

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
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Dover, Delaware 19901-3910

COUNCIL MEETING

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at

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WEDNESDAY, JUNE 15, 2011

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1 [1:10 p.m.]

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3 INTRODUCTIONS AND ANNOUNCEMENTS

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Let's go ahead and take our seats please, so we can get
6 started. Thank you. Let's come to order. We're
7 going to be convening as a committee of the whole
8 momentarily to consider potential changes to the 2012
9 and 2013 quota specifications for surfclams and ocean
10 quahogs at which point I'll be turning it over to Lee
11 Anderson, Chair of that committee. But before we get
12 into that, I wanted to welcome everybody to the June
13 meeting of the Council. I wanted to thank the New York
14 delegation for their hospitality here. So I also
15 wanted to make a couple of introductions. One is I'd
16 like to welcome a new council member Warren Elliott who
17 is attending today. Warren, if you'd stand. Thank
18 you. Warren is from Chambersburg, Pennsylvania. He's
19 a member of the Chesapeake Bay Commission. He also
20 serves on the Pennsylvania Fishing Boat Commission. I
21 want to extend a welcome to him. I'd also like to turn
22 to Dr. Chris Moore and give him an opportunity to
23 introduce our new staff member, Mary Clark.

24 CHRIS MOORE: For those of you who

1 haven't met her, I'd like to introduce Mary Clark.
2 Mary, if you'd stand. Mary's our new assistant
3 planning coordinator. She recently received her
4 master's from Duke. I think it was probably -- what:
5 about a month, a month and a half ago that she received
6 her master's. She's been working for the Council for
7 about three weeks. This is her fourth week of work.
8 Mary has a number of responsibilities including taking
9 the lead for the visioning project. And she'll be
10 reporting on that today. She's also involved in some
11 social scientist activities and will become a resident
12 in social scientist. She's helped me with the logo.

13 She's also tracking some of the ocean
14 policy issues for the Council, and she's also going to
15 be involved in protected resources issues and more.
16 So, if you haven't had a chance, introduce yourself to
17 Mary. She'll be around today and tomorrow. Thank you.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Thank you, Chris. And with that I'll turn it to Dr.
20 Anderson.

21 _____
22
23 SURFCLAM, OCEAN QUAHOG AND TILEFISH AS A COMMITTEE

24 OF THE WHOLE

1 COMMITTEE CHAIRMAN LEE ANDERSON: Thank
2 you, Mr. Chairman. You know me, folks. I'm a bottom
3 line sort of a guy, and if you read the agenda it says
4 we have to review and consider the quota. And that's
5 basically what we're going to do. The quota was set
6 last year, if you recall, for three years, and the
7 program calls that we look at it again. That's what we
8 want to do. We have an hour and a half on the agenda,
9 so I want to make sure we do it in a careful and
10 considerate way, but if at the end of the day we make
11 no motions except for one housekeeping motion with
12 respect to size limits. We will only need a motion if
13 there is going to be a change. So keeping that in mind,
14 I will turn it over to Tom Hoff for our background.
15 Thank you, Tom.

16 THOMAS HOFF: Thank you, Mr. Chairman.
17 Good morning everyone. As Lee said, the Council gets
18 to recommend a reasonable administrator on four topics.
19 You get to recommend quotas for surfclams, ocean
20 quahogs, and Maine ocean quahogs; and you also get to
21 recommend surfclam minimum size limits. As Lee said,
22 the quotas were set last year for 2011, '12, and '13.
23 It's a multi-year quota setting process. There is no
24 action needed should the quotas be maintained with the

1 exception of a motion to suspend the size limit that will
2 be brought up at the end. Just running through the
3 surfclam life history, you know there's rapid growth.
4 They reach 5 inches in about six years. Maximum age is
5 about 35. Sexual maturity can begin around age three
6 months, and they all spawn by the end of the second year.

7 Our current estimates, best estimates
8 of natural end mortality of .15. We did a 2009 surfclam
9 SARC. It was reviewed at SARC 49. The conclusions
10 were that the resource is not overfished and overfishing
11 is not occurring. The overfishing rule occurs when F
12 is greater than M on the entire stock, and I'll emphasize
13 the entire stock; whereas, ocean quahogs the exploited
14 stock, but our F in 2008 was about 20 percent of the
15 entire EEZ stock. F in New Jersey where I'll show you
16 where the majority of the fishery occurs from even there
17 it's 60 percent of the natural mortality. New Jersey
18 is about 30 percent of the resource. George's Bank is
19 about 50 percent of the resource. The fishable biomass
20 greater than 4.75 inches is about two billion pounds of
21 meats. And our management biomass target is about 1.2
22 billion pounds of meats. And that's based on the 1999
23 biomass which is a proxy for the virgin state.
24

1 We've had a significant decrease in the
2 biomass in the past decade, but we're still at 80 percent
3 of the virgin biomass. Biomass has been declining, but
4 we're at about the levels we were when the plan went into
5 place in the late '70s/early '80s. The Dalmarva
6 resource is poor. The New Jersey resource is fair.
7 Southern New England, Long Island, and George's Bank are
8 near virginal conditions. Oops. Excuse me.
9 Projections from the SARC, I'll focus on the last two.
10 The surplus production has been negative and likely to
11 remain negative due to poor recruitment and slow growth
12 in the southern regions. There are good biological
13 conditions in the northern regions. And the SARC
14 concludes that the probability of overfishing and
15 overfished status for this stock appears low under all
16 the states of nature.

17 Last May the SSC reviewed that stock
18 assessment, and their recommendation was for an ABC of
19 75 percent of the overfishing level or 12.5 million
20 bushels. The maximum OY range in the FMP is 3.4 million
21 bushels, and that's what the quota has been set at since
22 2002. The SSC emphasized sources of scientific
23 uncertainty. They talked about the life history
24 parameters on average are accurate, but they're

1 inaccurate in any particular region. Uncertainty in M
2 and using M as a proxy for FMSY was a concern, and, of
3 course, the big unknown is George's Bank where we only
4 have an experimental fishery. And the last thing, they
5 were concerned with a source of scientific uncertainty
6 is using the 1999 biomass as a virginal state.

7 Now, we have fisheries -- before I get
8 to the EEZ fishery, we have territorial fisheries in New
9 York and New Jersey. There used to be a small fishery
10 in Delaware. There's currently a small fishery in
11 Massachusetts. But the New York and New Jersey inshore
12 fisheries were or are significant. The New Jersey
13 biomass in the past decade has declined in order of
14 magnitude. Landings have fallen from about 700,000
15 bushels to practically nothing now, and there's been no
16 recruitment basically in New Jersey for the past decade.

17 New York the biomass decline is not as
18 steep, but you're still only at about 30 percent of what
19 you had a decade ago. Landings have dropped from
20 900,000 bushels to 300,000 bushels. But New York does
21 have some recruitment. In terms of the Federal EEZ, 2.4
22 million bushels were landed in 2010. That's a 10
23 percent decrease. We left 30 percent of the quota
24 unharvested. Average price is down slightly, and the

1 total value is down significantly, down to \$26,000,000.
2 Here's the figure that has everyone's attention, and
3 that's showing the steady decline from the late 1990s.
4 It's been a very steady decline for this past decade.
5 If you want to I can show the LPUE's from the '80s, and
6 the LPUE's now are about the same as they were in the
7 '80s. Typical dome shaped LPUE curve, if you will.
8 The biomass -- I'm sorry. The harvest and the LPUE's
9 are centered off of New Jersey, as Tom Ausback pointed
10 out yesterday during the windmill projects. The large
11 concentrations of where the harvest is coming from is
12 it's coming from the areas where the windmills are
13 proposed. You're used to seeing these 10-minute
14 squares. You can see that the number one and the number
15 four areas on the yellow highlights, 50 percent of the
16 landings come off the New Jersey in 2010, in 2010 40
17 percent come from Nantucket Shoals and George's Bank.

18 Here's the latest information on
19 George's Bank. The experimental fishery is in its
20 third year. The field tests have warranted a high level
21 -- the field tests on PSP have warranted high levels of
22 confidence. The LPUE's from George's Bank while we
23 can't present them directly because it's only one vessel
24 that's fishing out there, they're five to ten times

1 higher, the LPUE on George's Bank as it is in the areas
2 off of New Jersey. You'll recall that the Regional
3 Office this time last year in the summer had an EA and
4 a proposed rule to open up George's Bank. There were
5 some concerns over health issues that were raised in
6 comment letters, and it was decided to not open George's
7 at that time, but we have incorporated in the February
8 Council Meeting, we incorporated into Amendment 15 a PSP
9 testing protocol that the regional administrator can
10 mandate. So that's moving forward, but it is not open
11 yet, except as an experimental fishery.

12 Surfclam size limits, there is an FMP provision
13 that there would be a minimum 4.75 inches unless the
14 Council and NMFS take the active step of annually
15 suspending it. So you have to take action on that
16 issue. In 2010 there were roughly 8 percent of the
17 landings, smaller than 4.75 inches. Staff recommends
18 as we have done every year since 1990 that you can
19 recommend the continuation of the suspension of the size
20 limit. We don't anticipate any impact on the fishery,
21 and if you don't and a size limit is implemented, we'll
22 get regulatory discards as we've had in the late '80s.
23 That's it for surfclams. Then we roll into ocean
24 quahogs. I have 25 slides that I can cover in 20

1 minutes. I'm halfway through, so that's where we're
2 at.

