Boreman: Yes, thank you Mr. Chairman. The SSC met on the 20<sup>th</sup> of March by webinar. We'd covered two topics but basically the golden tilefish ABC evaluation to see if ABC, our recommendation that we made last year for the 2014 fishing year should be changed. We discussed that yesterday on the golden tilefish and as you all know the SSC, it's determined that a change was not warranted.

We continued our discussions on developing criteria for setting multiyear ABCs trying to make that process as quantitative as we can so we are consistent across species. We're starting to look at datasets. The more we look into this the more questions we have for ourselves rather than answers. We're using the term now "rumble strips." That's the latest term that what we're trying to do is build

rumble strips into the systems. If we do set a multiyear ABC when we revisit that the following year do we have some rumble strips to waken us up saying, "Wait a minute, some things aren't going according to plan so we better take a step back and do a further evaluation."

The problem is the time series that we're looking at in landings and so on, there's a lot of variability. What we don't want to do is wind up as we called it 'chasing noise' out there. We want to make sure that there are signals that we can detect. If we do come back with an ABC recommendation it's going to require probably more work on the part of the center, more work on the part of the SSC, as well as the council and staff. Again, we want to make sure that we're actually seeing a signal out there and not just the normal variability due to sampling or not sampling or other factors.

In terms of next steps, we're going to be continuing to look at the time series and refining analysis to determine how best to detect these rumble strips out there in the data and of course for most of these species that are level four, you don't have a lot of data to start with. That is a limiting factor. We also discussed the idea of having a subgroup of the SSC prior to the meeting where we will be evaluating the multiyear ABC. Prior to that have a subgroup look at the information and give a heads up whether more work needs to be done at that SSC meeting. In other words we probably have to revisit the ABC and go through our normal terms of reference and recast it for the following fishing year. That work is being done by our scientific uncertainty subcommittee.

Our next meeting is going to be May 15<sup>th</sup> to 16<sup>th</sup> in Baltimore. It's going to be covering squid, mackerel, butterfish, surf clams, and ocean quahogs, that's a lot on the agenda. Rich has set up a briefing webinar on April 30<sup>th</sup>, the afternoon of April 30<sup>th</sup> where some of these issues that we would normally discuss at the SSC will be covered. Basically, we're going to at that time hear the updated, the benchmark results on surf clams as you did today and try to get through some of the species. Most of them I believe are multiyear, about half of the multiyear ABCs. Unless we see compelling evidence otherwise, we probably will stay with our recommendations that we made in previous years.

We're not having a July meeting of the SSC this year because of the timing of the summer flounder benchmark assessment during that time, as well as other issues; labor issues at the center, but we're expanding our September meeting to cover bluefish, scup, black sea bass, summer flounder, as well as dogfish. That's basically the report from the SSC. Thank you.

Rick Robins: Thank you Dr. Boreman. Any questions on that report? Thank you. Pres, do you have the report for the South Atlantic Council? Thank you.

Pres Pate: I attended the South Atlantic Marine Fisheries Commission or council's meeting in St. Simons Island, Georgia. Where'd Bob Beal go? That's a nice place to meet by the way. From March 4<sup>th</sup> beginning at 9:00 on the morning of the 4<sup>th</sup> and went until 5:00 on the morning of the 8<sup>th</sup>. They have five, full days of meeting. The first thing on their agenda was a joint meeting between the South Atlantic and the Gulf of Mexico Councils. The agenda item dealt with species co-managed by both councils such as king mackerels, Spanish and cobia. I won't go into any details of those.

They begin that five-day meeting with a meeting of the visioning working group and a continuation of how they would like to undertake the visioning and planning process. The working group was given a document to review and work from that to answer six decisions pertaining to visioning process. These are the decisions that needed to be made and the working groups answers and I'm going to leave out a lot of details that they covered to get to their conclusion.

Decision number one was what fisheries should be included in that process. The council will develop a vision and strategy plan for the Snapper Grouper Fishery only at this time. They will expand that to include other fisheries as they gain experience. How does the Council want to refer to the process; the decision was that finding a way forward, shared vision, and strategic planning for the Snapper-Grouper Fishery.

Decision number three was how does the council want to approach evaluating existing objectives in the Snapper Grouper FMP. The Council will undertake evaluation of objectives before soliciting input from stakeholders. Decision number four was which stakeholders should be involved. Do they want to include [inaudible 00:20:32] range in participation in the process as the Mid-Atlantic did?

By the way, this workshop took place after Rick Robins attended not this past meeting but the meeting before and briefed them on what the Mid-Atlantic Council has done to implement its process to develop a vision and a strategic plan. They followed our advice quite well I might add.

Which takeover would be involved, the involvement of the Snapper Grouper AP members as well as any key stakeholder. These are the big fishermen in that fishery.

Decision number five, how will the stakeholder be involved? The council will proceed with a proposed plan with the understanding that the timeline may shift. I had the number of meetings to be held on depending on funding availability. Of course, their effort is going to be affected by the available funds and now it seems like they have enough but [inaudible 00:20:32]. Who knows what's going to happen with all of the budget negotiations that are going on.

Does the Council want the meeting to be facilitated? The options for facilitators will be further explored with the staff. Staff will be responsible for providing facilitation for the [inaudible 00:21:58] in September 2013 Council workshops.

Next, we got into specific species deliberations Snapper Grouper actually had two full days of meeting and is a very big fishery. There's a lot that goes on with this management. One of the issues that they dealt with a lot at this past meeting and the previous meeting was whether to require VMS of federal vessel monitoring systems on all Snapper Grouper permitted vessels.

They have already received a lot of comments on this program as being proposed to help improve enforcement and management of the Snapper Grouper Fishery. There's a lot of disagreement within the industry about this requirement mainly because of the initial cost. It would cost maybe I think \$3,100 to put it in, and then you have to maintain it annually and reliability is questioned on some vessels.

All of the topics that went before the Snapper Grouper Committee, both during the formal meetings and during the listening session, no one paid more attention, as I said, than the requirement for the VMS. They have scheduled public hearing for those. One is in Newbern, which is about 80 miles east of here for those North Carolina residents that want to attend. I'm sorry, I don't have the date but I'll get that for you if you're interested in it.

The Dolphin Wahoo Committee met between and on either side of the Snapper Grouper Committee. They met on March 5<sup>th</sup> and discussed the comments received during the Dolphin Wahoo Amendment number five document taken out to scoping in January and discuss further development of that amendment. The committee adopted a motion that removed the reference to including section, a sector ACL for action one throughout the document and to bring the Dolphin Wahoo Amendment back to the council in June meeting for review selection and identification of preferred alternatives, and approved it for public hearing.

There were 97 motions, important motions made during this meeting. Those, as you can imagine, take up a lot of time and a lot of energy by the council. They are available by email if anybody is interested in those. Black sea bass as you might have managed, since it's important to us is also important to the South Atlantic Council. The South Atlantic Council manages black sea bass from Cape Hatteras South and our jurisdiction from Cape Hatteras North.

They approved a special meeting of the SSC which is happening now as we speak to review the new stock assessment that came out. The foreign estimates for this update is assessment indicate that the stock has recovered and is not experiencing overfishing. There were some words of caution in the update and it



will be interesting to see if the ACLs go up a miniscule amount or go up a significant amount or perhaps as twice as the current one. Obviously there is a lot of interest in that fishery to make sure it's responding to the management measures that are put into place.

Mr. Chairman, I think I'll stop there and if there's anything else that comes to mind out of my notes, if you'll indulge me, I'll go back to it.

Rick Robins: Thank you Preston. Any questions for Pres regarding the South Atlantic report? Dewey?

Dewey Hemilright: Thank you Mr. Chairman. I just had a couple of comments about the vessel monitoring system. It's \$3,100 for the machine and probably if you never had one before, it could be \$300 to \$500 for installation and it's \$50 a month. It's a lot of vessels. There are also some of the machines that are out there. I don't know how environmental friendly they are, given a lot of a small boats or open cabins. It's a big undertaking if that implementation goes into effect.

The second thing is I attended the Dolphin Wahoo AP meeting and in that meeting the AP panel voted unanimously for 90/10% split for the recreationals getting 90% of the ACO and a commercial getting 10%. That 10% was like a five-year average for the commercial industry in harvesting the Mahi's. It was pretty ... the AP was hoping that the council take this comments and go with them. That's about all the two things.

Rick Robins: Dewey, do you know what the timing would be on them considering that questions because that will be at the next Council meeting?

Dewey Hemilright: Yes. I think it's at the June meeting, if it goes in and also another thing that the AP discussed on was down in South Florida/Miami, they've always historically sold ... the charter boats, some of them have sold their catch. The AP panel felt that it's a minuscule amount; it would be better to have it on the record. We voted for the council to go back and reconsider looking at that because not once, the fishery fits everything and not different sections. I could see where, maybe in bottom fisheries, it's different about selling a fish or something like that but it was also you have to have the necessary permits and all that type of things to do that if it was allowed. Maybe the council will relook at it because it would help a lot of a few folks, I don't think it's a lot of poundage, but it would help out a few down in that area that historically have done that.

Rick Robins: Thank you. Any further question on the South Atlantic report, Pres?

Pres Pate: Mr. Chairman, the discretion that Dewey gave for reasons to object to the VMS are pretty common. They've been bullied a lot by the commercial fishing industry and they were discussed a lot during the council's consideration of the

modification of some boundaries of the MDS is there in the ocean off of North Carolina, South Carolina, and Florida in terms of being able to be able to pinpoint exactly where the boat is when he's fishing on hard bottom in that area.

What the council does with that will be interesting to follow. One of the big factors of the opposition is, as Dewey said, the cost of installation and the maintenance cost overtime. There is a fund that's available for the \$3,100 installation fee, but it is limited both in terms of amount and length of time that is available. That's it.

Rick Robins: Thank you Pres. Other questions? Okay. Is there any new business come before the Council?

I would say briefly, that last week the regional planning body had its first meeting in the Mid-Atlantic region. That was a very important development under the National Ocean Policy. It's taken sometime for that to move forward. The first meeting did occur last week. I've participated in that and Jack Travelstead was there as our council representative as a voting member of the regional planning body. It was a first time that the group had come together and there were a lot of stakeholders that participated in that. There should be a report from that and I'll be sure to include that in the paperwork that goes out ahead of the June meeting for the briefing book.

Additionally, John McMurray and I just took a recent tour of the wind energy industry in England and it was a fascinating learning experience. We were over there for about four days touring the industry and meeting with the wind energy developers, meeting with the fisheries liaison officers that they've hired, meeting with the local fishing industry associations and their representatives to the wind energy industry.

Most of the problems that have occurred over there with offshore wind energy development have been with the fisheries. The government now is in their third round of citing on offshore wind energy. They're about 22 years ahead of us in the process. I think there's a lot to learn from the experiences that they've had. One of the most recent developments there is that the Crown Estate, which manages their public trust lands, has commissioned a GIS modeling team and they hired fisheries consultants to go around and work with fishermen to collect fine scale data to make sure that the fisheries were effectively on the map for these discussions, so that they could have better informed discussions about deciding offshore energy.

Frankly, given the state of where things are right now, I think we do have an urgent need to better map US fisheries for purposes of having better informed discussions about citing decisions, because once the citing decision is made, the structures are permanent, the impacts are inevitable. I think it would be a lot

better off from the fishery standpoint trying to evaluate what needs to be done to get that data on the map, to make sure that citing decisions can be reasonably well informed. We're never going to have perfect data about the special uses of the ocean by every uses group. If you look at the current stated data we have right now with VTR reports, I think they're probably entirely inadequate to have well-informed citing discussions. We have confidentiality concerns on some VMS data.

I think ultimately we need to figure out a method for getting that data into the process, engaging the fisherman in the discussions, because that can be a very important development going forward. I mean we get these presentations at the Council from BOEM about the smart from the start proposal. We get periodic presentations about specific requests for these areas, but ultimately there needs to be more data to support that decision making process. I think we can evaluate at the council level what we can do to facilitate that, what we need to do from the fisheries perspective to be prepared for these decision making processes. I'll plan on giving an update or John and I, at the next meeting in June.

With that there is no additional business that comes before us, we'll go on the next item and that is the report from the mackerel, squid—

**Mackerel, Squid, Butterfish**  
**April 10, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Preston Pate: Mr. Chairman I gave my South-Atlantic management a little bit too early. Our good friend Red Munden had just walked into the room. There it is.

Jason Didden: Okay, thank you. Katie and I are going to provide a presentation in discussion of some of the summary and some of the issues that came up at the Squid Workshop that the council did in January. I just want to thank Katie and the Forum. They probably did about 70% of the work, we probably did about 30% of the work. It was a big help to have them on board, with the leg work, the write up, and it made things quite easy for me anyway.

The main theme of the workshop was, with squid, that right now we're kind of in the static quota period we know they fluctuate a lot. I mean probably month to month at least. Are there some management strategies that could or should be considered that are sensitive to those fluctuations and that kind of overall theme we described as responsive management, now is the kind of the primary theme going in.

A lot of the discussion ended up being on kind of some more day to day management issues that are so very important for the fisheries. There are kind of two components. One is responsive management, how many squid are out there right now, how many should be caught, and then also kind of some more day to day management issues that are impacting the squid fishery.

We came out of things with there are three ways to work the issue. One is this management based solutions that whatever the quota happens to be, high or low whatever it is, that don't interfere unnecessarily with the industry's ability to harvest and access that quota. We'll get into some examples.

The other is, the last assessment said, "No, we don't really know how many squid can be caught exactly but it looks like our fishing mortality is overall quite low. You could probably increase it but we don't know how much." There may be some kind of medium range work that can be done of identifying some signposts that within the current assessment context would say, "Okay, this year because of whatever signs we're seeing maybe some higher catch maybe acceptable in that year." Again, it's in the context of the last assessment saying, "Overall it looks like fishing mortality is pretty low, especially with longfin squid."

The last one is real cohort-based, a cohort is a group of similarly aged squid, cohort-based in real time strategies that are through, whether through a fishery

independence survey, CPE indices. Whatever it is is that real-time data's coming in and trying to figure out, "Okay, we need some squid to be around to spawn the next generation." You're starting with some amount, you bring it down and when you get to some floor you shut things off and you're assessing what that floor is and exactly where the catch is in real-time. Those are the kind of the three things that we had the most discussion about.

I think I'll turn it over to Katie. She'll kind of summarize their perspectives on it, some of the broad scale of conclusions and recommendations. Then I'll kind of take it back with some specific management issues that came up. I'll turn it to Katie.

Katie Latanich: Thank you Jason. Good afternoon Mr. Chairman and members of the council. My name is Katie Latanich. I'm the Program Manager at the Fisheries Leadership and Sustainability Forum. I'm residing at the Duke Marine Lab in Beaufort, North Carolina down at the coast here. The Fisheries Forum is a partnership that includes Duke's Nicholas Institute for Environmental Policy Solutions such as where I work. We also work with Environmental Defense Fund, Stanford University's Woods Institute, and the Center for Ocean Solutions. As a partnership we're committed to policy neutrality and providing opportunities like this for a councils and groups as part of the council process to take a deeper dive into complex issues like this.

As Jason mentioned our involvement in this workshop begin probably in September of last year. We were involved in outreach and designing new agenda. Our full staff is involved in facilitating Northern Shelf discussions and then since then Jason and I have been working together to kind of compile and consolidate the workshop findings into their reports that's in your recent book.

Briefly, I want to talk a little bit about the workshop approach. I'll go quickly through the recommendations and Jason is going to talk about those in more depth and finally share some observations more from our standpoint as facilitators coming at this from more of a third party approach.

First I want to talk about the workshop approach. Any workshop like this bringing people together for three days is really an investment of everyone's time. This is very discussion based and we worked extensively with the workshop steering committee of, I think it was 10 industry participants, to really ground through this people to talk about.

As Jason explained, when we first came to this workshop and began planning this, responsive management or in-season management, adaptive management, opportunistic management, we heard all of these terms used. But these things were already viewed as solutions. Our approach was to say if these were already

seen as a solution or way forward what does that indicate about the underlying challenge or problem? What's the problem you're trying to fix?

We even took a step back from there to ask people, "What are your expectations for the fishery? What are you really hoping to accomplish?" We also talked to people about how the fishery currently operates. The point of doing all of this and taking this kind of steps back from talking about responsive management rather than jumping right in was to make sure that we're really kind of doing our homework in laying the ground work. Before we get to the point of making recommendations we wanted to make sure that we're really aligning solutions with problems and addressing the right problems. Ensuring that both addressing those challenges and looking at those particular solutions or ways and the advance in things people want to see from the fishery.

That was roughly the approach particularly with the agenda. I think Jason mentioned that we had two half-days and a full day. The first half day was spent talking about current challenges in the squid fisheries. We talked about effort and things that affect how and when and where people decide to go fishing, whether to target squid versus something else. We also spend some time talking about expectations, what people want to see from this fishery.

The full day, the second day of the workshop, was really devoted to looking at responsive management. We look at some past works that's been done in this area. We really considered the data and the monitoring needs and we also had a guest speaker from the Falkland Islands Fisheries Department come and talk about their approach for managing squid. They actually have a real-time management approach in place in that country.

Finally, on the third day, we eventually got sort of "putting it all together" phase. Again, the purpose of going through this and taking these three days to do it was to ensure that by the time we got to the point of making recommendations, we don't just provide recommendations but be able to provide the contexts that goes along with them and really explain why these particular recommendations.

I should also clarify that again this workshop was very discussion based. That is the discussions around as idea generating exercises. Even though at the end of the workshop we sort of came to a point where we were able to narrow down the subset of ideas that this group wanted to take back to the council, there was no process of negotiating or trying to find a compromise between those ideas.

Submitting the recommendations, these are weighed out in more detail in the summary. Jason is going to discuss these in a little bit more detail after I'm done. Briefly the group's recommendations are very much focused on the longfin fishery and improving responsiveness along the multiple timelines. As far as the responsive management and more real-time and cohort based approaches that

Jason described, the feeling of this group was that these could be a potential solutions down the line but they're really not the solutions to address short term challenges. As Jason was explaining, these involved additional data needs, additional questions, really an advanced understanding of population dynamics and much more information.

Anyway, we decided that, or rather this group decided that, this was something thinking about but did not for that short term solution that they were hoping to find. In the end we arrived at a set of short term solutions and some longer term goals that people wanted to work toward. Along the short term side of things we focused on responsiveness to management challenges, in this case improving flexibility and utilization of the current quota.

In the longer term we focused more on responsiveness to stock conditions and rebalancing understanding of the stock and environmental drivers of abundance. Jason mentioned also a bit of these middle ground that we did talked about where they might be in for a scientifically justified increase to ABC in response to indicators of abundance within the parameters of the current assessment. In addition to those recommendations I just wanted to highlight a couple of themes that really run throughout this conversation. One was certainly flexibility and resilience. As I mentioned we took some time to talk about how the fishery currently operates, all of the factors that drive effort in the fishery.

This group emphasized that, as in every fishery there are all these factors that go into people's considerations of how and when and where to fish and when to target squid versus something else. The squid fishery itself is very diverse. Most people participate in other Mid-Atlantic or New England fisheries. They emphasized that there's this constant process of making tradeoffs and business decisions and on top of that you have a variable resource. Their point was that this is a ministry that's very well equipped to accommodate these fluctuations, but that it's important to have that resilience and that flexibility built in so that they're able to respond opportunistically to availability.

Another thing is was working with the industry to advance and build confidence in the scientific foundation for managing squid. There is the sense that it's important to align the temporary scale of a data collection and decision making with the shorter life cycle of squid and also to take advantage of new ideas, new technology, and really utilize the on-the-water capability of the industry to participate and support advance data collection.

Finally, there was recognition I think especially some input from our speakers that as long as you're in advances and understanding the resource and thinking about environmental drivers of abundance. These are things that take time. These are not short term solutions and that's really important to begin thinking

ahead and anticipating future information needs and really lay that groundwork now to see results further down the line.

Finally, a few observations I want to share more from the facilitation standpoint. As I emphasize we really came to this issue as a third party facilitator just focusing on this one particular discussion. There were some elements of that discussion I think are important to really back to the council. The first was how we talked about responsiveness. When we first started we really thought about responsiveness. The group really thought about responsiveness in terms of that diagram I asked Jason to put up. Where do you want to be on that spectrum from status quo and the less response events to something like cohort based or real time management on the more responsive side?

As a group there was a bit of a shift in thinking where people started thinking about responsiveness in a much, much broader sense as not just the single decision about where you fall on a spectrum but really the quality of being responsive to new information and ideas and challenges. From a facilitation perspective this shift in thinking was really important, I think, to get into an endpoint where we didn't just have a single recommendation but really a suite of different ideas to consider.

Another very important point I should emphasize is that responsive management, entities management, is not a new idea. Many of you probably know, this is something people have been thinking about going back to the mid-90s. When we first started researching this topic we look to good fisheries around the country and even around the world to figure out who's doing what, who's doing something innovative only to confront that a lot of the really interesting and forward thinking work is happening right here in the Mid-Atlantic and New England.

Lisa Hendrickson at the Science Center is the lead squid stock assessment biologist and also Dr. Eric Powell who's a director in the University of Southern Mississippi, did some work in the late 1990s and early 2000s looking at data collection in response and supportive in-season management.

This workshop became a really good opportunity to take a look back at what we've learned about responsive management and consider kind of the current state of knowledge. Hopefully moving forward this workshop will serve that same purpose of consolidating institutional knowledge and providing that record. Regardless of where you go with these issues in the future you'll have that frame of reference to look back upon.

Finally, building on this idea of institutional knowledge, I just wanted to say a word about human capital, by which I mean the resources and the energy and the knowledge that was brought to the table by everybody involved. As I



mentioned, this was a pretty inclusive workshop that included managers and scientists and a pretty diverse cross section of the industry. They had a really get a chance to share information and make new connections. For many people to improve their understanding with all the different parts of the management process but also a chance for the industry to provide some really good first hand insight into how the fishery operates those appreciated by the speakers and the groups.

Finally in conclusion, I just want comment on, actually, some of the comments people made at the end of this workshop. They really appreciated the positive focus even though we started out by talking about challenges and the purpose was really to focus on how to move forward and people really thought that this workshop was an investment in relationship brought in between the council and groups involved in the council process. As facilitators, just the level of investment and attentiveness engagement and really respect by everybody involved was something worth noting.

It was clear that across the board everyone who contributed to the agenda and attended the workshop really recognized the value of the council committing to this discussion. I'll close with that. I just wanted to thank the council and of course Jason and Dr. Moore and all the participants and especially our workshop steering committee, and some of these folks are in the audience today, and everyone else who contributed to the agenda for investing in really seeing the value in doing this.

On behalf of our Fisheries Forum staff it was a pleasure to work with you and support council. We hope we can continue to support you in the future. I'll turn it back over to Jason. Thank you.

Jason Didden: Thanks Katie. I just want to echo the involvement of the center and Lisa. She had to take a brief break. She had major open heart surgery but within like a week or two she was back involved in planning for this and having feedback back and forth. Also in the industry we had 20-25 industry folks from processors and vessels and they all had to take time; three days is a pretty good chunk of time and we had one of the best kind of industry participation events that I've been involved within mackerel, squid and butterfish. It really made the workshop, the different groups of interest that were represented.

Maybe before I jump into some of the smaller or fine scale management things that came out if the council has any questions about kind of the process and how to develop we'll just take a quick break before I plow on.

Rick Robins: Thanks Jason, are there any questions at this point? Katie thanks again for all the support you all provided for the workshop. Thank you. Jason?

Jason Didden: Okay. Boiling some of those big picture things that came out, there were definitely some specific things that the fishery participants brought up at this. One was effort and capacity issues. At the front page of that my memo even though there's only a fraction of the permanent vessels in both the fisheries have been participating actively for a variety of reasons. There is a concern especially with restrictions in other fisheries that you could see a lot more effort coming to specially the longfin squid fishery and that could impact both on longfin squid quota issues but also on butterfish bycatch issues too.

Another theme that they came out was on, that longfin squid is divided up into trimesters and sometimes, even though the annual quota may not be reached nearly at all, the trimester quotas will cut the fishery off in a productive kind of part of the year. Whether it's a rollover provision or changing the trimester allocations. There is definitely, and not universal, but that definitely interest in looking at those in a wide variety of perspectives. Some folks I don't think would want to touch the current rollover provisions in trimester allocations at all. Some folks would like them to be changed substantially.

Another thing that again within the current quota they have to notify, it just moved from 72 hours to 48 hours, and while that's viewed as an improvement it's still viewed as kind of a restriction. If they hear they're good squid out there, they can't make a trip on the moment's notice. They've got to notify 48 hours in advance to this river program relative to the butterfish cap.

If they don't notify, they can't retain more than 2,500 pounds of longfin squid. This was also a discussion, could those things, could that 2,500-pound buffer be interested. Now, Chris asked me, "Can you identify for the council what kinds of actions could the council change these in?" I'll get into a more general discussion, but if the council at some point wanted to look at this overall effort capacity issue to a permanent requalification or something like that that's really kind of an amendment level thing and these are kind of initial discussions I had with the folks at NERO and NEPA depending on the full suite of whatever the council want to look at through any action depends on, both in [MAFS 00:18:32] and in NEPA, what's appropriate. In general a lot of times if there's a major qualification thing that might be amendment level.

The trimester issues and the rollover, the trip notification, things like that, some of those are things that can be done in specs, some framework. It depends on exactly what is done. I can imagine examples from each of these bottom three that would be appropriate for specifications or for a framework depending on exactly what was done, or if they were all done, the feedback from [MAFS 00:19:03] is if you're doing a bunch of small things that maybe more framework versus doing it in spec. In general the stuff is going to work back and forth to determine those kinds of things.

Another big theme was GRAs impact in the squid fleet. The scup GRAs, the lobster RGAs that are primarily designed to solve gear complex that came through New England and the Commission and the tilefish GRA, I think their habitat area is of particular concern. This didn't come up, but thinking forward the potential production of deep water corals. The squid industry is very sensitive to the area-based management because those areas are static and the squid could be around a lot so it impacts them a lot. This feeling was that the way that they're doing being on currently, some small tweaks potentially could still serve whatever protective role they're functioning but not impact squid as much. These kind of tweaks the GRAs or generally kind of in that frame workable bin of actions.

The other kind of big thing that came up is maybe in the future some kind of real-time management or real-er time management maybe appropriate but a lot of times that involves a lot of data collection that can take years to implement and then a few years to get some kind of time series going. There's definitely a hope that kind of the issue would not just to be dropped. The science center, the council, would kind of keep thinking on these issues to help try set up other things we need to do now in order to facilitate some kind of more response in management, three, five, ten years down the road.

That's not so much a council action at this point, but if the council wanted they kind of keep pushing this issue. One way where they could roll out some kind of staff whitepaper that kind of lays out some of the different routes, kind of describe exactly from a fisherman's perspective what some of these might look like.

Those are kind of the main management things that came out. Some of the notification requirements, the GRAs, those were some of the big ones. Again, there are different vehicles for those changes, there were some things, and can this require a federal register notice like establishing a new control date? I mentioned that before and since the workshop the control issue has come up to some. There's a lot of flexibility in the plans of what can be done in specs and frameworks. I don't think I need to go through all of them right now. Just again to note that depending on exactly what the council wants to do a lot of times, like the butterfish last year. There are a lot of changes at the butterfish fishery that were done via specs. I think the GRAs are pretty much in the framework bin but there's a lot of flexibility outside of that.

The one thing that I will kind of point out in particular are the control date issue. If the council wanted to establish a new control dates, the current ones are 2003. For squid fisheries these are I think pretty stale and be difficult to use. The council may want to kind of republish the control date notice and consider that.

Again, you can just look up all these kind of things are things that can be done through the specifications depending on exactly what's being done. I have a ten-page word document of all the different frame workable actions. Mind if we go through, the main thing is if it's something that's currently in place and it's kind of not the everyday, run of the mill, annual things, those are frameworks. Amendments, new measures, and things that have substantial impacts; allocations, economic biological impacts, like a wholesale change of the trimesters that could be an amendment or framework, a lot of that just gets developed as staff work with each other.

Potential next steps, there's an AP meeting next week. I'll kind of give the similar presentation to them and get some additional feedback. Both before these workshops, it's just in one location, and then after. At the workshop there is recommendations that ... we talked to a good number of folks but we didn't ... still it's a pretty small set before any wholesale changes, we visited a couple of the major ports to get some broader based input from people who can't travel. The specs process for 2014 is just spinning up now. On some of those management issues that the council wants staff can develop some alternatives that would address some of those things, like the trip limits and the trimester rollovers and things like that. Then they control date issue which the council may want to consider today. With that I'll take questions.

Rick Robins: Thank you Jason for the report. Questions for Jason? Kevin?

Kevin Saunders: Thank you Mr. Chairman. Jason did you guys go to the detail about how the notification process will work, or the 48-hour notification. Then you mentioned 48 hours notification if you gotten away, started fishing before that, you were at a trip limit?

Jason Didden: Right now in order to retain, have a directed longfin trip, they have to do a 48-hour notification. That's been in place for a year. Well, it was 72 hours for a year or two and then [NIMS 00:24:58] just said we can handle a 48-hour to get the observers to a vessel. The vessels call in they can call in, I think they can do it online also, and then they get a waiver essentially. A clearance that says, "Okay you haven't been selected so you can go."

Again, if they don't want to wait; they're going fishing for whiting and they really don't expect to catch longfin squid, they don't have to notify. They just can't retain 2,500 pounds. That's like essentially it's an incidental trip, 2,500 pounds for the 2,000 incidental squid permits out there. That's their trip limit as well.

Kevin Saunders: The notification is really for the purpose of lining up the observer, not for triggering an enforcement action? All right, thank you.

Rick Robins: Thanks. Other questions for Jason? Laurie?

Laurie Nolan: Thank you Mr. Chairman. Jason, I feel bad that I don't, what's the AP meeting going to be focusing on?

Jason Didden: It's the annual fishery performance report where they generate the information that goes to the SSC but also I mean I'm sure there'd be some discussion of this and of some of these kind of measures that have come up and then that will get carried forward to the monitoring committee. The monitoring committee will generate options as it usually does for the committee and/or council.

Rick Robins: Laurie?

Laurie Nolan: At this point as far as moving forward with the results of the workshop, no action is to be taken by the council that we're always rolling and we'll continue to roll to develop the ideas that came out of the workshop?

Jason Didden: Basically. I think if the council wanted to do a couple of port meetings they kind of further vet this in the ports, that could be something that council would kind of let staff know that you wanted to do or didn't want to do. I think some kind of just general indication that yes, pursue some of these other management issues and develop some alternatives. It would be good at least there's some indications from the council so it's not the staff running amok. Then the control date issue is an issue that the council could take some kind of action today on. Again, it's nothing about the control dates are not actually making a decision about through the restriction access, a permanent requalification. It just says that if at some point in the future the council wants to further limit the participants in the fishery, the director of participants that landings say after today may be counted differently than landings before today.

In any document, like we saw with mackerel, there are may be three or four or five different ranges of years, poundage, qualifiers, whatever, but having these control dates helps staff kind of point to something as an anchor point in developing those alternatives.

Rick Robins: Laurie?

Laurie Nolan: Thank you. Can I ask Jason why there are not at this point you feel that participation in the workshop covered the range or do you think we need port meetings?

Jason Didden: There is a good bit of participation from different size vessels up and down the coast. There was a very strong interest, especially in Point Judith, either having the workshops there or having some kind of follow-up meeting in Point Judith. Again, I think there's definitely an interest there but obviously it's up to the council.

Rick Robins: Jason just from a timing standpoint, for example if we said we want to pursue the development of some potential modifications to the rollovers, is that something that you and the AP could frame or that you could frame up, the AP could refine in their upcoming meeting and then you could vet that through the port meetings? Is that, from a timing standpoint, is that how that would work?

Jason Didden: Yes. There is time to fit in a port meeting because again the end of May is when the briefing book for the June council. That's kind of the deadline for me to kind of organize in different options so that meeting, those port meetings, could take place anytime in May and still kind of fit into the overall June specifications timeline.

Rick Robins: And participants in the workshop supported that idea of having the port meetings, okay. Laurie?

Laurie Nolan: To the point of rollovers though that my understanding is an extremely contentious issue. That would not be try ... we wouldn't be trying to push that through certainly not to affect 2014, is that correct? Or it might be trying to prepare that for the 2014 fishing year?

Rick Robins: Jason?

Jason Didden: Yes. I think we've certainly made, I mean the regional rollover was done via specs. I think the council could consider some options. I think some options will be more controversial than others in terms of how much more rollover and so it's ... I think it could be done. It has been done on the specs before. Again, it's up to the council and what kind of feedback.

Rick Robins: Laurie?

Laurie Nolan: But for 2014, 13 is in place, is that correct? Okay, then I would like to make a motion regarding the control date when you feel that's necessary.

Rick Robins: Okay. Are there any other questions first before we get into that? Howard?

Howard King: I think we're looking for two things here. Before the meeting wraps up I think we'd be looking for consensus from the council, from the chair and executive director, for staff to prepare what you might call an action options paper that we would review with the June meeting. That would set out options that we might undertake by specification and give a timeline for that. Are there improvements to fishery that may require a framework or amendments? It would include the port samplings. We would need a go ahead today for the port samplings, or the port meetings because they would have to occur in May. Additionally, we need to discuss the control date option. We are looking for a go ahead for staff to

continue this process, maintain the momentum and set these things out in the briefing paper for the council to consider in June.

Rick Robins: Chris.

Chris Moore: Yes. Thanks Mr. Chairman. There's a couple of things that we need to think about. Jason has mentioned the control date and it looks like we're going to be talking about that shortly. In terms of what we had planned for the June meeting, right now on our list we have butterfish specifications because, Jason, the mackerel, squid specifications were already done for 2014, right?

Jason Didden: The quotas are, but in the last few years we have made tweaks to other management measures even though leaving the quota is the same.