3 Ocean quahog's life history. They're
4 found in colder, deeper waters than surfclams. The
5 important thing on ocean quahogs is that they are one
6 of the longest live animals out there, certainly marine
7 bivalves in the world. Sexual maturity occurs around
8 ages 5 and 10, and they're commercially exploited by age
9 20, but they do live up to 200 years. The 2009 SARC
10 concluded that the resource is not overfished, and
11 overfishing is not occurring. We have an SFA control
12 rule in the FMP currently that says overfishing occurs
13 when the F is greater than F of 25 percent or 0.5. In
14 Amendment 15 we've become much more conservative.
15 We've adopted the SARC recommendation, and the proposed
16 F 45 percent is the new overfishing threshold.
17 Currently, an F of 0.01 is for the exploited region and
18 if George's Bank gets opened up, that will fall in half.
19 The current fishable biomass is about 6.4 billion pounds
20 of meat to the management target of about 4 billion
21 pounds of meat. The biomass has been declining slowly
22 to its virgin levels of 35 years ago when the fishery
23 began, and we're still at about 80 percent of the virgin
24 level. Forty-five percent of the resources is on

1 George's Bank, and when you throw in Long Island and
2 Southern New England, those three areas total 85 percent
3 of the biomass.

4 From a projection standpoint, the SARC
5 concluded that projection results indicate that
6 overfished stock conditions are not likely to occur by
7 2015 by any states of nature or management policies
8 considered in the projections. And then they also
9 concluded that there is some probability of overfishing
10 in 2015 through landings as high as the current quota
11 or current FMP maximum level, particularly if that is
12 calculated only on the exploited stock.

13 The SSC reviewed ocean quahogs in 2010.
14 They also proposed an ABC of .75 percent of the
15 overfishing level. The SSC wanted to emphasize that
16 they were calculating it for the exploited region only,
17 and that excludes the 50 percent that's on George's
18 Bank. The ABC is 5.75 million bushels with an OY range
19 in the FMP of between four and six. Their sources of
20 scientific uncertainty that they identified were that
21 the data and models had a lot of scientific uncertainty.
22 Reference points they felt that the new more
23 conservative one was good, but still there was some
24 uncertainty around that. Fifty percent of the resource

1 on George's Bank is huge scientific uncertainty. And
2 then they wanted to emphasize the long-term
3 sustainability of a low, very low productive stock.

4 In terms of landings, 3.5 million
5 bushels were landed last year, a slight increase. A
6 slight increase in price per bushel was paid. And a 5
7 percent increase in the total value \$24,000,000. LPUE
8 for ocean quahogs really don't show a trend in the last
9 25 years. What they do is they fish on an area that's
10 been unfished. PUE as that is fished down, the LPUE
11 drops. Then moves to another area. And that's what's
12 occurred with those peaks and valleys to some extent.
13 But amazingly consistent over 25 years I think.

14 LPUE's and total removals for ocean
15 quahogs are much more diverse and distributed over the
16 entire range than what we saw for surfclams. You have
17 10 percent of the resource coming from that 3-9-7-3
18 square which is off of New Jersey. That's the third
19 largest square. But when you include the -- what is it
20 -- 53-16-49 -- 75 percent comes off of Long Island of
21 the landings for ocean quahogs. In terms of Maine ocean
22 quahogs, the stock assessment was presented by the state
23 of Maine and was peer reviewed through the SARC. Same
24 format as dredge efficiency estimates. It's a very

1 good assessment that was done in 2008 that was peer
2 reviewed. Maine I want to emphasize is very minor.
3 It's less than one percent of the total stock. F in
4 Maine waters is a little bit higher than the exploited
5 regions in other areas. They have a total fishable
6 biomass of 3.3 million bushels, and, again, as you can
7 see from the letter and tab, behind Tab 6 they're
8 requesting 100,000 bushel quota. That's what it's been
9 since the plan went into place in 1990 -- or 1998. I'm
10 sorry. And there again requesting that.

11 The fishery it's a small vessel fishery.
12 Prices are about five times higher per bushel than the
13 regular ocean quahog fishery. Last year they took
14 56,000 bushels, which was just about the same number
15 they took in 2009. And the LPUE has remained unchanged.
16 So that's it for ocean quahogs. In
17 summary, for surfclams the resource is not overfished.
18 Overfishing is not occurring. We're losing biomass in
19 the southern portion of the range in inshore New Jersey
20 and New York, but we're still at greater than 80 percent
21 of the 1999 virginial considered level. Delmarva has
22 lost 20 percent of the resource. George's Bank has
23 increased about 20 percent of the resource. And the
24 proportion of the resource in New Jersey between 1988

1 and 2008 was about the same, right around 30 percent.
2 Recruitment is down nearly everywhere. The
3 projections show that the population biomass will
4 continue to decline through 2013. I showed you the
5 graph of the LPUE declining. The fishery appears to be
6 a secondary factor in this decline. And then the
7 majority of the advisors that responded to my e-mail
8 question at the end of April said that they'd like to
9 maintain the quota.

10 Summary status for ocean quahogs. That
11 also is not overfished. Overfishing is not occurring.
12 The biomass is declining also from the virginal state
13 in the late '70s when the fishery began. We're still
14 at 80 percent of that virginal level. Now to fishing
15 mortality, recruitment growth all about one to two
16 percent per year. New Jersey for ocean quahogs has lost
17 about 10 percent of the resource, where George's Bank
18 has gained about 10 percent of the biomass resource.
19 Maine had a peer reviewed assessment, and that resource
20 appears to be stable. And finally, the majority of
21 advisors requested continuance of the quota. And with
22 that, Mr. Chairman, I'll concluded there's a possible
23 motion for your consideration. I can take questions if
24 you'd like. Thank you.

1 COMMITTEE CHAIRMAN LEE ANDERSON:

2 Thank you very much, Tom. I don't want to minimize the
3 work that has to be done. You can look at this, you can
4 waive it on and say okay, or we can look at it carefully.
5 I also want to make sure that we are aware of the issues
6 that are out there. And that is -- can I summarize?
7 Here I see hands. Am I saying something wrong? A lot
8 of the catch is coming from the same area, especially
9 in the surfclams, and people have been concerned about
10 that. They're concerned about the LPUE is decreasing.
11 The other issue that we've had because of PSP George's
12 Bank is closed, and that's a big concern. And we are
13 hopeful -- we are addressing that. That will be
14 addressed in Amendment 15. We'll put something in. We
15 hope to have that problem fixed. But there are problems
16 out there, and I want to have a full discussion on that
17 and other ones. So Pete. Then Peter.

18 PETER HIMCHAK: Okay. Thank you, Mr.
19 Chairman. I'll make this very brief. And I don't
20 think any of my comments are directed toward any
21 alteration on the staff's recommendation on quota for
22 the next two years. But essentially I just wanted to
23 reiterate a couple points to the entire Council. Last
24 year at the June meeting in New York City, we had a

1 separate surfclam, quahog meeting that went on for about
2 three hours. I mean I found the recommendation for a
3 status quo quota in light of the landings per unit
4 efforts to be very problematic, regardless of the stock
5 status from the SARC that dealt with the entire stock
6 -- the entire coast rather. And the landings per unit
7 effort aren't having a steady decline. Okay. And so
8 that was my problem. And I think at the committee
9 meeting we kind of like came to a consensus that we were
10 somewhat divided over status quo, 15 percent reduction.
11 I think we came to a consensus that really we had high
12 optimism, our expectations for George's Bank taking
13 some of the pressure off of the Mid-Atlantic were very
14 high, and so we went with status quo and then we would
15 revisit it this year. Now, I don't know that the
16 expectations were met for 2010 for harvest off George's
17 Bank, so that still remains problematic, and still
18 that's the direction that we have to focus in in the
19 management of surfclams.

20 The other issue is that the SSC came out
21 with a recommendation of 96,600 metric tons as the ABC.
22 That's if I did my math correct in this 40-page report,
23 comes to a -- and we call it a quota. Is that an ACL
24 now -- an ABC? We use the word quota throwing it around

1 constantly, and I'm trying to pin this down.

2 THOMAS HOFF: It's an ACL I would say.

3 PETER HIMCHAK: All right. So if it's
4 an ACL, the SSC is recommending an ABC of 5.75 million
5 bushels, and we say that there is essentially zero
6 management uncertainty on surfclam management. We've
7 had this all through the omnibus discussion. So what
8 staff is recommending is far below the ABC of 3.4 million
9 bushels. Okay. So it's very conservative to begin
10 with. I think I had that correct. But I still think
11 we need to come out strong for taking relief off the
12 Mid-Atlantic resource. And there might be more people
13 that are -- there might be people here that are more
14 familiar on why there's only one vessel fishing and
15 landing fish in New Bedford, and why can't there be more
16 under an exempted fishing permit; what percent of that
17 activity last year was part of the coastal landings, and
18 why can't that increase? I know we have serious health
19 problems with PSP, but if you can have one vessel up
20 there taking 10 percent of the coastwide landings, why
21 could you not have other vessels under the same
22 requirements? And, again, their landings per unit
23 effort are so much better; it's much more economical.
24 So, if somebody could address those concerns, I would

1 feel very much relieved in the fact that we are still
2 moving towards taking pressure off an area where the
3 landings per unit effort are plummeting.

4 TOM HOFF: I'd like to address a few of
5 those points. I mentioned as I showed the LPUE graph.
6 That was the LPUE graph only from the time of
7 implementation of ITQ's. And the reason we show that
8 is that the five years prior to implementation of the
9 ITQ's, the LPUE is very, very susceptible because the
10 Council had restricted them to six hours of fishing at
11 time. So from 1985 to 1990 this LPUE series is not used
12 at all in terms of the stock assessment model. But I
13 did go back and when this slide showed the start of
14 landings from 1979 we have good logbook data. And you
15 can see just from that figure that from '79 through '85
16 we were percolating -- you know, 26, 32, 47, 48, that
17 type of number, which is low. I mean it's low, but it's
18 where we're at now.

19 And if we think about biomass -- you
20 know, we're saying that the 1999 biomass is the virgin
21 level even though we had been fishing it for 50 years.
22 We're saying there are so many clams out there in 1999
23 that it was considered virginal. So, from that level,
24 you have to be fine. You have to.

1 And, Peter, if I can, I want to explain a little
2 bit about the biology because you were there in the '70s
3 and '80s when the '76 -- the (inaudible) event off of
4 New Jersey wiped out the resource, wiped out all the
5 predators. We had that huge '77 year class come in. We
6 had the huge '78 year class off of Delmarva. Those
7 fish, those animals grew up during the 1990s, and that's
8 what's contributed to the huge biomass that we had in
9 the late '90s. They're now dying. They're dead.
10 They've been fished. That's why we're not at the virgin
11 level any more. I mean the fishery is working. So
12 that's one point.

13 I'm going to perhaps turn it over to a
14 few people from industry to talk about George's Bank
15 because technically those data are confidential even
16 though they're in an experimental fishery. It's our
17 understanding that because there's only one vessel in
18 it they're confidential even though everybody knows
19 about it. I think industry can talk about it because
20 they represent that one boat. So I hope somebody from
21 industry will talk about this. But last year in 2010
22 only 10 percent of the landings did come off of George's
23 Bank. This year I've heard projections and what we're
24 seeing is it looks like much more, maybe even 20 percent

1 of the landings will be coming off of there. In terms
2 of why there's only one boat, that may be something that
3 Pat wants to address or Joel wants to address in terms
4 of the experimental fishery. But there's only one boat
5 that can be in there now. And I hope that helps explain
6 it. I'll defer to both the industry and to Joel.

7 COMMITTEE CHAIRMAN LEE ANDERSON:

8 Yeah. I think the specific question was: Why is there
9 only one? And whoever can answer that I would like an
10 answer to that. Is that Joel or Pat? David, would you
11 care to give us an answer, please.

12 DAVID WALLACE: (microphone not on) The
13 ISSC, the FDA and the National Fishery Service all have
14 to be involved in the fishing permits to (inaudible) a
15 pilot PSP protocol which actually has been in existence
16 for a long time, but they only more recently found that
17 over that last year and a half (inaudible) that allowed
18 us to actively cast actually your (inaudible) which
19 causes PSP.

20 Once we got started last year, we
21 petitioned the ISSC and the FDA for support for another
22 experimental fishing permit. That was rejected saying
23 this was a pilot project, and we're not going to issue
24 or we're not going to support another permit. We then

1 asked the Council to ask NMFS to change the rules so that
2 we could fish, we could add vessels, and ultimately NMFS
3 chose not to do that because of sampling procedure and
4 testing procedures wouldn't be in place under the rule
5 that we proposed even though we said we would do the
6 testing.

7 Then we went back to the ISS -- and then
8 the National Marine Fishery said add it to Amendment 15.
9 So we're still on a two-track tier. So we went back to
10 the ISSC and at that time then, two other companies had
11 asked for a permit, an experimental permit, and asked
12 for FDA, ISSC to support an experimental permit. We
13 then participated in some discussion, and ultimately
14 the FDA and the ISSC rejected any new supporting pilot
15 projects without their support. We are sure that the
16 National Marine Fishery Service is not going to
17 arbitrarily get involved in the pilot project for the
18 PSP.

19 So what has happened now is we as of the
20 6th day of June requested -- we sent a proposal. FDA
21 is the sponsor. Industry is a cosponsor, a number of
22 states are cosponsors to take up and make the protocol
23 permanent. It will be considered at the October
24 meeting of the ISSC, which is being held in Seattle, and

1 at that time they have 39 states that are voting members
2 plus EPA, National Marine Fishery Service, FDA, all are
3 voting members.

4 We are trying to then get cosponsors to
5 cast this protocol, and it becomes part of the National
6 Shellfish Sanitation documentation. And so then it
7 would be permitted by any state as long as they may
8 follow the minimum requirements of the protocol. Any
9 state can have more severe requirements, but they have
10 to meet the minimum. The thing that we are concerned
11 about is that it is very rare that the convention signs
12 off on a protocol like this that is so out of the
13 mainstream in its first meeting. The other big problem
14 is that they only have a convention every other year,
15 and so we are pushing very hard to try to get a minimum
16 of 20 states to support it because it only requires a
17 simple majority.

18 So we caught about 10 percent of the
19 clams last year with one vessel. This year because of
20 some other changes, and we got started early, we will
21 probably catch a higher percentage than we did last
22 year, and we're on track to keep that up. The vessel's
23 going to land on George's Bank strip in the next hour
24 or so. It's already landed one on (inaudible) this

1 week, so we're getting usually two trips a week on
2 George's Bank catching clams a lot faster than the rest
3 of the fleet. So I'd be happy to answer any questions
4 you may have.

5 COMMITTEE CHAIRMAN LEE ANDERSON: The
6 question specifically was: Why are there no more
7 permits? And what I got from your answer is you ask for
8 them, but they will not grant them until this meeting
9 of the ISSC goes through this protocol or this vote that
10 you talked about. Is that correct?

11 DAVID WALLACE: Or Amendment 15 goes
12 through, and then the protocol is added to Amendment 15,
13 and then the National Marine Fishery Service Northeast
14 Region then will be willing to issue permits under the
15 protocol. So we're on a two-track course. We don't
16 know which one's going to get to the finish line first,
17 but we're just not attacking the problem as a single
18 source. We're using it as a dual track.

19 COMMITTEE CHAIRMAN LEE ANDERSON: The
20 full answer then is until that protocol is complete,
21 there will be no more licenses issued for George's Bank?

22 DAVID WALLACE: No. I can't speak for
23 the ISSC or the FDA or the National Marine Fishery
24 Service, but right at the moment on three different

1 occasions, they have rejected the idea.

2 COMMITTEE CHAIRMAN LEE ANDERSON:

3 Pete, does that answer your question?

4 PETER HIMCHAK: No. I'm still trying
5 to come up with an appreciation for the prospects for
6 continued or increasing harvest on the George's Bank
7 stock. I'm also somewhat relieved that -- I mean if we
8 call the quota the ACL and in context with what the SSC
9 recommends as the ABC, then we're already very
10 conservative; because as I said before, I think we've
11 intervened like the management uncertainty of
12 monitoring this quota is zero or as close to zero as
13 possible. So keep plugging in there, Dave. That all.

14 DAVID WALLACE: And let me say if we
15 could get two or three more permits and each one of those
16 permits let us say represents 15 percent of the catch,
17 we would have in no time at all take 50 percent of the
18 quota on George's Bank, which will take the pressure off
19 New Jersey and Virginia significantly. So the landings
20 then would go down 50 percent in the areas which Peter
21 is concerned about. And so we're as interested in doing
22 that as anyone else. Maybe more so.

23 COMMITTEE CHAIRMAN LEE ANDERSON: I

24 have Peter first and then Jim Weinberg.

1 PETER deFUR: Thank you, Mr. Chairman.

2 I think there are a couple of biology questions I have
3 that relate to the management. Pete addressed one of
4 them. The other one is do we have any information on
5 areas that have -- how the stock has behaved in areas
6 that have not been fished except for George's Bank? I
7 mean George's Bank we know it hasn't been fished for a
8 number of years because of PSP, and that should give us
9 some indication about what we can anticipate in the
10 northern end of the range. But in the southern end of
11 the range, I don't imagine that we have any areas where
12 we traditionally had clams, had been fished out, and
13 what is their recruitment and growth like? So that's
14 the other one.

15 And then the management questions for
16 both species are one on ocean quahogs that's come up
17 before: At what point do we have to take action; at what
18 point do we have to do something differently because a
19 200-year-old species is something we don't have a lot
20 of experience with, nor does anybody else in the world,
21 and we're managing it. We're the only ones. So at what
22 point do we have to do something differently? And then
23 Erling and I were talking about this two years ago as
24 we watched the surfclam. We're now at the point where

1 in previous years, as you pointed out on this curve, we
2 got a big pulse of spawn. We're hoping for it again.
3 We don't expect it in the southern end of the range. We
4 expect it in the northern end of the range or at least
5 more northern than it has been in the past. The same
6 question applies: At what point when we do not see or
7 if we do not see a successful large recruitment,
8 spawning next year, two years, three years, will we have
9 to take some other different management action and
10 reduce our harvest if it's going to have an impact? So
11 that's three questions, Tom.

12 THOMAS HOFF: You want me to consume the
13 next hour? No. The area management we've had -- we've
14 run some experiments. The problem is that the paragon
15 has shifted while we're running the experiments. Okay.
16 With these large year classes, we had a closed area off
17 of Atlantic City, we had a closed area off of Ocean City,
18 Maryland, and a closed area off of Chincoteague. They
19 all got opened up in the mid to late 1980s. But they
20 were closed to protect these two huge year classes. And
21 the Atlantic City closed area worked extremely well.
22 It really did. It's been the center of harvesting for
23 a long time. The Ocean City and Chincoteague areas did
24 not work as well and we lost an awful lot of the clams

1 in there to natural mortality. They never grew up to
2 a size -- they got opened years later, and they never
3 grew up to a size. They were probably so dense. We
4 didn't do the scientific research to know exactly what
5 happened, the scientific monitoring to know what
6 happened, but those two areas of small clams just never
7 grew up. They were always light in weight. But then
8 to confound that, you have the issue that Jim Weinberg's
9 published on that we probably are looking at global
10 climate change, and we're losing the southern end of the
11 resource anyway. So they were in the southern end.
12 We've lost them -- you know. We didn't have the
13 monitoring in place to know what the heck happened. So
14 that's question one. Two and three I don't have slides
15 for those. And I'm drawing a blank. Help me again,
16 Peter, if you would.

17 PETER deFUR: The first one was where
18 they're a 200 year old species.

19 THOMAS HOFF: Ocean quahogs.

20 PETER deFUR: Yeah. I mean it's a
21 technical question. We're going to have to project the
22 point at which we're going to have to do some reductions
23 in harvest. That's sort of inevitable --

24 THOMAS HOFF: Oh, yeah.

1 PETER deFUR: -- down the road. It's
2 not any time new. But the more important question, the
3 more compelling one was: What if we don't see a spawn,
4 a big spawn in our surfclams in the next couple years?
5 We're down at that same level now. We're at one of our
6 lower CQE's that we've seen in a long time. They're
7 spending a lot of energy for not getting a lot of clams.
8 At what point do we do something differently?