Chris Moore: Right now we have to focus on butterfish in terms of actual harvest levels. Jason and I have talked about obtaining these recommendations in the different groups. Jason explore that with the council today basically saying that some of the staff would fit in these classifications, some of it would have to be frameworked, some of that would be through amendment.

Certainly, we can flesh it out more for council consideration when we get to the June meeting. When we get to the June meeting we're also going to be considering alternatives to some of the things that we've already identified as possibilities for specifications. Does that make sense Howard? We'll have the whitepaper on the table but we're already be taking action on some of those items at the June meeting.

In terms of the port meetings, Jason and I had discussed those as well. That was something that we walked into the workshop talking about because there was some tension among the participants about where we're having the actual workshop. Rhode Island guys wanted it in Rhode Island, New York guys wanted it in New York, New Jersey guys want it in New Jersey, so we had it in New York and that seemed to work well. I think we do have time for a couple of port visits. I have talked to Jason about it his time, I think we can fit them in but outside of two I think we'd be pushing it.

Rick Robins: Peter?

Peter Himchak: Yes, thank you Mr. Chairman. Jason I'm trying to put a couple of concepts in order here. The issue of late improvements in the longfin squid fishery is in the continuing point of discussion. I read your memorandum dated March 27 which lays out the landings patterns. It was not the issue that essentially prompted the need for the workshop, but coming out of the workshop it seems that one of the biggest issues potential management changes would be effort in capacity. I'm led to believe that issue on the need for the control date would be leading up to

something like what we went through with amendment 11 on mackerel where we developed a tiered structure for everybody, 375 permits are now in the fishery.

I think I have the sequence correct. Coming out of the workshop, it seems like the latent issue is one that we're going to that, if you do it by an amendment that's not going to be done in any fast period of time, but latent effort is a confounding problem in every eliminated entry program when you try to do anything and that's, even at the state level, I bet everything is quota based limited entry. When you try to tinker with regulations you're always fearful of what's coming in. In that aspect, the way I understand the discussions and a lot of it had been this week and I wasn't at the workshop, but the need for the control dates seems to be the most pressing issues that came out of the workshop.

Correct me if I'm wrong but I'm putting this concept what I've heard discussed today and where we're heading.

Rick Robins: Jason?

Jason Didden: I would say there was not uniformed consensus on the most pressing issue. I think for some people they would agree with you that that is the most pressing issue. I think other people would say this rollover and the trimester thing is what causes the most problems. The latent effort is an issue and setting up the control dates facilitates future action if a problem occurs and the council wants to takes some kind of action.

Rick Robins: Chris Zeman?

Chris Zeman: Yes. Part of any action report, I would definitely like to recommend that we also include some of the rationales as to the basis for these managements. A lot of these measures will put in place long before I got on this council. I understand that this is a less than one year old fish, there's interesting management dynamics going on here. A lot of this, I don't know, not sure of what was the basis for this sort of system in place now so to the extent that you want to make some recommendations to change it, please include sort of rationale as to what we're we trying to avoid by putting in the trimesters. Thanks.

Rick Robins: Jason?

Jason Didden: Howard mentioned that the whitepaper thing I see is if the council wants to keep exploring the real-time management side of things. That adds one direction to push but in terms of some of these measures, as Chris said, that would just be a ... this could be just part of the normal briefing packet. There'd be some ranges of



alternatives for the council to consider regarding some of these issues that came up with the workshop. Kind of two separate things there.

Rick Robins: Thanks Jason. With a handful of items that have been identified as potential action items, one of which is the control date. It was my impression that there was an interest in making a motion on that issue. Laurie, do you have a motion on the control date issue?

Laurie Nolan: Sure, thank you. I move that the council initiate action to establish a new control date for longfin squid.

Rick Robins: Is there a second to the motion, seconded by Erling Berg, discussion on the motion. George?

George Darcy: Just to refresh everybody's memory as to how this works. If you do request this we would undertake a preparation of an ANPR, Advance Notice of Proposed Rulemaking. The actual control date would be the date of publication of that document, so it wouldn't be today. I just want to be clear.

Rick Robins: Okay. Laurie do you have any justification you'd like to provide or a background?

Laurie Nolan: Sure. The control date is dated now at 2003. It was reaffirmed in 2010 and its 2013. Those dates are quite dated. The issues of the influx of effort due the other management regimes that take place in the other fisheries is a big concern. Again, the control dates simply states that landings may or may not be treated differently that occur after the date. I think it's important to update the date at this point and get something more current on the books.

Rick Robins: Thanks Laurie. Any further discussion on the motion? Rob O'Reilly?

Rob O'Reilly: Hope you don't mind me asking whether the control date of 2003 serves any purpose to date?

Rick Robins: Laurie, do you want to comment, or George? If you don't mind I think it's basically a line in the history of the data. It could theoretically still be utilized. We did reaffirm it in 2010, so it provides the ability to treat catches differently before and after that period but I'll let George elaborate.

George Darcy: No, that's right. I mean the control date doesn't really ... it's hard to say whether it had any effect until you actually go to take an action that would use it. If the council does in fact choose to use it, you don't have to use it. I could be used some other day. But it does draw a line in the regulatory sand saying that the council is considering something and just everybody be aware if you try to do something in this fishery after that date, you may be treated differently.

Rick Robins: Laurie?

Laurie Nolan: I thought Rob's question was more why were those dates put in place. I know in 2010 reaffirming the 2003 date was a concern of an influx of effort at that time because of Groundfish is used. Why we put it in place in 2003, I was here so shame on me, but it may have been something going on back then. It's generally based upon the fear; these influx of efforts occur when something goes down in another fishery but I can't swear by why 2003's date stood.

Rick Robins: Actually, we're not going to hold you accountable on your 2003 detailed memory. Jeff Deem?

Jeff Deem: Would it be appropriate to get input from industry at this point, or do we have to or should we wait?

Rick Robins: We can certainly have some public comment here today but ... Howard?

Howard King: Yes. I would only suggest to perfect that motion to specify that it's for the longfin squid fishery and to remove re in reestablish. It seems redundant.

Laurie Nolan: Yes, the longfin squid; I did mention, but I did not give this to Jan prior to saying it, so definitely, Howard on both.

Rick Robins: Do you accept that profession of the motion on the board, your motion? Okay, so is seconder agreeable to that? Thanks Roy. Public comment on the motion. Jeff Kaelin?

Jeff Kaelin: Thank you Mr. Chairman and members of the council. I'd like to support the motion. I think the first page of Jason's memorandum, dated March 27, to really characterize in one paragraph the potential for additional latent effort to be precipitated in the fishery and we know there's a lot of cutbacks in the Groundfish industry in New England. We support this for Whaligoe today. We're pleased that it doesn't go to Illex. We think that it's a different situation. Now, it doesn't appear to be as many latent permits and without fishery we're more concerned with the potential to land the product and we are on additional effort. This is a motion that we support for the Whaligoe fishery. I appreciate the opportunity to do that. Thank you.

Rick Robins: Thank you Jeff. Is there any further public comment on the motion? Seeing no, is the council ready for the question? All those in favor, please indicate by raising your hand. 18. Opposed likes so. Abstentions like so. One abstention, motion carries. Thank you.

Are there any other actions items coming out of the workshop that the council would like to pursue? We've already had some discussion about the possibility of a couple of additional port meetings and also whether or not to have staff work to put together a range of options for potential modifications to the rollover

provisions within the specifications package that could be vetted through the AP at the upcoming AP meeting and/or discussed in the upcoming port meeting. What's the pleasure of the council with respect to those issues? Laurie?

Laurie Nolan: To move forward with all of those actions mentioned; keep the ball rolling.

Rick Robins: Jason, how much specific direction do you need from the council to initiate the port meeting? I think we can agree to do that by consensus. Also, as far as developing at least from range of options for potential modifications that reflect the workshop results or at least that are informed by the workshops discussion for consideration by the AP that would come ultimately to the council for specification.

Jason Didden: Yes. I think that's sufficient, and Chris was nodding there. Again, the thing that I just note is that some of these issues are amendments down the road versus effort capacity. Depending on which kind of combination of things, I'll work with the NERO staff. Some of them certainly can be dealt considered in specifications and will work with NERO staff about which ones could not be. Then if the council wants to do a framework action on something else then that would be up to the council.

Rick Robins: Okay, then based upon what Jason said is there any objection to move forward in that way. All right, seeing no, we'll proceed accordingly. Chris, you have a comment?

Chris Moore: One of the other issues that has come up recently, and we talked about the last council meeting, is scup GRAs. We have an opportunity this summer and interns could be working for the council and that issue is going to be addressed in her work, and we'll see how it proceeds and what kind of action the council may want to take on it. Remember that the last meeting in the briefing book we had a graphic that indicated that's probably a good idea to take a good hard look at those scup GRAs again, so we'll be doing that.

If we're done with those issues, I just want to reiterate my thanks to Jason and Katie for all their hard work. This is probably one of the best workshops that I've attended. It's largely due to everything that they did and all their hard work. Look forward to working with Fisheries Forum again. Thanks.

Rick Robins: Thank you all very much. Jason is there anything else come before us under this issue? All right, let's take a quick 10-minute break and come back and then we'll take up the Omnibus Recreational Amendment. Thank you.

**Omnibus Recreational Amendment**  
**April 10, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Rick Robins: As the presentation comes up we'll be taking up the Omnibus Amendment for Recreational AMs. Jim, when you're ready.

Jim Armstrong: Okay. Let's go ahead and do this. We're going to talk about the Omnibus Recreational Accountability Amendment today. This is amending three of our plans for five recreational species, one the Atlantic mackerel and the scup butterfly plan, bluefish and bluefish plan and then all three of the species in the summer flounder, scup and Black Sea bass plan. Everybody hear me all right? The mic is a little far away here.

Today what we're going to do is we're going to review and approve the alternatives in the draft that was provided in the briefing book and then we're going to review and approve the public hearing draft for use in the public hearings. I would suggest ... I have parenthetically in this next, the iteration of that slide with recommended changes if the discussion merits those.

When you have a problem here where recreational fisheries are inherently uncertain, but the existing accountability measures don't take this into account. There's a pound for pound payback for example should any overage of the recreational ACL occur as if we have pound for pound control over these fisheries. Here for example, rather than seeing a time series from 2003 through 2012 of the "recreational landings of summer flounder" you'll instead see a bounded series, the dashed lines representing nearly 100% confidence interval of the landings of summer flounder and then relative to that red line on the screen which is the recreational harvest limit for summer flounder during those years. It may be a more realistic way to picture them.

Now, recreational fisheries are inherently uncertain. That statement was on an early slide compared to for example commercial fisheries. Here we see the addition on that figure of the commercial landings relative to the commercial quota. You can just see that the commercial fisheries is just much more well behaved relative to the limits placed on it. The recreational fishery is different both with regard to what we think is being caught and how much control we have over how much will be caught.

Yet, what we managed ... we manage the fishery according to say this view which substitutes those dashed lines and you just get this series of point estimates

relative to the harvest limits. Whenever and this is a time series that goes back well before the Omnibus Amendment that put in accountability measures, but hadn't been in place at the time. Any time that black line is above the red line then a pound for pound payback in any of those years. Then I had this other trend in there on a new axis on the right side that indicates biomass SSP in this case which is climbing the entire time.

Given that environment of great uncertainty in the recreational catch relative to the commercial behavior of the commercial fishery and what seems like a growing stock is a pound for pound payback appropriate for recreational fisheries.

Through this amendment we're saying that we don't think so. We're addressing or we have the opportunity to make that statement. We're addressing accountability measures for the recreational fisheries, both proactive accountabilities and reactive accountability measures. They are explicitly addressing uncertainty and I'll explain how as I go through all those alternatives.

The reactive alternatives were also to avoid overacting to perturbations in the catch relative to the limits that are not linked to a strong biological impact. In the document that you were provided, the alternatives are grouped into five groups. Two of these are listed as proactive accountability measures and three are reactive accountability measures. Proactive accountability measures put into place either before the season or during the season to prevent an annual catch limit from being exceeded and reactive accountability measures of course management ... associated with the management response to any particular overage.

Under proactive we've got ACT alternatives. That is the alternatives that we might consider in specifying an ACT. The ACT could be a reduction from ACL so that you have management measures. Attempting to achieve a lower target if you're successful reasonably so, then the ACL is not exceeded and you don't trigger any reactive accountability measures. Alternatively, you could exercise in-season closure authority so that once the recreational harvest limit is exceeded the fishery is closed down.

If this happens in a timely way and the fishery hasn't run away from you, then it's conceivable that the annual catch limit could be controlled by that, but not very likely since that the RHL has already exceeded under current conditions assuming these cards are proportional from year to year to landings. It doesn't necessarily prevent the ACL, but it does control further damage should be exercised.

Under reactive accountability measure alternatives, we have triggers. That is what happens in order for a reactive accountability measure to go into place, a trigger condition. This is what we observe. Therefore we observe this we invoke an accountability measure. The management response is that which will be invoked should trigger conditions be met. Finally I have a suite of alternatives and assuming we retain paybacks as accountability measures. We may want to entertain alternative ways of calculating those.

To start out with the ACT alternatives, there are four of them and the first one in any of these groups is the No Action or status quo alternative under the No Action alternative for ACTs. The monitoring committee is identifying and review relevant sources of management uncertainty in their recommendation of an ACT, but there is not any specificity for council consideration of a reduction necessarily. It's just that they can ... it's pretty general language there.

An alternative to that would be a mandatory review of an ACT that would be calculated as a reduction from ACL, taking into account some measure of uncertainty. You can see here that this would incorporate what we have here is for four of the five species. I don't have these time series for Atlantic mackerel because it's just a bit problematic for them, but I have the plus or minus one state of their catch estimates, recreational, I'm sorry landings estimates relative to the RHLs for bluefish and summer flounder, scup, Black Sea bass.

You can see their behavior here and that behavior would be taken into account in some way and then a reduction from ACL to get ACT would be provided to the council for consideration under this alternative. Under alternative 1C that would be a prescriptive use of that deduction and ACT would be calculated as ACL minus whatever that expression of uncertainty is.

I would take that choice of using it out of the council's hands. One can imagine that if there are offsetting behavior, say this is a year to year thing with the bluefish fishery where the commercial fishery underperforms, recreational fishery may exceed its limit, but the underperformance of the commercial fishery does not allow for that offsetting ... for consideration of the offsetting results. Regardless of the underperformance of the commercial fishery, you would still make a deduction from ACL to ACT for the bluefish fishery, the recreational fishery. That may or may not appeal to you.

Here is a table that illustrates for the current year ACTs what they would be. We have for our five species we have the ACLs and ACTs and then we have the proportional standard error or percent standard error and then if we were to use that directly to calculate ACT from ACL, then you have the adjusted ACT so that on the final right hand column you have what the ACTs would have been if we applied that in the current year. You can see in every case they're lower.

Finally, alternative 1D in that first group is called ACL/ACT post hoc evaluation. Basically what that addresses, it's kind of a tough alternative to place among the suites of alternatives because in a sense it's kind of reactive. What this alternative is in there to do is to acknowledge that it may be that setting an ACL too low could be the operational error that caused the overage. If we can look back at the basis for setting ACL and with improved information on stock condition, find with an updated assessment, maybe a benchmark assessment, some new source of information that ACL was set a bit too low, then that could be addressed rather than some adjustment in management measures or other kind of accountability measures. That's just in there to acknowledge that.

Conditions that might cause that to be invoked would be if you have a retrospective bias in biomass or recruits where you're negatively biased. You're underestimating an internal year of an assessment recruits or biomass. I had as an example here the bluefish recruits from the ASAT model that is run for that. I'm going a little on my own here. It's never been stated that there's a retrospect or pattern for bluefish, but it's the only of a retrospective analysis that are done for our stocks where I found this kind of negative bias or what look like it when you really zoom in. It's pretty mild if it exists at all, but it's there for illustrational purposes.

What we see more often is there is ... this historic summer flounder where we're overestimating biomass in the terminal year according to the assessment updates. As you update the assessment a given year's biomass or recruit or whatever estimate tends to drop with further information about stock condition and cohort size and that sort thing. That would be conducive to this. Or it could be one where the ACL was set too high. That would also be something. You have to have both sides of the coin and be comfortable with that in any of these alternatives.

Among the in-season closure alternatives we have three right now. No Action, early closure with in-season projections and then eliminating in-season closure authority. Currently what happens is if the RHL is exceeded and this is for all of the species, they all have this, if the RHL has been observed to be exceeded then RHS sends out notice that fishery is going to be closed down on a certain day. That's what happened last year with Black Sea bass rather late in the year.

Alternative 2B would allow for projections to be used in that closure exercise of closure authority. As an example of when that might have happened, we have Black Sea bass fishery behavior in 2012 where we had in the figure there the landings in waves one, two, three and four. In wave three 90% of the RHL had been landed. You get that information six weeks after that wave is complete. Very likely that you're over the RHL once you get that information. If this was in place then the RA could have exercised the closure authority.

Here is a different presentation of how that information might come in. This was run ... these were some probabilities that the recreational catch exceeded the ACL for 2010 through 2012 and it goes by wave. This is some work that was done by J Bright of Colorado State University. He was involved in improvement of [MAVs to EMWIP] and the redesign. He's agreed to work with us on somewhat limited basis. I don't think we need him on a retainer or anything, but he's agreed to provide some advice as to how we might exercise some of the details in these alternatives.

He calculated like you can imagine you're getting the wave data and you're also accompanying that as a probability that you want to open the ACL. This is what we've got. It's a day night kind of thing here. In wave five all of a sudden you're very, very confident that you've gone over the ACL, probably time to close it. Same here for 2012. I'm not sure why those don't work out earlier when I said there was ... I guess it's because it's the ACL and not the RHL. In fact this is actually for illustrational purposes. I believe what he used were landings going over the ACL because I gave him the ACLs and then ... but anyway the point is that or something to think about with this is that it may be more appropriate with a fishery that has more of a very nice linear accumulation of landings over that course of the year.

When you have something where all the landings are concentrated in three waves, it can be somewhat problematic, but nevertheless. The other thing with closures is that you have these regional effects. Here we have the total 2009 to 2012 landings from North Carolina and from New York. You can see that wave one and two are meaningless in New York. The most important wave over those years was wave three for North Carolina and wave four for New York. If landings along the coast were to accumulate so that you ended up closing after the fourth wave and you end up closing waves five and six, that's a big hit up here in New York. There may be other examples I can provide where the situation would be reversed, but that's something to think about, about the regional effects of letting the landings accumulate and always closing toward the end of the year.

I'll get back into that a little bit later with some other maybe a little tweaking that might be of interest. The next set of alternatives are the trigger alternatives. There are four of them and we have the No Action, a single year overage as an alternative, a confidence interval and finally a repeat of an overage. As an example for the No Action alternative what we have in place now for summer flounder, scup and Black Sea bass is if a three year average of catches is above the three year average of ACLs, then that's an overage and then there'll be a pound for pound payback or ... anyway, but that constitutes an overage. That triggers an accountability measure.



Now, we're phasing into that and that's a different issue, but the three year average is what's in place and what's being phased into for summer flounder, scup, and Black Sea bass and is represented by No Action alternative 3A. If there was an overage up on the screen, it would be observed. Let's say this is the first year, second year, third year of ... no, this is the first year, one two three. You have three years of landings data. The red line is your catch limit and the average of those landings is the dash line here.

You observe that, get that information and then two years later because that's the time class we operate on, you would invoke an accountability measure. That average is still about the catch limit a year later and so you would end up having two years of catch overages that would trigger accountability measures. Now the magnitude of those overages is fairly small because it's an average and there are some under harvest of the catch limit surrounding that large overage. In this example the magnitude of this is 1.6 million pounds.

If we were to substitute that with by going to a single year, then you wouldn't have any ... you would only invoke or trigger an accountability measure when the catch, some estimate of catch is above the limit and then two years later you have your payback. This would be status quo for Atlantic mackerel and bluefish. They're a little different as well because the ACL is actually combined. It gets a little murky there, but they didn't have that three year phased in thing going on.

Now, as far as the magnitude of it, same conditions, you end paying back 5 million pounds in this particular illustration one time, rather than spreading 1.6 million pounds over two years. An alternative to that would be to take ... rather than treating the time series of catch estimates using point estimates would be to consider some confidence interval of catch estimates. You can find that however you want. Here I have the catch estimate plus or minus one standard error.

You would wait until the entire confidence interval is above your catch limit before you would invoke an accountability measure. Here for example you have in year two both operate where the confidence bounds are above the catch limit so that a couple of years later it invokes an accountability measure. You have another instance here and you have four where the point estimate is above, but the lower confidence limit is below and that doesn't invoke an overage.

Just to illustrate that, the behavior of that for some of our species we have ... here is the bluefish fishery which has a couple of instances in its management where you have the balance in that confidence interval around the catch limit. Then you have one instance in 2007 where both the upper and lower confidence limits are above the limit. That seems consistent with that kind of an approach. Then you have the Black Sea bass fishery where you have things going along and

then fishery just jumps away above the limit. It's either above or below. I think that this kind of an approach is probably consistent with the fishery that tends to ride along that limit fairly well and isn't given to large jumps up and down from year to year.

Another alternative for triggers would be a repeat of the overage. In this example you have in year two a sizeable overage, but that doesn't invoke an accountability measure or a management response, but then in year three you have another overage. Then a couple years later you have your accountability measure invoked or applied. I would suggest that the overage would not consist of some average or sum or whatever of these things that it would actually just be a function of the latest year overage in that case.

For example, the repeat the way it's put in the document right now it would be two years in a row, more than one year in a four year period. For example, you could have an overage like this where in year two you have a sizeable overage and it goes down, it behaves itself. In year four it goes up above and goes back down. In that four year period you do have two overages, but it wouldn't make any sense to me to apply an accountability measure in year six for an overage that occurred in year two. I just suggest that as the basis for stating what the overage was to be the second year of that.

Response alternatives. This is what happens if an accountability measure is triggered. This is what you do. We have four alternatives. We have No Action and some other ones. I'll just go into the figures here. Remember that figure from the first time we addressed this in February. It had some lines going through things and arrows and it turns out I was talking to Lee about this and he provided a different format for presenting it, because when you start doing alternatives you get arrows all over the place and it's a little hard to differentiate. I think this tabular approach is an improvement on getting that. It doesn't look quite as sexy when you put it up on the screen, but it gets the information across and that's the important thing.

This is the depiction using a tabular approach of those status quo and No Action so that ... which doesn't envision consideration of any of these things, but they exist. Therefore this is what it looks like. If there is an overage this is what happens. There is a payback. Payback is pound for pound, but there is a payback at this stage of the game. That's all we're saying. No matter what we have to pay back.

The alternatives to that and the action alternatives state that there are other things than payback. There is monitoring which is an accountability measure, is a reactive accountability measure and bag, size and season which could also be considered a reactive accountability measure. In terms of what some of the

language for the monitoring accountability measure might be, this was taken from the South Atlantic's template. They have a table that has all their ACLs and AMs for all their species, commercial, recreational and so forth.

For the most part, unless a stock is overfished or is in a rebuilding program, then they utilize the in-season closure authority which I'm calling monitoring which takes all that into account as their accountability measure. If an overage occurs they keep an eye on things next year and then are ready to close down if the pattern repeats itself to prevent further overages. That's that.

Bag, size and season suggests that it might look like this. This is taken from the New England Council's language. Now I have in here a little detail, though it doesn't have that ... for the New England Council rather than saying the monitoring committee is going to develop measures to prevent subsequent overages, it says the RA. Well, it says RA in consultation with the council. Yeah, so that's where that comes from. One might ask if bag, size and season adjustments are in fact AMs and that came up in the FMAC discussion as something that some people might object to.

In fact, we made a statement in the Omnibus ACL Amendment that's up on the screen now that the current process of adjusting recreational management measures, fish, size, season and possession limit each year would not in and of itself be a fully consistent accountability measure because the process requires analysis and council deliberation. That statement is in the previous amendment and in order for us to accept that bag, size and season are accountability measures, we have to reconcile ourselves with some response for that.

I would suggest we focus in on the in and of itself as one the way of parsing that statement because bag, size and season occur now in the context of a different management approach than we had prior to it. Prior to then we were trying to achieve a greater than 50% probability of overfishing not occurring. That's why we had all the problems. We were trying ... our metric for what where we were trying to put the ceiling on catch was we didn't want a greater than 50% probability that overfishing was going to occur. Now we're operating in a context where we have our risk policy and that has less than 50% and is progressive.

Once we ... if the stock condition declines then we have automatically built in lower and lower probabilities that overfishing is going to occur. The catch is further curtailed and stock growth can occur. We're not operating in the same atmosphere at all. We have in-season closure authority in place right now. That was not there before and that's an accountability measure that would be in place with bag, size and season. Any time bag, size and season would be in place, unless we remove the in-season closure authority or modify it in some way that would also be in there.

Also adjustment of bag, size and season I would say is an accountability measure because it's responsive to overages. It's exactly what we use to calculate bag, size and season. There may be discussion that you guys want to engage in on that, but those are some of the ideas I've come up with for why I think anyway these are indeed accountability measures.

The third prong of the response alternatives is the payback that exists right now, but that's up for modification, how exactly that's applied. We saw in that first table that regardless of stock condition and what threshold level of a catch was exceeded, it's a pound for pound payback. If we want to consider stock condition and what threshold level of catch was exceeded in how we respond, in other words we're taking into account say the biological meaning of any such overage.

Then we could consider conditional responses so that if the stock is above BMSY for example, the only thing that was exceeded was the ACL. ABC wasn't exceeded or OFL certainty wasn't exceeded. We don't necessarily adjust our bag, size and season. We just keep an eye on things and if the overage, if the pattern repeats itself we may want to close the fishery through the in-season closure authority. If however the ABC was exceeded, you may want to go ahead and do a bag, size, season adjustment as well as that monitoring. Then if OFL was exceeded then you do a payback and the other two.

It's an accumulation of those responses as the ... at least in this top row here you have one response, two response and three mastered responses getting more and more stringent or severe I guess as the degree of the overage goes up. Obviously under these conditions the size of the overage would be going up and that's ... so you're responding more and more strongly to that. As you go down on this table, stock condition is declining and so you may want to have the types of accountability measures that you're invoking grow in that direction so you could have all three of them down at the bottom.

Alternative 4B basically says we're going to do payback. We're going to do bag, size and season if ABC is exceeded. We're only going to monitor if only ACL was exceeded, but if OFL was exceeded, which means overfishing occurred or if the stock is below one BMSY, which means it's overfished or could just be in rebuilding, then we'll do the paybacks. We'll do the full Monty or whatever.

That's 4B. 4C just relaxes that a little bit. It says that when biomass above the biomass target, you don't need a payback at all, regardless of what the nature of the overage was. 4D says get no paybacks at all. That would take all of those out of there and you would do your adjustments according to stock condition and the threshold level that was exceeded. This can be ... the council can discuss what it would like to see in those cells, but this is what's been suggested so far.

Let's see. Oh, I wanted to say something about monitoring. It occurred to be that the monitoring that, like let's say you didn't like paybacks at all. You didn't think there was any real justification for them. They didn't serve any ... they're punitive and they serve that purpose, but they don't ... for whatever reason you choose not to go with paybacks. It could be that the monitoring that you're doing could vary so that the exercise of in-season closure authority is also informed as in these reactive AMs by stock condition and by the threshold level that was exceeded so that you could close the fishery if RHL is exceeded.

You can also then wait until a greater overage of a higher threshold occurs before you invoke the closure of the fishery. The philosophy there would just be that you would rather keep the fishery open, not penalized fishing operations that occur late in the year. You'd rather deal with it in a reactive way in a subsequent fishing season. It's just a different way of approaching it.

The payback alternatives, I put five of them in there. There are four of them in the document. That's because I didn't have alternative ... I do have 5D, but it's not the 5D that you guys see. The 5D you guys see is what I have up there as 5E. I'll get into that. These alternatives basically say okay, you're doing payback, how are you going to calculate that? Maybe you want to calculate the payback based on what the threshold level was exceeded and what stock condition is.

I have the same approach. I don't have the value written in red, yellow, green colors. They're all green here, but the same approach and for the No Action alternative here, the way to calculate payback is the catch above the ACL pound for pound. That's what gets payback, but for alternatives 5B and 5C you would perhaps calculate the overage relative to other thresholds like ABC and OFL. If the rec overages ... the rec overage could be the proportion of the total overage caused by the recreational fishery, so the rec overage relative to ABC or the rec overage relative to OFL.

Here is an example. Let's say you have a fishery with an OFL of 7 million pounds and ABC of 4.5 million pounds. This is Black Sea bass. Your rec ACLs are given here and here is your observed catches, rec catches well above the ACL. The commercial catch and these are yeah, okay is actually below the commercial ACL. The total catch recreational plus commercial works out to here about 5.6 million pounds, so above ABC, below OFL. Your recreational ACL overage is this. It's the difference between the red catch estimate ... and in this case it's the point estimate. The red catch above the ACL, the commercial ACL overage here is actually a negative number because it underperformed. Your ABC overage, which is the combined catches relative to the combined catch threshold, is actually lower than the rec ACL overage.

The contribution proportionally is all on the recreational fishery here, so that the commercial payback is zero and the recreational ABC payback would be the total ABC payback, but you see that if you were to ... say that you wanted to do the ABC overage, it'd be in this case lower than the ACL overage. Then we have relative ... there was no OFL overage, therefore if there was an option in place or if we put into place that we'd only do overages relative to OFL, the performance of the fishery in this case did not exceed OFL therefore there would not be a payback.

Alternatives 5B and 5C are considered ABC and OFL overages and are conditional on stock status. These follow the same layout as those other tables and say that there may be no payback. If the stock is not overfished and ABC was exceeded, you could have the overage ... the ABC overage would be the one you would payback. If stock condition was above target and OFL was exceeded, you could just payback the difference to OFL. As stock condition declines, as you go down to the bottom row and as the nature of the overage increases, if that's meaningful you could have a stronger payback calculation. The largest payback would be relative to the ACL because that doesn't give any opportunity for the commercial fishery to decrease that.

You have a couple of action alternatives there that are less and more risk pro, 5B and 5C respectively. There are some conflicts. If you look at say alternative 5C and you overlay that on the table that corresponds to 4B, you have a zero payback, whereas in 4B you said you were going to do a payback. It's hard to get all these things to match up without having just a huge number of iterations for every single thing that you think of up here and then repeating all that every time, but in order to allow for a consideration of payback calculations relative to the threshold and to the stock condition I illustrated it that way. I think clearly what would happen is if you ... say in this case if you chose to do a payback, it would be ... basically where about should we do a payback this is how we would calculate it so that there aren't any conflicts.

5D, the thing that isn't in the document, but it's up on the screen and it was actually in the original set of alternatives is this idea of a scaled payback. That fell out and let me put it back here. Basically here if you're above BMSY you would not have a payback. If you're below one half BMSY you would have a pound for pound payback and then between those two you would scale linearly so that you would be able to calculate the proportional payback. According to this formula it's the difference between BMSY and whatever the measure of biomass is over one-half BMSY.

If biomass equals BMSY, then that would be zero on top and you would have zero payback. If it's zero or negative you have zero payback. If it was one-half BMSY you would end up with one-half BMSY over one-half BMSY. That's one to

one and then anything in between that would be scaled. If we take the Black Sea bass in 2012 and we take the biomass ... I'm sorry, if we take the, yeah, the latest statement about biomass and BMSY in the sea bass assessment update, we end up with an overage coefficient of 0.4 because it's ... and that's taking ... actually there were two. I didn't know which one to pick. There were a couple of statements about what BMSY might be. There was a stochastic and then there is a deterministic BMSY estimate provided. I chose the larger one just to give the worst-case scenario. The other one wasn't below BMSY and I wanted to illustrate having it below that what it would be.

You can see when you're just below BMSY the payback is fairly minimal. 5D says no payback and here we have this example, bluefish. Let's say and this is the age composition of the bluefish catch, recreational catch. You can see it's primarily made up of the age one and two fish. Let's say you have an overage likely consistently mostly of age one and two fish. When you two years later 2009, this is 2007, so 2009 here is the age composition of the catch you're paying back for ages three and four fish now. The year classes that contributed to that overage are now not an important part of the catch.

Now it's ages one and two and you don't know what year class strength is and whether the ages three and four year classes were important in determining the size of those two year classes. The linkage there breaks down somewhat. It gets into the whole idea of what exactly does a payback do for you. Just because you went over by X number of pounds and you make management measures to try to achieve that reduction and then you're not going to achieve that reduction because we just simply don't have that kind of control over recreational fisheries, but you try that anyway.

There is no real biological linkage to say that you're going to get that amount of benefit back to the stock. You're not going to grow the stock by that amount. There are just too many variables at play. If you're trying to add recruits to the fishery, then the long-term, very long term is to reduce catches for many, many years. This is a noisy stock recruitment relationship to show just how hard it is to get a picture of how many fish might be coming into a population based on some measure of spawning biomass.

You can see that at a given biomass level there is a huge range of recruits that might come in. Paying back pound for pound in this context is almost well getting on to an objective, but it's just there is not a strong linkage there. What in fact contributes to stock growth such as we see here is and that was summer flounder and this is another long-term time series of fishing mortality rates declining. That we can probably hang our hats on. An annual payback as of what I'm basically suggesting is that it has a punitive value and you may want to retain that, but it doesn't have a biological value. There is minimal biological value.

Putting it all together, we have these five sets of alternatives. The ACT alternatives behave themselves. They don't have a lot of interaction. They can be chosen. You can choose them without worry that there is going to be some big conflict. You do have to take into account the in-season closure alternatives and if you're going to say eliminate monitoring because that has some downstream effects on some of the other suites of alternatives. The trigger alternatives for the most part behave themselves. You don't have to ... you're not going to knock out another set of alternatives based on those. The response alternatives interact with the in-season closure alternative and they also interact with the payback alternatives because they include paybacks and then obviously the payback calculations presume that you have paybacks. There you go.