9 THOMAS HOFF: Well, certainly, people
10 have talked about area management, and the
11 second-to-last bullet point there is specific terms of
12 reference for the next stock assessment. I think
13 that's where we have to know. The survey is going to
14 be done starting next month. We'll be doing a stock
15 assessment a year from now. I think we need some very
16 specific terms of reference for potentially area
17 management. There is no recruitment. I mean there has
18 not been any good recruitment anywhere since 1999.
19 That was the last year class. George's Bank is the ace
20 in the hole. When that gets opened, it will take a lot
21 of pressure off theoretically. Then with less pressure
22 in New Jersey maybe we'll see some recruitment, but
23 maybe we won't, too -- you know. We're running an
24 experiment here. And it's an iterate process. This is

1 one of the reasons that we come every year. Regulations
2 require us to come here and play this in front of
3 everybody, that we do three-year stock assessments for
4 surfclams. Everybody's concerned. Everybody's
5 looking for new recruitment. We're not finding it.

6 In terms of ocean quahogs and the
7 longevity of the animal, yeah, certainly, I don't think
8 we should be managing it as a typical fish where you
9 drive it down to half the biomass and you maximize
10 surplus production at half the biomass. This animal --
11 you know, maybe it's 60 percent, maybe it's 70 percent.
12 I don't know. But we still do have time. We're at 80
13 percent after 35 years. So when you're looking at one
14 or two percent per year in natural mortality and fishing
15 mortality and growth and recruitment, if we're losing
16 maybe a half a percent per year on net, we do have time.
17 Now we have the SSC looking over the shoulder of the
18 SARCs and everything and providing additional advice,
19 additional scientific advice. So I think in our
20 lifetime we're going to have to do something different,
21 but not today. That would be my recommendation.

22 COMMITTEE CHAIRMAN LEE ANDERSON: If I
23 can just jump in here, too. One thing about this is I
24 don't think we can think of this as the standard spawning

1 biomass and then recruitment. In some sense -- and I'm
2 saying this, and I know Jim here will correct me if I'm
3 wrong -- it's a random event, which way the wind blows
4 and everything happens, the way they settle. There's
5 a lot of things that go into that, and it's possible
6 you'd cut fishing to zero, and we would have no
7 recruitment for 25 years, or we could keep going as we
8 are and we'll have too big of a recruitment event. So
9 what do you do in that case? We have to do something,
10 but we don't have to do it right away.

11 But that's the issue, that recruitment is such --
12 I'm going to call it random. There's probably a better
13 word to specify it. But it's a very difficult problem.
14 Jim, I have you on next, and you can speak it to your
15 own if you would like to add to the discussion so far.
16 I would appreciate that, too, please.

17 JAMES WEINBERG: Thank you. I'll be
18 brief because I think this isn't the time to have a
19 biology discussion really and a lot of the points have
20 been made already. But I'll just add I think from the
21 perspective of where the next stock assessment is going
22 for surfclams, the biological reference point is
23 probably -- that was developed in around 2002 or so based
24 on the 1999 biomass. The last peer review panel --

1 (microphone turned off while staff corrected problem).

2 Thank you.

3 In terms of the vulnerability of
4 surfclams, also the last peer review panel concluded
5 that based on the way the overfishing definition was
6 written, surfclams were not vulnerable to becoming
7 overfished. What they were telling you is that that's
8 purely an artifact of the way the overfishing definition
9 is written because it includes the entire stock. And
10 they were recognizing that, in fact, different regions
11 -- that surfclams exist over a wide range. They have
12 different growth rates and different population
13 dynamics within each of these regions. So I think they
14 were leaning more in terms of going down the road of
15 doing more of an assessment based on regions rather than
16 considering the entire population. And perhaps if the
17 overfishing definition is revised during the next
18 assessment, it will be more along the lines of the
19 biology of looking towards what's an appropriate level
20 matching it to the dynamics of what's going on in New
21 Jersey or what's going on in George's Bank. But the way
22 the definition is currently written, the stock is not
23 vulnerable, and that's why you're left in this situation
24 where you're seeing a big mismatch with the LPUE going

1 way down in New Jersey in the historic fishing area and
2 the movement to fish out on George's Bank and then
3 wondering how you can match that to a quota or whatever
4 you want to call that. So, anyway, the next science
5 won't be coming until 2012.

6 PAT AUGUSTINE: Yeah, thank you, Mr.
7 Chairman. The discussion seems to be leaning to the
8 fact that we have no way of addressing the concerns that
9 have been mentioned. And it appears that we've got to
10 be heading in the direction of an FMP, an amendment.
11 What Dr. Weinberg just said is we're going to look at
12 a different approach in 2012. It's going to take us two
13 years to develop an FMP -- an amendment to the FMP. It
14 seems like that might include in that skeleton FMP area
15 management and a change in view of the fact that stock
16 is so segmented, if you will. And, again, in that same
17 amendment it would appear that we could address the
18 concern about this experimental fishery. It doesn't
19 sound like that's going to change very quickly the way
20 they described it. They're going down two different
21 paths to try to address a problem that in the final
22 analysis is probably going to have to be addressed to
23 an FMP. At least that's what I've heard. Now, if I'm
24 wrong, Dr. Anderson, you might clarify that, but that

1 sounds like the direction we're going. And whether we
2 talk about starting it at this meeting or the next
3 meeting or sometime before the end of the year, it would
4 seem to me that a skeleton outline of the two or three
5 major issues that this group is going to be facing in
6 the next three to five years might be warranted or
7 considered.

8 COMMITTEE CHAIRMAN LEE ANDERSON:

9 Howard.

10 HOWARD KING: Yes. Thank you. This
11 fishery in this stock doesn't appear to change very
12 quickly. I for one am comfortable with the SARCs as
13 they're written for this year. It appears that not much
14 is going to happen until at least 2013. My question,
15 though, is: Is a portion of the quota not harvested due
16 to market demands?

17 THOMAS HOFF: A large portion, Howard.
18 I mean we left last year 30 percent of the surfclam quota
19 was left in the ocean. And it's been five years. It's
20 been 2005 -- six years since we took a hundred percent
21 of the surfclam quota. Always 95 to a hundred percent
22 of the quota was taken every year from the initiation
23 of the plan in 1977 'til 2005 was the figure in the specs
24 paper. You know, we're leaving an awful lot of the

1 quota on the bottom right now. And everything --
2 industry can address this -- but my understanding of
3 what's going on in industry is that they just cannot sell
4 it. Progresso, Campbell soups, the large companies
5 that are taking the product from the processors here in
6 the back of the room. Those companies are not
7 necessarily marketing clam chowder the way they did a
8 decade ago and stuff like that. And I think you can see
9 it. The world has gotten a whole lot smaller. I know
10 in my supermarket I can buy large shrimp for 4.50 a
11 pound, which -- you know, most people would rather eat
12 shrimp than clams and its product. So the demand for
13 surfclams is not what it was five years ago.

14 HOWARD KING: One follow up. I'll take
15 that as a yes and say that's another conservative built
16 in buffer. Are we ready for a motion?

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Actually, we don't need a --

19 COMMITTEE CHAIRMAN LEE ANDERSON: We
20 don't need a motion on the thing. We need a motion --
21 if that's all we want to do, we can have that motion,
22 and if it's implied in that that we're not going to
23 change the thing, that's all we have to do.

24 HOWARD KING: Are you ready for that

1 motion?

2 COMMITTEE CHAIRMAN LEE ANDERSON: I am
3 ready, sir, yes.

4 HOWARD KING: Then I would so move that
5 the Council recommend to the regional administrator
6 that she suspend the surfclam minimum size limit in
7 2012.

8 COMMITTEE CHAIRMAN LEE ANDERSON: I'm
9 looking for a second. Peter. Okay. We have a motion
10 that has been seconded, and we are going to recommend
11 that surfclam minimum size be suspended for next year,
12 as we normally do. Is there discussion on that motion?
13 There's no discussion on that motion. All in favor
14 raise your hand.

15 (Motion as voted.)

16 {Move that the Regional Administrator suspend the
17 surfclam minimum size limit in 2012.}

18 COMMITTEE CHAIRMAN LEE ANDERSON:
19 Opposed. The motion carries. I can take that vote.

20 COMMITTEE CHAIRMAN LEE ANDERSON: Go
21 ahead, sir.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Since we are convened as a committee of the whole, Joel
24 has asked that we vote once as a committee and then once

1 as the Council. So I'll call the question for the
2 Council. Is Council ready for the question? Is there
3 any objection to the motion? Are there any abstentions
4 on the motion? One abstention. The motion carries.
5 Thank you.

6 COMMITTEE CHAIRMAN LEE ANDERSON: That
7 concludes our business, but I'm going to say a few words,
8 and then I'll turn it over. We have a little bit of
9 time. We can go to the audience.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Mr.
11 Chairman, I had a couple questions I wanted to ask real
12 quickly just following up on the earlier discussion.
13 It sounds like we're waiting for recruitment of that at
14 least in some of the areas. Tom, I wanted to ask: What
15 is the power of the survey to the type of change in
16 recruitment, and how quickly would you know if there had
17 been a change in recruitment?

18 THOMAS HOFF: In terms of ocean
19 quahogs, it's a very long process. You really don't
20 pick them up for 15 years. Surfclams you pick them up
21 much quicker. You're picking up three-and
22 four-year-olds. So, if there would be good recruitment
23 out in an area, if there would have been three or four
24 years ago, you'd pick it up this summer. Understand,

1 though, that while the clam survey is extremely -- it's
2 a very good survey. It gives us very good estimates,
3 precise estimates, it is only one station every hundred
4 square miles. Okay. So, I mean, four or five hundred
5 stations, but that's a huge area that's sampling over
6 the South.