We're going to have public hearings at the end of the month and the beginning of May. FR notice should be out on Friday announcing that and this is where they're going to be. I have some motions on the board to approve the alternatives as presented and then I have parenthetically at the end of each of those motions with the following changes. I'm anticipating there's going to be some discussion and then I'm going to go back, make some changes and you're going to approve these things conditionally on that. Thanks. That's it.

Rick Robins: Jim, thank you for a great comprehensive presentation on a wide range of alternatives for us to consider how we might modify the recreational AMs. Why don't we go ahead and ask some questions first and then we can drill into some of the different sections if members want to explore or bring forward for discussion any potential modifications to the options that Jim presented us with. George?

George Darcy: Thank you. Just an observation first and then a question. Some of the alternatives here it's a little hard to wrap your mind around now as to how they don't fit together, but I think ultimately we need to be looking for a package of these things that accomplish what needs to be accomplished, which is not exceeding ACL or doing everything we can to make sure that doesn't happen. If it does get exceeded, that there is some meaningful reaction to it, but my question was you used the word monitoring. Are you really ... by that do you really mean an in-season closure ability? Because I don't think we'd have any monitoring other than what we have now which is the MREP wave data. When you use that term, do you really just mean there'd be some reaction in-season to that monitoring?

Jim Armstrong: Yes. I guess that was the short hand that was used in the South Atlantic's compilation of their accountability measures, but yeah, the in-season closure, the exercise of subsequent in-season closure in some manner would capture that probably better.



Rick Robins: Thanks Jim. Other questions? John McMurray.

John McMurray: Thank you, Mr. Chairman. Jim, can you put up alternative 4B and 4C please? I'm looking for the actual alternative in the briefing book. Well, maybe we could do this without putting it up there, but I just had a question about your use of the words or in the bold text payback when the stock is overfished or when OFL is exceeded. Then in the fine print in the red it says only if the stock is overfished and or OFL has been exceeded. I'm assuming the intent was to require payback either when the stock is overfished or OFL is exceeded, not either or. If that's the case I'm wondering if we could substitute just or instead of and or.

Rick Robins: I think or is functionally equivalent. Anyway Jim, can you comment on that?

Jim Armstrong: The only time that it's and overfished is in this bottom cell here which is when you've got the bottom row, which is overfished that whole, row and then the right column, which is overfishing. That's the only time. Because it's generally hard to describe ... so this one has ... this one would be overfished. Let's see, overfished or overfishing except when biomass is above BMSY. This one would be overfished or overfishing. Or would work in both of those cases and then in 4C you would just have that except I think to reflect that. If it's above BMSY there's no payback. I'll do that. I'll take that.

Rick Robins: Chris Zeman.

Chris Zeman: When I see monitoring I also understand that to mean that we monitor the season so that if we do have an overage that the following year ... when we're at a December specs meeting we know the catch rate by day so that we're setting the specs for the following year based on those prior catches. We do that every year. That monitoring is not just ... I don't see this as just monitoring for in-season closure purposes, but also so that we know how well a season can be the following year based on any overage the prior year and doing so we're learning and reacting to an overage so that it doesn't happen again.

Rick Robins: Jim, define on this question or comment, the way you frame this you're monitoring the catch in the subsequent year for persistence of the overage. Is that not correct?

Jim Armstrong: It's in the details there. You could ... under status quo an overage has to occur. It's with an overage of RHL, but an overage has to occur for the closure to occur. We could change that so that we could project an overage to having been likely to occur even though we don't have the future wave data. Let's see. I'm trying to think of ... I got a little confused there.

Rick Robins: What I'm getting at I guess is that when you speak of monitoring these options, the monitoring is ... you're monitoring for any persistence of overage. Is that not the primary intent of that?

Jim Armstrong: Yeah. Well, it depends on how you want to do it. You can ... drawings up I guess and is a bit a redundant with the idea of a repeat overage in that sense, that you're going to monitor the fishery if there is an overage and then if there is another overage, you're going to close it down. Now, under status quo anyway. Another thing you could do is you could monitor the fishery for a repeat of the pattern and close it down before there is an overage, anticipating an overage. It depends on whether you want to exercise that in-season or whether you're saying indeed monitoring is basically consistent with a repeat overage event

Rick Robins: It's broader than that. I guess the other question I was going to ask was and I think we could add our tools or associate our tools with that monitoring in overage. Right now you've just got an example there from the south Atlantic. That model monitors and then if there is a continued overage they close the fishery in-season. They shorten the length in the season, but I assume you could also have other tools, in other words BIA in consultation with the council would for example shorten ... rather reduce the bag limit as an alternative. If you're going to have in-season monitoring, you could add other tools to the RAs toolbox than just closing the season, could you not?

Jim Armstrong: In that case you would probably want to build in something where like it looks like we're about 75% of the RHL, so we really want to tighten things up, but we're going to let the fishery continue. Or you could make the decision that you're going to allow even once the RHL has succeeded to have a very restrictive but not a zero bag limit. I mean all those options are there.

Rick Robins: George?

George Darcy: I would suggest you might reconsider how you use the word monitoring in this document because I think it's confusing a lot of people. We would monitor the fishery anyway through MREP, regardless stock condition, regardless of an overage. I don't think you want to imply there would be no monitoring. There would. I think what you really need to distinguish between is whether we're just monitoring to see what's going on or monitoring with in-season closure authority under those conditions. I suggest that be clarified in the document. The second thing is if there is something like RA authority to change the bag limits or the seasons, you need to take into account how that would work with conservation equivalency because that's a different process and I'm not quite sure how that would all work.

Rick Robins: Bob Bill has left the room.

Frank Blount: Thank you. I have to agree with George that there's a lot of options there. It looks a little complicated. I think this is one instance where maybe knowing would have it fairly simple. I think we did it in the paragraph instead of the amendment, but we go it through here, but one thing, correct me if I'm wrong. I like the fact ... on the in-season closure I also like because the word adjustment is in there. I think I like the way that goes, but is there anywhere in here that says if there is a payback or maybe if I missed it, are we still assuming that there is a pound for pound payback anytime there is a payback? Because I thought one of the reasons why this one was started was it was very hard to monitor the recreational fishery on a pound for pound basis. If we are saying there is going to be a payback are we still assuming that it's pound for pound?

Rick Robins: There are options that are not pound for pound. I think Jim can elaborate on that. One is dependent upon the stock condition and there are creditors involved some of which wouldn't be invoked unless you exceeded the standard error, but Jim if you want to comment on the pound for pound.

Jim Armstrong: Yeah, there is one that was directly adjusted so that you would have a proportional payback or a scaled payback that would only be pound for pound if the stock is overfished or is in rebuilding. If it's very close to the target then there'll be a much reduced proportion of the overage that you would pay back. The other way of thinking about it is right now it's pound for pound above the ACL overage and other alternatives exist in there that would make it relative to either ABC or OFL. It could be pound for pound in that case, but it would be to a higher threshold and therefore the overage would be calculated differently.

Frank Blount: Okay, I understand all that. I just think it's very difficult to manage the recreational fishery on a pound basis and if somewhere there was an option of per fish basis or something different because that makes sense to people when you're trying to convert back and forth. I know it's very difficult, but that's how the recreational fishery is managed by fish and then we convert it to pound it just gets very complicated.

Rick Robins: Mike?

Mike Luisi: Thank you. Jim, when you were talking about the triggers, I picked up a couple of times where we were looking at the different trigger alternatives and it seems like some of them would apply better to different species that we are dealing with here on the recreational level. I wonder, just to give you a thought whether or not there is a feasible trigger that could apply to all of these species in a way that we're not setting a trigger in a way.

I think one of the examples you used was for the confidence interval with the Black Sea bass. There are the high spikes in the landings high and low and

whether or not that's something that would be appropriate to apply versus one where the confidence is more along the same lines as the RHL. With that I'm assuming that any alternative that's selected in that in the trigger category would apply to all the species and there is no way that we could select from the different triggers within the different plans and if there was a particular trigger that was better for flounder than it was for Black Sea bass. Would we have any flexibility in that? It made that complicated to the point where it doesn't make sense anymore. Thanks.

Rick Robins: Jim?

Jim Armstrong: Yeah. I guess the reason this is an Omnibus Amendment is because it affects a number of FMPs. You have to develop this thing in a way that takes into account the way that different FMPs operate. For example, there are some real differences between how overages are accounted for in the mackerel and bluefish FMPs compared to the summer flounder, scup and Black Sea bass. They don't even have rec ACLs. They have an ACL that's divided into a commercial and rec ACT. The terminology breaks down at that point.

I was trying to keep it ... I think to me this amendment is inspired by a change in philosophy about how to manage recreational fisheries and I think that you need to maintain that level of consistency, but I think you could ... beyond that as long as you're faithful to that, I think you can tweak the things ... you have to address to the just the operational structure of the different FMPs, but as far as picking one alternative for one and one for the other, I suppose you could do that. It hadn't occurred to me to have things that are remarkably different in that way. Sorry.

Rick Robins: It's okay. Peter Himchak?

Peter Himchak: Thank you Mr. Chairman. I realize these are options for a public hearing, but my question is for council members and not Jim specifically, but I'm really questioning the appropriateness of alternative 2B, which would allow the RA to close the fishery using projections of future landings and in context with why we're doing this amendment because of the uncertainty in recreational catch estimates, it seems to run counter to the justification for addressing accountability measures.

I know this was an option in the Omnibus Amendment that we didn't choose to implement, but recognizing Jim had good examples to show how a projection of future landing could seriously hurt one or more states based on what wave they had their fishery. Again yeah, we're recognizing the uncertainties in recreational catch estimates, but we're still retaining the ability to close use on future

projections or future landings. It just doesn't seem to be wise and or appropriate.

Rick Robins: Are there responses to that currently? Peter was posing the question I think to us John.

John McMurray: Thank you Mr. Chairman. I can fully appreciate what you're saying Pete, but I think once you put this up for public comment you're going to find that there is a portion of the recreational community that would rather have that in-season closure than perhaps lose the next season which came very close to happening this go around. I really do think we need to keep it in.

Rick Robins: Peter?

Peter Himchak: I'm in support of the in-season closure, just not based on projections, on actually exceeding the landings.

Rick Robins: Can I take a couple of other things to go along with that. Jim alluded to one and I'm not sure it's reflected quantitatively or explicitly in these options, but one consideration relative to in-season closure might be that it would be invoked under certain circumstances, but not under others. In other words, just as a lot of these other consequences are triggered by either stock condition or the extent of the overage. Perhaps the in-season closure could track along that same array of options.

In other words, they wouldn't be invoked unless the OFL were going to be exceeded or unless the overall ABC were going to be exceeded. I'm not sure if that's an option, but it might be possible to put a few conditions on it, but yeah. I would also suggest we add an option whereby the in-season action could be a reduction in bag limit. You don't go simply from 90 miles an hour to zero. You go from 90 to 25 miles an hour.

You at least have some base level of activity that can still occur, given the fact that in-season closures result in geographically disproportionate impact. I appreciate George's question about how that would impact conservation equivalency. That's something for us to consider and discuss as we continue to get on the road on this, but I think just having some measure in there where you could temper the rate of catch in-season would be helpful too. Tony?

Tony DiLernia: Is there ... I'm assuming the fishing year, the season is the calendar year at this point, January 1st to December 31<sup>st</sup>. Are we locked into that? We could ... the marines fishing year starts what, 31<sup>st</sup>, right? You could define your fishing season whatever you want and that might account or that may allow for some consideration for if you had to close how it would affect some states. I'm so sure

that we have to be locked to a January 1st to December 31st fishing season. That's just a comment.

Rick Robins: George, will you comment on that?

George Darcy: Yes. You could do that, but that's going to take a lot of thought, a lot of analysis and probably a lot of time. I just want to remind everybody the urgency, the time urgency of this particular action because of the Black Sea bass situation. We really need to get this document in very good shape right after your June Council Meeting in order to make these changes effective at the beginning of the 2014 fishing year. While there may be a lot of other issues that longer term might be addressed, I just want to remind people of the particular situation we're facing here.

If I could make one more point and that's just to reiterate one of the slides that Jim put up about the statement that was in your previous Omnibus Amendment about how your former status quo measures were not adequate to address the new ACL and AM requirements. Jim alluded the fact that there may be other things in the management regime have changed that make that situation different, but that's something we would strongly like to see before we justify it in the amendments so that we don't have any approval problems or the yeah, the amendment so we don't have any approval problems when that comes in. thank you.

Rick Robins: To follow that specific point, I think one of the matters that was interpreted in that process by the agency was the fact that those adjustments to the bag, size, and season were not fully automatically and therefore they didn't satisfy that aspect of the characterization of AM to that time, but I think since then we've seen a broader range nationally of AMs implemented. There is so some experience with precedent and we can I think document some of that as we go through this as well. Also on the point of the date and as that relates to Black Sea bass, I think we'd want to clarify that we would, as a matter of council intent want this to apply to any overages that were calculated in 2013. Jim Weinberg?

Jim Weinberg: Thank you. I'd like to make a comment about alternative 1D, which has to do with the stock assessment updates. As you know assessment updates take a lot of time and they're scheduled well in advance. Now in a situation where there is a recreational overage in one of the stocks, I can see if an assessment update is scheduled or one has recently been completed, then 1D could be a valuable source of information for determining whether the criteria that are listed here, but I guess my concern is that perhaps an assessment update isn't necessarily what's needed.

There could be other variations, not a full assessment update, but some examination of data that might satisfy the same thing. Perhaps some softening of the language that doesn't make it so restrictive on an assessment update might give you more flexibility and it might also be less scary to the people who do the assessment updates. If it looks like a bad situation has evolved and you need an analysis that it wouldn't require you to request an assessment update.

Rick Robins: Jim, thanks for that clarification. That will probably put it more along the lines of the scholar pane where if there is an overage then there is an evaluation of whether or not the F was exceeded. That's done by the PDT. It doesn't require a full assessment update or benchmark or anything like that. Lee Anderson?

Lee Anderson: Thank you Mr. Chairman. I'm worried about a couple of things and a lot of the time we've been told that we've really got to move along if we want this to get and pass in time to handle Black Sea bass. We're running today and one of the suggestions was we approve this for public hearing. I think that we probably have to do something if we're going to get rolling on it, but I'm concerned about due diligence here. I think the general frame of this thing is excellent. We're moving where we have a different lot of criteria, but as you heard from the questions exactly how the specifics of these go, we don't know.

Also if I'm not mistaken, Jim, you added another alternative that wasn't in here in our written document and I believe you've taken one out from what I can see. Maybe you just redid the math and the solutions come different. I'm having some problems with saying all right let's do a due diligence; let's put something out so we can talk about. We know we can change it later, but I think we really have to make sure we know at least semi what is in there, what are we passing out.

Then we've got to make a vow to ourselves that as soon as this goes to public hearing we need to do what we did with the other Omnibus and we cut these down to a couple of five or six different options out of the infinite number there can be here so that we can start thinking about this. Again, I'm seeing you've done an excellent job on the very depth of getting it going, but I think we're a little bit far from adopting something for public hearing unless we're going to say well in general we like it, please change this and then we go ahead.

Rick Robins: Lee, I think that is the request. Jim, can you clarify any of the modifications that have been made rather for what was in the briefing book versus the presentation? Can you respond to that?

Jim Armstrong: Yeah. There was the idea of the scale to payback. That was the only thing that was different. It was in the original alternatives that were distributed in February and it wasn't in there. It's just there was an oversight on my part.

Nothing else changed. I know you're saying... [crosstalk 0:17:42]. I know what you're zooming in on the calculation of the overage. Whatever that calculation is it's the idea that you went over the ABC and it's the recreational contribution to that. It's not a different alternative. It's just having an ABC overage and OFL overage. I expressed it differently mathematically, I understand that.

Rick Robins: Would you turn your microphone on?

Lee Anderson: Sorry, but we've got to make clear what it is we're going to put to public hearing because it's not clear from ... it's not this document that we're looking at now and we need to make sure before we leave the room today that we know what we're putting out to public hearing.

Jim Armstrong: In very general terms, it's a philosophical change of approach to for recreational fishery, that is hard to ... we don't know what the catches are. We have estimates, put sometimes very large bounce on them. We have limited effectiveness when we set management. The response from the public I would think would be as to whether there is public support for a relaxation of accountability measures consistent with a reinterpretation of that approach in very simple terms. If there is not then I'll communicate that back to you when I report from the public hearings.

The details of how each alternative nested alternatives and all that might work out, it is complicated and I'm not sure that I can get it and the fisheries are different. I'm not sure that I can get it in a way where you're absolutely convinced that there is this one pathway through there at this moment, but I think at this level I don't know. I would just ... if you don't have ... if there is not a willingness or a sense that it's going to be supported upon submission this change of approach, that I think is the big hurdle to go over. I think the rest of it can be catered to the details of the fisheries, but I appreciate that there should be more like a real world example I guess. I tried to provide that for the various ones in each set of alternatives, but I guess it's not crystal clear at this point so.

Lee Anderson: I'm not asking you to define the finger work because I think you have done an excellent job. I just think that when people from the public pick this up, are they going to know that what we're looking for is this change in philosophy, which by the way I agree with it, makes sense, but if someone, we're saying that we're changing the philosophy, this gives you a hint about it. You can play with some of the games and then we'll come up with something. To me we're not quite there where the public is really going to know what is going on. I'm not sure all of the council members know exactly. I was looking at the audience here during the presentation and I saw some stares that I have seen in lectures over the years and it's not a good look.



Rick Robins: Steve Heins?

Steve Heins: Mr. Chairman, I have a question for George and then could I follow-up after that?

Rick Robins: Certainly.

Steve Heins: George, you mentioned that we needed to have meaningful reactions to overages. Could we have a meaningful reaction to an overage without payback?

George Darcy: There is not a requirement for a pound for pound payback. That's one way to react. It's not the only way to react, but as I said as a package of the measures that you choose, you need to be able to make the case that you're true to the intent of the Magnuson Act in that you're not ... you're trying to make ACLs from being exceeded. If they are, there is something done that's meaningful that can be fully expected to occur and that addresses the issue, but it does not have to be a pound for pound payback necessarily.

Rick Robins: Steve.

Steve Heins: Mr. Chairman, I would suggest that maybe the Council consider moving the payback provisions of this to considered but rejected. Just throwing it out there as well I'd like to hear a feedback from the Council.

Rick Robins: Tony, do you have a question?

Tony DiLernia: Say that again, Steve.

Steve Heins: I just want the council's reaction to the possibility of sending this out to public hearing with any provisions for payback listed as considered but rejected.

Rick Robins: Do members have any response? Chris?

Chris Zeman: It's a point of clarification. That would mean that basically any options that require a payback would be in the considered but rejected. Is that correct?

Steve Heins: That's right.

Rick Robins: Lee?

Lee Anderson: Is that a way little too early considering rejecting before we've gone to a public hearing?

Rick Robins: George.

George Darcy: A point of clarification, you can't eliminate the status quo option because it has to be in there and that has a payback. Just that technical clarification.

Rick Robins: Chris?

Chris Zeman: This is my first point commenting on this, but I want to say I think you did a great job on this in terms of the alternatives. I actually did like the additional alternative for ... an alternative to the pound for pound payback that doesn't require a pound for pound. It's arranged and that's what the goal of that alternative is, is to put a range in there. At the end of the day I probably would not support a payback at all, but the fact that you have a range in there is a good alternative and I agree with that. In terms of ... I think this package is ready to go forward. My question was, instead of considering of things like or alternatives to reject, I would want to see if the council has a preferred alternative that it would want to propose as part of the alternatives that go with the public comment.

Rick Robins: Chris, I think given the newness of it and the fact that we're just being presented today with a number of the options that we probably haven't had an adequate opportunity to consider formulating an informed position on a preferred alternative and oversee it differently. We can have that discussion, but Rob O'Reilly had a question.

Rob O'Reilly: Thank you, Mr. Chairman. My question really I just wanted to come back to something from earlier. In my new seat I see that it's harder to get my hand up enough. I may have to move back near the projector next meeting, but what I do see is that this 2B that we talked about, alternative 2B and Peter talked about, I think that's a big improvement and I just want to encourage whatever the process will be to maybe have some guidance, maybe not necessarily a formal list of projections, but some guidance on how that would be done.

One of the things that Jim nicely did, he showed us bluefish and that example about the year classes. At this stage if projections are done and used for a closure for example, in-season closure, then you would want the best information and the best thinking to go into those projections, but I do like this going forward. My other comment is in regards to Jim talking about essentially the status of the stock. I think that going through some of the options there, looking at a stocks specific situation, maybe something that we can embrace, that we understand, but I'm not sure out in the public domain that that's really understood because the condition that has been over the years that if there are overages, you not necessarily pay them back but you do what Chris talked about last meeting. You have the bag, size, season and essentially you're trying to payback is what you are doing.

Although it may be true that really it's the OFL and the ABC that are really driving everything, I think there is many years of conditioning under recreational harvest limit or commercial quotas and I think that's probably going to be a little bit of something that depending on where this evolves through the public process there's going to have to be a little education.

To give you an example, this date in the commercial sector was not happy at all with summer flounder recreational overages that occurred in the 2000s and made quite a fuss or call it about the fact that the summer flounder recreational fishery was persistently having overages so that here we are not quite 10 years later and there's an option up there that Jim brought forward where it was something to the likes of well the commercial fishery actually didn't grow its ACL. There's actually a negative value there and therefore that defrays any type of reduction the recreational fishery might have to have. It lowers that recreational reduction.

I support the stock idea, I support the notion that it is the most important thing to think about the condition of the stock and the OFL and the ABC, but I think probably once we start going through this there's going to have to be some way to get the public to understand that and to get the public to understand that there are ways to compensate for overages beyond just this pound for pound payback. I thought this out a little bit and I still come back to the monitoring question that George was saying might be different.

I think I heard Jim talk about bag, size, season as a monitoring component as well. I would say that's true after the fact. Maybe that's one of the things that you were trying to get across. I'm not too sure, but in any case when I hear that there'll be no paybacks I think that's fine to not talk about paybacks, but I think the bag, size and season is something that is still here to stay. If anyone wants to comment on that that would be great.

Rick Robins: Jim.

Jim Armstrong: Well, I've got to work on my rap here because there's some stuff I sent in the document and I didn't say it here. One of the big differences between a payback, thinking about paybacks and the bag, size, season is that we're not prescriptive about how we adjust bag size season. We are trying to prevent a further overage, a repeat of that overage. We adjust measurement measures and that's what it says in the racks. What we do is we adjust the bag size and season limit. Right now and historically what we've done is we've treated it like an overage like conservation equivalency. If there was a 30% overage, you reduce the season using the catch by day, the accumulation there.

You find 30% of the season or the catch corresponding to the season at various ... by time of year and you take that fishing opportunity away and you assume that that's a 30% reduction and it doesn't necessarily work out that way. There are improvements in the way that you can adjust bag size a season and those are being explored right now. They are for scup I believe or fluke and also for Black Sea bass. Scott Steinberg is working on that. John Moore, is that his name, is working on fluke. They've done haddock and cod up in ... I think Scott worked on those two in a way that takes into account year class strength, expected year class strength. It's more informed and you can have offsetting benefits of good year classes coming into the stock if you expect them, if that's what your expectation that might offset some adjustment.

It's no longer this naïve bag, size, season adjustment that assumes equilibrium conditions and allows for improvement in the way that we do that. I guess I would offer that that makes it different from a payback for sure. It's a accountability measure and I would also suggest just as a lesson that we learn from the situation that we're in right now that we try to keep the language as general as possible in our regulations so that we're not in another box, get out of this box and put ourselves in another box. That doesn't necessarily get to your thing, but I did want to address the bag, size, season and elaborate on it in a way that I didn't obviously during the presentation. I will in any public hearing that occurs.

Rick Robins: Thanks Jim. Chris?

Chris Zeman: I think it's really important to point out to the public and also to council members here that what we're doing, your whole goal here is to really just identify the problem with what caused the overfishing and to stop that. That's the bottom line. I don't want people caught up in these alternatives as solutions or fail safe options. In fact a lot of alternatives here that you'd have a knee jerk reaction saying this is a good thing for in terms of controlling the effort in fact really won't work. Now I'll give you an example and that is the in-season closure option now with Black Sea bass. What happened there is that we really had a major overage in wave three in New England. There's no way that an in-season closure measure will actually address the real problem.

It's actually very simplistic because you could have an in-season closure every year and all you're going to do is basically shut down the Mid-Atlantic to Black Sea bass and allow New England to continue with that one very seasonal issues we had in stay waters. The actual solution is a lot more complicated and is a lot more complicated than these options and it's actually being done as I understand it because what happened is that we have conservation equivalency. What we did last year to address that Black Sea bass overage is that we took reductions and actually went to the commission because it's conservation

equivalency and the commission actually identified the issues and dealt out the reductions appropriately based on where the overages occurred. You had a lot of the major reductions happening in New England and Northern Mid-Atlantic.

That's the appropriate way to solve this. It's not an easy fix and either a pay dock or an in-season management will not get to the underlying problem which it's a very site specific, time specific solution that really addresses it and I'm really impressed by what the commission did to address that this year. You're going to hear it. You're going to see council and the state positions that you might just think in a knee jerk reaction that this is an anti-conservation measure to let's say we're checking a payback, but look at what's happening here. We're taking a reduction. We're trying to do everything we can to achieve our target for this year and on top of that we're going to cut a million pounds of the five year. What is the purpose of that?

There are several years that we have under ages in Black Sea bass. We never take the conservation benefit of that under age and extrapolate it out for three years to see well those fish are now a much larger proportion, the spawning biomass. We should be taking all this credit. We never do that. This payback, because of the way we manage our fish and we really need, we really take significant action in December to meaningfully control effort consistent with SSC recommendations. That payback is absolutely duplicative and punitive. There's no question about it.

What's going to happen is that if we did have a payback in that final year, it's going to drive us right into another overfishing situation because really we're not going to be able to achieve that, just like we weren't be able to achieve a 50% reductions in landings in 2009 that led to the emergency closure in 2009 when I first got on this council. These facts really matter here and it's not as simple as a payback will solve this or in-season closure will solve this. In fact, it won't solve. I think those points have been made. Just getting back to the comments here. I think the December spec progress, the bag season and size limits is not getting enough ... the credit it deserves because this council has really changed since early 2000s or late 90s in terms of that was a time when overfishing was a lot more common and prevalent.

I came on this council and we're looking at ... we were actually fishing Black Sea bass at 25% of MSY, although we can see there's stable catch rate. It's the exact opposite. We're looking ... those points really have to be made and stressed in this document, like that real fishing Black Sea bass at half the overfill. There's only amazing buffer we put in place. We never did exceed the overfill. Black Sea bass recovery is 100% and we're seeing Black Sea bass taking over cod in New England. You have to take that into account. What my experience has been with these Atlantic measures is that it's been really resulting in unforeseen

repercussions that also make our jobs a lot harder because we're forced to take actions that we just can't explain. That happened with scup.

We were looking at a closure of, entire closure of the scup season because of scup is at 200% and we had overage in the rec fishery looks like. It just automatically forced us to take emergency action to avoid a complete shutdown and the population at 300%. Those points really matter. My perspective here is that at the end of the day it really takes ... you have to roll your sleeves up and look at details and address the specific issue that addresses the overfishing. None of those options really get to that. They shouldn't be given the credit that like a knee jerk review would give them. Thanks.

Rick Robins: Just a couple of points really quickly because we have conservation equivalency in place for summer flounder. We don't have conservation equivalency in place for Black Sea bass. We did work with the commission. The commission worked through its process to reduce catch in state waters through a series of measures in their addendum. The scup ridge that occurred was expected to occur when the estimates set those recreational measures. Mike Luisi.

Mike Luisi: Thank you Mr. Chairman. I'll try to keep my comments brief. Jim first of all should have mentioned my first point, but fantastic job I think putting together this document. It's a new way of thinking. It's a general philosophical change in looking at recreational accountability. I think the document encompasses a wide range of different options and alternatives to deal with the different elements of management. I think the document is ready to go. To the council, I'd like to commend you for taking the necessary steps to even get to this point here today. This is a point for which we're making some significant strides in thinking about management in a different light and in a different way. I think our public or our stakeholders or recreational anglers have been ... well I stand here they've been asking me to consider these things for quite some time.

I think this is a tremendous step forward. I think it's time to take this out to the public and get their feedback on this. The word complexity and complex and every other word that means that has been said here today. I'm not terribly excited about going out to the public and having to try to explain all of this like Jim did to us earlier. I would almost prefer to buy one of those 10,000 piece death star Lego sets for my son and sit in the family room for a few months and try to get that slapped together. But I think we're making significant strides and Mr. Chairman if you're ready for one I have a motion prepared.

Rick Robins: Please.

Mike Luisi: Well, it's the motion that Jim alluded to earlier that was prepared which I can read if you will. Approve the alternatives that have been presented for inclusion in the Omnibus Recreational Accountability Measure Amendment.

Rick Robins: Is there a second to that motion? Second by John McMurray. Discussion on the motion. I'll ask really are there any additional additions that members want to see added before we go out? I know we had some discussion about possibly adding other MCs and modifications such as modifying the bag limit if that's ... that would be acceptable to make it a motion, but are there any other items that members want to add before we go out? John McMurray?

John McMurray: Thank you, Mr. Chairman. I may or may not add an alternative based on the answer to this question, but alternative 4B and 4C, I'm a little concerned about the use of OFL in both of those alternatives. One could certainly make the case that National Standard One is pretty specific that the ends are tied to ACLs, not OFLs. One could argue that we're essentially getting rid of scientific uncertainty here. I'm not even sure if that's legal in that respect. I'm wondering if somebody, maybe George can address that.

Rick Robins: George?

George Darcy: Well, I'm not an attorney. I think your point is well taken. You're right that the accountability measures aren't clearly tied to ACLs. Exceeding the OFL is a very bad thing to do because it does not take into account any uncertainty. It's certainly not a precautionary approach. Whether it's legal or not I can't render an opinion, but I take your point.

Rick Robins: John?

John McMurray: Thank you, Mr. Chairman. Based on George's comments, I think that maybe it's appropriate to add another alternative that is a little more conservative but less conservative than the status quo. I actually forwarded it to Jan. maybe we could put it up there for discussion.

Rick Robins: If you want to offer that in the form of an amendment.

John McMurray: Yeah. I'd like to do that.

Rick Robins: Okay. Read it and then I'll ask for a second plea.

John McMurray: Okay. I guess it would be 4E, payback when stock is overfished or when combined recreational and commercial ACL is exceeded. The overage and I think before I said in pounds, but I think it makes more sense to say in fish. The overage in fish will be deducted as soon as possible from a subsequent single

fishing here, recreational ACT if the stock is overfished or the combined recreational, commercial ACL has been exceeded.

Rick Robins: Is there a second to the motion to amend? I have a second by Howard King. John, do you want to explain a little bit?

John McMurray: Well, I'm just offering an alternative that doesn't include the OFL language, but still is a little bit more liberal than the status quo. It may or may not be acceptable to the recreational community, but I think it's important to leave it in there or put it ...

Rick Robins: Jim, can you put the language up when you get a chance? John, in terms of how these options are constructed, will that effectively integrate into the package as is? I just want to make sure of that before we vote it up or down.

Jim Armstrong: Since, the combined rec and commercial ACL has exceeded. In other words ABC is exceeded. The difference in terms of use of numbers of fish. I'm just trying to see how I would illustrate that in a table. If the stock's overfished or the combined rec and commercial ACL has been exceeded. This bold part is just the short version of it that the idea is then ... all right, so let's see. On the table, anything in the middle column would be a payback. That would just basically change these yellow cells right here to include payback so that'd go, I'd add that because ABC is the combined rec and commercial ACL.

Rick Robins: John, based on that it sounds like we could incorporate it.

John McMurray: Yeah. It'd be something in between a little more precautionary than ... it'd be in between 4A and where did it go?

Rick Robins: We were just adding this as an option to go out in public hearing document. Is there any further discussion or debate on the motion to amend? Is council ready for the question to amend? All those in favor please indicate by raising your hand. 14. Opposed like sign, 4. Extensions like sign. Motion to amend carries. We're now back to the main motion, further discussion on the main motion. Is there any desire to add additional options by the members. Lee?

Lee Anderson: I just want to make more option, but I'm trying ... it approves the alternatives that have been presented for inclusion in the Omnibus bill. Now, does that mean what was in the document? Does that mean also that there are some other things, but Jim did mention one other thing that wasn't in the document. I presume that's what's in there. I just want to make sure that we know what's in



there. I guess I'm willing to give Jim a little leeway to put it in for a public hearing draft, but the motion is a little less than specific.

Rick Robins: Let's say that had been presented. Jim, would that include what's in the written document to get reports in your PowerPoint?

Jim Armstrong: That's what I have.

Lee Anderson: Okay, good. Like I said, you can have leeway when you go write a little bit tomorrow as well as far as I'm concerned.

Rick Robins: Is that consistent with the maker of the motion's intent?

Mike Luisi: That's fine.

John McMurray: Yes.

Rick Robins: Thank you. Peter?

Peter Himchak: Just a quick question on your mention of within season adjustments as opposed to a complete closure. Would that have to be added as a specific option? It's very attractive, but I can see it has an administrative nightmare.

Rick Robins: It would have to be added into the options prior to voting on it I think. If the council wants to consider adding that we're going to do it by consent or we can do it by a formal amendment and then we could get the public input on it. Peter?

Peter Himchak: I have a question for George then on this very aspect. The administrative process with NMFS. Is this even conceivable?

Rick Robins: George?

George Darcy: I'm sorry, I was working on something else. Could you ... sure.

Peter Himchak: We're talking about instead of a complete within season closure, that there would be adjustments in other recreational measures that season or size within season and is that administratively possible? With NMFS...