7 We've asked industry. We've
8 consistently talked to industry, and industry is a
9 member of the invertebrate sub committee. I think
10 industry is very plugged into this system that whenever
11 we have -- whenever they hear things from their captains
12 if they could identify areas that are loaded with small
13 clams, the survey will deviate from its random survey,
14 random stratified survey, to look for small clams.
15 I've worked with Erling Berg on this. We've talked to
16 industry. Steve Blout has just gone out within the past
17 two months to industry to try and identify areas of high
18 concentrations of small clams so that's plugged into the
19 survey. It's there, but the survey is every hundred
20 square miles. That's the bottom line.

21 COUNCIL CHAIRMAN RICHARD ROBINS: If I
22 could just follow up, Mr. Chairman, I would just think
23 that the proposed term of reference that you discuss in
24 the next stock assessment is going to be very important.

1 There has been concern about at least the local changes
2 in LPUE and the implications of that. I think that will
3 probably put the Council in a better informed position
4 to consider some of those elements particularly if
5 George's doesn't open as expected.

6 COMMITTEE CHAIRMAN LEE ANDERSON:

7 Thank you, Rick. And that was exactly what I was going
8 to summarize with is that we do have a SARC assessment
9 coming up, and I think it is time to take a serious look
10 at in terms of reference on what we do to address these
11 issues. And I'm not even going to specify exactly what
12 it is, but we've got single stock, look at it now. We
13 want to expand it out. And we'll be looking at the
14 center and the staff to help come up with a good set of
15 terms of reference so we can address this problem in a
16 holistic way. That's all I'm saying, other than the
17 fact that remember we have two prongs to open up George's
18 Bank. And David's already talked about them. Let's
19 hope -- one of them -- it's done quick so we can open
20 that.

21 PETER deFUR: Thank you, Mr. Chairman.

22 I'm going back to Tom's question about the recruitment,
23 which is in the spawning -- the spawning. Is there
24 anybody out there who's doing other sampling methods

1 besides the survey that's going to pick them up when
2 they're three years old? 'Cause I know you can pick
3 them up within -- they can be found immediately but more
4 easily within a couple months post settlement. So we
5 don't really have to wait three years. But somebody's
6 got to be going out there with a vest on and sampling
7 gear to do that bottom sampling, and the logical places
8 are the places where the captains know where the
9 spawners are now. Is there any possibility of that
10 happening? I'm looking for advanced news on good
11 spawning.

12 COMMITTEE CHAIRMAN LEE ANDERSON: Jim
13 may have it.

14 THOMAS HOFF: Jim, do you want to?

15 JAMES WEINBERG: I'll start. The
16 state of New Jersey does an annual survey, and really
17 that's the same population in federal waters that
18 extends out into deeper water. So with their survey
19 coming in annually, there's some additional information
20 for you about recruitment. And they not only use a big
21 dredge that catches the big clams, but they also take
22 Smith McIntyre grabs to look for the little ones. So
23 they do have that early signal coming in. And this NMFS
24 has worked for a long time with the industry

1 cooperatively. In fact, boats from the clam industry
2 go out and do experiments alongside of our survey
3 sampling vessel to calibrate dredge efficiency of the
4 survey vessel. So there is that track record basically
5 of working together. So I think that there's the
6 capacity at least for designing studies using industry
7 vessels. If there are certain areas where they want to
8 target a particular place where recruitment is
9 suspected and then maybe it could be mapped out. So I
10 think the potential is there, but I don't think there
11 are any existing plans to do it that way.

12 COMMITTEE CHAIRMAN LEE ANDERSON: Tom,
13 do you have anything to add?

14 THOMAS HOFF: The only thing I'll add --
15 Jim nailed it completely -- the state of New Jersey does
16 do annual surveys for the decade from 2000 to 2009. I
17 believe the number was less than 300 small clams less
18 than four inches for that whole decade. In the 1990s
19 they'd consistently catch a thousand -- thousands every
20 year. This year while I talked with Jeff Marman, and
21 he was very cautious and said: Don't make a big deal
22 of this. They actually found 252 small clams.

23 So they found as many this year as they
24 did all of last year. But it's nothing of the order of

1 magnitude it was a decade ago.

2 COMMITTEE CHAIRMAN LEE ANDERSON: I
3 have Chris, then Peter and then Erling.

4 CHRISTOPHER ZEMAN: I just have a
5 question for Tom. And that is: What's the status of
6 Amendment 15, and do we need to incorporate these -- if
7 we consider terms of reference are we going to
8 incorporate that into Amendment 15, or is that
9 (inaudible) process?

10 COMMITTEE CHAIRMAN LEE ANDERSON: Go
11 ahead.

12 THOMAS HOFF: Amendment 15 we have an
13 excessive shares workshop, a CIU review of the excessive
14 shares report next week at Woods Hole. After that we
15 think we can move fairly rapidly on that. We anticipate
16 bringing to the Council in October a variety of
17 alternatives dealing with excessive shares and
18 excessive shares cost recovery and data collection.
19 You've already approved alternatives for overfishing
20 definitions, EFH and stuff like that. So that's our
21 time frame of bringing it to the Council in October. We
22 hope to have a public hearing draft in February.
23 Remember also that the PSP issue we incorporated that
24 last February. So that's a new issue in here.

1 So I think once the excessive shares
2 workshop gets done, the CIU review, we can move pretty
3 fast in the next few months. We are not going to
4 incorporate terms of reference. I mean that's a
5 different TRAC. That's through the NRCC stock
6 assessment TRAC. So we'll be putting terms of
7 reference. We'll certainly be working with our SSC to
8 generate those terms of reference. Chris just asked.
9 We'll probably be doing that at this time next year for
10 the December 2012 stock assessment. So this time next
11 year we should have good terms of reference developed.

12 COMMITTEE CHAIRMAN LEE ANDERSON:

13 Peter and then Erling.

14 PETER HIMCHAK: Yes. Thank you, Mr.
15 Chairman. One parting comment additionally. Data
16 coming out of the New Jersey dredge survey is the
17 increasing bycatch a horseshoe crabs. And I brought
18 this up under multispecies management issues and
19 ecosystem based management and having a values based
20 judgement overarching policy before you go down this
21 path. And, you know, we were harvesting 600,000
22 horseshoe crabs 14 years ago, and now we're harvesting
23 none. And these things are cleaning up on surfclam
24 industry, and I don't think we did the surfclam resource

1 any favors by putting a moratorium on horseshoe crabs
2 to satisfy the red knots.

3 So I just I know I'm beating this drum
4 a lot, but we see that in our survey. These horseshoe
5 crabs could be like vacuum cleaners out there cleaning
6 out any kind of sets that you get. And I see pictures
7 from our survey with the horseshoe crab -- the surfclams
8 they can eat, and it's incredible.

9 COMMITTEE CHAIRMAN LEE ANDERSON:

10 Erling.

11 ERLING BERG: Thank you, Mr. Chairman.
12 I have a question for Tom. Did you get any kind of
13 response on your recruitment search there? I know you
14 put the word out. I didn't get any response at all.
15 Nobody called me back.

16 THOMAS HOFF: Erling, I spoke with you
17 and Steve Blout in the back -- polled the NFI Committee,
18 and a variety of captains, and from my understanding
19 from both you and he no responses came back. But,
20 Steve, if I'm wrong.

21 STEVE BLOUT: [Inaudible.]

22 COMMITTEE CHAIRMAN LEE ANDERSON:

23 Chris again.

24 CHRISTOPHER ZEMAN: Just one last point

1 in terms of Amendment 15. It sounds like we already did
2 look at EFH. We made our decisions on that. However,
3 one recommendation I would have is that we may want to
4 reconsider some sort of habitat designation because
5 that usually has a little more clout in terms of
6 nonfishing activity proposals like wind farms.

7 COMMITTEE CHAIRMAN LEE ANDERSON: Tom,
8 do you have a comment?

9 THOMAS HOFF: We did not consider
10 habitat areas particular concern, but I think that might
11 be something that should be looked at.

12 COMMITTEE CHAIRMAN LEE ANDERSON: Mr.
13 Chairman, I think that will conclude our surfclam
14 business. Thank you.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thank you, Lee. Why don't we come back in five minutes
17 and let Mary get set up with her presentation for the
18 visioning project, and we'll be convened again as a
19 committee as a whole for the visioning update. Thank
20 you.

21 [Break 10:40 a.m. to 10:52 a.m.]

22 COUNCIL CHAIRMAN RICHARD ROBINS: All
23 right. Let's come to order. We're convened now as a
24 committee of the whole of the Visioning Committee. And

1 we're going to be receiving an update on the visioning
2 project and a proposal to move forward with data
3 collection and the first introductory phases of the
4 project. And with that I'll turn to Mary Clark.

6 VISIONING AS A COMMITTEE OF THE WHOLE

7 MARY CLARK: Good morning. Thank you
8 all for the warm welcome you've given me at my first
9 Council meeting. As Chris mentioned, I've just been
10 here for about three weeks, and I've been spending a lot
11 of time working on the visioning and strategic planning
12 project.

13 And the purpose of my presentation today
14 is to give an overview of the project and where it stands
15 currently and talk about some of the immediate steps
16 that the staff is taking to get the project started.

17 For those of you who are less familiar
18 with the visioning project, last year the Council
19 decided to engage in a project that would help us figure
20 out where the Council is going and how we're going to
21 get there.

22 The Visioning Committee was formed and
23 this committee and the Council staff have been working
24 with Touchstone Consulting Group to develop a plan.

1 There are two primary objectives of this project.

2 The first one is to develop a
3 comprehensive state quota and form vision for the
4 Council's managed fisheries that will be used to refine
5 the Council's management programs. And the second one
6 is to develop a strategic plan with state quota input
7 and use the strategic plan to achieve this vision.
8 Essentially, this project will help us transition from
9 focusing on day-to-day measures of success to looking
10 at longer term outputs and overall objectives. This
11 project has the potential to redefine success for the
12 Mid-Atlantic Fishery Management Council.