George Darcy: The problem would be for those fisheries that have conservation equivalency. I don't know how, I don't think we could do it for those. I don't know how we would do it for those. More generically, ES is possible, but I think we want guidance on which of those things you'd want us to at least priority order, which would you prefer be adjusted first? Presumably not seasons if you don't want a closure. It would probably be a reduction in bag limit or an increase in minimum size. It wouldn't be easy, but it would theoretically possible, but with conservation equivalency fisheries I don't think we could do it.

Rick Robins: Peter, I would suggest that if we did go out for public comment we could evaluate it at least. We could also consult with the commission to see how it might relate to those types of fisheries. Frankly, I think that's one of our most significant outstanding challenges is the fact that our accountability approaches aren't fully integrated. We start out at the beginning of the year with an integrated process, but it breaks down our retirement if we have these situations where we have an overage. The commission hasn't yet prescribed approaches for how to deal with that and it's doing it on an annual basis. So far they will be able to work out remedies under those circumstances, but I think trying to move towards a better integration of those two processes would be helpful down the road.

Is there any objection from the council to including that for consideration? Seeing none, we'll include that as well. We're back to the main motion as amended. Is there any further discussion on the motion or do members want to add any other options to it? Jim, do you want to put in the main motion on the board please? Thank you. Can you add the amended portion or bring that up into ... okay, the motion now is amended as approving the alternatives that have been presented for inclusion in the Omnibus Recreational Accountability Measure Amendment with the addition of 4E, with the addition of alternatives 4E and 2D. Is that it, Jim? Thank you. Is council ready for the question? Chris.

Chris Zeman: I don't think we open this up for public comment yet.

Rick Robins: We have and is there any public comment on the motion to go out to public hearing? Seeing none, is the council ready for the question? All those in favor please indicate by raising your hand. 19, apposed like sign, abstentions like sign. Motion carries unanimously. Thank you. Jim, is there anything else to come before us on the list that we need to have a second follow up motion? That's it?

Jim Armstrong: I had there's approving the alternatives. I had a motion to approve the document for use as a public hearing with the following changes and then I guess that my understanding is that you've done that and what I would do is add those alternatives. I would suggest also and I should have at the beginning that the deviations and the additional from the alternatives that you were presented with

in your draft as well as the additional information and elaboration that was provided in the presentation would of course be added to the document before it goes up for public hearing.

Rick Robins: Jim, I think we're all set.

Jim Armstrong: Okay.

Rick Robins: Thank you. Chris, you've got two minutes to overhaul the Magnuson Act.

**Magnuson-Stevens Fishery Conservation & Management Act**  
**April 10, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Chris Moore: The only thing that we could find relative to reauthorization of Magnuson, at least for the time that we're putting the briefing book together, was this testimony from Sam Rauch to a committee on March 13. Hopefully we had a chance to look at that. Basically for the next half an hour or so we'll talk about some Magnuson issues, see what you think, basically have a roundtable discussion. We have some slides that we use to stimulate the discussion, if Jan could pull that up please.

Jan Saunders: I haven't had the chance to put it on this so I need a second.

Rick Robins: While Jan is getting that up there, Chris had talked a little bit about this before today and we're not looking for, I mean I would not anticipate giving the diversity of these around the important elements of the act that the council to hear and try to hash out or hammer around some sort of consensus position on this thing. I think in the context of going into this managing our nation's fisheries through a conference, it's going to be a panel discussion. That panel serves as a forum for tabling some of the challenges that we faced operating under the reauthorized act. We've heard about some of those today.

Practically, we're addressing as many of those as we can in the normal course of business here at the council level. But there's still outstanding challenges that we can't resolve given a limited authority under the Act. We started the ongoing challenges I think it's been up to you to highlight some of those. It's also an opportunity to talk about some of the successes we've had under the reauthorized act. Again, we're not anticipating that the council would hash out a consensus over some of the elements of the act but rather be able to point to issues that are ongoing challenges for us under the reauthorized act. Chris had put together a presentation on that.

Chris Moore: This is actually a list of things that the staff and I came up with. Again, just to stimulate discussions. If you see something up there that you don't think is appropriate or right to bring forward to managing our nation's fisheries conference then let us know. There's thing there that we've missed, we want to hear about those as well.

In the briefing book we talked about basically the frame of the discussion, what's working what's not with Magnuson. The first grouping of possibilities involves the National Standards and basically, over the years we've had a number of discussions about national standards which ones are predominance over the

other ones. We've had many discussions that national standard won for example Trumps, some of the other national standards when it comes to legal considerations. There's that wallet that we potentially could talk about.

The next one relates to national standards for habitat. We don't have any national standards that relate to habitat and this habitat has become more important to our discussions and maybe time to consider having a national standard for habitat.

The next bullet relates to this continuing discussion about how MSA and NEPA work together. Remember when Dan was the executive director he was working with a group of other executive directors to frame this discussion basically arguing that MSA basically met the requirements of NEPA. Other folks differed with that interpretation. We continue to have those discussions with our NMFS partners about MSA and NEPA.

The next one relates to definition of the fishing communities, national standard relates to that particular topic whether or not that's too narrow. The specifics there are that the fishing communities that are most often discussed, the Magnuson don't reference recreational fishing communities, they reference commercial. That's the topic there.

Last but not least somewhat related to the habitat national standard is the time for the national standard for ecosystems. Those are potential topics whether or not we could have an open discussion of those or we could move on Mr. Chairman your choice.

Rick Robins: Maybe you should do the whole thing and then come back and touch on the questions.

Chris Moore: Okay. The next slide relates to the interpretation of national standards. We have here where we've had a conversations in the past about the law, the actual act and the guidelines that are produced by the National Marine Fisheries Service whether or not the law should be more specific and take away some of that, I wouldn't say it's flexibility, take away some of the ability of NMFS craft guidelines around some nonspecific versions of the law. In other words come up with their interpretation of what the congress meant.

Another bullet would be how should OY relate to ABC/ACL/ACT. We've had this conversation within this council. What is OY? Do we even need OY anymore? Do we need to talk about OY?

Some other issues, ecosystem versus single-species management is the current law too geared towards single-species management. Do we need to modify that? The other bullet there relates to National Ocean Policy. Over the last couple of

years we've had more and more discussions about National Ocean Policy, we're still not clear exactly where that's going to go. But there may be a disconnect between MSA and the National Ocean Policy. That's something that reauthorization may not want to address.

There's also restriction on the membership to regional planning bodies and we had discussed that before in terms of council membership. That's another possibility.

Other issues, climate change and shifting fish populations should state memberships on the Regional Fishing Management Council be reevaluated. Which states belong to what councils? We have ongoing discussions. Right now, the Rhode Islands should be added to the Mid-Atlantic Council. We've had discussions in the past that New York should be added to the New England Council. Again, this is something that we want to have considered in the reauthorization of the act.

The other possibilities, another bullet there is other representation and governance issues exploring opportunities allow states or regions to vote on fisheries-specific actions (specs, frameworks, amendments) in which they have a significant interest but are not represented on the management council. So Rhode Island could be involved when we talk about squid. Virginia and New Jersey might want to be involved when New England talks about scallops, so again, another issue to think about.

Another issue or another grouping of bullets relates to resources and funding. Monitoring, funding options is one bullet there. Science funding, how should funds be distributed for data collections, stock assessments, and cooperative research. Another possibility and it's been discussed in the past is that the councils and the commissioners line item in NMFS, NOAA fisheries budget. Maybe it's time to separate out the council and the commission from that particular line.

Finally, we've had significant discussions in this council about fishery disaster relief, there's some confusion about that. There's some lessons learned from Hurricane Sandy specifically how that money was allocated or not allocated and how should that system work in the future, another potential bullet or potential idea for reauthorization.

Is that it? That's it. Last to think about, any jump out at anybody as a prime topic for us to bring to managing our nation's fisheries?

Rick Robins: Dewey?

Dewey: I got the one here. I've been discussing, thinking over is about promoting our seafood industry as sustainable not having to go with MSC certification of cost in industries, hundreds of thousands of dollars that need to be looked at. If we have annual catch limits and over 15 is stopped why didn't our fishery sustainable? That certification needs to be put forward from National Marine Fishery Service to doing a great job of seafood watching and marking that seafood or about there but that certification mean are our seafood sustainable? I don't know the correct terminologies but if overfishing stopped we got annual catch limits, they're sustainable seafood. Why does the industry have to go pay a quarter of a million dollars or \$500,000 to get this little stamp that our tax dollars are paying for people to manage our fisheries. I like to make a motion, I think Jan might have it and I'll read it.

Rick Robins: Go ahead.

Dewey: It's that the Mid-Atlantic Fishery Management Council recognized to the organizer of the Managing our Nations Fisheries 3 Conference that as an important amendment to the MSA would authorize National Marine Fisheries Service to provide the US industry with a sustainable certification program and certification mark which we would provide the industry with the ability to promote and sell its seafood product in both domestic and export markets as sustainable based upon the requirements of the ACT. It's almost like if we're going to walk all our acts since together why does the industry ... we have to go spend extra amount of dollar to get something that our country says, "Hey, this is sustainable here."

Now I think it's a good thing, our fisheries are going that way. There's a lot of pain in going that way for communities and stuff but I think it's passed on that if you go to promote the industry in order to be all the way around it would not be just three-quarter ports.

Rick Robins: Thanks. Dewey this is your second of emotion, second about Peter Himchak? Dewey I think this is a great idea. There's been discussions about it, it may MAFMC and elsewhere and I think the agency would like to have additional legislator authority in order to have such a program in place. But I think the idea that these fisheries are managed under Magnuson given all the requirements that are in place now ought to convey some weight in the marketplace and having a sustainability program would be one way to do that. Discussion on the motion, Peter?

Peter Himchak: Yes, thank you Mr. Chairman. When the MSC process began there's plenty of dogfish. I mean I could see it as a good marketing tool and I couldn't understand industries reaction to the MSC process and then when I look at the process and what it cost to get somebody, an individual organization to give you a certification it seems like an outrageous process. Even though, I understand

that why that New Bedford organizations put up the money to get it. It seemed like this could be a real good thing from marketing spiny dogfish. But then why did they have to go through that? That seemed to be unnecessary to me.

Rick Robins: Chris.

Chris Moore: Follow up to that Peter, I talked to the folks that originated that request with MSC to have spiny dogfish certified and I said, "Of course, you've started to make more money on spiny dogfish as a result of that certification." I said, "No, just the opposite." They had panned that by spending that amount of money for that certification that of course it would have been a payback, perhaps it's been one of the day. In fact the buyers in Europe that they thought they would be selling MSC certified spiny dogfish to are buying uncertified spiny dogfish from other sources. So that wasn't something they planned upon.

The other thing in response to Dewey's motion, this particular motion, the agency has been involved in some programs that relate to this are not exactly like this and Dewey reference Fishwatch, for example. The agency when I was there was very reluctant to use that Fishwatch stamp as a certification stamp but basically the message was, "Hey, any fish harvested legally in the US is sustainable and it should be treated as such." They were just very reluctant to take that next step to say, "You could use our Fishwatch stamp as a label for sustainability."

Last but not least, there is some, and I can't remember the name of the group out of Alaska that's proposing language for Magnuson that relates to a Seafood Marketing Council. Basically they will funded by the federal government to do this. This would emphasize that work and certainly it was something that we could forward to NMFS.

Rick Robins: Additional discussion on the motion? Probably call on the motion, Jeff?

Jeff Kaelin: Thank you Mr. Chairman. I'm Jeff Kaelin, Lund's Fisheries. This is a great motion. It's time for this ... I'll give you a little bit of background. We sail around the world. I don't think there's a country in the world that Lund's Fisheries hasn't produced product in the last 30 or 40 years, 35 years or something. Since Jeff begin to develop our marketing program. We're in the EU and we're getting bashed by MSC in the EU. In fact I'm concerned personally that the EU might erect a new trade barrier requiring processors to use them at sea to sell in the EU.

They've been very tough on the American producers for a long time so they're going to use this as a trade barrier I think. We are convinced that the United States government could crack the market by certifying our products as sustainable under the Magnuson Act. We like the Fishwatch program a lot, we



use it and we promote what we do to domestic consumers at Harborfest and so forth. We were actively promoting Fishwatch but it doesn't do enough for us with our customers.

Recently in March, we were able to secure a lot of it from the agency that certifies monkfish, spiny dogfish, Atlantic sea scallops and skate as sustainable under the Magnuson Act. We had a meeting with Sam Rauch last summer and Galen Trumble produced this letter for us. It's all we need in the EU but we need, excuse me, I'm sorry in the UK. But we need more in the EU. We've heard from the agency on the discussions on this issue over the last couple of years that they need additional legislative authority to be able to get us a service mark.

As the chairman commented May in fact is looking at this right now. They're going to be coming in I think the day after this conference in May that Thursday they're going to be reporting annually with their subcommittee's recommendation about this. I think this is very timely and something that should be moved in the Magnuson Act. There's a traceability bill that's floating around the hill too when we're starting to talk to those guys about trying to stick that and adhere into that. On the dogfish issue it's true the three New Bedford processors put up and I think about \$400,000 I've been told.

The rest of us who produced dogfish we're just starting to get into this, can't use the SMC mark I mean there's a post to open up the process as US dealers. The class going in the room is probably going to be at a \$100,000 of Lund's Fisheries decides to participate. We don't think that's a very good investment. When are we going to make that investment? This is the right way to go. The Magnuson Act obviously we'd been living on there for years and we really appreciate the council supporting this motion. Thank you very much.

Rick Robins: Thank you. Sean McKeon?

Sean McKeon: Sean McKeon, North Carolina Fisheries Association. Thank you Mr. Chairman. I'd like to speak in favor of this amendment, I think it's very good and as Jeff said long overdue. The beauty of it to my way of thinking is that the process is produced from the councils, the various public input, all of the work that's being done throughout the process to produce the management measures under which our industry has to work. It's showing that that's not recognized efficiently as being sustainable although it probably far exceeds anything that would be required.

I've often been very reluctant and very suspicious of the organizations that promote this as if until the stamp of approval is on it all the work that's done in these rooms is just not sustainable and not good work. You got to do additional things to get the stamp of approval and the rocking time obviously over in the European sectors to make sure that their product, their stamp is the one that's

given when it's accepted. I think that this is a very good way for the United States to step into that. Interestingly not far as we talked about Magnuson, most of the so-called environmental groups are producing just massive information about how wonderful the Act is, how successful it's been, how incredibly great it is. We don't need to tweak it. We don't need to touch it, fine. Then let's put our money where our mouth is and allow the wonderful and credible work of the Act to speak for itself and have an agency produce sustainability. Thank you.

Rick Robins: Thank you. Is there any further comment on the motion? Is this Council ready for the question? All who's in favor please indicate by raising your hand, 18. Opposed like sign, abstentions like sign, one abstention, motion carries. Thank you.

Other items on within Chris' presentation that evoke interest? Steve?

Steve Heins: Thanks Mr. Chairman. The one thing that jumped right on at me being kind of fresh in my mind is the response to the regional fishery disaster, Allen, pursuant to the provisions of Magnuson. I think the biggest problem we had is that there was no money to follow up on and what was looked to be a promise in the law. From my perspective that was really a failure. I mean what had appeared to me was that the intent was to provide a media relief. Those words are in there. It's a media relief. I'm not faulting the agency at all on this. I think that the response the agency has been superb, it's just that without any kind of operational plan to provide immediate funding or some other resources when you're losing coolers, freezers, docks, and you need maybe a help to get back up on your feet that money is not going to flow to almost probably a year after the disaster.

From that perspective it doesn't work. I don't know if there's something that could be changed in Magnuson or if that's something else but that's the thing that jumped out of me.

Rick Robins: Chris Zeman?

Chris Zeman: I'll just add at that point, I think the hurdles that I saw overall in terms of responding to Hurricane Sandy was one, there was a brief period of time where it was questioned whether or not recreational fisheries are eligible to get disaster relief funding. That was the question that was going around, it was actually clarified by NOAA, I appreciate that clarification. But to the extent that that was there, the action we clarified to specifically will allow recreational fisheries to the benefits of those emergency provisions.

The second real hurdle that led to this issue in terms of delaying funding is that a lot of disaster provisions like FEMA and all these other federal disaster programs, there's a congressional agreement that those are not, the sort of the pace ... the offset rule. The congressional offset rule saying that let's say if you're in a budget

appropriations process and you want to increase the budget on for one certain project you have to generally find an offset for that money. That's very controversial, that is newly impossible to do, in that case every dollar matters. A lot of the HUD grants, FEMA grants those are all exempt from that offset requirement and that allowed that process to go much more smoother in terms of getting appropriation within months after Hurricane Sandy.

The big problem with Magnuson is that there's a need to sort of get, find a way to sort of get that disaster relief funding, trying to avoid that offset rule. There's a lot of things that went on to try to do that. At the end of the day those did not work and we end up with a \$5 million disaster fund. To be exempted we should have Magnuson disaster relief also be part of the same sort of agreement as FEMA or HUD that there is no offset requirement. Now, I would say that should be the case and whether or not I guess it's a decision more of in terms of congress to include that in that sort of agreement, that budget agreement.

Rick Robins: Thanks Chris. Other comments or reactions to issues in Chris' proposal? Howard?

Howard King: It's more of a question of what would be the channeling of these to the responsible part of our inclusion and is there still an opportunity to suggest other items and is there a deadline for doing that?

Rick Robins: Yes. I think if you submit something to Chris, I can discuss that prior to the conference. I would pretty state it in a panel possibly that when an issue comes up and if not I mean I'll still be there and Chris will be there, we can ask questions over the panel or raise somebody's issues through the discussion. It would be interesting to see if there's a payroll of the different regional councils, how much similarity there is, in the concerns. I think we've all been challenged with certain common challenges like managing data port stocks but then the other issues are specific to each council and why the challenges. I think we discussed the other day was some of the disconnects that occur are our jointly managed fisheries between Magnuson and [inaudible 00:24:56] because we don't have a full integration of some of those details. For example with respect to accountability and how those details would be handled.

I think there will be some common themes among the councils but if you had, if members have specific concerns prior to that then you want to forward them to Chris for discussion here. We can certainly try to do that but we learned that at least to have some open discussion today and an opportunity for that. If there are specific issues that you want to see us vet through that form and one of the things Chris has in here is with respect to monitoring funding options, in the Alaska region they have the ability to do some cost recovery and actually operate or cover the cost, observer coverage and monitoring coverage.

We don't have that same option in the Mid-Atlantic and that's all it's been a little bit of a problem in terms of trying to cover some of the observer and monitoring objectives. That was an issue that Chris had highlighted in there.

I think we have ongoing governance questions Rhode Island who's continued I think to consider the legislation introducing congressional legislation that would add Rhode Island to the Mid-Atlantic Council. We have concerns about the street of Mid-Atlantic's participation in the scallop committee. There are obvious examples of fisheries where we are not in a joint management plan and I wouldn't suggest that we've been in a joint managing plan for that resource but the Mid-Atlantic has a very large interest in that fishery and we don't have the ability to vote on those specifications, frameworks or amendments.

I think there are some governance issues here in the Mid-Atlantic that are certainly right for consideration but that are specific to our particular situation. But to the other issues all I want to see is explore in that form we can take those up. Chris?

Chris Moore: Just to follow up Howard in terms of where this goes. The Managing our Nations Fisheries Conference is our first shot but not our only shot. We go beyond a panel hopefully with this other council representatives talking about the pros and cons of Magnuson and what needs to be changed and what doesn't?

Eventually this will evolved into a position letter that comes from all the councils, to the secretary of commerce to consider what the council's believe need to be addressed and reauthorization of the Magnuson Act. Similar letter went to them and I could share that with the councils who was actually signed by or prepared by the Mid-Atlantic Council because it was our year to be the sponsors for the CCC meeting and that letter was sent out and basically taking a number of issues some of which were incorporated into reauthorization of the Act.

Again, this is the first shot, you have ideas, again as work indicated just something else on the decimal take care of it.

Rick Robins: Further comments, John Boreman?

John Boreman: Yes, I just wanted to mention that I'm one of the panel on the habitat side and the title of my presentation is "Should Habitat Conservation Be a National Standard." It addresses that part of Magnuson book from the habitat viewpoint.

Rick Robins: John you can give us the answer.

John Boreman: The answer is its debatable and that's why I raised it so we can have a debate on it.

Rick Robins: We look forward to that discussion. Are there any items the members want to discuss while we convene on this topic? John?

John McMurray: Thank you Mr. Chairman. I also think maybe within Magnuson we need to consider further guidance on makeup of Councils and what the composition is of stakeholders. How many recreational, how many commercial, like we need to be or we need to see more specifics on that.

Rick Robins: Okay, further issues or discussions on this issue? Is there anything else you might like to bring to us before we adjourn? Chris?

Chris Moore: So just to be clear there was a number of things that I presented to you today. Is there anything in there that you thought was inappropriate? No. So if you have reconsideration of that, let me know....

Rick Robins: Chris Zeman?

Chris Zeman: One thing I did not see in that list was how nice it addresses non-fishing impacts. I think that scenario that needs a lot of strengthening and it's a real avenue of opportunity for the councils especially now when we're seeing a lot of non-fishing related projects affecting oceans and rivers.

Rick Robins: Thanks Chris, and I touched on it under new business but after having been overseas and seen the extent of interactions between fisheries and the offshore wind energy and understanding that ultimately deciding process needs to have fine scale or very fine resolution data about special like where our fishing operations are recurring. I think getting that type of data into the process hopefully the federal level should really help better informed the deciding process for offshore energy and all the initiatives related to marine special planning.

I think way Magnuson is set up with the confidentiality aspects on data that maybe a significant barrier to having an effective deciding process so that's something that many had exploration, there had been discussions about how the VMS data could be used in that process? But I don't know that all those questions have been resolved. Again, I think ultimately we need to have access to fine scale special data so that is ... as that energy industry emerges in the US, we're in the position to at least manage the interaction, mitigate the interactions and try to keep them to a minimum.

Anyway, other issues on this? Bob?

Bob Beal: Thank you. One of the items you have in your list Chris was separation or potential separation of the council and commission budget line item. Just trying to get the understanding of that, is there a perception that Councils are slowing

down and commission's getting more money or commission's slowing down, council are getting ... just to separating those two so there's a greater resolution on who gets what dollars.

Chris Moore: I spoke quickly, keeping the council and the commissions together are separate from NMFS.

Rick Robins: Go ahead.

Chris Moore: There's pros and cons to that.

Bob Beal: So that money will not go through, no one necessarily before it came to the Council's and Commission.

Chris Moore: Right.

Bob Beal: Got you.

Rick Robins: Anything else? Alright with that we're adjourned and we will reconvene at 8 o'clock tomorrow morning.

**RSA Committee**  
**April 9, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Preston Pate: Anyway. Rich, I turn it over to you. Thank you.

Rich Seagraves: Thank you, Mr. Chairman. Again, thanks for NMFS sending Ryan down and we've had a couple conference calls. As the press has already indicated, this letter that's in your briefing book is in response to our letter that we wrote last year in the fall, following the August council meeting.

We had been involved in an evaluation of the R.S.A. program for over two years. Basically as they cut into this thing, really two kind of issues. One were scientific issues that separated the house because of course, R.S.A. is scientific research funded by the amounts of fish that are taken out of the general quota and then made available for scientific research.

One of the complaints that we have gotten and looking backwards was that a lot of that, when you looked at the sum total results of all the R.S.A. projects that have been funded over about a 10 year period, we didn't have a lot of success. There were problems. Some of it was related to the science so that was why that, from scientific perspective, we wanted to take a close look at the program and see why some of those projects failed and where we could improve on the science end of things.

The first five, if you look at the letter from John Bullard, the first five topics touch on what we'd asked in terms of for scientific changes and how we dealt with the science.

What we had proposed was first that we have full integration of the S.S.C., Scientific and Statistical Committee, in the process. They really had not been involved for the first eight-10 years of the program.

We, in our first suggestion and let me just say, the first five, all the scientific recommendations that we've made, NMFS agreed with and basically endorsed.

The first was that we'd have our S.S.C. rank, our research priority stored in the development of the council's five year research plan and then those recommendations will be given to the R.S.A. committee and then the R.S.A. committee at our August meeting would identify the top 10 research and management needs based on S.S.C. priorities in the letter.

Then, also in the revised book there's a revised timeline that incorporates this

new framework that we're setting up. That does not include the fact that recognizes that the management needs would also be addressed at the August meeting. The way it will work is the S.S.C. will rank the top research needs given to the R.S.A. committee and then they'll take it from there and N.I.P.S. agreed with that, thought that was a good idea.

Then, based on that prioritization, under number two, N.I.P.S. would develop their R.F.P. based on research and management needs identified on the committee; it's the way we do it now.

We also had suggested that S.S.C. members be part of the crew of technical reviewers. Every year or these projects come in and there's a shortage of technical expertise to evaluate the scientific and technical merits of most of these R.S.A. proposals. The science center, we're always looking for more technical reviews. One of my concerns was some of the failed projects, at least one had a flawed statistical design going in, so certainly that's something that we want to avoid.

That was the reason why we wanted to include the S.S.C. members and of course, their response was great. We need help so that will happen.

Number four, then the R.S.A. committee does their management review of proposals and makes recommendations for funding of projects under the R.S.A. program. That's the way we currently operate. No real change and they agreed to that.

Number five on page two of the letter, researchers that are funded successfully will be required to submit interim and final reports; the final reports will be reviewed by the S.S.C. for scientific validity and approval for their use by the council. Their response was that the R.S.A. grant recipients have interim and final reporting requirements currently as a condition of their grant but in an effort to involve the S.S.C. even further; the center will forward all interim and final reports to the S.S.C. for review. John Forman, be happy to know that you guys are going to have lots to do.

Again, so basically they agreed with the first five points relative to the science. I don't think there's anything controversial there other than John getting upset with me down in the corner.

That leads into the administration and I'll just stop there. I think the science part of it was pretty much a slam dunk. They clearly was a need to integrate the S.S.C. into the process. In fact, the S.S.C. was open to the opportunity to participate and review of the projects and so forth. They were willing to do that.



There weren't any real controversial responses that we got and N.I.P.S. basically agreed with the science part of it.

Any questions at this point relative to that? Rick?

Rick Robins: Thank you, Mr. Chairman.

Rich, I have one question. Just looking at the draft timeline of at least the way the research plan and research priorities are evaluated, they're essentially going out to all the council members of the S.A.S.C., the northeast center staff and the regional office staff. Wonder if there's an opportunity to also get some A.P. input relative to those priorities. I'm thinking about the way that the scallop R.S.A. program operates in New England. In that case, there's a lot of very detailed projects that get taken up, the management relevance of which is considered in quite a bit of detail and I think having that there is some A.P. input in that process, typically there's some industry people involved in the industry review process but I wonder when we at least draft the research priorities and circulate those if we could consider a mechanism by which you would have the A.P.s see those as well and offer comments that the council could then consider in the subsequent process when it's trying to finalize those research priorities.

Rich Seagraves: Yes. That's a good point. My first thought is that in terms of timing so basically we come in August, the S.S.C. will have done their thing in terms of the overall five year research plan.

The five year research plan though, really is built from all our individual species considerations, every time we set specs. First thing we do is that the S.S.C. reviews all available information, looks at the assessment, sets the A.B.C. and in that process, identifies the number, where the scientific deficiencies are, where the research needs are.

We also have the A.P. performance report which is put before the S.S.C. to give them perspective of what's going on in the fishery outside of purely scientific stuff. I would think and I think it's a good idea so I would suggest that maybe we make that as a term of reference for the A.P. report, that would be my first reaction to it. I think it'd be difficult to, if you did it all in one fell swoop, you'd have to bring all the A.P.s together and I think it could be efficiently incorporated into the process that way.

Rick Robins: If I could just follow up. Rich, that's a good idea. We can expand the T.O.R.s to go to the A.P. for the performance report. I think from a timing standpoint, that would probably fit pretty well, too because I think by July, most of those are going to be done. We could highlight that as another set of questions there at the end of the A.P. report.

Preston Pate: Thank you, Mr. Chairman.

I'd like to recognize the NERO director, Mr. John Bullard for joining us today. Thank you, John. Nice to see you. Yes, that's right.

Peter?

Peter Himchak: My question is how wide a net are you going to cast in the review for the advisors? Right now, you could see where there's a lot of confidential and personal information in a lot of the project proposals and those on the R.S.A. that review them for management concerns. I know I shred them all but so how wide a distribution are you considering on this and does that open up any avenues for publicizing things you wouldn't want to publicize?

Rich Seagraves: Right now, we're talking about the review of the interim and final reports so that has been notable. I think it's discussed a little bit later when we get into it with Ryan about some of the confidentiality problems associated with distributing this stuff but I think in the interim report there may be some issues.

Ryan, bail me out here.

Ryan Silva: I thought we were talking about the research priorities and the development of those and not the reports.

Rich Seagraves: What was your question M.P.? I'm asking relative to the review of the reports.

Peter Himchak: No, mine was related to the project proposals themselves that were very detailed.

Rick Robins: If I can clarify, Mr. Chairman. All I was asking was whether we can get the input relative to the priorities and that's something we can add as a term of reference to the A.P. engagement that would be relatively easy and wouldn't get into the confidentiality problems.

Preston Pate: I'd also like to recognize Ms. Lewis Daniel, the director of grain fisheries here in North Carolina joining us today. Thank you Lewis for making your strange trip to Raleigh, I'm sure.

John? (laughing)

That's a [inaudible 00:11:49] in my office.

Go ahead, John.

John Boreman: Are we finished with old home week now? Thanks.

I just had a question. At one point we discussed having the S.S.C. chair and vice chair as non-voting members or ad hoc members of the R.S.A. committee. I don't see that addressed here. Is that still the case or what?

Rich Seagraves: Yes, and just back up a little bit. In terms of the one request was to have the S.S.C. as the pool of the technical reviewers which is prior to when you would have confidentiality issues. They would be subject to all the, whoever reviews it now can be a staff member, they have to sign a thing saying they won't release the information, all those sorts of things to protect that confidentiality.

Okay. Any other questions, science related?

With that, we'll get into the rest of the letter and most of the other topics are related to administration and enforcement of the program and bullet number six highlights the idea that it's difficult to track R.S.A. quota relative to other fishing activities that are especially if certain park sectors of the fishery are not normally weighing their catch, namely the party charter boat and the need to make sure that we, without the number six, addresses the need to outline and to track all the landings, mainly, partly because of the ACLACTALAM amendment which requires a strict accounting of all sources of fishing mortality.

Basically their response was to ensure that the quota's properly tracked. They're monitoring the R.S.A. quota landings to the I.V.R., the recorded landing and the vessel trip report, they agree that there's room for improvement and there was some steps that could be taken. Now, at this point, what we had decided was Ryan Silva might be best to lead us through this discussion, to point by point take over here and give us your background in N.I.P.S. and why you responded in the way that you did.

Ryan, would you mind doing that?

Ryan Silva: Absolutely. Thank you.

If anybody has any questions, I guess I'll pause after each one of the requests and see if anybody has any questions or points to be made.

Just stepping back a little bit, this program is administered and implemented by, through the science center. They're the ones leading the show but we are helping with that. We're particularly involved when it comes to issues relative to regulations, compensation fishing reporting and also monitoring quota.

The response was something we worked out with the center, with Denise and

with folks at O.L.E. I'm also, since I'm often in the weeds with this, I forget that folks aren't all that familiar with basically how we are handling compensation fishing oversight. The remainder of the issues in this response are in one way or another are related to compensation fishing, the harvest of R.S.A. quota.

We've set up a process to monitor the harvest of our R.S.A. quote, we want to make sure that the grant recipients don't receive what they're rewarded. We don't get into looking at individual vessels and what their agreements are with the P.I.s in terms of how much they're allowed to harvest. We try to focus on a higher level at the overall grant level because otherwise they would become overly burdensome. As we know in this letter, this isn't a right for any individual fishing vessel, it's more a right provided to the successful grant applicant.

In summary, vessels that are going to be harvesting set aside quota, the reporting requirements are in addition to ones that they already have as part of their permit they normally operate under but I think we recognize that they're not all that rigorous and there's things that we can do to improve them so Carl made vessels need to let us know before they depart on a compensation fishing trip within 24 hours. Upon returning, they need to tell us what they had landed for R.S.A. quota up through an interactive voice response system. It's a phone system that they call in. It's a series of prompts we give them instructions and that's how we basically document what was harvested.

We do have other sources of information that we use but that's our primary means to monitor what's been landed. One of the issues or questions that frequently come up is concern that because that this set aside quote could negatively impact the state quotas.

Basically what we do to ensure that doesn't happen is we require that the compensation fishing vessel tells the state in which they landed and we deduct any of the R.S.A. landings from that state against the dealer recorded information. Theoretically, if everybody's reporting accurately, they zero each other out and there's no impact to the state quota.

I just wanted to give that background before we get into some of the weeds here. I'm just going to ...

Tony DiLernia: Thank you Mr. Chairman. What we're hearing you saying you do not look at individual vessels?

Ryan Silva: In terms of what they're allowed to harvest. What we look at the overall grant award, so it's very example, if they're awarded a million pounds of fish. We want to make sure that they don't exceed a million pounds. We're not concerned with how they distribute those fish between their partners but we obviously each

vessel needs to tell us what they're harvesting so that they don't exceed the overall reward.

Tony DiLernia: In the case of say fish that are auctioned for the for hire fleet, you don't look at what each for hire fleet lands? You just look at what the entire for hire fleet lands?

Ryan Silva: No, we just want to make sure ... We're not concerned with if a vessel gets 100 pound or 1,000 pounds of set aside quota, we just want to make ... So, each vessel trip, we require that they report what they land so for each compensation fishing trip, they need to tell us the number of pounds landed but we're not concerned with their arrangement with the investigator of how much of their grant award they're allowed to harvest.