13 This includes possibly looking at
14 social and economic dimensions of fisheries management
15 as well as incorporating ecosystem considerations into
16 our management decisions.

17 So the terms vision and strategic plan
18 get thrown around a lot here, and they can be a little
19 abstract, so I thought it would be useful to clarify it
20 and make sure we're all on the same page before I move
21 forward.

22 So this is a figure that was created by
23 Touchstone Consulting, and essentially -- the first
24 step in the project is to define the stakeholder's

1 vision for the fishery. So this is where are we going;
2 what do we want the future of our fisheries to look like.

3 And the second step is to develop a
4 strategic plan which helps determine how we're going to
5 get there. And the whole process is guided by
6 stakeholder input. The Touchstone Consulting Group
7 has worked with the staff and Visioning Committee to
8 develop a road map for the Visioning Project, which you
9 can find in your briefing book in full. This road map
10 lays out the approach and timing for the project.

11 As you can see here -- it might be a
12 little hard to see on the screen, but there are five main
13 lanes of work that will occur sequentially with some
14 degree of overlap throughout the project. We're
15 focusing on the first three phases of the project right
16 now, which are: governance, awareness and buy-in, and
17 data gathering.

18 So, in this presentation today, I will
19 talk about how the staff is taking steps to move forward
20 with these three lanes of work. The first lane is
21 governance. During this phase, we will establish clear
22 roles and responsibilities and methods for review.

23 Much of the governance for this project
24 is already established within the Visioning Project

1 Committee, and the staff has identified several tools
2 that can be used to aid in governance.

3 First, we recommend a technical panel be
4 established to provide technical advice throughout the
5 stakeholder engagement process. The purpose of these
6 individuals is not to help shape the vision, but rather
7 to help us understand how we can reach out to
8 stakeholders and use their input to create a vision.
9 Second, we recommend that we form constituent advisory
10 panels to provide specific advice about how to better
11 reach stakeholder groups. Potentially, three advisory
12 panels made up of key leaders in the commercial,
13 recreational and NGO sectors might provide advice about
14 how to maximize stakeholder involvement throughout this
15 process. Because the success of the project really
16 depends on having a lot of stakeholder involvement.

17 But it's important to keep in mind that
18 neither of these panels are decision making bodies.
19 Their sole purpose is to help inform the decisions of
20 the Council and the Visioning Committee.

21 So back to the road map. The second
22 lane on the road map is the awareness phase, which begins
23 almost immediately. This is the phase in which
24 awareness of the project is generated throughout the

1 Mid-Atlantic states so that our data gathering efforts
2 in the next phase will be most effective.

3 Before launching a campaign to
4 advertise the Visioning Project, the staff feels that
5 it is important to first take a step back and assess our
6 communication strategies for the Council as a whole.
7 Right now our communication capacity is somewhat
8 limited and with the help of Touchstone and Zubin Bamji,
9 a brand-name communications specialist, the staff has
10 been exploring ways to keep our constituents updated
11 with timely and relevant information about Council
12 activities.

13 We have developed several communication
14 strategies that not only will help make the project
15 successful, but will also be useful for the Council as
16 a whole. So one is that we've been working on
17 revitalizing our brand to make the Mid-Atlantic Council
18 more distinct and recognizable. And Chris is going to
19 tell you a bit more about this tomorrow.

20 The staff is also exploring
21 possibilities for a website redesign project to make it
22 simpler, easier to use and better communicating
23 important news. We'll also begin utilizing an e-mail
24 more for communicating with constituents. We are

1 assessing the possibility for re-establishing the
2 Council newsletter, and we are starting to use social
3 media tools like Twitter.

4 We now have a Twitter account that you
5 can follow if you're interested at
6 twitter.com/midatlanticfish. On this site we post
7 general fisheries news and Council updates when they
8 happen.

9 So, when we're looking specifically at
10 the Visioning Project, the methods for generating
11 awareness and buy-in are essentially the same as our
12 general communication strategies. The staff will be
13 developing an interested parties list for the project
14 and launching an e-mail campaign to keep people informed
15 as we progress.

16 We've been utilizing some social media
17 tools like I just mentioned, and we will reach out to
18 newspapers, magazines and electronic media, also
19 issuing press releases and publishing a Federal
20 Register notice.

21 Hopefully, one idea is that all these
22 things will lead up to a Visioning Project launch at the
23 August Council meeting. The details of such a launch
24 are yet to be determined, but it could involve a public

1 listening session or an open house.

2 I just wanted to show you an example of
3 two ways that we have been working to enhance awareness.
4 On the left you have our Twitter account, and then on
5 the right we've added a little box that (inaudible) the
6 website that links to the Visioning Project page.

7 So, ideally, these things will drum up
8 interest and get people involved in the Visioning
9 Project once we launch the data gathering portion of the
10 project. An important component of the awareness phase
11 is also generating buy-in from key leaders. These
12 leaders can help us understand the best ways to engage
13 stakeholders. With the help of Touchstone Consulting
14 Group, these leaders will be asked questions such as,
15 what will participants want from this process; what
16 might keep them from participating; what are the best
17 ways to inform stakeholders and keep them informed, and
18 so on.

19 To do this we've come up with a two- step
20 plan. This is just one idea for engaging stakeholders.
21 But once key leaders are identified, the Council chair
22 might talk with each individual and get their input on
23 the best ways to engage stakeholders.

24 These results can be summarized, and

1 then three separate group meetings for the key leaders
2 in each sector could be held where the chair would
3 present the findings from the initial interviews and
4 invite feedback and discussion so that they might create
5 a set of recommendations that will guide the Council,
6 staff, and committee as we move forward in the data
7 gathering phase of the project.

8 So the third stage of the project is data
9 gathering, which is the middle one in green, which, as
10 you can see, is the longest portion of the project.

11 Data gathering will begin after the
12 project launch at the August meeting. And there are
13 three parts to the data gathering plan that's been
14 produced for us by Touchstone. So the first part is
15 focus groups. So they have proposed that they conduct
16 10 focus groups with 10 to 12 participants each. These
17 groups will target different sectors and interest
18 groups, and an experienced facilitator from Touchstone
19 would facilitate the meetings.

20 The content and the questions of the
21 meetings is yet to be determined, but hopefully we could
22 get a better idea of this during the awareness phase of
23 the project when Touchstone conducts meetings with the
24 key leaders.

1 The second part of the data gathering
2 phase is for open house sessions. So they've proposed
3 that nine open house sessions are held at major ports
4 along the east coast. These sessions would be similar
5 in format to the focus groups, but they would be much
6 less structured.

7 It would be an opportunity for the staff
8 to distribute information and ask questions and for
9 constituents to give comments. And at these sessions,
10 there would also be opportunities for individuals to
11 partake in a survey, which I will tell you about next.
12 The map on here is just proposed locations for the nine
13 open house sessions.

14 Part three of the data gathering, again,
15 is a survey. We felt that a survey was an important
16 component of this because it allows all constituents
17 that want to be involved to give their input. The
18 survey would be made up of closed and openended
19 questions, and it would be available in multiple
20 formats, so online, in the mail, and in person possibly.
21 We're hoping to get about a thousand responses.

22 The exact content of these surveys is
23 yet to be determined, but it will span a range of topics
24 and it will help us get a comprehensive understanding

1 of what constituents' vision of the future is.

2 The data collected from these surveys
3 and from the other two parts of the data gathering plan
4 will be performed by Touchstone Consulting Group. So
5 looking at a time line, ultimately we're likely to
6 complete these three phases of the project in six to nine
7 months if we begin immediately.

8 As you can see, we've already begun to
9 move forward with some of the awareness components of
10 the project, but we're still in the early stages. So
11 all of this -- nothing is definite yet, and we invite
12 your feedback and discussion of this proposal. And I'd
13 be happy to take any questions.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Mary, thanks for the presentation. Can you talk a
16 little bit more about this time line; for example, if
17 we were to launch this at the August meeting, how that
18 would affect things. Is the communication side of the
19 awareness plan ready to launch now, or would it take
20 until the August meeting roughly to launch that?

21 MARY CLARK: Some components of the
22 awareness phase of the project are ready to go. We're
23 currently working on those, and I know that we're
24 actively pursuing the web site redesign and the logo and

1 branding strategies.

2 We still have some work to do, for
3 example, with the relaunching of the Council
4 newsletter, which the Council hasn't had for a while.
5 That may take a little bit of time. But some things,
6 such as reaching out to newspapers and magazines and the
7 media, that could happen immediately. So definitely we
8 could increase awareness by the August launch.

9 COUNCIL CHAIRMAN RICHARD ROBINS:

10 Could you also go back to the governance slide. I think
11 you had a slide on governance that talked about an
12 advisory or a set of advisory panels and also a technical
13 panel.

14 Can you talk a little bit about the role
15 of that technical panel? And would the consultant play
16 a role in that, or what did you all envision for the
17 technical panel?

18 MARY CLARK: The technical panel would
19 be made up of experts who can provide information about
20 the process of the stakeholder engagement process.
21 They wouldn't be a decision making body. They would
22 purely be a resource for the committee to use if
23 questions arise.

24 COUNCIL CHAIRMAN RICHARD ROBINS: I

1 think we have a sense that this reflects the work of the
2 first phase of development of the project. We hired
3 Touchstone already to produce a formal road map for the
4 project. We wanted to be very thorough in doing that.

5 This involved some new methods that we
6 haven't used in the past as far as data collection,
7 stakeholder engagement, etcetera. It proposes use of
8 a wide range of methods to get the input from
9 stakeholders that would give us the information we need
10 to synthesize the information into a vision and a plan.

11 The proposal at this point is to move
12 forward with the next phase of engagement with the
13 contractor to go into the awareness and data collection
14 mode. And I would ask Chris, if he could, to summarize
15 that engagement.

16 CHRIS MOORE: Thank you, Mr. Chairman.
17 As Rick indicated, we've had a contract with Touchstone
18 to develop the road map, and the road map is contained
19 within the briefing book.