Tony DiLernia: But how do you verify what they reported?

Ryan Silva: The I.V.R. system has documents each call so for each trip there's a record created in the database that documents the vessel permit number, the project code and the amount of fish landed. We basically apply the set aside landed against the project award.

Preston Pate: Chris Zeman, do you have a question or just ...

Chris Zeman: I think the point Tony is trying to make is that a lot of our R.S.A. fish are actually done through an auction so there is no real relationship between the vessel that gets the fish and the investigator. Does that affect your understanding of this at all?

Ryan Silva: I'm familiar with the auction and from our perspective the fact that the successful grant applicants work with the auction and that process. We still feel like the grant recipient is responsible for that award ensuring that they exceed their award but there's also specific requirements for the vessel as well. From our position, we maintain that link even though many folks feel like it's been severed.

Chris Zeman: Right, just a follow up. I agree. I think it's mainly the states that do most of the enforcement of most of those individual vessels, is that correct?

Peter Himchak: That's the vibe that I was getting from Tony's questions. It's all self-reported data. They can call in and unless you're there dock side, somebody actually verifying those weights, there's a strong incentive to underreport. If you can keep going out, making more trips during a closed season with a commercial fishing vessel, it's not as likely to occur because they're weighed by the dealer.

You're having people call up, that's always been part of our permit system. You call in, you weigh all the fish, you fax in the papers but if there's nobody out there monitoring that fleet on what they actually land, then it's a trust system and we feel very uncomfortable with that but that's the way it goes.

Preston Pate: Okay, Ryan. Speaking of the auction reminds me of this past auction which I attended by teleconference and anyone who has never been to one of those that wants some education, needs to attend this by teleconference. They're actually run very well. The lady that runs it obviously has a good insight into what needs to be achieved and she works very hard to achieve it.

Do you have a question or any comments to make?

Ryan Silva: Okay. I think some of the questions or concerns; hopefully we're going to address some of those in these steps that we're taking so that was the intent of this endeavor.

Again, I had mentioned, I'm just going to item by item, like I said.

Under item seven, I think that's self-expletory but we just wanted to clarify that these awards aren't conferring any right to any specific vessel. It's a right that's granted to the applicant of the R.S.A. grant recipient. It's certainly not an I.T.Q.

One of the concerns about the landing of set aside quota is that there's this window of opportunity for the vessel to determine what they're going to report. Basically they have 24 hours after landing to provide the landing information to us. There's an opportunity there to underreport or not report so we felt we agreed with the council that a pre-land report would mitigate that, if they essentially entailed that the vessel identify what they have a haul weight on board for our state quote. As part of the pre-land report, they'll need to provide the port for which the vessels will be landing, that information we failed at enforcement. We'll talk a little bit about that later.

Just one other point, for federally permitted vessels, they'll also be required to let us know what V.T.R. they'll be documenting their our sake or under so that'll be an additional point that they'll need to provide. That obviously wouldn't apply to the state only vessels.

Preston Pate: Tony.

Tony DiLernia: Regarding the reported weight, there are honest mistakes and there are intentional mistakes regarding the estimations of landed weight. Is there any guidelines regarding when the, I guess we would say, it has been an attempt to receive rather than an honest mistake in the estimation of the number of fish on

board?

Ryan Silva: Remind me, that's an enforcement question. The hail weights are estimates but that's outside ... We've consulted with enforcement about these requirements and they're supportive of them but we didn't get into specific thresholds.

Preston Pate: Laurie.

Laurie Nolan: Thank you, Mr. Chairman. Back to ... Well, two questions. I understand that the recreational sector is monitored by a head count of fish but in the auction process, they're buying a lot that consists of a certain number of pounds of that fish, not a number of fish so while, in the end, aren't they held accountable to specific poundage and to that why aren't the individual vessels being monitored to a specific allocation that they have purchased rather than looking at the whole number that was awarded to the P.I.?

We're not quoting an I.T.Q. but for that specific year, more or less operates as an I.T.Q. It's giving a vessels a certain amount of fish that it can catch so I'm a little bit confused why it goes back to the aggregate rather than the accounting being on an individual basis and that the recreational sector on those trips were the fishing R.S.A., that one of the requirements wouldn't be that they have to waive the landing when they hit the docks from those trips.

Ryan Silva: Okay, for the first question, I believe this was part of the discussion when the council made their request and whether and there was an item in there about what types of vessels should participate in the program. It was our interpretation that the recommending request was that we simply limit the R.S.A. quota to state and federal permanent vessels which includes charter party.

We haven't gotten into vessel operational requirements in terms of how they're handled and catch on board how their weighing and measuring them. We just feel we haven't gone down that road. There's a general concern about that, which was expressed about charter party vessels and way they operate that they're not set up to weigh fish, they're not selling fish, we don't have a third source or third party to verify their landings and those sort of issues.

We at this point feel like that they're eligible to participate in the program and that the requirements that we have are sufficient to monitor the quota.

For the second question, I think I really need to be clear that we do monitor each landing. We're requiring each vessel to tell us what they caught. We just don't want to get into the business of trying to anticipate how P.I.s are going to allocate their quote, how those transfers occur within the year, keeping track of all that would be, I think would be more than we're capable of doing with the amount of

resources we have to implement this program.

Preston Pate: George Darcy, do you have a question?

George Darcy: Maybe this'll help. Maybe it won't and Ryan, if I've got it wrong, let me know but I think the situation is somewhat similar to the way we allocate ground fish to sectors. The sectors come in with a plan, we allocate the fish to the sector. We don't allocate it to the individual vessels. That sector has flexibility in deciding what vessel catches how much. We monitor the total and we hold the sector accountable for the total and if they go over, there's a consequence to the sector but we don't care within the sector who catches what. I think that's sort of analogous to what's going on here.

Preston Pate: Steve.

Steve Heins: Thanks. I can help out a little bit too because the state has to issue a permit to every participant where the fish are landed. In New York, we run the program essentially looking less at the aggregate and more at the individual that has the permit. When a vessel gets a permit from us, it's a poundage limit and we monitor that poundage. They have to report to us. We have state V.T.R.s and judicial, federal V.T.R.s. They call in, they call out. We do put people on the vessel. In the case of party charter boats, not every trip of course but some of them.

We are monitoring them but I also wanted to make mention too that, I think we've come to accept this but just because there's a V.T.R. and then a dealer report on the commercial side, it doesn't necessarily mean you can't have crooked dealers and you know, so there's a way of getting fish to the dock without it being reported on that side, too. Not just the party charter boats.

Preston Pate: Steve, do you have a lot of enforcement cases that results from that effort?

Steve Heins: No. Not a lot. There is something going on. I think we did hear a couple meetings ago, a few meetings ago, about a federal investigation that's still ongoing. I haven't had any report out from that and that was a pretty major one involving several dealers and fishermen but we don't have the results of that. We've had a few over the years.

Preston Pate: Laurie, do you have a question?

Laurie Nolan: Not really, but to George's point, those sectors also have the weight masters so from what Steve is saying, they don't have a weigh person monitoring the sectors.



Preston Pate: Okay, Ryan. It's back to you.

Ryan Silva: Okay, another step that we thought that would help correlate the commercial landings with the dealer information was requiring that they provided a B.T.O. serial number with each of the I.V.R. reports.

In the past, we've done it more on a case by case basis and it's difficult to trip match without that type of information so that's something we're going to acquire and has already been pointed out, trying to find vessels don't sell fish to dealers so we won't be able to correlate anything, to try to find landing with anything and then another third party source,

One question that I'm not clear on is how this process occurs for state only vessels that are selling to non-federally permitted dealers for state only vessels that are selling fish. I don't know if they have a V.T.R. serial number requirement. I've been told there's something similar for A.C.C.S.P. field electronic reporting but I don't know if that's mandatory but this would, the V.T.R. serial number reporting requirement would miss the state only and for the purpose of charter party would simply allow us to corroborate the V.T.R. with the I.B.R. report.

Peter Himchak: I could answer on as far as the state of New Jersey. Our permit in addition to the exempted fishing permit, we issue a separate permit for state borders activities and for vessels that don't have a federal fishing permit. The details are still spelled out, when they have to call in product and landing to the enforcement office and then they have to notify us when they're going on a trip.

That activity is covered for vessels that are on the federal permit and there the landing again, we monitor the landing per boat on dockside landing but again, if there's no ground truthing of all the self-reported data, it gives you a very sense of uneasiness.

Preston Pate: OK, Ryan. Keep going.

Ryan Silva: Okay. I guess just to respond to that, we're going to be collecting this information and using it, not just correcting it for the sake of collecting it. We fully intend to improve how monitoring our sea landing through correlating these different data points so the V.T.R. serial number with dealer information, the pre-landing information, working with enforcement on providing this information in a format that they can use and respond to, so I think that some of these steps are certainly improvements.

I don't think we would argue, anyone would argue that any of these things are foolproof. If someone bent on circumventing the regulation, they'll find a way but this will I think reduce the potential for it.

The next request was we require dealers to identify R.S.A. landings as part of their report to the fishery service. We thought about that and we felt that some of the steps we're taking, our lives are going to achieve the objective of this request. I think this request would be, it's pretty much right there but basically the way in which R.S.A. landing occur, we thought it would be overly complicating the dealer reporting process. Frequently, vessels are selling only a portion of the catch is R.S.A. quota, only a portion of the species may be R.S.A. quota so for dealers to be expected to tease that apart, we felt like it was going to be difficult to implement so we thought we'd keep it on the table but for now we're not going to implement that requirement. It would also entail regulatory change which isn't the end of the world but it's something if we felt like it's not necessary, obviously it's something we don't want to do.

Questions?

Preston Pate: I see no questions so just keep on.

Ryan: I will.

The next one actually was a little tricky for us. It was confusing because we're not entirely sure exactly what it's going ... I don't think it'll change anything. It might prevent something from happening down the road but basically the counsel requested that only federally or state permitted vessels be allowed to harvest set aside quota.

We looked at this request and we didn't feel like we had the authority to tell a grant recipient that they couldn't work with a private vessel to harvest set aside quote as long as they did it within the constraints of the regulations.

Compensation fishing doesn't occur in that manner. Basically compensation fishing occurs when there's the potential for additional fishing effort or fish during a court enclosure or exceeded possession limit, that sort of thing so we didn't feel like this scenario is likely to occur. Anyways, there was also question about whether or not we could even waive regulations for non-permitted vessels.

Long story short, we recognize the counsel's request and we don't anticipate this being an issue down the road.

Rich Seagraves: Ryan, in our discussions over the phone, I thought one of the issues here was that you'd be required to be under the, anybody who's doing compensation fishing would have to be party to the E.F.P., experimental fishing permit and that in order for them to do that, they had to have some permit, federal permit or state permit and therefore private vessels would not be able to participate. Is

that an incorrect interpretation on my part?

Ryan Silva: A little bit. The vessels don't need any E.F.P. to harvest set aside quota.

In the remote fish hours program, frequently vessels don't obtain an E.F.P. They simply allow to take additional days in addition to their allocation so they don't need it. It's just the way the Mid-Atlantic fisheries are managed in the quota system. The incentive is so that they can fish during closures or exceed a possession limit. If they're able to go out and harvest normally, they're essentially would be going out to forgo a portion of the proceeds when they could go out and keep all the proceeds. I don't know if they ...

Rich Seagraves: Again, the value added to the person who is going to be going to pay the fish under R.S.A. is when the fishery's closed or whenever the fishery's closed. In order to fish, when the fisheries close, you'd have to be under an E.F.P., wouldn't you?

Ryan Silva: Yes and probably, getting the council's concerns in what seems like limitations, I'm expecting non-permitted vessels, this we wouldn't try exempt a private vessel from any regulation, basically set the conditions where compensation fishing would occur.

Preston Pate: Okay. Ryan, do you want to keep going?

Ryan Silva: Yes. Moving on.

The next two are somewhat related in that they're basically looking for ways in which to set aside is rewarded and how those awards are then doled out to the industry to be harvested. The counsel, he had asked whether or not N.I.P.S. has the authority to enter into a contractual agreement to conduct auctions of R.S.A. quota and this is something that's discussed periodically for some time and it comes down to the devil is in the details, unfortunately, and we haven't gotten to the details quite yet. This would be something that the center's looked at in the past.

We've had some discussions with a brand attorney and contract attorneys and they felt that clearly no has the ability to enter into contractual arrangement for program administration. They just felt like it was very unclear exactly what was being proposed in this case and whether or not it would be appropriate under those procurement laws.

Whether that is the center has said they're going to continue to look into whether or not this is a viable tool to help with the program administration and oversight but as everyone knows, there's lots of moving parts to the R.S.A.

programs. It's somewhat daunting to think about trying to establish a contract when all these processes seem to vary from year to year but I'm not going to speak for the center on this but there, he said they're looking further and provider response to the R.S.A. committee, hopefully in the near future.

Good. Okay.

The last response, I think is trying to get a better picture of the R.S.A. program, how it's operating, what projects they're doing, where they stand, where the reports are, how the compensation fishing is going, what's being landed and where, general issues relative to value, that sort of thing and we have a lot of that information at hand but it's not in a neat and tidy package and I think that's something you ought to talk with the R.S.A. committee more, counsel to the sea of, there's ways for us to come up with some type of annual report. There's something that helps the committee and the council understand how the program was going. A lot of the information that we get from this program is confidential so we can't just make it publicly available but there's a lot of information that we can provide an aggregate form that is still informative.

From what we've had some conversations on my end with the center, talking about what things you might do and I think we could consolidate some of this information relative to science and compensation fishing so for better insight.

Preston Pate: Is that a commitment to do so that I heard or is this something you wish to be discussed by this committee further?

Ryan Silva: I think we would like to commit to it, if it's something the committee felt would be useful. I think it would be a commitment our behalf in terms of ... It would take some work but if it's something that the committee thinks would be very helpful, that's something you'd be willing to do.

Preston Pate: Okay. I, for one, think it would be extremely helpful if for no other reason to keep the committee actively involved and keep them aware of the type of projects that are approved every year.

Peter?

Peter Himchak: I had a question for Steve. Are you seeing an increase in the number of party charter boats being successful in the auction? I had a drop precipitously last year? I guess it wasn't such a great business move, so our headache is not as big as it used to be, but as a situation in New York. Same number of boats?

Steve Heins: I'm not familiar with the exact numbers but I think we might be down a little bit.

Preston Pate: Tony DiLernia.

Tony DiLernia: Sure. A general comment and perhaps also to Pete's question. Generally, I'd like to say that I was a member of the original counsel that created the R.S.A.s a number of years ago. I believe, Mr. Chairman, you also were there, along with a couple of other members. I believe what we created at that time was what we had in mind in the auction that currently exists today. I was a bit suspicious of that auction at first but I will say I investigated a little bit more and I realized how much of the insurance of other things depended on the revenues generated by that auction and how important that information is to a decision making process, I changed my mind.

I attended auctions or the most recent auction in Long Island. I witnessed an auction taking place and I became concerned with perhaps what some would consider an abuse of the privilege.

Now, let me say this, that the concept of owning your fish, your property right, you're being able to buy fish that you can fish on, it's a great way to experiment with an I.T.Q. system for the for hire fleet, for the for hire fleet that fought that system for a very long time, it was very interesting for me to sit in the audience and see some of the biggest opponents of the concept of I.T.Q.s bidding on our quota and successfully bidding on quota. I was happy to see that. I see where my walls sometimes sitting here as a council member help perhaps the for hire fleet transition into different fishing practices into our next century and it was a good experience to have that happen.

I was encouraged by seeing that but at the same time, I became concerned because I did not like to see that experiment fall because of the abuses of some and that's why I questioned regarding the I guess we'll say the tracking of individual vessels. I was happy to hear that the state of New York is in effect looking at individual vessels. There is an opportunity to abuse the system. I would hate to see the abuse of the system cause a collapse of the system because I think it is a good idea and I think it is a good experiment again for I.T.Q.s, particularly for the for hire fleet.

I would encourage the state of New York to continue its oversight of those for hire vessels that are using the R.S.A. set aside. I would hope that the feds could find a way also to perhaps track some individual vessels because they raise criticism with the for hire fleet in New York regarding that system because some individuals believe that others are abusing it but if it was administered fairly, I'd believe there'd be more widespread support for it.

I was a bit longwinded but I thank you for your indulgence. Thank you, sir.

Preston Pate: Thank you, Tony and I agree with everything that you said about the basic program. I think it's useful also and I hope that we can continue it. The only problem that I saw with the limited time that I spent in the auction was some, hate to use the word collusion because it can be pretty harsh but there was obviously some conversations that went on within the for hire industry about not going above a certain price above counter.

Tony DiLernia: I sat in the room as that was going on and there was an attempt to have something like that happen and it wasn't successful what I saw. I have to tell you, when I first sat through the auction that I was watching it at the very beginning, I thought to myself, "This is disorganized chaos." I watched Eleanor I think it was run the auction and the more I sat there, the more I realized that I was become, she completely changed my mind, became impressed with the way she organized it and how concerned she is with tracking and being fair to everyone. When there was an attempt to track to have some kind of price fixing within the room, she immediately jumped in and interrupted it. I was very impressed with the way she ran that auction.

Again, I wasn't a skeptic. I came out with a bit of a different frame of mind but I am concerned that cheating could lead to the collapse of the system and I would hate to see that happen. I think there's merit to it.

Preston Pate: So do I. Thank you for your comments.

Any further questions? Ryan?

Ryan Silva: You know, I just actually, I didn't address one of the items in the response. We've worked, we've been talking with all the office of the law enforcement in ways in which they can get better, become more informed of vessel activity, vessels that are harvesting set aside quota.

We think there's some pretty straight forward things that we can do to better inform them. We have a new system at the regional office will allow us to provide update relative to trip departures, pre-land reports and quota landings. We figure we can do that on a daily basis. Also, if there's specific areas in which they want to be more informed, we can do that relatively easily as well. I just wanted to make sure that I updated the committee that we're working with only on that request.

Preston Pate: Laurie?

Laurie Nolan: Thank you. I think also I'll throw out N.E.A.M.A.P. I mean, another part of the fear of R.S.A. disappearing was the idea that we're not really producing anything out of the program that we get to use at the table and with N.E.A.M.A.P. being

such a successful survey process, I think everyone has much more faith in the R.S.A. and as Tony describes, the auction process is effective and because of all of that, I think everyone there wants to see the program continue. But if it weren't for N.E.A.M.A.P., I would really be sitting on the fence.

Preston Pate: Thank you, Laurie. I think N.E.A.M.A.P. is a tribute to the program for sure. Steve. Excuse me.

Peter Himchak: Not to put a downer on that and I agree with everything you say, the only new criticism I'm hearing now is that because of the expense of N.E.A.M.A.P., we're really limited as to how many other projects we can fund. We only have one other project ongoing now besides N.E.A.M.A.P. so there isn't much money left over. I guess you can't raise up those three percent, that wouldn't be too popular. Three percent set asides. I don't know how else you could infuse some more money into N.E.A.M.A.P. to get more projects funded.

Chairman: Laurie?

Laurie Nolan: I remember Rich coming to us saying, "How about if we have research set aside only support N.E.A.M.A.P. and be done with it and not battle with the proposal process at all and we all ran.

Rich Seagraves: Yes. The fact is and Pete raises a good point, the cost of the N.E.A.M.A.P. project. We wouldn't have any money to do anything else if we did paid for the whole thing. It produces about \$1.2 million dollars in revenue, the R.S.A. program. N.E.A.M.A.P. comes in just around there. The only reason we're able to fund other projects is that John Hoey and others up at the science center has been pretty innovative in finding auxiliary funding sources from different places over the last several years that pays for part of N.E.A.M.A.P. and frees up some of the R.S.A.

We had a N.E.A.M.A.P. board meeting about a month ago or so. I asked a pointed question, "What's the chances of that auxiliary funding coming through this year?" and the response was, "Probably not good, no, really, no." It's likely that it will, R.S.A. will in fact become N.E.A.M.A.P. if there are no other sources of funding.

I think Ryan's done. Do you have anything else, Ryan?

Ryan Silva: Thank you, for that response. There's a couple of items that press wants me to chime in on, basically where the program stands and I had a couple of comments regarding Dogfish R.S.A.

Rich Seagraves: Okay. Before we go there, one of the ideas I've just recently had here, this

is why I have not even consulted my boss or anybody else. This is dangerous water to swim into and at this, I'd like a lot of non-verbal, see with, give me thumbs up, his response but anyway, the basic issue is tracking the quotas and that really ... Everybody likes the program, for better or worse, we didn't have some success in the middle or beginning there but things have gotten better. I think everybody still stands behind the program.

The problem is, how do you track, especially the party charter boat fleet. They don't weigh their fish, just too much room for people to get away with stuff and whether or not that's happening, I don't know. I don't know for a fact the degree of the problem but the opportunity exists because of the way it's operating so when I hear a problem like that, I go, "We need to change the way it operates."

One idea I have and again the devil would be in the details exactly how you would work this but for the party charter boat fleet, we might want to think about giving them a certain number of trips, okay. In other words, they go into the auction, they buy up a certain allocation of fluke. If they're going to make it ... Or let's take black sea bass. The black sea bass trips I know of that are going off shore, they're pretty aggressive fisherman. When they go, they're going to catch fish. They know a lot of those guys are going to be up against the bag limit. You could use the V.T.R. trip report data to generate their average catch or some maximum limit but limited to trips rather than pounds, eliminate the weighing part of it and I'm sure Tony's going to jump in.

Preston Pate: Tony?

Tony DeLernia: Mister Chairman, I'm encourages to hear Mr. Seagraves told it that way. Some people, when they go on vacation, they go and visit different places. When I go on vacation to Florida and I go sit in on the hearing that's run by the Gulf Council in which they discuss the possibility and the scoping regarding red snapper and actually the for hire fleet getting a number of days at sea versus a different management tool for the for hire fleet. There's mixed reactions from the fleet there depending on the captains that were there.

I think that Mr. Seagraves has mentioned the concept I think we should investigate that the connection develop a little bit further. I think there's an opportunity there to eliminate perhaps some achievements that may be going on and be suspect they'd be going on in the system and still allow the program to continue properly. Thank you.

Preston Pate: Greg, you've been awful quiet sitting back there during this discussion. I'd like to hear your reaction to the recommendation that Rich just made.

Greg DiDomenico: Several options have always been explored for the for hire sector as it



pertains to research set asides. First of all, we know how helpful it's been in New York and New Jersey so we have to keep it. It's enabled people to advertise or chose a business plan and leave the dock and overall, take people fishing that don't have a boat. That's what this is about.

If we can do it and do it successfully and keep it from ruining the experiment, then I see it opening up to the guys who have been participating in the auction. My thought has always been similar to the commercial industry where our boats go out in very few ports. If you capture, if you infrequent few and Port Pleasant, I think, one or two in Montauk. I don't have all the specifics but I think if there are landing in specific places and they are, I think you can set up something right there at the dock when the trip's over.

Whether that's real, whether that's filling out additional paperwork once they hit the dock, I don't know but I would really ... It's important enough to defer that I would bring it to their attention. They don't want their program to go away and I know they don't want to create a situation where people can take advantage of it so I put it to them. Thank you.

Preston Pate: Thank you. Jim?

Jim Fletcher: It would be amusing if it wasn't so aggravating. I oppose the research set aside from the word go because I saw it going where it has gone. We say we're getting the best available science. Now, we're finding out that catching the largest fish or using conservation equivalency as A.S.M.F.C. has played the game has not increasing the number of fish in the ocean, it's not increasing genetic viability and we're here today to discuss research set asides.

Question one, through transparency; show the fishing industry what it has gotten for every penny, the commercial side for every penny that has been spent until 2012. Show us what we got for our money. I think you all will see something go down the other way. But in raising this money, my organization proposed a way to raise the money that would allow every commercial fisherman to turn to the dock and sell his quota or his landing limit and not worry about not getting a ticket.

Another one in the research set aside program, even contacted me to ask me how it would work. That would give every captain that owns the boat a way to come to the dock and not worry about getting a ticket. Apparently we're not interested in what's good for the commercial fisherman. I sat here and listen to what's good for a set of for hire fisherman and I want to see them make as much as they can, too.

But this research set aside has become a situation where we have certain Greeks

that have taken advantage of it. It was my understanding and maybe it's chanced that maybe you can't bid on a research set aside. Greg, you can tell me if I'm wrong, unless you remember the association. How did the council put that together? I would like for the council to explain to us dumb fisherman, how do you build a program that the fishermen don't understand and I would like to know what lawyers and what corporations applied for these grants and who approved them to raise this money because as I say, to raise the money is simple, let every fisherman come in, say that he's over and whatever that money is, goes into a pile and a bank or wherever. It's fairly simple. Then the council's only job is to assign the program and whatever, but the fisherman have no say in any of these research projects.

We have no say, absolutely none and yet the majority of the money is coming out of our pockets. If you ask every man on the deck of a trawler, what did he get for three percent of what he made this year and you'll come in and show him, I would like to see a transparency.

Preston Pate: I'm not going to debate the scientific elements of this research set aside program at all. I think the information is reasonably clear that we have gotten some good information out of the N.E.A.M.A.P. portion of it.

Jim Fletcher: That was the fisherman. That wasn't that but the thing of it is, how did this council sit by and let them build a boat, the Bigelow Slope or Bigelow that was so full of hope, that they knew it wasn't going to work. I'm not arguing with you. I'm saying this whole research project needs to be revamped. It needs to be started from point A and revamped and give fishermen a say in it. Right now you can't convince me we have a say.

Preston Pate: Okay, Jim. Greg, do you have some response to that?

Greg DiDomenico: With all respect to his comments, I just got a recent email from one of the staff people who monitor the auction. It's really come to the point of the monitoring of the program. With 31 recreational for hire vessels, not by a fluke, 31. I don't think it's that of a daunting task to do something better to keep it going. We also have 47 commercial vessels that's been on fluke and that's about 600,000 pounds of flukes so that's a lot of fish.

To Jim's point, first of all, anybody can put in a proposal. Anybody can join the auction for \$250 to be a letter of the A.S.M.F.C. That used to be \$1,000 and at one point it was limited, so that's come down greatly reduced in the last probably four years. There's nothing preventing anybody from getting into the auction.

Quite frankly, to Jim's overall comment, the four percent is not fixed by any commercial fishermen in the grand scheme of things. It doesn't change fishing, it

doesn't change the season, it doesn't shorten it, doesn't change very much. In the case of New York and other places where the allocations were not very high, it's good to have access to something around 50 pounds and it's an absolutely cut down on discards because now those fish come aboard instead of being thrown over. We can't forget that.

It's fallen on the man on the back of a trawler at this point, everybody knows, N-E-A-M-A-P, NEAMAP. Everybody, from the guy throwing the winch, to the guy behind the wheel to the guy that occasionally comes to these meetings. The industry knows about N.E.A.M.A.P.. They realize what they're getting for it. Thank you.

Preston Pate: Thank you, Greg. Rick?

Rick Robins: Thank you, Mr. Chairman.

I just wanted to follow up some on the comments that members have offered about the importance of the N.E.A.M.A.P. survey and I think it's fair to say the N.E.A.M.A.P. time series and the surveys just really coming into its own. It's just now getting to the point that it's becoming more and more relevant to the management process, to our quota and specification setting process. We're beginning to see that translate into decision making through the process. Going back a couple of years, it was, the data out of N.E.A.M.A.P. was considered by S.S.C. and making adjustment to the butterfish specifications. That was one of the first times I think that the data were considered and actually incorporated into the specification process.

Now as we go forward, I think it becomes that much more important as a data set so I don't think there's any question about the importance of that and the benefit of that to all sectors within our managed fisheries in terms of having a better understanding of population dynamics.

I think relating that back to in the R.S.A. program, generally back to the auction process that has been established, the auction process is incredibly efficient, perhaps the most efficient way to convert the R.S.A. allocation of quota into funds for research so I think that's pretty well established but there obviously existing enforcement and forcibility concerns and I think we have to find a way at the end of the day to address those but to do it in such a way that it's not a poison pill to the R.S.A. program or to our ability and the program's ability to convert those fish and research dollars because that's ultimately what we want to do but they are public trust resource. We have to make sure that if they're law enforcement concerns that we put in place the tools necessary to make that more enforceable without doing the program in.

I would suggest that in the absence of a really comprehensive validation system, we do need to develop a suite of tools that would improve the enforceability of the program. I think what's in here in terms of having a notification system that provides notice that vessels are engaged in R.S.A. fishing and everybody in the law enforcement community or in the monitoring community can be aware of that. I think that's one of those tools that would be an improvement over where we are now.

The idea that Rich Seagraves tabled about potentially having another constraint in converting allocations also into the D.A.S. or days at sea limit may help mitigate that risk and that I think that's something that would be helpful for the committee to evaluate. I've previously suggested that tagging might be another tool for certain species of these fish that could again provide another tool for law enforcement so that if law enforcement encounters a boat that's R.S.A. fishing and they have fish on board, they're either tagged or they're not. It's not a comprehensive monitoring system. It's not a comprehensive validation system but it's at least a tool that if state law enforcement comes aboard the boat and they declared it an R.S.A. trip and they've got black sea bass on board out of season, either tagged or they're not. It's a fairly simple tool. The tags themselves are inexpensive.

I would suggest if the committee moves forward with evaluating some of these tools to enhance the enforceability that they also consider the tags as a possibility but I think that's ultimately where we want to get to is the point that we have a system that's more enforceable but it doesn't undermine our ability for the P.I.s to take the allocation of fish they get for their research and convert them into research dollars.

Preston Pate: Ryan, do you have any comments on those two suggestions? The others, the days at sea being the element under which we auction and the other is tagging of the fish.

Ryan Silva: I couldn't really hear what day at sea but I understand the concept. The monkfish R.S.A. program, the day at sea set-aside. It's actually that we've gone in the opposite direction with that program. Successful applicants get days at sea and request E.F.P.s so that they're able to ... Basically that a certain amount of monkfish by pound and they're converting to us pounds so it could be done. I think we'd have to talk about it quite a bit. I think there's challenges when you get into trying to establish a certain amount of time associated with a certain amount of fish, monitoring that activity. That's my general feedback I guess with days at sea regarding tagging.

Also, it's something that's been demonstrated to work and be effective in some cases. I think there's ... It's again, a situation of considering how much it would

entail to implement an effective tagging program, who's going to administer it, who pays for it, who tracks the tags, that sort of thing. Days at sea and tagging are feasible but that's where the challenge I think we have with the program, is we have some unlimited resources to implement it and when you ... The more complicated it gets, I think the harder it is to keep track of all the moving parts.

Preston Pate: Tony?

Tony DiLernia: Thank you, Mr. Chairman. I think hearing Robin's suggestions are appropriate, are right on. I would hope that the R.S.A. committee would take some time to begin a discussion, an investigation and perhaps some consultation with our A.P. members and examine the concept of multi-tagging and a days at sea type of allocation for the R.S.A. for hired fleet. I think those are two possible ways to continue the program without the concern of people abusing it.

Preston Pate: Thank you, Tony. I think there's merit in both of those, particularly the tagging of the fish. It's relatively cheap and anyway, we're look into it further and bring it back to the committee in the next meeting.

Ryan, you had some comments that you wanted to make about the spiny dogfish being included in the program. You want to do that now?

Ryan Silva: Sure and they're more informative in nature than anything that's meant to generate discussion. I just wanted to update the committee that the middle of the R.S.A. federal funding opportunity is open now through early May. We included in that solicitation that there may be a spiny dogfish set aside so we're prepared to, we intend to receive applications that consider spiny dogfish and if things are implemented the way they're being developed that dogfish may be awarded.

I wanted to point out and Pres you had mentioned that this is also that the tilefish program or F.M.P. may also considered revisiting set asides. It's great that there's additional potential research opportunities and that sort of thing but the additional species means additional vessels and additional oversight, so that's dominated the discussion here so as species come online there's going to be additional fisheries that we need to respond to in terms of making sure that we're monitoring them properly.

I guess the other thing I'd point out are raise, it may have been raised in the past or maybe this isn't an appropriate venue but that the New England Council reports the dogfish R.S.A. and they had indicated some interest in working with the mid council on dogfish research priorities and I thought I'd just try to make sure those dots are continue to be connected.

Preston Pate: Okay, if there are no additional comments ...

Rich Seagraves: I have a next step.

John Boreman: Okay. Rich is going to summarize what he thinks our next step should be.

Rich Seagraves: Okay. Thanks, Mr. Chairman. On the agenda, we've actually got two more things I wanted to discuss but in terms of next steps based on the conversation that I heard, one was during the A.P. review, during at a term of reference which would solicit comments from the A.P.s on research needs. I think we need some additional clarification relative to the tracking of individual vessels and or it was at several different places. What types of vessels should participate in the program, state and federal vessels. We need some clarification on that because our understanding was that private vessels would not be able to participate so we need to work with the service on the clarification on that.

We're still waiting on contractual information about the contractual agreement, whether or not it's worth doing. We could probably continue to work with the service on that.

Then, the next thing was the annual report and there seemed to be a lot of support and interest in developing a more thorough or an annual report that highlight everything that's been going on and so on and so forth so we continue to work with service on that.

Then, the last thing was pursue the possibility of either a day at sea type restriction on the party charter fleet operating under R.S.A. or some sort of tagging approach.

They were the four or five things that I had.

The other question is, in the front of the briefing book, in the front of that tab, there's a revised timeline that incorporates the services response into how we then proceed. Basically it inserts the S.S.C. into the process. We would also insert the A.P. in there. That would be in addition.

Then, the timeline goes through one full complete cycle from identification research needs by the S.S.C. We'd add the A.P. and then it goes to the R.S.A.C. We have the August meeting. We finalize. It'll be the top ten research needs under this plan. Then, we go through the one full year cycle of actual funding of projects in that timeline.

We just wanted to put out on the floor if anybody had any questions about that or any issues with that timeline.

Okay, if not then the last thing I had on the agenda was to discuss the potential and this is just something to get out there on the table, the potential research topics that we might think about funding in the future.

The first one is funding for additional out at sea available coverage. We have asked for that as back in the beginning, it was one of the ideas that we'd laid on the table was funding a map and some sort of at sea observer program where everybody ... There was universal agreement that we need better at sea observations on discards and that sort of thing.

We were told that not only can't do that because the government would materially benefit from a grant and I think that was a way we had pitched it, the idea if we take the money from the R.S.A. program, put it over at the sea sampling program and so Joel's read on that was, "No, that'll never fly."

However, I think we might want to entertain the idea of we'll come out a different approach is put out an R.F.P. for someone to do the sea sampling. It could be related to commercial fishing, could be recreational fishing but I still think we need to find a way to help, to use some of the moneys to get better at sea observer coverage. I think that everybody there's almost universal support for that. It was just a legal thing. I think I've already gotten the input I need on that. We'll pursue that.

The other issue is whether or not the council will entertain the idea of funding stock assessments with R.S.A. money. The reason I bring this up is we currently, one of the tasks I was given this past year is to say that we've got to fix the black sea bass assessment. What do we need to do? This has been going on for year after year. We have a benchmark assessment, we need this information, we need that and we just never seem to be able to solve the problem and so we're looking at ways, how do we fix the black sea bass assessment. The part of the black sea bass problem is basic information, data, the life history and spatial separation of stock, the unique life history aspects of it. They change sex and has all kind of implications for exploitation strategies. It's all been discussed so there's a basic data need.

Tom Miller is the vice chair of the S.S.C., has put a proposal in to sea grant and a consortium thing with four or five different sea grant institutions to do the data collection part. He's submitted a pre-proposal and we endorsed that based on the council of record of the need for improved stock assessment information for black sea bass. That we'll find out something, whether or not that'll be funded. If it is funded, it'll be started in 2014.

Now, at the same time, we've got a black sea bass basement that's on the dock at

I think for the end of next year and if we don't and the concern is that if we don't continue to work on this problem that we won't have a lot of progress or have anything really to talk about at the next benchmark assessment. One of the ideas we've had is to potential for actually doing model development for black sea bass in particular. We could just apply to any species, so that we all don't fit well into the stock process. We've got a broken assessment we can't get out of this do loop or how to fix the assessment. One way would be to put out an R.F.P. for modelers to actually work on the problem directly.

Now, let's propose some issues and how we would dovetail this with the current SAW/SARC process and it also is cater it to the general, initial idea of the R.S.A. program which was cooperative research.

There is a couple of examples in the literature. One that actually Tom Miller and Lou Berg, a few others from the University of Maryland were involved in where they did a management study evaluation of the King Mackerel Fishery in the south Atlantic and actually developed options for an amendment that was being developed for king mackerel. They did this in close cooperation with industry members so I personally was impressed with that work. I thought it was a good idea, so I borrowed some of that as well. The committee entertained the idea probably and he put down and R.F.P. for a stock assessment modeling development type approach but in cooperation with our A.P.s, depending on the species so that we have industry involvement.

I think it's a project that would kill a couple birds with one stone. One is hopefully we get an improvement in miles and then build an assessment that could then go under the SAW/SARC and survive and at the same time, if we incorporate the A.P. panels in the ground zero level, maybe we get better acceptance from the fishing community of the stark assessment process.

I just want to put it on the floor, see what kind of response I get, if this is something that, "No way no how, no way we're ever going to do stock assessments," there's no reason to pursue this but it's the kind of thing that you have to convince folks that it could be the model and get them interested in doing it and it's not something that's going to come out of thin air, so if it's a non-starter, I need to know right now if the council is willing to entertain this, then we'll pursue it.

Preston Pate: Doesn't anyone have any comments on Rich's idea to use the R.S.A. program as a source of funding for stock assessments.

Rich Seagraves: I just would like to know if there's violent reaction to the concept, I need to know now because I will pursue it anymore, it's a waste of time. If people got time to chew on this, certainly we ...



Preston Pate: Maybe we need to think about this one. Bill?

Bill Karp: Thank you. There's obviously some merit to being able to bring additional resources to bear to help us to work on some of these difficult and challenging problems but I have some concerns and it may be just because I haven't been party to a lot of the discussions that have taken place about how we would collectively address issues of quality control and integrity, consistency with the process that is going on through the N.R.C.C., all those kinds of things so it seems to me that perhaps again, I've missed a lot of the discussion that has taken place but seems to me that there needs to be considerable more process to develop this concept before moving forward.

Rich Seagraves: Yes, just quickly. We certainly will understand the need for that and that one of the reasons I brought up here is it out on the table, there would be no reason to bring it up at the N.R.C.C. but if there seems to be some appreciation for the need for it and no great opposition, we probably bring it up at the N.R.C.C. meeting and how to actually do this. I have been talking to Paul Rago and others up there about how but I didn't have the change to discuss it with Jim who's a SAW/SARC chairman but intend to, if this thing has merit.

Preston Pate: I think it's worthy of some further consideration both by this committee and the N.R.C.C. whenever they meet next.

Bill Karp: I agree with that. The N.R.C.C. is meeting quite soon though, in early May.

Preston Pate: In a couple weeks, I think.

Bill Karp: What I'm concerned about really is having enough time within the center to chew on this, to be able to come forward with it. I think it's probably just fine for there to be some preliminary discussion at the N.R.C.C. but I'm a little bit cautious about how far we can go without really putting some serious thought into this.

Preston Pate: Rick.

Rick Robins: Thank you, Mr. Chairman.

I think the idea of trying to bringing additional resources to bear on some of our most pressing assessment challenges is something that we would all welcome but I think the concept if the committee can continue to work to refined the concept, working with staff to do that and then we can discuss it further at the N.R.C.C. level. I think that would be a good way to go forward but I think we have some assessments in the region that has serious issues within or assessments that are having a very major bearing on the management of these fisheries and

so I'm trying to bring additional resources into those and develop solutions for them in a way that would connect back to the fishery through the R.S.A. program would be attractive but I think the concept ought to be further developed and then we can have a better informed discussion between the Council and the Center and involving in N.R.C.C. as well.

Preston Pate: Thank you Rich. With that I'm going to declare this R.S.A. Committee meeting closed. The Council will convene at three o'clock and the first item in the agenda is the Tilefish Committee meeting which also begins at three.

Rick Robins: It's 3:04 so let's just take a quick 10 minute break. We'll come back to convene as a full council. Thank you. Thanks, Russ.

**Tilefish**  
**April 9, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Rick Robins: On March 14<sup>th</sup>, as you are already aware, the council lost a friend and a former member, when Larry Simms passed away. Larry was a Maryland Waterman for over 60 years. I think he will long be remembered as the face and voice of Maryland's Working Watermen's Association on fishing community. He was a very productive and engaged member of this council and its many committees. He worked with tirelessly at the State level to ensure that Watermen's interests were considered along the way.

In 1973 he founded the Maryland Watermen's Association and served as its president throughout his lifetime. In recognition of his lifetime of achievement Governor O'Malley, in January this year, recognized him as Admiral for the Chesapeake Bay. He was also a longstanding champion of trying to improve environmental conditions in the Bay. As long as I knew Larry he consistently encouraged the industry and challenges the industry to look forward. He was open minded, he was I think a leading thinker in terms of thinking about different solutions to management problems. He did a lot of great good for his industry. If you would, please join me and stand in a moment of silence for Larry Simms.

Thank you.

For those of you who are just now joining us, I would like to introduce our newest council member hailing from Delaware and representing the state DNREC and that Stu Nicholls Many of you have probably known Stu who has worked at the SMFC, but if you haven't please take a chance to get to know him. It's been my pleasure to work with him in that context for many years and that he will be a very engaged number here at the council. We look forward to welcoming Stu, welcome.

Thank you. Our first order of business is the review of the tilefish specifications and for that I'll turn to Jose?

Jose Montanez: Thank you Mr. Chairman. The purpose of this presentation is to give you an overview of the outcomes from the recent meetings of the SSC and the tilefish monitoring committee where they revisit the 2014 recommendations for tilefish that were made last year.

As you might recall, last year the council set tilefish recommendations for 2013 and 2014. In 2012, the SSC made a two-year ABC recommendation for tilefish in the expectation that a benchmark a stock assessment will be conducted in 2013.

In the 2012 SSC report on the ABC recommendations for tilefish it was specifically stated that in revisiting the 2014 recommendations the SSC will be paying particular attention to three points. The first one was the length frequency distribution of the commercial catch, especially with regards to signs of strong incoming recruitment.

Number two, any significant changes in the spatial or temporary distribution of fishery effort, and three, any significant changes in the discard pattern or amount. The SSC indicated that these three items, in addition to other factors, might cause the SSC to change its ABC of recommendation for 2014.

In addition, the monitoring committee also made recommendations for 2013 and 2014, multiyear recommendations, last year. The monitoring committee indicated last year that they will revisit the 2014 recommendation if the SSC make any changes to the ABC of recommendation for 2014.

I'm going to just spend a little bit of time talking about the life history and the management history for tilefish. Golden tilefish inhabit the outer continental shelf of Nova Scotia all the way down to South America. In the southern mainland and Mid-Atlantic region they're relatively abundant at depths between 80 and 440 meters. Typically they live in a narrow temperature band of 9 to 14 degrees centigrade. They are generally found in and around submarine canyons where they're occupied burrows in the sediment. In addition, they're also a long-lived species.

Regarding the management history, the FMP became effective in November of 2001. The FMP established a stock rebuilding strategy and a TAL, or quota, as the primary control on fishing mortality. The FMP implemented a constant harvest strategy to rebuild the stock and a quota of 905 metric tons or about 1.995 million pounds. This constant harvest strategy was suspected to eliminate overfishing and rebuild the stock in a 10-year timeframe.

Amendment one was implemented in November 2009. This amendment established an individual fishing quota system and continued the rebuilding strategy that was implemented in the original FMP.

The next three slides are from a presentation that Dr. John Boreman made last year to the council when he gave his SSC summary review. In 2012, the SSC determined that the tilefish assessment was a level four assessment. The SSC did not accept the reference points from the ASPI called the scale models because of the divergent patterns from those two models. Because of the assessment for this talk was categorized as a level four assessment, it is not possible to provide an OFL...

In order to make a recommendation for an ABC, this is what the SSC did. They recommended a constant harvest landing's policy. More specifically, the SSC recommended an ABC of 913 metric tons. The 913 level was based on a maximum discard of 8 metric tons. The 8 metric tons was added to 905 metric tons, which is the historical landings threshold. That's how the 913 metric ton ABC was derived.

Now, the SSC made a strong recommendation that the monitoring committee establish a TAL not to exceed the 905 metric tons based on the established rebuilding schedule and historical performance of the stock and the fishery at this level of landings. That's exactly what the monitoring committee did.

Finally, they indicated that the ABC was a recommendation for two years. Again, with the expectation that a tilefish assessment benchmark stock assessment was going to be produced in 2013. In fact, it is scheduled to be conducted in December of this year, the next benchmark stock assessment.

Finally, these are the things that I already indicated to you that the SSC said that they will look at in revisiting the ABC, those three issues or items that we have here. They said that not only these issues, these three factors, but other factors may also cause the SSC to change their ABC recommendations for 2014.

The SSC met on March 20 to revisit the 2014 ABC recommendation. The documents considered by the SSC are found under tab number two of your briefing book. In addition, you also have the SSC summary report from that meeting. First, they look at the golden tilefish advisory panel information document prepared by council staff. This document contains updated commercial landings, landings by statistical area, landings by gear type prices, landings by poor and recreational landings through 2012. The SSC paid particular attention to landings based statistical area, catch disposition of landings, and trends in commercial and recreational landings.

They also looked at the golden tilefish data update through 2012. This document was prepared by Paul Nitschke of the Northeast Fisheries Science Center and Paul did a data update very similar to the one that he did for us last year. Here, the SSC pay particular attention to landings, catch per unit effort and size distribution of a commercial landings.

Lastly, the SSC also look at the fishery performance report developed by the advisory panels and this presents updated information, various aspects of the fishery here, the SSC pay particular attention to effort trends in the commercial and recreational fisheries and also the size distribution of fish landed. In summarizing the North East Fishery Science Center update, that update indicates that catch per unit effort has increased since the last stock assessment. The

upward trend in catch per unit effort appears to be due to the presence of one or more strong gear classes.

The small decline in the catch per unit effort in 2012 is somewhat to be expected with the aging of the strong gear class which is now entering large market category. In addition, the update indicates that the broadening of the size distribution that we have seen in the past year appears to have continued into 2012. Lastly, the update indicates that, updated data through 2012 suggest that the SSC's decision in March 2012 is still appropriate.

The SSC also look at effort trends as presented in the fishery performance report and basically that report indicates that the catch per unit effort continues to improve. In the last few years the length of a fishing trip has been very stable ranging from four to five days. This is quite a bit shorter than in previous years when it was seven to ten days, reflecting high and higher catch rates. They also indicated, the advisory panel indicated that there was a slight decrease in the catch per unit effort in 2012.

Observations also indicate new incoming multi-year classes. There is more of a size mix than before. The fishermen are saying that they are seeing a healthy mix of ages. The commercial fishermen continue to catch a broad size distribution of fish. The SSC after reviewing all of the available information, the SSC did not recommend a change in the ABC for fishing year 2014 based on the stability exhibited in the fishery and the fact that the updated data on catch per unit effort and size distribution in the fishery appear to be behaving as previously anticipated.

Just to refresh your memory, these are the things that SSC addresses, the items above the dash line and basically they make recommendations on the OFL and the ABC. Now, the monitoring committee met on April 2<sup>nd</sup> of this year, via webinar, to review the SSC report regarding their 2014 ABC recommendation and also review all the background documentation that was also distributed to the SSC.

Just as a note, one more thing, four of the five monitoring committee members that were present at this meeting also participated at the SSC meeting of March 20<sup>th</sup>. In addition, the summary report from this meeting should be in front of you. Jan just distributed it a little bit ago. Just to refresh your memory again, the monitoring committee addresses all the items under the dash line and basically the main recommendations on the ACT, TAL, and not shown here, they also made recommendations on recreational back limits, incidental trip limits and research set aside.

As I indicated before, last year the monitoring committee made two-year recommendations to the council. They also indicated last year that they will

revisit the recommendations made for 2014 this year if the SSC made a change to their original ABC recommendation for 2014. Now, after revealing the outcome from the SSC meeting and based on the documentation provided to the monitoring committee they did not change the recommendations for 2014. The recommendations that they made last year are not changed for 2014.

This is table number one, I think it is on page eight of your advisory panel information documents summary. Basically, this summarizes the management measures and landings for fishing years 2002 through 2014. Now, remember the amendment one was implemented in the year of 2009, so right here. The monitoring committee noted that commercial landings on performance has been in line with the expectations and that landings are reported accurately. Since the FMP was implemented in 2001, landings for the most part has been close to the quota of 1.99 million pounds. Here you have the quota for each one of these fishing years and here are the landings.

The only exception was in 2003 and 2004 when they had the Hadaja versus Evans lawsuit. During that time period the permitting and reporting requirements for the fishery were postponed for close to a year. In addition, vessels that were not in the limited access system also were landing tilefish. These are the only two years where you see a large amount of overage. In the last few years, the landings have been pretty much aligned with the quota.

In summary here you have the recommendations that were made last year by the SSC and the monitoring committee. These were the recommendations for 2013 and 2014. In addition, these are also the measures that were adapted by the council for 2013 and 2014 as they follow the recommendations of the SSC and monitoring committee. That concludes my presentation.

Rick Robins: Thank you, Jose. Before again the questions or discussions [inaudible 00:16:45] cited classifications for 2014 are already in place. If the council wants to consider any modifications we can but we have existing recommendations that Jose has brought forward from the SSC and monitoring committee. Are there questions at this point? Chris?

Chris Zeman: It has come to my attention that the tilefish fishery is the one fishery I'm aware of that doesn't really contribute toward the RSA. It's also a research priority and a priority funding under the RSA. Specifically there's a section saying, if you look at our council priority as far as research, tilefish is one of those priorities. My question is like why is the tilefish exempted from that RSA requirement and I would like to actually then follow up the motion to set aside if you present of the 3% for RSA funding.

Rick Robins: Jose, did you have a comment on this?

Jose Montanez: The monitoring committee discussed the research set aside issue extensively last year. The recommendation that was made by the monitoring committee was two-fold. First, they recommended that no TAL was to be allocated to the research set aside until the stock assessment was conducted this year, in December of this year. The second recommendation was that also no research set aside was allocated for tilefish until the council finishes revisiting the research set aside program. Those were the recommendations that were made last year by the monitoring committee and that's what the council decided to follow.

Rick Robins: Thanks Jose. Let me take any additional questions or comments before we come back. Chris, if there are any motions to come forward? Laurie did you have a comment or question?

Laurie Nolan: I know back when sometime when tilefish comes up there's also some discussion describing the fact that the tilefish fishery is extremely select, so if you're going to set aside also obviously from the tilefish resource should it only go towards tilefish research? There's no other catch that occurs when you're catching tilefish. I mean when the monkfish Ryan says gets put aside it's [inaudible 00:19:23] from the monkfish fisheries, scallop, you know the royal key into themselves.

Whereas, to incorporate that into the RSA without specific priorities for a tilefish needs didn't seem appropriate. But I'm just confused about where you're even seeing that Chris because when you look at ... I was under impression of tilefish was not a priority that when we set our research priorities it kind of follow out as a low priority, got dropped, and when you look at the list of species being asked to propose research for tilefish isn't included on that letter where the proposals were due by May 6. I don't see where we've gone wrong here to not to follow through by leaving it on the side until the benchmark assessment.

Rick Robins: Well, I'll ask Rich. Rich can you call it on what the tilefish component is of the research plan? Jose, okay.

Jose Montanez: Rich is looking at it, why not.

Rick Robins: No problem, we'll come back to you. Chris?

Chris Zeman: Can I touch that council release that say tilefish is a research priority. That was in the attachment I had Chris Moore forward to the council.

Rick Robins: Thank you Chris. Are there questions or comments on Jose's presentation? Are there any public comments on it, or questions? Greg?



Greg DiDomenico: Mr. Chairman, I would just, I guess I wouldn't completely rule out tilefish as an RSA component but at this point I would tell you that it would really honestly already stress an already stressed out situation. The agency and a much of Ryan stole it the word. We've had significant problems with the number of boats. They've expressed their concern, we try to low [inaudible 00:21:41] of boats and the research satisfied program for [inaudible 00:21:44] versions. The problem with the other species is not just that it's another species. It's a species that is very, is likely to be bid upon by a whole level of different bunch of vessels. In other words, when you look at research set aside as it currently is, I ran down those numbers of vessels that currently bid on fluke. Many boats need fluke, want fluke, bid on fluke. Then you have a whole other bunch of vessels that bid on tilefish. Then you have a whole other bunch of vessels that bid on squid. They're not the same goal and expand that to a new species that will probably bring out another load of vessels that are already participating in the program. I think literally stress out certainly from a [inaudible 00:22:36] situation for the agency which they had been pretty clear about has to come to an end. I would not support that. Thank you.

Rick Robins: Thank you Greg. Is there any further comment? John McMurray, and then I'll go to Rich.

John McMurray: Thank you Mr. Chairman. I'm not sure I understand the rationale for leaving the RSA aside until the benchmark. Somebody explain that to me?

Rick Robins: Jose, do you want to elaborate on the monitoring committee discussions so [inaudible 00:23:06] when they made the recommendation?

Jose Montanez: Yes. It was basically that the last stock assessment there were some uncertainties regarding the outcome of the assessment and because we don't know exactly where the biological references points are at. The monitoring committee thought that it will be better to just went until the next round of stock assessment before RSA was implemented. That was basically the reasoning that was used or the logic.

Rick Robins: Jose would we have those research priorities coming out of that benchmark at the December meeting or February? What would be the timeline on that delivery?

Jose Montanez: Basically they are recommendations that are made on the benchmark. The last benchmark as stock assessment had some recommendations and most likely that additional recommendations will be made when this stock assessment gets contacted. The stock assessment is scheduled for December of this year and I'm not quite sure but I think that by March we should you have the outcome of that assessment. By then we'll know what the new research priorities are as seen by the people that are putting together the stock assessment.

Last year basically there was a little bit of debate because one of the research priorities was a hook size selectivity study. Now, there are other views that there might be other research needs that are potentially more important. I think that it will be better to wait until the stock assessment is conducted before we really know what are the things that the people at the Northeast Fisheries Science Center would like to see done.

Rick Robins: Rich and Chris do you want to come back to the earlier question?

Rich Seagraves: Yes. The email that Chris Zeman sent around earlier, I guess, today, is actually the press release in February 2012. I'm not sure that that reflects. That would reflect the activity of last summer. We set the RSA research priorities in August then that gets submitted to them in October and I don't have that document in front of me. I'm not sure. It's true tilefish was in the 2012 solicitation, at least the press release in 2012, but I'm not sure if it's in there for this year. I'll have to check back at the office to confirm that.

Rick Robins: Thanks Rich, Peter Himchak? It's a low bid product.

Peter Himchak: I guess our solution here is, since the benchmark comes December 2013 we don't put an RSA in for 2014 because we don't know yet what the assessment is going to tell us but we could put it in to the specs for 2015 once the assessment is in front of us. Would it be not premature to put it aside this year, for 2014 rather?

Rick Robins: Chris?

Chris Zeman: I've heard the explanation twice regarding how the monitoring committee is waiting to sort of waiting for a benchmark stock assessment. I don't understand the logic behind that because usually you are given an ABC or a sustainable harvest and you say subtracted from that sustainable harvest. It's not a situation where we are allowing more catch to occur above our ABC our ACL to account for the RSA. I don't understand the logic behind that, can you explain that?

Jose Montanez: There's no formula that is used to come up with the research set aside. I mean you're right, each has a percentage that is deducted from the overall quota. That's correct. It's just that we don't have a good guidance on the type of research that needs to be done or we didn't have it at that point. That's the reason we thought that the solution will be to just wait until the next benchmark stock assessment came out and we had better guidance of what type of research needed to be conducted.

Rick Robins: John?

John?: Thank you. I'm trying to understand exactly what were in value, in pounds, of everything else, so the 3% would be how many pounds approximately? Jose could you still ...

Rick Robins: 2 million pound a quarter, right?

Jose Montanez: Like about 60,000 pounds.

John ?: 60,000 pounds would be the 3%. What's the expected price approximately?

Speaker: [Inaudible 00:28:13]

John ?: Ex vessel is three bucks? For anybody to make any money on it and to fishes, they got to pay a buck and a half. That's 60,000, so it's a lot of money. Its \$90,000, tops, it will generate. All right, thanks.

Rick Robins: Rich?

Rich Seagraves: Yes. I was talking to Ryan Silverman, in fact, that the previous year it was included. It was removed so the current federal funding opportunity does not include tilefish; it was removed.

Rick Robins: Thank you. Chris?

Chris Zeman: Just as a follow up, it was my understanding that I thought that all Mid-Atlantic species contributed toward the RSA as part of a council commitment to fund the RSA region wide. I never considered this is an option or optional. If I do see it as optional. I will make sure other fisheries are aware of that and really they should be looking ... it is an option for them to really consider to not fund the RSA for various other fisheries like some flounder or black sea bass.

Rick Robins: Chris, I think the option rests with the council. When the decision is made within the specification process we can set it up to 3%, but not beyond that,

Chris Zeman: Yes. If I may follow up I agree with that. How about you know for black sea bass I mean we've been contributing 3% to the RSA for years and we are always in the situation, we're waiting for update benchmark stock assessment. I mean, I never considered that as justification for saying well, let's not fund the RSA until we go to the next stock assessment.

Rick Robins: John?

John McMurray: Thanks. The issue if I'm understanding this correctly is not ... the issue is that we don't have the research needs yet. We need the stock assessment. We need the benchmarks before we know what to spend the money on. Is that correct?

Rick Robins: Okay. As we discussed with the outset of this we have specifications in place for fishing year 2014. We have advice from the monitoring committee, the SSC, the AP; does the council wish to make any changes to the 2014 specifications? Chris Zeman?

Chris Zeman: I would like to make a motion to set aside 3% of the TAL for RSA funding.

Rick Robins: For 2014?

Chris Zeman: For 2014.

Rick Robins: Is there a second to that motion? Is there a second to that motion?

Jeff Deem: Second.

Rick Robins: Second by Jeff Deem. Discussion on the motion, John McMurray.

John McMurray: I guess I'm just a little confused about the RSA program. Does it contribute to a single pool or is it species specific? Meaning the money generated from the black sea bass RSA, does that go directly to black sea bass research?

Rick Robins: Rich do you want to delineate this? It must vary across the region's fisheries but if you want ...

Rich Seagraves: Yes, and I guess why [inaudible 00:31:29] more intimate knowledge and maybe you could help me out. Going to the pool of money and in general the moneys that are generated by specific species are used for research on that species but it's not all inclusive like monies from black sea bass, there's a limit on the percentage of other species that can be used to solve a problem or addresses a research need for species X. We're trying to figure out the size up the charity or we're going to use species Y money, but there's a limit to how much you can use, but there is a trading back and forth.

Rick Robins: Ryan would you mind coming up and add any additional clarity you can give us? Thanks, Ryan Silva.

Ryan Silva: Sure. Rich has it pretty much, I get the ... there are some restrictions on how the set aside can be awarded for projects that they don't address that species' research needs. For example, the ongoing scup survey has been awarded squid in the past. The way their program is implemented, and I'm almost certain this is a regulation, that no more than 50% of the species can be awarded to a project that is not a focused on that species. For example, a project that was looking into a tilefish issue, they could conceivably be awarded 50% of all the other RSA species to fund that work.

Rick Robins: Ryan just to clarify, if you took a project such in nature as NEAMAP where it say multispecies survey, does that satisfy that requirement? In other words, if species access contributing through the RSA program and that species is also encountered in the NEAMAP survey, does that satisfy that connection requirement?

Ryan Silva: Yes. NEAMAP would, because they're harvesting those species that they're being awarded, that provision doesn't apply.

Rick Robins: Thank you. Further discussions or questions? Jeff?

Jeff Deem: Question, if we took in 90,000 for tilefish for instance in 2014 with the 3% set aside, 50% of that could go to some other species with the other 50% be bankrolled for tilefish only in the future?

Ryan Silva: No. You know that quota will be available for other projects. If there is a black sea bass and a squid study, they could conceivably take up the 100% of the tilefish set aside.

Jeff Deem: Each species could take 50% or any individual species could take 50%.

Ryan Silva: Yes, it's by project.

Rick Robins: John Bullard?

John Bullard: Ryan, when Greg was talking about this he said that he imagines that this would put the agency into some stress because it would bring in additional votes. So you speak for the agency, what do you think?

Rick Robins: Ryan?

Ryan Silva: I do, okay.

What Greg referenced and some of the council members may be aware of is that the regional office established a vessel cap policy. There's concerns about the number of vessels participating in compensation fishing. There's concern that we weren't able to effectively oversee all of those vessels so we came up with a policy based on looking at previous projects, particularly early on in the program and how many vessels they realistically needed, the harvest, the set aside to fund the research. It was 20 or 30 vessels so we felt that we could be flexible and say that each vessel could have, or each project could have, up to 50 vessels per project.

I mentioned earlier for folks that weren't in the RSA Committee meeting, adding, and Greg mentioned, adding species obviously is going to do add if that set aside is going to be harvested it's going to expand the pool of vessels that may

participate in the program. I'm not sure off hand. You know obviously we could look at it and our vessel cap policy is a policy, but I'm not sure. I would think that it would result in the need to exceed 50 vessels and the only other point I make on that cap policy is that it's set up such that if it's a demonstrated need and it's justified that we do all the cap to be exceeded. We have for each of the years since we've had the cap in place, but we are trying to maintain, be mindful of that cap. The concern is there, but we have some flexibility.

Rick Robins: Jeff Deem?

Jeff Deem: I'm going to support it. I did support it because it seems to me if research is needed for tilefish in 2015 there are going to be able to take 50% of some other species to help with that, or 50% of a number of other species to help with that. The same should work in reverse. I think any other species should ... I think tilefish should contribute to the pool. Thank you.

Rick Robins: Chris Zeman?

Chris Zeman: What's the question for the science center and that is ... it's my understanding that this is a level four fishery so there must be data needs. I mean I'd be surprised to find that there's no identified research data needs for tilefish. It's not a level one fishery.

Rick Robins: Jim?

Jim Weinberg: Yes. I would have to refer to the document to get the specifics, but every benchmark stock assessment that is done has a section with identified research recommendations. There are previous lists that are out there.

Rick Robins: I think it's worth noting also just as in the side not relative to the merits of the motion but the fact that the AP and the industry in expressing it's preferences through the AP does appear to be satisfied with the quota which is very different than some of our data poor situations where we have a constraining corridor, the data poor situation, a really critical data situations. It's a little bit different in that regard.

Peter Himchak?

Peter Himchak: Yes, I have a quick question. If tilefish is not in the RFP for 2014 then who could bid on the fish to do any project? Then they couldn't in 2014 and then my next question is following up on Laurie's comment about who's going to bid on tilefish and likely be out there to catch the fish? I mean, and if you take away the 3% that can drop and it's not bid on, does that goes back to the ITQ folks or the common pool folks? I mean what's a likelihood of somebody new getting in and going out and trying to catch tilefish.

Rick Robins: Jose to this point?

Jose Montanez: Actually, it could be quite high. For example monkfish fisherman could potentially come in and buy RSA or buy fish to participate in the fishery, so you could potentially see a lot of boats that will be doing this.

Rick Robins: Laurie can you respond to that?

Laurie Nolan: A lot of things. First, I just have to ask, if the announcement is out there on the street right now and we don't have tilefish listed then adding tilefish at this point would basically saying, "Okay, we're going to add tilefish and the best we can expect is at 50% of the revenue raised would go towards other species," because we have no tilefish priority requests right now on the street. Like Pete said in 2014 you will not see a tilefish project occur. The tilefish industry works very close and is extremely involved with the Northeast Science Center. It's a very small fleet. We know and we've heard some of the missing holes and the silence, we've talked about hook-sell activity, we've talked about projects like this in the past, it was a grant that was going to be forwarded out to industry to go ahead and work with the science center and do some hook-sell activity, it fell apart.

We're talking with Paul Nitschke now whether or not hook-sell activity is even a necessity will come in of the next SARC? Did the industry has been tilefish for some circle hooks since 1980, guess what? They've already done hook-sell activity. They are very good catching the fish that are marketable, that they're going to get paid for. We've done all this already and the fishery is very stable right now. We're not trying to catch little ones and develop a market for the little teeny tiny ones, we're not trying to target the extra-large only. We have hooks that are doing a great job as we saw in Jose's report. As far as our randoms go, were catching the variety of the size, everything they catch is marketable.

In fact the hook-sell activity thing is really accomplished. What's been happening in the last couple of years is shore-set sampling. They've done tremendous work on length, frequency, and [inaudible 00:41:32] of the fish. I'm sure when we hit the deck we have somebody there to sample our fish. The knowledge now to describe from the Science Center why we need money. Why do we need money short sale to have someone input all that data that's been collected on the main frequency rather than something to occur offshore even? The idea that we were waiting for the benchmark assessment to give the industry feedback, to give the public feedback on what the needs are today, not two years ago, [inaudible 00:42:07] today.

We need to hear that feedback from the science center before we even know where to go and that kind of projects to put on the table. At this point and we may not vote on any of this because I know the deal, but it just seems to put the

research set aside [inaudible 00:42:24] on the back burner or until after the stock assessment makes a lot of sense.

Rick Robins: Frank Blount.

Frank Blount: Yes, thank you. I think I see the way this vote is going to go, but to be consistent with the other plans I think it should say 'set aside up to 3%', because I think that's what's in all the other ones.

Rick Robins: Howard?

Howard King: Yes, thank you Mr. Chairman. I'm not in favor of including this in the 2014 package. To simplify what Laurie said, to me it's putting the cart before the horse. I think to even justify having that 3% or up to 3% set aside there has to be some research program identified for a tilefish, and that just doesn't exist at this time.

Rick Robins: Thank you. Does anybody who wants to speak in support of the motion? Chris?

Chris Zeman: Yes. I just want to point out that most of these programs start off with the funding has come first before the research and what you'll see is that once there is available money you will see scientists actually then propose projects. If there is really no money then that becomes the issue.

In terms of, I think a lot of concerns here raises in terms of complexity or adding another fishery I think that assumes that this has to go through the auction. However, maybe tilefish is a fishery that would be more appropriate, research would be more appropriate done through the traditional method which is a scientist actually works with the tilefish industry, take and get, and those fishermen that work with that scientist actually get the set aside. The auction may not be the best thing for tilefish but at the end of the day again, I just thought this was a fish ... this is a council or region wide contribution where every fishery puts in 3%. Frankly it is like, it should not be considered some sort of surprise that if that money doesn't go to your specific fishery directly because if you just heard that discussion three minutes ago most of this money is going to an NEAMAP and very few fishery specific projects are being funded. Again, if you're considering that as your justification for voting against this motion its reality and that doesn't stop any other fishery from contributing it's 3%.

Again, I think that this is something that we should do as a policy statement for the council, fishery wide that we all fisheries support research and should contribute accordingly. Thank you.

Rick Robins: Last word, Rob O'Reilly?

Rob O'Reilly: I don't know if this could be a good word but I guess I have a couple of questions. One would be the situation with tilefish is a dead end for 2014. What other



species are in that situation where RSA would be providing for research where that species is not able to get any research funding. Is that something that's typical to a few other species here, because we're talking a lot about up to 50% going to generic species, but how many other species are in the same situation as tilefish right now where there would be RSA without the promise of any kind of funding for research?