20 So the next step is to develop a contract
21 with them to actually go out and collect the data, as
22 Mary has outlined today. So that contract is ready to
23 go. I think the Visioning Committee is supportive of
24 that and move forward with that. A large part of the

1 awareness and buy-in part of this project is going to
2 be conducted by Council staff. So Mary's going to be
3 working with another contractor, Zubin Bamji, who's a
4 senior communications specialist who is working for us
5 part-time to actually develop a communications plan to
6 do that awareness and buy-in part of this. So that's
7 where we're at.

8 And, again, I think what we're looking
9 for today -- I don't think. I know what we're looking
10 for today is support from the Council and the Visioning
11 Committee for -- you know, continuing with the project.

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Gene.

14 EUGENE KRAY: I didn't see it there, but
15 maybe we're ready for it with this new communications
16 -- and awareness write-up that we have to do. But one
17 of the things that I had suggested before was taking a
18 recreational fishermen web sites.

19 And there's a danger there because
20 sometimes you get caught up into a controversial issue,
21 and it could be a lot of back and forth. But if you craft
22 the wording correctly, you might be able to reach a
23 fairly significant number. And I know several web
24 sites that cover essentially New York, New Jersey and

1 the northern part of Delaware. So that might be an
2 approach in terms of at least getting them aware of what
3 are the things that we're trying to do and this is a whole
4 new thing.

5 I can put the -- whoever's going to be
6 heading this up -- I can put them in contact with the
7 web master, the guy who runs the -- he's a good friend
8 of mine, Ron Reddington.

9 And I forget what the numbers are now,
10 but they're huge in terms of recreational fishing up and
11 down -- well, it's predominantly New Jersey, but there's
12 a lot of New York and Delaware people. So that's
13 another way of getting to the recreational fishermen.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Chris.

16 CHRIS MOORE: Thanks, Gene. Thanks
17 for that. Mary's going to be the lead on the project,
18 so if you could provide her with that information, that
19 would be great. There weren't a lot of details in the
20 presentation today. We talked about generalities.

21 We're going to do e-mails. We're going
22 to do some social media things. So all these things are
23 going to be considered. There are a number of blogs
24 that are associated with the recreational community

1 that we could introduce the Visioning Project. We're
2 going to take advantage of that. We're going to use
3 some other social media tools to get the word out. But,
4 certainly, if anyone has ideas that we should
5 incorporate into our communications plan, now's a good
6 time to let us know.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Pat.

8 PAT AUGUSTINE: Thank you, Mr.

9 Chairman. It looks like an awful lot of work went into
10 this and a tremendous amount of detail, and it's obvious
11 this is the path we decided to go on as not only an
12 executive committee but a council, but I'm kind of
13 interested in knowing -- I didn't see a specific time
14 line chart. I did see it.

15 But in reality what is the time line?
16 Are we talking about having this development come to
17 fruition within a year time frame? The detail that's
18 described here is very, very, very deep. I thought it
19 was going to be more simplistic.

20 And maybe the way it's presented it
21 covers every aspect of what you need to do to develop
22 a real good set of communication tools to get your
23 constituents involved. I guess I'm interested in time
24 frame. I had a question about the technical panel, so

1 I'm going to let Mr. Chairman ask the question. It's
2 like another panel to do what we're doing on top of
3 everything else. So, Mary, can you help me with the
4 time line as to when would be the first update.

5 The chairman asked whether or not we'd
6 be ready to kick this off in August. What's the reality
7 of that? Would we have some result in meetings in the
8 next six months to end up with a product that looks as
9 though it's scoping us down into some very clear
10 specifics?

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Chris or Mary, do you want to respond on the time line?

13 CHRIS MOORE: So a couple things. In
14 August we're going to have a launch. Prior to August
15 we're going to start -- you know, ramping up our
16 communication activities as it relates to getting
17 people -- you know, excited and thinking about
18 visioning.

19 So in August we'll have a formal, what
20 they call a formal launch, and just announcing to the
21 world that we're doing this visioning project. People
22 will know about it beforehand, but August will be the
23 date.

24 We haven't figured out exactly what

1 we're going to do at that August council meeting yet.
2 It could be an open house, as Mary indicated. It could
3 be more than that. Certainly, there's going to be media
4 that we're going to contact and let them know about it.
5 So that starts, really starts the process even though
6 informally. But, obviously, we've already worked with
7 Touchstone to develop materials and that kind of thing.
8 We're expecting that from start to finish we're looking
9 at about two years to get to the strategic plan part of
10 it. But remember that we go through the data gathering,
11 and then we have the development of a visioning document
12 that contains all the material that we got from that
13 visioning exercise going out to our constituents. And
14 then that informs the strategic plan. So, again, that
15 whole process will take a couple years.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Thank you, Chris. Other questions or comments on the
18 proposal? John.

19 JOHN MCMURRAY: Thank you, Mr.

20 Chairman. I think I made this comment or this
21 observation before at the committee level when we first
22 started having this discussion. And that's as we start
23 to generate stakeholder input and develop these
24 advisory panels, that we get a truly representative

1 section of the fishing communities, particularly the
2 recreational fishing community rather than just the
3 loudest folks, and those are the folks that we generally
4 hear from on a regular basis.

5 COUNCIL CHAIRMAN RICHARD ROBINS: And,
6 John, I would just point out that's part of the intent
7 behind the methods that are being used. In other words,
8 this is a proposed sweeping engagement with
9 stakeholders intended to solicit much broader input
10 into the process than what we currently have. So I
11 think that sentiment's certainly captured in the
12 proposed method. Gene.

13 EUGENE KRAY: Thank you, Mr. Chairman.
14 When you talked about having sessions, face-to-face
15 sessions, with nine different ports up and down the
16 coast, is it anticipated that those would be segregated
17 between commercial and recreational, or would you be
18 putting them together?

19 I would strongly suggest the latter,
20 putting them together, having the commercial and the
21 recreational people there and make an aggressive
22 announcement to the recreational community we want
23 their input, because all too often the recreational
24 people see themselves as splintered and not having major

1 representation on various agencies, what have you. So
2 I think if you put the commercial and the recreational
3 people together, it might be very helpful.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Mary.

6 MARY CLARK: We're definitely putting
7 them -- we've always talked about having them together.
8 There's been no discussion of segregating them. And to
9 speak to John, we've talked a lot -- it may seem like
10 our awareness methods are a little excessive, but it's
11 because of that very reason, we want everyone to be
12 included. We don't want it to just be the loudest
13 voices. And that's why we're doing such a large survey
14 and aiming for so many responses, because we want anyone
15 who wants to give their opinion to have that
16 opportunity.

17 COUNCIL CHAIRMAN RICHARD ROBINS:

18 Thanks, Mary. Other questions or comments? Jason.

19 JASON DIDDEN: I have a question, if I
20 may. There have been questions in the focus groups at
21 least that some of them there might be a rec and a
22 commercial and an NGO focus group in an office and focus
23 groups that are plan specific and mix the different
24 interest groups, since there can be some different

1 dynamics between -- you know, when the interest groups
2 are separate and when they're combined. There may be
3 some of that in the focus groups I think. But Mary will
4 --

5 MARY CLARK: Sorry if that was unclear.
6 The focus groups will probably be segregated; although,
7 we will get comprehensive coverage of all the groups,
8 the specific groups. But the open house sessions are
9 not segregated.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
11 you. Other questions or comments? Mary Beth.

12 MARY BETH TOOLEY: Thank you, Mr.
13 Chairman. Just one thing I did think of: we did talk
14 about going to nine different ports, which I think has
15 a lot of value and different communities have different
16 values, different size communities, different mix of
17 fisheries which are very important.

18 And if you just make me think in terms
19 of -- you know, scallops is not an FMP under this council,
20 but certainly on a regional perspective there is a very
21 significant scallop fishery in both Virginia and in New
22 Jersey, and I would hope that you would try to -- you
23 know, incorporate those stakeholders as parts of your
24 communities of interest.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Mary
2 Beth, you raise a very important point. And, in fact,
3 we have two plans that we manage jointly with your
4 council, the New England Council. We also have plans
5 that we are involved with simply through committee
6 representation that occurs by our council members. So
7 that includes groundfish, scallops, etcetera, herring.

8 I think as we look at what we're doing
9 up and down the coast in terms of outreach, we would look
10 at all of the fisheries that we're involved in even at
11 that level because they are so very important.

12 I mean scallops constitute the majority
13 of commercial landings in a number of these states in
14 the Mid-Atlantic. So I think that's a good point.

15 But also we're trying to reach out into
16 the New England area where we have fisheries that are
17 just managed by this council not under joint management
18 like summer flounder and sea bass that are also very
19 important to the New England states.

20 So some of the proposed open houses that
21 you saw were, for example, in Massachusetts and Southern
22 New England. So we are trying geographically to make
23 sure that we cover all of the constituents that would
24 be interested in those fisheries as well. Bonnie.

1 BONNIE MCCAY: All I just want to say is
2 port visits I think that would be a great idea if you
3 could incorporate other people from the community
4 because we are talking about communities. Fisheries
5 are imbedded in communities, and if we can -- and this
6 might be an opportunity to bring in people who serve on
7 local commissions, on mayor's staff and so forth because
8 often fisheries benefit from greater awareness on the
9 parts of others in the community and so I just would
10 recommend that that would be -- it may be possible to
11 even rethink the advisory panels to include something
12 that does focus on the community dimension of fisheries:
13 How can we manage fisheries in ways that actually help
14 to strength the economic and cultural development of
15 communities?

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Bonnie, thanks. Lee.

18 LEE ANDERSON: I don't want to cut off
19 discussion here, but I think it would be nice if we could
20 -- I would like to make a motion that the Council formally
21 approve this Visioning Project as it's been proposed in
22 the discussion today so we have that for the record.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
24 you. Is there a second to the motion?

1 JOHN MCMURRAY: I'll second that.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Second by John McMurray. Discussion on the motion?