Rick Robins: Rob, I think the vast majority of all the other species have some nexus back to NEAMAP. Rich do you want to allow me to ... can you identify any other species that fall to this perhaps?

Rich Seagraves: No. I think you're right. They can all be identified back so they're not in the same category. All other species have research needs that have been published. The problem is some of them don't have any value unless the fishery is closed. They all have greater value when the fisheries close or something. Sometimes when the fishery doesn't close then there's no incentive to bid on that thing. There is some if it that would not generate any revenue just because of the conditions of the market and the fishery.

Rick Robins: Thanks Rich. Rob, follow up?

Rob O'Reilly: Yes. To follow up just as that was in this discussion I think that we wait is what I hear more than anything else until 2015. It seemed like the intent even those who are making the motion really had something to do with tilefish and getting some research there. If that's not possible right now, I think it's a good idea to wait.

Rick Robins: Thank you. Is the council ready for the question? All those in favor please raise your hand. 3. Opposed like sign. 16. Abstentions like sign. One abstention. Motion carried.

Thank you. Are there any other changes that the council would like to make to the 2014 golden tilefish specification? Jason?

Jason Didden: Just for the record, you said motion carries, did you mean motion fails for lack of majority. Thank you. Laurie?

Laurie Nolan: On that voting, Mr. Chairman, I think you counted me. I am recusing myself so I don't even count, I believed I don't even count as a not voter. I'm gone, I'm not here.

Rick Robins: Okay. You're abstaining. Fair enough; so motion fails. Thanks for the clarification. Is there any other modification to the 2014 specifications that the council would like to make? All right, seeing none we'll let those stand as they are. Thank you very much.

Is there anything else come before us other than tilefish, Jose?

Jose Montanez: No.

Rick Robins: Thank you. Our next item is the SPRM presentation, at ...

**SBRM**  
**April 9, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Doug Potts: I'm Doug Potts. I'm bringing forward today to you the let's say a draft SBRM Amendment. I do have to apologize right off the bat. It's actually a pretty draftydraft as they go. There's been some additional work [inaudible 00:00:21] just to try to get to make this meeting. The draft will continue to evolve before it is actually put out for public comment that. We'll talk to that at the end of the presentation.

The amendment that we have is based largely on the 2007 SBRM Amendment but reflects additional work from the current SBRM FMAT with members from the Northeast Regional Office, the Science Center, the both councils, the Mid-Atlantic and the New England Councils, and the ASMFC, along with some additional help that we've been reaching from other members.

Basically today, I'm going to do a brief overview of SBRM and the history of why we're here, just to remind people how we got to where we are. Then a quick overview of the alternatives that were in the 2007 SBRM Amendment and then talk about the draft alternatives that are in the new document or modified document for each of the seven SBRM elements in the program.

The MSA, the Magnuson-Stevens Act requires that all MFPs contain a standardized methodology for assessing bycatch. There were court rulings in mid-2005 that came out that there's challenges on Amendment 13 in Groundfish and Amendment 10 in Scallops that identified that those actions did not have addressed the SBRM requirements of the Magnuson-Stevens Act. Both councils decided to develop jointly an Omnibus SBRM Amendment to all the FMPs to incorporate SBRM and be standard across in both regions. That was passed and implemented in 2007. It was then immediately challenged in court.

Initially it was found in favor of NMFS by the District Court. However, in 2011 Appeals Court overturned to the District Court ruling, vacated the amendment and remanded it back to NMFS for action based on that. Also in 2011 coincidentally, the three-year review was taken on of the SBRM. There were recommendations that were coming out of that three-year review at the same time. In response to both of these things, the councils formed this new FMAT to specifically address the deficiencies identified by the Court in the Amendment. Then as time and resource allowed include any additional suggestions that came out of the SBRM, the three-year review that can improve the process.

In the 2007 SBRM Amendment, the program was basically broken down into seven elements and here represents the voiceover preferred and implemented alternatives under each of these sections. The court found a problem only with part six, which is called the Prioritization Process. That was the process by which the agency determined if there was enough funding to pay for the observers sea days that were required to meet the 30% CV performance standard. If there wasn't enough funding for that, then how observer coverage was rebalanced to stay within funding limits? Then there was a form of council consultation on how that was set about so that the courts ruled that the agency had too much discretion in both determining how much funding was available and in how those observer's sea days were then read out or prioritized to the different fleets.

The task given to the assessment that was primarily to come up with additional alternatives to address those deficiencies in the 2007 document. The alternatives coming forward here are largely the same. You'll see a lot of the grey shaded areas are actually the alternatives that were implemented under the 2007 Amendment. Those are still maintained. Some of the things that were status quo has changed because once the 2007 Amendment was vacated the agency decided to maintain the SBRM process as it was going rather than to revert back to the pre-systems. That was the best, those are the most defensively scientific method of establishing observer coverage and so what status quo is actually a large part what was in the 2007 amendment.

The new alternatives are, there are under six ... we'll talk about those as I go through the different components in a couple of minutes. There's also an additional alternative under framework adjustment provisions. I'll just mention that very briefly here. I'll mention it again. That's just allowing the modifications to the SBRM process through frameworks and specifications as was in the 2007 document. It would also allow additional fleets to be added, fishing modes as they're called, without having to go through formal council process. There were some concern, this was a recommendation that came out of a three-year review when additional gears came into the fisheries such as the role of trawl, or had a separator trawl.

Under the old process it would take a council action and a framework or other specs to then adapt that into the SBRM and it would be a year or more delay before the gear that is currently being used in the fishery shows up in the SBRM and gets coverage that way. Since assigning coverage increases the precision of our discard estimates, it was felt that it was probably best to be able to add fleets when they're identified as being specific new units for this SBRM and then notify the councils, but to be able to add them without having to have formal council process. I'll go through some of that.

The seven sections, and this is going to be a little boring, I apologize, but I'll just touch on each one as we go through. There's a bycatch, this is such in the bycatch reporting monitoring mechanisms, much as it was in 2007, the status quo is the methods that we're using. The alternative that was proposed at that time was to implement electronic video monitoring. There has been a lot of work done on the electronic video monitoring since the 2007 Amendment, but that work is actually still continuing. At his point the council had not test the FMAT in changing these options, although they're still going forward. Those are the two alternatives that we're stating in this document.

The analytical techniques used in this ... you'll see what was the status quo in 2007 is now I thought it was pre-2007 SBRM Amendment rather than go back to that where we're currently using is what's now integrated allocation approach, actually it's option C there. The 2007 document, when it went out for public hearing, had a series of importance filters that were proposed based on comments that came in there. Actually became additional importance filters that went into the final document and that became option B under that alternative.

That was what was implemented, three-year review, reexamined all of these processes, determined that what was called a gray-cell filter and unlikely filter was actually redundant and not necessary in the future. There's a new option under this element to keep the current importance filters but to remove that redundant filter or the gray-cell filter. That's actually what was used in 2012 in setting last year's coverage. It will be used this year's coverage as the center sets coverage levels. That's currently the status quo. There was also an alternative to do a minimum percent observer coverage, however that was not considered optimal at that time and it's still in the document at this time.

Element three of the three is the Performance Standard. Everyone might be familiar with this. The two alternatives would be the not have a performance standard and the other one is the CV standard, that is current status quo and it's also what was adopted in 2007. It's a 30% CV standard that was based on a recommendation out of the national workshop that happened in 2004. That's still maintained under the document.

Element four of SBRM is the Review and Reporting Process that comes with this. Since there is no amendment at this point, there is no reporting requirement in any of the FMPs and therefore, our status quo would be to do, not have that however, there was option D there. There was the SBRM. The implemented option in 2007 was to have a review of the whole process every three years. The council has also adapted a periodic discard report requirement that was for an annual report. We actually still generating an annual report, it's just not required at this time. There would be some changes based on the three-year review to the components that are in the annual report or discard report. Primarily to

make it more council friendly as deemed rather than reporting simply observed the discards. It would offer and extrapolate to unobserved trips to give you an estimate of discards and provides some additional components.

The 2012 report out of the center is sort of a template for how that could be done. That was additional comments being sought from the FMAT members to how useful that was and if the new additional improvements could be made in that report. At the end we're looking at the same frequency of reports potentially in the new SBRM Amendment.

With regard to the Framework Provisions of this, again, status quo would need an amendment for every adjustment to SBRMA Amendment. Alternatives would be to use frameworks or to use frameworks and specifications or other annual adjustments as I was describing earlier. The new alternative under this element would be to again, have frameworks or annual adjustments except for fishing modes, which are the individual fleets.

Element six, the Prioritization Process, this is where we have the new alternatives that were developed by the FMAT. Or previously it was a single prioritization process to address the two deficiencies identified by the court. This would actually break it into two subsections. One is a trigger, which is roughly how we determine whether there's enough money in a given year to fund observer sea days. If that trigger is met, then you would go on to a process that would readjust observer sea days.

If there was sufficient funding in a given year, the second half would never be required. It would simply use the allocated sea days that came out of the initial allocations. There are two alternatives being reported on for the trigger. One is the status quo that uses just sort of the combination of variable sources, funding sources we have for observers. Some of those funding sources have restrictions or limitations on how they're spent or how they're directed. Unfortunately that is also the option that was considered deficient by the court, that felt that the agency had too much discretion to move if it chose, to move funds out of SBRM and trigger prioritization.

The alternative to that and there's a limited amount you could do with it was to identify dedicated SBRM funding sources, not specific dollar amounts, but using the historical amounts that we've used in recent years of funding from a few dedicated line items. That would be money that would be for SBRM. In this particular case we've identified four lines that have been used in recent years. The average since about 2010, observer funding went up in 2010, has been what would be the dedicated funding of the Northeast Fisheries Observer Program, that money would go directly to SBRM. There's also a funding line, these are actual lines in our budget called Atlantic Coast Observers, that funding is actually split between the Northeast region, the Southeast region and the headquarters

over the last few years, 43% of that has gone to SBRM and so we would dedicate that again to SBRM going forward.

National observer program is actually a funding line that is split between all of the regions, all six regions and headquarters. However, the Northeast region has been getting 43% of that line in recent years for SBRM and so we would continue to do that. There's also a line for reducing bycatch particularly target to observers and that will be a 13% going forward. It would be the sum of all these lines up here in congressional funding appropriations. Therefore, it would be predictable as to what the funding going forward. There would be deductions for a standard overhead and then the money would be converted into numbers of sea days that could then be used for observer program.

There may be funding or there often is funding from other sources that can also be used for observers. Some of that is dedicated team Marine Mammals or ESA or there's actually some money that comes in sometimes for catch shares. That money could be used for observers but wouldn't necessarily have to be allocated according to the SBRM under this alternative. The additional observations, of course, would still increase the precision of discard estimations but it wouldn't be allocated necessarily along SBRM lines.

The second part of this is how sea days would be adjusted. There are three alternatives coming forward in this. Again, the status quo allows the agency to identify the various limitations on the funding to identify the priorities of agency and the councils. The process came forward with the consultation with the councils each year with a proposed allocation of sea days to council comment and then went back and set coverage levels. However, as you said, this was found to be deficient by the court. It allowed too much, in the court's opinion, too much discretion on the part of the agency to rebalance observer days. To that end, the FMAT tried to develop means that could formulaically rebalanced observer covers to stay within funding constraints.

One option we'll bring forward is a proportional approach. It's fairly straightforward. You'd simply take the number of sea days we have funding for, divide it by the total numbers of sea days you would need to reach the 30% CV across all the different fleets. That percentage shortfall would then be applied to each individual fishing fleet, fishing mode, and reduce all of them a little bit by the amount necessary. It wouldn't necessary be a little bit, to then reach the numbers.

Unfortunately this could cause some issues because it would ... at least every fleet would have at least once species where it didn't meet the 30% CV because there are somebody who'd set that, some species group that set that number of sea days needed to hit the 30% CVs performance standard. It would affect all the fleets across that sense. We do have a new sort of alternative for a minimum

pilot coverage level that would add some coverage, even if fleets are eliminated by this process, so every fleet does end up with some small level of coverage so we do have some observer coverage coming out of that.

The other alternative that we came forward is sort of awkwardly named Penultimate approach. It identifies the single fleet that requires the most sea days to meet its 30% CV. Instead of using the maximum amount of days across all the different species for that one, it eliminates the highest one. It takes the next highest. This could then be repeated to then get down to a sea day level that would be within funding constraints. It was a method to try to get sort of the most bang for the buck as it were, where it have the greatest impact while affecting the least of the fewest number of individual species that would be above the 30% CV.

This is a little hard to see on this scale here. This is an example of when the matrix that is generated each year. Down the left side are the different fleets by gear and area and mesh type. Across the top are the various species or species groups that are used. Then it is populated by how many sea days would be necessary to reach the 30% CV or expected to reach the 30% CV within that group. You see several are grayed out in this particular area because of the importance filters for those species and that gear were not considered, or it constitutes a very low part of the total discards or the total mortality of that species.

On the right side, the far right column ends up being the filtered days. That's the number of days required under the SBRM coming out. In this case you would look at the sales we have. The single highest one is the 2,175 days for, in this case it falls under Mid-Atlantic large mesh otter trawl. That's driven by the small mesh groundfish component. It will eliminate that cell, the 2,000 days instead, that fleet would require 265. That's the next highest unfiltered sea days across the fleet. Therefore just the small mesh groundfish in large mesh otter trawl component goes, that CV is greater than 30% but the rest are maintained and it drops the number of sea days. If the new total was not enough, it was still too high for the funding available. You could repeat the process taking out one cell at a time until you got to a point where you had enough sea days.

As a different visual representation of this, this is a chart that's ... mostly example information on natural [inaudible 00:23:04] representative, but has the CV value on the left, on the Y axis and the number of sea days you would need to reach that on the X. The dotted line across is the 30% CV range. You see in this particular example, which is also supposed to be the Mid-Atlantic otter trawl, it's a red crab. It's an infrequent component discard species. However, it's not filtered out because it is not an insignificant part of the discards of red crab that we see. But if you eliminate that one species, you go from a 5,500 days needed



to reach 30% CV down to 300 for the next 333 of the next fleet. It saves, I don't have it on this particular slide but it saved a significant amount of money, a large number of days.

That was the alternative that we're trying to work out to come forward. There's the once for prioritization. It would be a formulated process that would then be sort of predictable each year that would come out. That like the other alternatives still has a method of if there are two fuse of the entire fleet is eliminated there is an alternative minimum coverage that would go to a particular fleet so there's coverage of every fleet at least three trips per quarter so that there is discard estimations.

The final part of the SBRM, final element is of industry funded observer programs. It's not proposing new forms, it just brings forward either the status quo where everything would require an amendment to come through. In the 2007 SBRM Amendment it brought forward these options of setting the standards for observer approval and also an option to implement an observer funded program through a framework option for all of these FMPs. Again, that would be in there as well.

This becomes a full list of all the alternatives that are in this draft amendment. Again, this draft amendment is being updated. Although the analysis in it uses some 2004 fishing data, a lot of the analysis is not dependent on a particular fishing year. That was examples of we're not updating all the analysis that's in it or we're just updating a lot of descriptions of the fisheries and so new landings data since it was implemented will be put in. There's some additional updating that need to be done in the document before it goes out for a public period.

The schedule that we're trying to work on, and this is why I came unfortunately at this council a little bit hastily, was to have a draft amendment to do the council's at their April meetings, then put it out for a public comment period or availability for public during the month of May. There's roughly a 30-day comment period if we could, then having the final action in June trying to get an SBRM Amendment back into place through rule making for the 2014 coverage levels. That is where we're currently at in that process. I'm sorry I went quickly through this. Is there questions?

Rick Robins: Doug, thank you for the presentation. I just want to make sure I understand the approach you described as the penultimate approach. That filter, as I understand it, would eliminate allocations that might be unreasonably large that are being driven by applying a CV to a very rare event. We have for example an intersection between longlines and scallops, which would presumably be a rare event.

You would end up with an extraordinary high allocation to that if you had achieved a 30% CV, or something like CV target. Is that what that's eliminating essentially?

Doug Potts: Yes, although there are already importance filters in the process to eliminate some of those things like longlines and scallops that filter out species that, where the discard in that gear constitutes a very small amount of the mortality in that species or the very small amount of the total discards of that species. So those do get filtered out in the process but there are some that still come through, such as the red crab and the trawl fisheries. We very rarely see red crab but that does drive some of the fleet. It is to try to eliminate the highest demand species first and still allow coverage for everything else. I guess try to eliminate the most unlikely ones.

Rick Robins: Okay. Those outcomes would be potentially significantly different than using the proportional method to cover the shortcomings?

Doug Potts: Yes. In fact the proportional method in these rare events, those fleets would still have much higher days because it reduces them all by the same proportion.

Rick Robins: Thanks. I just want to make sure I understood how the penultimate worked. Other questions of Doug? Preston?

Preston Pate: Thank you Doug. The South-Atlantic and the Gulf of Mexico Councils are considering what they refer to as comprehensive ecosystem based amendment number three to all of their fisheries management plans, so [inaudible 00:26:42] three which is Omnibus Amendment to all of their plans. It sounds very similar to what is being considered through the SBRM.

Are you familiar with that program at all? They make reference in the document that supports their proposal to coming into compliance with ASMFC back edge reporting guidelines. I was just curious if you were familiar with that at all.

Doug Potts: I'm not.

Preston Pate: No?

Rick Robins: Thanks. Other questions or comments at this point? Jeff?

Jeff Deem: I'm not sure if this is the appropriate place to ask but what's the status of electronic video monitoring today, they accepted ... I know in Canada it was big years and years ago, have we not accepted that as a viable alternative? Can you enlighten me on that a little bit?

Doug Potts: I don't think I could speak in too much detail to it. I know work is still ongoing at the center. There has been a pilot project and I think there has been some

extension of that and there's some consideration in using some level of electronic reporting in some of the groundfish fisheries. I know there's ongoing concerns of identifying the species level on some of these video recordings that you can find and estimating weights has also been an issue that's been ongoing. I think they're still working to address those.

Rick Robins: And Jeff I'll ask Dr. Karp to follow up on that. Dr. Karp?

Dr. Karp: Thank you Mr. Chairman. We are also doing quite a little work on this at the center. My plan is to give a brief report on the status of that work and how we're planning to proceed during the agency reports tomorrow.

Rick Robins: Thank you. Other questions or comments, Dewey?

Dewey Hemilright: My question is, how would was a vessel chosen to care observer? What was the trigger point if it's a VTR or something like that?

Doug Potts: As far as a specific vessel being chosen, I'm not familiar with that. I think it's set through the observe program. They have protocols for how to choose individual vessels for its process.

Dewey Hemilright: Jim do you want to elaborate on that from the center?

Jim Weinberg: Yes. I'm fairly certain that the process is intended to select vessels from within particular fleets at random, although I know that I've heard comments at council meetings of people who feel that they're selected more than that.

Dewey Hemilright: Yes. Some boats are more random than others, right? I tend to agree with your comments of its not selected random, it may be because the boat is nicer or something like that because I was just curious because it goes to fit to how people fish and different things like that. It's definitely not random.

Rick Robins: Rich served on the FMAT, do you have any specific concerns that we should be aware of relative to the options from a Mid-Atlantic perspective? I feel like we've always been challenged under the SBRM to try to begin adequately addressed coverage on those fisheries. The allocations are constrained by other funding constraints that congress has imposed on observer coverage where a lot of those reallocated groundfish in the Northeast.

Yes, I felt that's always been a constraint in the past where you at least have had this consulted mechanism where we could go back and forth at the council level and have a conversation once a year with the center to prioritize if there's any available leftover amount of observer sea days to try to meet pressing needs. It seems like that could be lost here as we have to modify the amendment as a result of the court decision. I just wanted to know if you had

any specific concerns or recommendations to us before this goes out for public comment.

Rich Seagraves: Yes, thank you Mr. Chairman. I don't have any major concerns about this amendment. The genesis of stimulus for it was there was too much discretion given to the service on how they allocated funds specifically. The part that addresses that I guess is section six. The only concern I had is that I had asked for a dry run of the two different approaches that proportional approach and the penultimate approach and just run it on a year or two to see how it would fall out. I think that there are maybe some examples of that but I still know that we've gotten that. I'm not sure how are we going to come out of it. However, when I read page 12 of the SBRM and under number six basically it says a coverage levels that meet the SBRM standard with the term and so you got to figure out what you need for 30% CV and then either through the proportional penultimate approach, there's an allocation.

Then there's a recommended prioritization or some rationale for that recommendation, and then later it states that this information will be presented to the council and that the council would be given an opportunity to comment which is to me essentially why it works now. Is that the correct interpretation of that? I mean if that's the case, what we're talking about here is the meat of those things is although there are suggestions to improve the annual report and the requirement for three reports making the 30% CV actually and have teeth which were an illusion. But the federal is saying is on how we do the allocation and to take away the discretion of the Cyrus. We went to these two different approaches and not sure of how it will come out. Later on the document it does say that you'll present this to the council just like we do now. The council would have the opportunity to comment and ask for readjustments based on their needs.

Doug Potts: That may be an error in the document. I know that is the method that we have now. I think the intention of this was to ... if it did come to the council for comment there may not be an opportunity to readjust that using a formulaic approach that took out the agency discretion would probably bind us to the level that we are ... the readjustments. I think that concern would have been if one council suggested one way and then another council suggested another way, the agency would still then be in the position of having discretion to take or leave or change those.

Rick Robins: Rich?

Rich Seagraves: Just to follow up. Again, I go back to the ... I'm not sure, I have concerns because the ... it would be nice to know, we see by the example how those things would shake out depending on the different process so that we might see how we would be impacted.

Rick Robins: Jim, can you comment to the possibility of getting that type of evaluation done as we go forward, or do you have another comment? Go ahead.

Jim Weinberg: I had another comment and I was thinking about formulating my question.

Rick Robins: Okay, let me get back to Doug and just see if there's an analysis we can get done.

Doug Potts: The intention of working with FMAT to develop two different examples, unfortunately I just don't have the time to get it done for this at this time, but we do intend to have comparisons over two-year or couple of years.

Rick Robins: Thanks Doug. Jim if you had an opportunity to formulate your question.

Jim Weinberg: Yes, I did. In the previous SBRM Amendment, there were these three filters that were used. I think there were all very reasonable. There was the unlikely cell filter then there was a filter that considered the fraction of the discards that were accounted for, and another one that accounted for certain fraction of the total mortality due the discards. I just wasn't clear in the new draft amendment, are those being retained or they gone?

Doug Potts: Thank you. It is being retained. The intention was to have all the same alternatives that had been in the 2007 amendments. There's an option that has that gray cell filter and the mortality and the discard filter. However, it was also the analysis of a three-year review panel, but it turns out the gray cell filter once you apply the mortality in discard filter is redundant and that everything that is would be filtered out by the unlikely is also filtered out by unlikely by the discard of the mortality filter. There was a recommendation coming out of that three-year review that if that was unnecessary to drop it and just go with the other two parts of that important filters. That's a new option that's put in the document to just have those two components of the importance filter and drop the unlikely filter.

Rick Robins: Chris Zeman?

Chris Zeman: Yes. In the prior SBRM reports there was no sort of a section or discussion or table that sort of said this is the effective observer coverage for this gear in this quarter. I would make a recommendation that you actually update the new SBRM to actually include that so then I will know that let's say for trawls the observer coverage was X percent in that, based on total trips made during that quarter. Thanks.

Rick Robins: Jim Weinberg, follow-up?

Jim Weinberg: Yes. A follow up to my question, you'd be using those filters, two of the three or maybe one of the three. Now if you adapted the proportional approach would you first do the filters and then to determine kind of an optimal allocation and

then you would say, “We only have 50% of the money that we really need,” and you would just take what you got from the filters and then reduce everything by 50%?

Rick Robins: Doug?

Doug Potts: That is basically as the proposal would work, that yet the filters would run initially and then that’s how you would generate the needed level to raise the 30% CV any prioritization happens after that stage.

Rick Robins: Thanks Doug, other questions or comments? Jeff?

There’s still room at the table, if you want to just move out of the corner and you can start answering the question either way is fine.

Jeff Kaelin: Members of the council, good afternoon. I’m Jeff Kaelin with Lund’s Fisheries in Cape May, New Jersey. This SBRM program has been a great interest to us in the pelagic fisheries over the last few years because it’s kind of a science-based approach to how it assign observer coverage in a world of scarce resources. As we know, we were kind of railroaded into accepting the proposal that we take 100% observer coverage in both the mackerel and the herring fishery in these amendments. I personally struggle with that event though we took that position. Our company supported the other companies. I think we were successful in getting both this council and the New England Council to consider that that might lapse over a period of time. My specific questions here today are about the periodic discard reports that are being proposed either semi-annual or annual. I can’t remember what you’re doing now. Combined with the prioritization process that the council’s take undergo I guess on an annual basis as well.

On page four there’d this chart here where I don’t really understand it. Can you go back to this, yes, that [inaudible 00:39:26]. I got a question about this in terms of how this prioritization will take place on an annual basis based on the bycatch impacts on species of concern. It says that shaded cells indicate the approved and implemented alternatives of the Mid-Atlantic and New England councils. The council consultation process isn’t shaded and what do I take from that?

Doug Potts: That was intended to highlight that there are new alternatives that that wasn’t the way it was faced as one alternative versus status quo versus council consultation in the 2007 amendment. That would be reflected what was in the 2007 amendment. It was written different if I go back one in that particular amendment it came across differently. It should be ...

Jeff Kaelin: Okay. With the revised when you’re still getting close to that process every year the council sit down and identify with additional priority is it may have beyond

your first cut for the year in terms of where the agency would apply resources. Then we'd have an annual report, the bycatch report which explain which fleets were taking how much of various species of concern. What I'm looking forward to is that this process could actually reevaluate whether or not we need to take 100% observer coverage in the mackerel fishery, which of course hasn't taken place at all in the last five years and I think has had like zero impact on the groundfish fisheries. This annual review by the councils is going to remain intact under this new proposal. It's not going to change and you're going to have a bycatch report so that we can learn what kind of biological impact each fleet is going to have to help the council prioritize where we ought to put scarce resources.

Rick Robins: Doug?

Doug Potts: Yes. There would be a need to do an annual report of bycatch. I'm not sure exactly how the presentation would go forward. I don't think I've witnessed one in the past. There would not necessarily, depending on what prioritization reorganization process goes forward, whether or not the council's input could be taken into account in setting new coverage levels but they are setting for the SBRM level of coverage and they could adjust I would presume the additional coverage that are set for management purposes separately from SBRM.

Jeff Kaelin: Okay. Thank you Mr. Chairman, I appreciate the time.

Rick Robins: Thank you. I'm going to ask Jason to follow up on that too because as I understand your question Jeff part of that related back to the observer coverage is recommended as part of amendment 14 to the SMB plan and those coverage requirements could be ... Jason what would it take specifically to modify that intended coverage requirement? Would that require framework action? As I understand it, that that would not be done through the SBRM process itself. Is that correct?

Jason Didden: It'd seem like a framework would probably be the appropriate vehicle.

Rick Robins: I just wanted to clarify between the different tools because as I understand it that wouldn't be done, that requirement that was in amendment 14 would not be modified through the SBRM process, correct?

Jason Didden: It seems like it would make sense. I think amendment 14 also specifies that coverage levels could be adjusted in specifications as well.

Jeff Kaelin: Thank you, Mr. Chairman. That's what I'm getting at is that someday we might actually go back to allowing our pelagic fisheries to be managed so to speak the bycatch managed under the SBRM process which is what we've set for years would be appropriate. Now, we'd been carved out with some ridiculous standard

that no scientist believes is necessary. It's encouraging to hear you identify a way to move ahead and get away from that mandate, which we pretty much agreed to. I want to also point out it's really interesting with all the money that Oceana has, they sue the agency because they might take the SBRM money and do something with it but they haven't put five cents into identifying what's actually happening on the water. I think that's a travesty Mr. Chairman. Thank you.

Rick Robins: Doug can I ask do the FMAT consider the ranges of CVs? In other words, as they went through this amendment process, were they considering any revisions of CV targets?

Doug Potts: No. When we were formed and came forth to the councils, both councils sort of advice that we stay, it's targeted as possible on prioritization and the three-year review. At those points the CV levels is not on the table.

Rick Robins: Okay. In terms of species that fit into the allocation, would that be all managed species or are the species themselves identified in another way?

Doug Potts: I believe as it was set up in 2007 Amendment. It's all species managed under an FMP or rather otherwise given protection under I think its ESA. It's all those species with afforded protection, yes, or management.

Rick Robins: Thank you. Are there any other questions or comments from the council? In terms of ... go ahead, Bob Beal.

Bob Beal: Thank you Mr. Chairman. Those are only federal FMPS, correct? It's not the ASMSC interstate plans?

Doug Potts: Correct.

Bob Beal: Under these scenarios will you still be still able to calculate the potential or anticipated CV for others, ASMFC species? I think under the old scenario the allocations weren't directed toward those species but you're able to calculate what the anticipated CV would be for river herring or tautog or whatever the other species would be. Do you think you'd still be able to do those analyses?

Doug Potts: I don't know specifically, but I can't see why they wouldn't be able to. I think a lot of the same information from the annual reports would be very similar

Rick Robins: Okay, thank you. Doug, in terms of next steps you had a timeline that included approval I believe in June. Do we need to take any steps to approve the draft options that are before us today or are they moving forward with or without that approval?

Doug Potts: If the council would like to move forward with the draft amendment at this time I think that would be good to indicate that. I don't think ... I'm not as familiar



with all the development process. I don't think there's a need to identify a preferably terms at this point, but if these are sufficient to go forward with an amendment that'll be nice.

Rick Robins: Okay. I'm having a sidebar with Chris. I think that unless there's a desire to make any significant changes to what you've seen today, we can move forward with what you've seen and we'll have an opportunity later to identify preferred alternatives. George?

George Darcy: I think there probably should be a motion to or by consensus to adapt this as sufficient to go out to public hearings.

Rick Robins: Denise?

Rick Robins: Doug, is a public hearing draft or is this at least the critical elements of what will go into your public hearing draft?

Doug Potts: Yes, it's the alternatives that would go into it and it would just need additional updating of the other components of the document to be unaltered. The intention is for it to be the public hearing draft taught at the end or by the end of the month.

Rick Robins: Okay. In that case I will ask the council for a motion to approve these alternatives for inclusion of public hearing draft. What's the pleasure of the council?

Lee Anderson: I so move.

Rick Robins: Motion by Lee Anderson to include these alternatives in a public hearing draft. Is there a second of the motion second about Chris Zimmon? Is there a second to the motion, second of Steven Linhard? Discussion on the motion, Chris Zeman?

Chris Zeman: Yes, I raised my hand for questioning I apologize. My question is, is this going to be something that we actually can look at in terms of considering other options or alternatives or is this something that is really a "NOAA document" that were as a council we just kind of forwarding to public hearing?

Rick Robins: George?

George Darcy: No, it's not a "NOAA document." It's a council document. We've taken the lead in doing it because we did before and we have the majority, the technical expertise to make this happen but it was always intended to be a joint document from both councils with us doing the lead of the work.

Rick Robins: If we wanted to modify it down the road we would have that alternative through the council process, but that's what it would require. Is there any discussion on

the motion? Seeing those accounts ready for the question, all those in favor please indicate by raising your hand. 18. Opposed like sign. Abstentions like sign, one abstention. That motion carried, thank you.

Our next item is a listening session that begins at 5:00 and that's going to be on MRIP. Why don't we take a five-minute break and then come back for that. Thank you very much.

**MRIP - Listening Session**  
**April 9, 2013**  
**Embassy Suites Raleigh Crabtree**  
**Raleigh, NC**

Rick Robins: Let's go ahead and take our seats please. At this point, we'd like to begin the listening session. I would like to introduce Robert Andrews from National Marine Fisheries Service. Robert will be providing us with an update on the Marine Resource Information Program and give us an update on the previous program, but also walk us through some of the mechanics of how that relates back to catch estimates. Rob if you would. Thank you.

Rob Andrews: Thank you. My name is Robert Andrews. I'm with the NOAA Fishery Service Office of Science and Technology in Silver Spring, Maryland. As was mentioned, I'm going to be providing update of the Marine Recreational Information Program. Before I begin I'd just like to thank the council for extending the invitation to be here today. I look forward to the opportunity and I hope it stimulates some good discussion and questions.

Rick Robins: Rob, before we begin, we have some people on the webinar and they might be a little bit more challenged to hear than we're. If you could pull the microphone a little bit closer toward you as you give your presentation that might help. I know we have some people listening online right now so ...

Rob Andrews: Sure.

Rick Robins: Thank you very much.

Rob Andrews: Yep. There are several different items I'm going to be talking about today you can see there on the screen. For each of these items I'm going to be identifying some of the problems with the items as well as what MRIP is doing to address those problems. Just to begin, I'm going to provide a real quick overview of how we estimate catch.

Estimates of catch are derived from two complementary surveys. The effort component where an estimate of angler trips is estimated from offsite surveys. The current standard offsite survey is the coastal household telephone survey. This is our main dial telephone survey of coastal county households. Catch component is estimated from an onsite survey. It's called the access point angler intercept survey. We interview anglers as they're completing their trips. We ask to take a look at their catch and we enumerate that and then we collect some information about where the anglers live.

Estimates of catch are simply the product of these two estimates. Catch equals the estimated number of trips times the catch per trip and we do that for all species that we encountered in the survey.

For the next couple of slides I'm going to be focusing on the estimation of catch per trip and again this is the information we collect from our intercept survey or dockside surveys. As we share everything here is where the agency commissioned a review of its Recreation Fisheries Data Collection Programs a few years ago by the National Research Council and that review resulted into a report that had several conclusions about the data collection program as well as some recommendations for improving the program.

You can see one of the recommendations on the slide that were specific to the way we estimate catch per trip. Specifically the NRC review concluded that estimation procedures for information gathered onsite does not use nominal or actual selection probabilities and therefore it has the potential to produce biased assessments. This sounds really important and it sounds really bad that we're not doing that, but what does it really mean? In intercept survey, design anglers are selected in stages. Sample units in each of the stages has a known probability of selection.

The first stage we select essentially where and when we conduct our interviews. We do this by constructing a matrix of all possible interview sites or fishing access sites within the state in all possible days within a month. The example I've provided here is just a handful of sites. I believe these are from Anne Arundel County, Maryland. Then each column represents a day within a month. There are only seven days shown in the slide, but the matrix would include all 31 days within a wave.

Each of the cells within a matrix has a probability of selection, which is proportional to the expected fishing pressure at the site. In the first stage of sampling, you select some pre-determined number of site/day, a combination of sites and days and we sent interviewers out to conduct the interviews.

In the second stage of sampling, you select a sample of trips that are completed at the site day. For example, for boat fishing, for private boat fishing, you would select a sample of private boat fishing trips that are completed during the site assignment. That's just a single random sample of boat trips.

Then finally we sample anglers from within a boat trip and again this is just a simple random sample. Generally we try and interview all anglers who are on a boat trip, but sometimes that's just not possible. People are in a hurry to get out of there. We might not be able to interview everyone. We often times select a sample of anglers within a boat trip. The overall probability of selection is the

product of the selection probability's overall stages. You multiply the first stage of selection probability by the second and then by the third and you have your overall probability of selection.

The sample rate then is equal to the inverse of the selection probability. For example if you have an overall selection probability of one in a hundred or 1%, that will correspond to the sample weight of 100. This is the relative contribution that an individual sample unit, an angler contributes to an estimate. In other words, an angler with the sample weight of 100 represents 100 anglers essentially.

Essentially what the NRC review is saying or what the NRC review pointed out is that the most estimation design ignored these sample weights and as a result introduced potential for buyers. To address this problem, MRIP has developed a revised estimation design that accounts for the selection probabilities at all stages of sampling and incorporates the resulting sample rates into the CPU estimation. As a result, it's a design unbiased estimation design.

To date we have produced revised estimates using this new estimation design back through 2004. The methodology was adopted last year in 2012 and revised estimates, historic estimates back through 2004. We have comparisons between the historical NOAA estimates and revised NOAA estimates on our website. As you can see the revised estimation design had on the estimates. We have plans to increase the time series of the revised estimates further back in time and we're hoping to complete some of those revised estimates later this year.

The NRC review also made several recommendations about the design in our sub survey. The actual sampling design, how we select sites, how we select anglers. Specifically they recommended that onsite sampling frame should be redesigned. This is the list of all possible fishing sites where we conduct our interviews. They concluded that interviews frequently are allowed to make judgments about where, when and which units to sample. The interviewers they claim to have discretion about where to interview and whom to interview. The responses to these recommendations and they're completely updated the catch survey sample frame. We refer to this as the site register.

This is the list of fishing access sites that we ... where we conduct our interviews. We've collaborated with state natural resource agencies to add new sites, update site pressures and add information about site amenities. This information is all publicly accessible on our website and we encourage public input. There is actually a link where anyone from the public can provide us information about new sites. They can provide us information about the existing sites. Here you can see what it looks like on the website. In the box on the left hand side you can

select the state that you are interested in. That will bring up a list as well as a map of all the sites in a particular state.

This is the site register for Maryland and it will include all the sites where we conduct interviews. In the map you can zoom in and out and I zoomed into some of the sites in the upper portion, the Chesapeake Bay. Then you can either select ... in the left hand box you can choose to view more information about each of the individual sites or you can just select one of the icons on the map to collect information about that site.

I apologize. You probably can't see this, but when you do that, you get information about the site, including where its located, if there is a contact phone number, whether or not there is a taco shop, fish cleaning stations, the number of parking spaces, the number of boat slips, that type of information, which is useful for us. This is the basis of our sample frame, but it also could be useful to university researchers' management folks or even the general fishing public.

We've also designed, tested and now implemented just recently an improved design for the ... sampling design for the catch survey. The design was initially tested in North Carolina in 2010 and a report resulting from that pilot test was peer reviewed and certified by MRIP as an acceptable design for collecting catch data. The design is a stratified design. We stratify sampling both by time of day as well as geographically within a state. For time of day we stratify into six-hour time intervals covering all times of day, including nighttime. We're collecting information about night fishing activity.

From the geographic stratification, states are stratified into geographically distinct regions and we're working with the states to identify the appropriate geographic strata. The results of the stratification ensures 24-hour coverage of all fishing activity and is likely to result in more precise state level catch estimates. We're also clustering small sites into groups of two or three sites. When a site cluster is selected samplers are required to visit all the sites within the cluster at a specific time and for a specified duration. This clustering ensures that small sites are represented in the sample.

Then finally, we've implemented very specific interviewing protocols. For example, interviews are instructed to stay at the sample site for the duration of the assignment regardless of the level of fishing activity. They complete interviews on specified modes. If they're on a shore fishing assignment they're only conducting interviews with people who are shore fishing. There are attempts to sample all eligible fishing trips regardless of what the anglers caught. They're also instructed to enumerate complete counts of all the people that are

fishing at that site on that day and this information is used for the sample waving.

Essentially we've eliminated interviewer discretion in determining where, when and who to interview and we know exactly where and when the interviewers should be conducting interviews. This is important for our quality control program.

Switching to effort survey design, the NRC review concluded that most telephone survey is inefficient and potentially biased because survey was only conducted in the coastal counties where most of the fishing activity occurs and it only included landline telephones or it only includes landline telephones. Anybody who only has a cell phone wouldn't be included in the sample. That introduces the potential for error resulting from under coverage.

They also recommended that a comprehensive universal sampling frame of national coverage should be established and that dual-frame procedures should be used whenever possible to reduce sample bias. As a result of these recommendations we implemented at the National Saltwater Angler Registry and we began designing and testing new data collection designs, including telephone surveys that sample directly from the National Saltwater Angler Registry or state specific databases of licensed salt water anglers. As The National Research Council suggested, this design is much more efficient than the random digit dial telephone survey design. We're much more likely to come into contact with somebody who fished during the day of the collection period.

However, surveys suffered from extremely poor response rates. It was a telephone survey and this is a pretty common phenomenon with telephone surveys. Response rates have been declining pretty consistently over time. There is also quite a bit of missing or inaccurate contact information in the license databases. There is a large percentage of anglers who basically have no possibility of getting contacted for the survey which some people might think is a good thing I suppose.

Then finally, lots of people are fishing without a fishing license and this could be for a couple of different reasons. First of all, there are some exemptions to licensing requirements. For example, kids under 16 aren't required to have a fishing license in any state in the country for saltwater fishing. There's also exemptions for certain types of fishing activities. For example, in North Carolina if you're fishing from a state license saltwater fishing period you don't have to have a saltwater fishing license. These people might not be included on the sample frames.

Then finally lots of people may not know they need a fishing license or they might know they need a fishing license, they're just choosing not to get one. A lot of these state license saltwater licensing programs are relatively new. People just might not be aware of the requirements or they just might choose to ignore them.

We've concluded that it's not currently feasible to sample exclusively from these license databases. As a result, we're testing alternative designs, including dual-frame mail survey designs. This survey is sampled from angler license databases as well as residential address frames. The United States Postal Service maintains a comprehensive directory of every residential address to which it delivers mail. The database is updated in new growth time and it's made available to commercial vendors for surveying purposes.

Excuse me, the address frame provides nearly 100% coverage of the entire population and it's really gaining traction as a sample frame for conducting surveys. Including the license sampling results and increased efficiency, particularly in comparison to the random digit dial telephone survey. Response rates for mail surveys are considerably higher than the response rates we've seen for the telephone surveys. Then finally some of our pilot testing has demonstrated that it is feasible to produce estimates using the mail survey in a timely fashion, at least within the same timeframe as the current telephone survey estimation.

We're currently conducting pilot studies in several states in the Atlantic coast, including Massachusetts, New York, North Carolina and Florida. We'll continue this testing to through the end of this year with plans to implement a revised data collection design in 2014.

Unknown: Rob, before you go on, could you just reiterate what a dual-frame survey is and why it's so important to use?

Rob Andrews: Sure. A dual-frame survey essentially samples from dual-frame survey. It samples from two different sample frames. In this case we sample from a general household sample frame as well as the licensed databases and the two of those combined include a larger percentage of the population than any one individually. In the case of the address based sample frame that we're using from the postal service, that includes pretty much everybody.

We supplement or augment the samples we select from that database with information about whether or not households or addresses have saltwater fishing licenses and then we can tailor our sampling to do neo sampling of the households that have a saltwater fishing license. A dual-frame design is any



survey that samples from two sample frames. There is multiple frame survey designs that sample for more than two as well.

Then finally for the for-hire data collections, the National Research Council essentially said that the charter boats and head boats and other for-hire fishing operations should be required to maintain log books and participate in census reporting programs for fish landed and kept as well as fish caught and released.

We currently utilize the for-hire-survey to estimate catch and effort for charter boats coast wide and for head boats from Maine through Virginia. The for-hire-survey includes a weekly telephone survey of charter boat operators that we use to estimate fishing effort as well dock side or at-sea observations of catch. Not only do we collect the catch data dock side, but we also send observers out on head boats to observe landing catches as well as these cards.

Head boats in southeast region participate in the southeast regional head boat survey and MRIP has funded the development, testing and now implementation of electronic logbooks for the southeast regional head boat survey. We've also tested electronic logbooks reporting for federally permitted vessels in the Gulf of Mexico and a project report just came out from that. I believe it will be published next week right before the Gulf Council Meeting. The results of that pilot study will be available very soon.

In terms of where we're going in the future, we'll continue monitoring the new MRIP intercept survey or the catch survey. There were some pretty substantial changes in that design and we're monitoring the performance of that design in terms of productivity, how many interviews we're completing and then what the estimates look like and we'll continue that indefinitely. We're also as I mentioned planning to finalize the design of the MRIP effort survey with hope that we will implement that in 2014.

We will be revising estimates prior to 2004 with the revised MRIP estimation design. We'll be publishing the results of the Gulf of Mexico pilot study and developing pilot studies as necessary depending what those results are. Then we're working with ACCSP to establish standards for precision of catch estimates and we're working with stakeholders to evaluate tradeoffs among precision time limits and resolution.

One of the big things with these new data collection designs is they cost money and you can't necessarily have precision time limits and resolution that you want. You do have to make some tradeoffs in determining which of those are more important. We're working with some statisticians from Colorado State University to develop a model that will help us better understand the impacts of

changing those priorities and the cost of changing those priorities. With that I'll be happy to take any questions that the council might have.

Rick Robins: Rob, thank you very much for the presentation and at this point we would like to have questions from the council and the public. I know we have a number of people that are participating by webinar. Jason or Jan, if you all can share any questions that come up electronically. I think they can make their questions known through typing on the computer. Tony.

Tony DiLernia: Thank you Mr. Chairman. My question is regarding the telephone surveys. I've heard some discussions that so many folks with caller ID choose not to answer when they're recognizing a call and that so many folks have abandoned their landlines for cellular service and that those two factors have inadvertently introduced a bias of the telephone survey and that the agency is considerably eliminating the telephone service part of the data collection process. Is that true?

Rob Andrews: We're exploring alternatives to telephone survey design certainly and I would say that the direction we're headed now is to move toward this mail survey, this dual-frame mail survey design, which would include anybody who has a residential address essentially, regardless of what type of telephone service they have. I believe the national estimates of the percent of the population that is landline owning house is over 30%. It is a big portion of the population. Yeah, that's really forcing us into moving away from telephone surveys into alternatives such as mail surveys. Yeah, the answer your question is yes, we are moving in that direction and we're currently ... the surveys that we're currently testing are mail survey designs.

Rick Robins: Thanks Rob. Chris Batsavage?

Chris Batsavage: Thank you Mr. Chairman. As we move into getting nighttime samples, we'll have some other gears coming into play, particularly flounder gigs or gigging in general. With the MFMS or the MRIP estimates here, we can look at it by mode and by wave and things like that. Will there be a method to look at the harvest estimates by different gear types for those on the query database? Or is that something that's going to be post stratified after the fact? Thank you.

Rob Andrews: It's currently not available from a query and we haven't really talked too much about what would be available just from our query website, but the data sets that we produce ... that we post to the website now, they have the sample rates incorporated into the data. You could easily post stratify the estimates to get an estimate of catch by gear type, location, month, pretty much anything you want. We do have some programs on our website for users to do those types of post stratified analysis, yeah.

Rick Robins: Chris Zeman?

Chris Zeman: You know that one of the considered alternatives to the phone surveys is regular mail. How did you get to that to be your leading option for replacement and what other avenues have you looked at in that analysis?

Rob Andrews: The direction we've taken with our pilot studies is that we know the telephone surveys have a lot of problems and they haven't performed very well. We've been working with some consultants from some pretty well known data collection company as well as folks from the universities to help us develop these data collection designs. I think there is a general trend away from random digit dialing sampling in particular toward this address based sampling. I think that's an industry wide trend, survey industry wide trend that's gaining a lot of traction now.

That was where the winds of change have taken us. To date, for our general effort surveys we've only really looked at telephone and mail. I think once we have a sampling design in place, we might be able to explore some different options moving forward, including potentially online surveys. We've done a little bit of work with online surveys and a panel study design where we recruited people to provide us with information repeatedly over time. One of the options that we had provided was to go log onto our website and provide that information.

I think in the survey industry as a whole, the results of studies that have incorporated online data collection or web data collection is a little bit mixed. In some cases it improves the response. In other cases it actually decreases the response. Sometimes if you offer multiple reporting options it actually decreases the response. For example if there is research that shows if you provide people the option of a mail survey, you mail them a letter and say you can go onto this website, you provide us with your information or you could fill out this mail questionnaire and send it back.

It actually decreases the overall response rate when you provide that option. There is a lot of research on that. It's certainly something that we're going to consider moving forward once we have a new data collection design in place. Once that happens that's requiring a lot of our resources, we'll be able to make adjustments like that and do some additional testing.

Rick Robins: John Bullard?

John Bullard: I'm interested in the use of the registry and because it seems that and I gather the registry uses information that the states have really gotten because it's from licenses and as you pointed out, not everyone fishes for the license. You don't

get comprehensive information, but it is information that has a lot of information, names, address, email addresses, I think telephones. It can be mined for a lot of information. It is a voluntary ... it already has a voluntary action that if someone has said I want to give you this information in exchange for a license and that establishes a connection.

The reason people refuse the voter ID is it's not voluntary. I don't want that phone call. I can see who it is. I'm not answering it. The reason I throw away half the letters that come to me is it's not a voluntary thing. I didn't want that letter, boom, right in the waste basket. I don't even open it because I didn't agree upfront to get that letter right in the ways of basket unopened. I'm wondering whether we're not making enough use of the registry and that that registry with some investment in it might be something that could provide some of the information.

Then in addition to information for MRIP with email can provide other information because it can become two-way information notices that can be sent out and other things. Once you've got that email address you can then use it for other pieces of information as well. Once you've got it and mail if you want it and you want to keep your information current is first-class mail. If you want to get the return bad addresses and stuff you've got to send out first class. That's expensive. Where is the email? It doesn't cost anything.

Rob Andrews: Yeah, I agree with you completely. It's extremely valuable information to have and we are taking advantage of it now. I think like I said a lot of these programs, licensing programs are new and I would expect that the quality of information would improve over time, whether it's through outreach or additional enforcement, but I would expect as word gets out that licenses are required they would become more comprehensive and one would hope that the quality of information would improve as well. We'll continue to explore different ways to utilize that information, but it's certainly going to be a component of our data collection design on dialing moving forward.

John Bullard: Do you think the registry will be then part of the ... will be useful in terms of the data collection? Because what you are talking about is just the intercepts at docks and shore and the dual-frame. You're leaving out the registry. One of the questions I got is people saying hey, you guys are promoting this registry then you are not using it and so what are you doing the registry for. I'm just wondering whether the registry has a role to play in the MRIP data collection or not.

Rob Andrews: Yeah, absolutely. The registry is one of the components of the dual-frame. That's one component. Then the address sampling frame is the other component. The dockside sampling is completely independent of the effort survey design. We're

using that registry information now to sample anglers, both directly from the registry itself as well as we're using that information to supplement the address samples that we select so we can identify households that have licensed anglers as well as households that don't have licensed anglers.

Doing that allows us to ... what we're doing is we're selecting a sample of addresses. We're matching that with the registry to identify households that do and do not have licensed anglers. Then we sample the households that do have licensed anglers at a higher rate. We can tailor our sampling toward those households, yet still cover the households that don't have licensed anglers to maintain coverage of everyone, but as the quality of information in the coverage of the registries increases, that will make our sampling even that much more efficient and that's something that we're going to continue to do overtime certainly.

Rick Robins: Rob, can you give us an approximate idea, is there a range of estimates of what percentage of catch is being caught by people who are in the registry or what percentage of anglers are in the registry? I guess there are different ways to slice that, but just can you give us some sense of scale?

Rob Andrews: Sure. I can't give you an estimate of the percentage of catch that is caught by people without a license and one of the reasons for that is to get that information we would need to know when we interviewed somebody dockside whether or not they have a fishing license. We have no enforcement component with our data collection design so we can't say we're enforcement, show me your fishing license. We can ask people if they have a fishing license and we've done that, but people are hesitant to provide that information.

If they're fishing without a license and we have no authority to ask them to see it. They think that they should have a fishing license they are likely to tell us if they have a fishing license. I don't have any estimates of the catch by unlicensed anglers. In some of the pilot studies we've done it varies quite a bit by state, but we've estimated as much as 45 to 50% of the trips were taken by individuals that didn't have a saltwater fishing license.

Rick Robins: Thank you. Jason has a couple of questions online and then we'll come back to the table.

Rob Andrews: Sure and I'll just add one quick clarifying. The pilots are using the registries and once things get fully implemented expected early 2014 the registries will be the primary driving thing of the effort estimates. I don't know ... so yes, the pilot studies have used the registries. I can't say there is a ... I don't know that I can necessarily say they'll be the primary drivers of those estimates, but we are directing a large portion of our sampling, so 50% of our sampling perhaps at

households that have a licensed angler. I believe any address that we select that we know has a licensed angler we're retaining 100% of that sample and then we sub-sample on unlicensed households at a rate of 30%. It's a very significantly portion of our samples with licensed anglers.

Rick Robins: Jason.

Jason Didden: First online question, what are your plans to update the fishing public given the negative press that you've had on the NRC? Obviously coming out here is one, but if you could describe what you all are doing to get the word out.

Rob Andrews: I'm not really familiar with any of this negative press. Like you said members of our staff are making frequent visits to the council to provide updates, including "press page" has done a road show and at councils. We have a communications education team that puts out on approximately, I don't know if it's monthly or not, but newscast that gets sent to a variety of stakeholders on a list that we maintain.

We try to provide as much as up to date and accurate information on our website. With the revised sampling design for the intercept survey, we're providing our interviewers with some pamphlets to describe what we are doing and why we are doing it. Anybody who gets interviewed will receive a pamphlet with some information. We also have a presentation, an interactive presentation on our website that people can navigate through and it will talk about all the different components of websites.

We've created videos that I believe with some of the folks here in North Carolina division of marine fisheries talking about the new intercept survey design. There is a fairly extensive outreach campaign. We try to target as broad an audience as possible, but it's easy to provide updates to bodies like the councils or the states or the commissions because it's a confined body and you can come and you can give an update and a presentation, but when there is 15 to 20 million anglers it's hard to get the word out to everyone.

I believe we are planning to publish an article in Fisheries, an upcoming issue of Fisheries describing what we've done, presenting information and managing our nation's fisheries. It's a fairly extensive outreach campaign. I know Gordon Colvin and Forbes Darby who chairs the communications team have done some outreach in various parts of the country with in cooperation with state natural resource agencies where they're going to fishing groups and providing some of this information. We're always open to suggestions on how to improve the outreach program.

Rick Robins: Rob, can individual anglers sign up on your interested parties list or either they sign up on your website for news updates as they come out?

Rob Andrews: I don't actually know the answer to that question. That's something I'll certainly look into. I'm sure there is a link on our website that allows people to put their name on to receive the newscast. I know the newscasts they're all on the website without checking, I can't say for sure, but I would assume that there's probably a link to get their name on there to receive those newscasts, but I'll look into that and I'll provide some information back to Jason on how someone can do about that.

Rick Robins: Yeah, we'll follow up with you on that. Jason, you had another online question?

Jason Didden: The question is, is anyone capturing the skunks' trips, no catch trips and maybe if you could elaborate a little bit how skunked trips work into affecting the overall catch estimate.

Rob Andrews: Yeah. We're capturing the skunk trips. Skunks are one of the biggest estimates every year I think. Really, with the new intercept survey design when a sampler goes onto site, they attempt to interview every completed trip that happens during the assigned six-hour period. Every person that gets off the boat, every person that walks off the pier we attempt to interview everybody and collect their catch data, including people who don't catch any on trips or don't catch anything on their trip. Those go in as zeros for every species that we produce an estimate for. It goes into the estimate of catch rate or catch per trip as a zero for that trip, for every species.

Jason Didden: By zero, you don't mean no? You mean ...

Rob Andrews: I mean it's an actual number a number zero is in the data set. Our protocol has never specified that we interview only people who caught fish. We've always attempted to interview all trips. We've never discriminated against the people who didn't catch anything.

Rick Robins: That's what is known as the dreaded sand coacher. Rob O'Reilly.

Rob O'Reilly: Thank you Mr. Chairman. Rob, I guess my question concerns the precision and I didn't hear the word accuracy, but I know Gordon Colvin certainly told us that when all is said and done with MRIP you can count on this being a more accurate approach. I think that's something that we'll wait for, but we are having growing pains with each steps that we have with MRIP and I think that one thing that's of my concern is we have these add-ons or additional surveys that allow the states to participate in and maybe some still do, but I don't think so right now with RTI.

In the future, what can we expect? Because the monitoring committee several times has pointed out that the sample size, which certainly determines the precision has fallen mainly because of cost. One question would be will the cluster sampling and the block sampling, the six hour blocks, will that make up some of the lost ground as far as we've seen with the mass in terms of the samples and the precisions. Then I think the other part is which is a little bit related, will there be a time when it's safe to add on because that really was the mechanism that was used to augment.

I know that in Virginia about five years ago I took a look and the amount of samples we were getting with add-ons with ACCSP and with the base from NIMS was less by quite a bit that what we had earlier, five, six years earlier with just the base. This is a real situation. Species like summer flounder, the sample size is critical for the precision because there is conservation equivalency, meaning that it's not just one estimate. It's not a region. It's actually followed state by state. There are other species that are the same way where we have watched the sample sizes fall. What compensation can we expect with MRIP with the improved dockside survey?

Rob Andrews: There are a couple of different answers to that. I'll start with the term accuracy, when Gordon is talking about having no accurate estimates. There is two components to accuracy. There is precision which is a measure of your sampling error and then there is bias. Both of these go into the definition of accuracy. Precision is very easy to measure. We know what our sampling variance is. We know what our PSEs are and that's something we can track over time. The component that is not easy to measure is the bias. It's virtually not possible to measure bias, but we are developing designs that minimize the potential for bias, so whether it be non-response bias or coverage bias resulting from under coverage or recall bias.

All of our pilot studies are assessing the potential for bias for the different designs and the goal is to implement surveys that minimize bias. That alone will impact the accuracy of our estimates. I think that's largely what Gordon is talking about without him being here. I'm putting words in his mouth. Our estimates will have less bias. We're very confident in that. The part of season measures is precision and you're right, the cost of everything has gone up overtime and when you have a fixed budget, if costs for completing interviews are going up, then the number of interviews you can do goes down over time and that is true regardless of what your data collection design is.

Sample sizes have decreased over time perhaps because the cost of doing business has gone up. In terms of the new data collection design, it will be a less biased approach and I do believe that RTI is in discussion with some states about adding sample. That's always going to be a possibility. If a state wants to



increase a sample size we are very eager for that to happen. There will be opportunities to increase the sample sizes. The new intercept design is a little more expensive per interview than the previous design and that's because the definition of what our sample was has changed overtime.

Before we just focused on maximizing the number of interviews we completed and we know that was wrong. We knew there were problems with that. We just assumed. We did the simple random sample of anglers, so the anglers you sample the more precise your estimate is going to be. With the new design we're focusing on increasing the number of assignments we do. The number of sites we visit and the number of days that we sample on. Now it might be that on those days and the sites there, we get fewer angler interviews, but overall we're trying to increase the number of site days that we sample.

Then the not the final thing, but we also know that the estimations of precision from NOAA assessments were wrong. They we were likely overestimating precision. Those estimates probably weren't as precise as everybody thought they were. That's one point. The second point is over the last several years since MRIP has been implemented we've placed a priority on developing new data collection designs and that costs money to do these pilot studies, to hire consultants to help us develop these designs.

As we start implementing those designs the need for research will lessen to some extent which will make resources available to increase the sample sizes. That's a long answer probably to a pretty simple question, but we hope that we're able to maintain the sufficient sample sizes to maintain acceptable levels of precision. Where we can, we will be trying to work with the state partners to identify ways to increase sampling effectively and in an efficient manner to increase the precision of estimates.

Rick Robins: Thanks Rob. Are there other questions from members of the public that are here tonight? You all came out for the presentation so if you have any question you'd like to ask this would be the great time to do it. All right, same man, Jason do you have any more online? Okay. Chris Zeman.

Chris Zeman: I just pulled up the MRIP effort data for the Atlantic coast from like 1995 to the present day. I'm seeing in one year you go from, in 1999 you have 35 million angler trips. 2000 it changed to 48 million and then 51 million in 2001 and then drops about almost 10 million to 43 million in 2002. Then it goes back to 51, by 2009 it was on 42, another 10 million change and now 37 million trips in 2012. Is there any explanation of the loss of 10 million trips in one year or the following 10 million increase the next year? Then two, I'm looking at 2012 being a year where we have the lowest number of trips since 1990. Is there any analysis of that in terms of why are we seeing such a reduced number of recreational trips?

Rob Andrews: It's a tough question to answer cold I guess without having the estimates in front of me. As part of our normal quality control program, I know you probably heard before we have wave review meetings. We internally review our estimates and every table we look at has a time series of estimates over the period of the last years. We look for anomalies in those estimates and if we see it we look at the raw data and see if there is kind of outlier that's driving that estimate or unusually low percentage of households that report fishing during a wave, but I can't give you an explanation now. We look at historical time series as part of our regular data quality program. Other than that I can't really provide a specific answer to the question. Good weather, bad weather. There are a lot of factors I think that go into influencing fishing effort, the economy, fuel prices, weather, storms.

The way the survey is designed we contact people and we ask them to tell us how many trips they took over the previous two months. One would hope that we are catching weather events in what they are telling us. If they are fishing less for whatever reason, whether it be weather or the economy or whatever that our estimate will reflect that, but no, I haven't been involved in any. There are so many things that go into I think the drivers of fishing effort. It would be a pretty complex modeling exercise to try and tease out the specific components that do that. I don't have a very satisfactory answer to your question.

Rick Robins: Jeff, did you have a question?

Jeff Deem: Is there a place on your website to go if you had a problem with a survey or at a site? We had one fisherman who had the badge with the survey take his data because he hadn't caught anything. Do you have a place for us to register those complains that can lead to some better training?

Rob Andrews: Yeah. We have ... there is a contact us link on our website that goes directly to the inbox of someone on our staff. A lot of time, we get data requests through that, but certainly that would be an avenue to provide that type of information and we would accept any type of feedback through that I would think.

Rick Robins: Tony DiLernia.

Tony DiLernia: Thank you Mr. Chairman. Regarding the VTRs from the prior fleet, will there be an attempt to I guess cross check or validate the MRIP data for layman's information against the VTRs or while the VTRs you could see the MRIP data?

Rob Andrews: That's a really good question and this is actually an issue that's brought up quite a bit. I think there is a bit of a misconception about how the VTR data are used now. I think there is a perception that we're not using that information at all. In fact, we're using the VTR data to support our effort estimates. At the end of the

year we go in and we grab the VTR data and we use that information to do a census of effort for vessels that submit or are required to submit VTRs. We only do that at the end of year because there is some lapse in timing of when people are submitting their reports.

We don't have any immediate plans to and I say it like right now, we're not currently working with that catch data at all. I think pending the results of this pilot study that happened in the Gulf of Mexico a lot of people have been waiting to see what happens with that pilot study to see where we go with For-Hire data collections in general, not just in the Gulf of Mexico. I think moving forward, again as we start implementing some of these improved designs for the catch survey and now the mail effort survey, we will start focusing a little more on the For-Hire sector and try and come up with some better ways to collect that information.

Rick Robins: Go ahead.

Tony DiLernia: It's no secret that the For-Hire sector is critical of the landings that were simulated through your survey methods. I would be very ... I'd like to see a crosscheck so to speak or cross reference to regarding, comparing the VTR data landings, not effort because the effort is easy to measure. We can just count people, but the landings information that's reported on the VTRs against the, which is generated by the MRIP information.

We can either validate it. If the catches For-Hire sector see that their information correlates with the MRIP data, well then it will be much more, it will be [inaudible 0:52:57] be in the program. If there is a discrepancy then we should begin to look at why there is a discrepancy. Not to use the catch information from the VTRs at this point I think is a mistake and hopefully we'll be able to build that in soon so that we can compare the two. Thank you.

Rob Andrews: That point is definitely noted and it certainly is a vital source of information. I know there have been some ad hoc and informal comparisons between the two. One of the challenges of doing that in the current data collection design is that the VTR only includes vessels that are required to submit VTRs and the For-Hire-Survey includes them and anyone else. VTR is a subset of the For-Hire sample frame. You can't compare directly an estimate from the VTR or a census number from the VTR to the For-Hire-Survey, but certainly it's very good suggestion and we're certainly going to be looking at the way we collect data from the For-Hire sector moving forward.

Rick Robins: Rob, just reflecting on the experience thus far with the power work on electronic logbooks, do you think that has significant potential based on the pilots that have been done?

Rob Andrews: Yeah. They're certainly very powerful tools and they can get you data quickly. They can improve the ... electronic reporting can improve the quality of your data because people can enter it as they're catching fish; they are required to do so. You can have built in data quality checks. If someone says they caught a fish that's 30 feet long we can flag that right away at the time they're entering the data. The electronic reporting is a reporting tool people, still have to use it and I think that's where the challenge is, is to get people to actually use it and to get people to use it in a timely fashion I think.

Developing the tool was not the challenge. That's pretty easy. People were coming to us with Smartphone apps all the time that could be used for data entry, but the challenge is mandate it for one thing and then enforce it. Without those two components and then validate it to the extent that you can't dockside. Given sufficient enforcement yeah, I think it can be a very powerful tool and I think there may be a place for it, but the challenge is getting people to use it.

That's also true of paper logbooks. People still have to fill them out and submit them and they have to do it shortly after the trip occurs. They can't do it when they're up for renewal, when their permits are up for renewal and send a stack of 365 logbook reports in. It's not a challenge that's unique to electronic logbooks. It's logbook reporting in general I think.

Rick Robins: Yeah, I guess I would offer that if those people are part of the solution and part of developing that solution they'd be a lot more likely to participate and comply with it. I think we still have a lot of work to do in the region in terms of overhauling the data collection system used for that aspect of the fishery, but I think we could make significant improvements in it if we engaged the party boat sector in doing that. Are there questions for Rob? We're at the end of our time, but Jason if you have one there.

Jason Didden: One just note that I think I'll paraphrase a bit. Looking at the participation trends comment, I thought it was important including considering the frustration with management as a driver of participation trends and one and if we have time I had one or two questions if you'd like.

Rick Robins: Yeah, go ahead then we'll wrap up.

Jason Didden: Some of the new catch survey or the new effort surveys, if there was a bias and that bias is corrected going forward; a lot of the estimates could be a lot higher or a lot lower. If we are at near a quarter level that could cause a lot of problems, unless those higher or lower things are carried back in time and fixed in the assessment and then it's self-correcting. If a lot more fish were caught, there were a lot more fish. It's more productive, but in order to do that we have to have new revisions based on all these other plan sets, these two new things

just like the re-estimation work, but these two new things go back in time and revise estimates backwards to take care of that issue to some degree.

Rob Andrews: Yeah, I can't really predict I guess how that will all unfold moving forward. We will certainly be in very close communication with everyone about changes that are likely to happen moving forward. I'm glad you mentioned the re-estimation work there. We had a very concerted effort to look at the impact of the revised estimates on stock assessments and management. We had a workshop to develop a strategy for adjusting those changes.

The one nice thing about the re-estimation is that we have a side-by-side time series for several years so we could make some predictions about how estimates might have changed. Now in that case there were no real systematic changes, but we were able to develop a reasonable approach for adjusting historical estimates or calibrating historical estimates based on these comparisons. We don't really have that luxury or we won't have that luxury moving forward with the new designs we implement.

Now we're doing some of these pilot testing in several different states and for several different ways. That's really the only comparison we have. In an ideal world we conduct multiple surveys side by side indefinitely to really be able to model changes and then hind cast the results of those historical estimates, but that's just not feasible. It costs money to do that. I think the answer to your question is that we're going to be very open about the impacts of the revised designs. We work very closely with both management and science to come up with a strategy for addressing any changes in estimates.

Rick Robins: Jason, you had a follow up question?

Jason Didden: That was the most important. I'll leave it at that.

Rick Robins: Okay. Rob thank you very much for this presentation. I think it's been quite helpful to be able to walk through the details like this. We'll probably call you again in the future if you'll let us, but I appreciate you coming out to do this tonight and I think it's been quite helpful to us. Thank you very much.

Rob Andrews: Thank you. It was my pleasure.

Rick Robins: Indeed. With that, we're adjourned. We have hospitality in room 935 and we'll be reconvening tomorrow morning at 9:00. Hospitality is room 935. Thank you all.