4 We're convened as a committee of the whole, so is the
5 committee ready for the question?

6 (Motion as voted.)

7 {Move to formally approve the Visioning Project.}

8 COUNCIL CHAIR RICK ROBINS: Is there any
9 objection to the motion?

10

11 (No Response.)

12 COUNCIL CHAIR RICK ROBINS: Are there
13 any abstentions on the motion?

14 (No Response.)

15 COUNCIL CHAIR RICK ROBINS: Seeing
16 none, it's approved.

17 Now for the Council. Is the Council
18 ready for the question? Are there any objections to the
19 motion?

20 (No Response.)

21 COUNCIL CHAIR RICK ROBINS: Any
22 abstentions on the motion?

23 (No Response.)

24 COUNCIL CHAIR RICK ROBINS: Seeing

1 none, it's approved by consent. Thank you.

2 Are there any other aspects of this,
3 Chris, that you wanted to discuss? If we move forward
4 like this, we will be on track for an August launch, and
5 that might include either a special listening session
6 at that council meeting or open house or other event.

7 CHRIS MOORE: Yes. Sometime between
8 now and I would say within the next couple weeks we will
9 have a better defined communications plan for that
10 launch, and we'll have specifics, and we'll share that
11 with the Council just to let you know what we've planned.
12 But I would at this point envision our first visioning
13 open house that it would be something that would occupy
14 -- you know, a good portion of the Council meeting or
15 at least a couple hours and perhaps do it right before
16 the Council or maybe the day after the Council. We'll
17 see. But, again, the details will be provided to you
18 well before the August council meeting. Peter.

19 PETER deFUR: Thank you, Mr. Chairman.
20 I guess this goes to Chris. What are the budgetary
21 complications or issues that might arise. Are we about
22 to start something that suddenly is going to have the
23 rug pulled out from under us because we don't know where
24 -- because they don't get the money in time, the check's

1 in the mail?

2 CHRIS MOORE: Yeah. We're moving
3 forward with the project anticipating that we're going
4 to be fully funded for this year. We don't have any
5 budgetary concerns related to the project because we
6 really planned for.

7 We've been talking about it for a while.
8 And we had money that we didn't use that we had planned
9 to use for increased staff. So we're okay. We'll be
10 fine.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Any
12 other questions on the project? We're running about
13 half an hour early. I would suggest that we go ahead
14 and break for lunch and come back at 12:30 to take up
15 the specifications for the SMB plan.

16 [Lunch: 11:22 a.m. to 12:42 p.m.]

17 COUNCIL CHAIRMAN RICHARD ROBINS: Let's
18 go ahead and take our seats so we can come to order,
19 please. Thank you. We're convening this afternoon as
20 a committee of the whole. The Squid, Mackerel,
21 Butterfish Committee we'll be setting and considering
22 specifications and associated management measures for
23 four species, two species of squid, mackerel and
24 butterfish.

1 And Jason's going to be presenting some
2 background information before we get started just
3 reviewing some of the principals of the omnibus
4 amendment since we'll be considering ACLs and ACTs for
5 the first time today as a council.

6 In addition, I've asked and imposed on
7 Dr. Boreman if he would summarize the SSC deliberations
8 for us when we get to the point of discussing the ABC.
9 And so we'll have his committee's input as well. And
10 then we'll set the specifications. So with that, I'll
11 turn to Jason.

12 JAMES DIDDEN: Thank you. Just give me
13 30 seconds. We lost our Internet connection for the
14 webinar, and I'm just trying to re-establish that
15 connection.

16 _____
17 SQUID, MACKEREL, BUTTERFISH AS A COMMITTEE

18 OF THE WHOLE

19 JAMES DIDDEN: I think we should be good
20 now. Thank you. Okay. So for the specs I thought it
21 would be useful to first do a quick review of ABCs, ACLs,
22 ACTs, things like that, and then we'd go into the
23 species. I also wanted to quickly review the process,
24 the 10-step process this year. I made that as big as

1 I could. But first step I created an informational
2 document on each species. We had a webinar to introduce
3 that informational document to the advisory panel.

4 The advisory panel created a fishery
5 performance report for each species. Four, I developed
6 an ABC memo that I sent to Chris and he approved, and
7 that was distributed.

8 The Monitoring Committee met via webinar
9 and reviewed the staff ABC memo and provided input on
10 additional thoughts on the Monitoring Committee's
11 perspective.

12 And Squid, Mackerel, Butterfish
13 Monitoring Committee consists of: myself, Rich
14 Seagraves, Aja Peters-Mason at NERO. And then the
15 assessment needs, the three assessment needs at the
16 Science Center.

17 A briefing package was sent to the SSC
18 that included the fishery performance reports, a summary
19 of the Monitoring Committee meeting, the staff ABC memo.

20 Seven, there was a pre-decisional
21 webinar with the SSC and the Monitoring Committee,
22 presented the summary of the information, checked to see
23 if the SSC had any additional information that they would
24 like. Then the SSC met and developed its ABC

1 recommendations. Then, nine, the Monitoring Committee
2 used those ABC recommendations to develop
3 recommendations for ACTs, ACLs. And I'll say it's been
4 a learning process for the Monitoring Committee, this
5 go around.

6 Squid, Mackerel, Butterfish is first out
7 of the gate with these ACTs, ACLs, and every day new
8 things seem like they come up. And then so the briefing
9 book mail-out had that information. And then, ten, here
10 we are today.

11 So quick notes on the omnibus. Staff
12 has been proceeding as if the omnibus will be final for
13 2012. I think a proposed rule is due out sometime soon
14 primarily butterfish and mackerel for purposes of today.
15 The EA is posted to NERO's website.

16 I'm going to kind of hit a few
17 highlights, but if folks want to see the EA on the public
18 comment website, the EA has been posted even though the
19 proposed rule has not come out yet.

20 So ABCs and ACLs. Accepted biological
21 catch, ABC, comes from the SSC and it's their accounting
22 for scientific uncertainty. The annual catch limit
23 equals the ABC in the omnibus.

24 And the key thing with the ACL is that

1 if catch goes over the ACL, there are deductions in the
2 subsequent year. That's kind of the kicker with the
3 ACL. So the rule of the SSC from the omnibus. The SSC
4 recommends and ABC after the Council tells the SSC, okay,
5 here's what we think is an acceptable probability that
6 the catch equal to the ABC that the SSC recommends would
7 result in overfishing.

8 Once that risk policy gets communicated
9 to the SSC, it gives them a framework to come up: okay,
10 given what the Council thinks about risk, here's an ABC.

11 Of course, with squid, mackerel,
12 butterfish, we don't really know if overfishing is
13 occurring because we don't have fishing mortality based
14 reference points. They're in this tier four situation
15 where no OFL is available, and the omnibus says that ABC
16 may not be increased until an OFL has been identified
17 or the SSC identifies some proxy OFL.

18 The omnibus also notes that there's a
19 sense that ABC recommendations should be more
20 precautionary as an assessment moves from Level 1 to 4.
21 It also says that the SSC may deviate from the control
22 rule but has to provide justification for doing so.

23 So there's a lot of flexibility built in.
24 So that's a rule of the SSC from staff's perspective and

1 how staff understands the document. And then the
2 Monitoring Committee comes in after the SSC generates
3 the ABCs. And I think that the Monitoring Committee
4 provided its recommendations kind of under the
5 assumption that the Council would like catch to be
6 relatively close to the ABC without going over. But
7 there may be other reasons why the Council doesn't want
8 to do that, but the Monitoring Committee obviously
9 doesn't know that.

10 And I didn't have a chance to run this
11 by the Monitoring Committee, but I think it's kind of
12 safe to say that's a general mind set. We're really
13 focused on, okay, if you want catch to be around the ABC
14 but not go over, these are some of the kind of measures
15 you would have to consider.

16 And, again, the idea is to consider the
17 management uncertainties to keep the catch less than the
18 ABC, which equals the ACL. You don't want to go over
19 that both for biological and for management reasons in
20 the sense that there are deductions the following year
21 if there's an overage.

22 So the Monitoring Committee has a slate
23 of things it can recommend. I won't go through all of
24 them. But the regs are specific to the things the

1 Monitoring Committee can recommend.

2 And there's a certain list of your
3 typical seasons, gear restrictions, typical things that
4 are considered in specs every year. And they're kind
5 of the vehicle to consider the management uncertainty
6 is the annual catch target, the ACT. And it's really
7 a soft target. It's landings and discards. It's a
8 catch target. And the idea is that the catch should
9 fluctuate around the ACT and be less than the ACL.

10 So this is just like a little schematic
11 mark-up. Let's imagine you had a fishery that the ACL
12 was 10,000 metric tons. Let's say it stayed the same
13 from 2012 to 2021. Let's say the Council was saying an
14 ACT of 8,000. That would be a 20 percent buffer.

15 And this would be kind of an acceptable
16 scenario. Catch fluctuates around the ACT but doesn't
17 go above the ACL. So there's this ABC, ACT, ACL
18 framework, but then there's this other kind of parallel
19 framework of optimum yield.

20 And both in the NS1 guidance and the
21 omnibus and Magnuson, it's not always crystal clear how
22 they interrelate and how you could incorporate OY
23 considerations within the OCL/ACT framework. In some
24 respects it's not clear, but the omnibus does speak to

1 this, and I wanted to flag that.

2 So OY, again, is this idea: long-term
3 average, greatest benefit to the nation; food,
4 recreation; and taking into account protection of marine
5 ecosystems. I'm just kind of summarizing Magnuson
6 there. Based on SMY's reduced by relevant economic,
7 sociological and ecological factors. National
8 Standard 1 says each must be considered in some fashion,
9 but there's a lot of flexibility about how that's
10 actually considered. Of course, it's kind of tricky
11 with squid, mackerel, butterfish since we don't have any
12 MSY estimates. But nevertheless, the idea is maybe
13 catch would be lower than it would otherwise be because
14 of these considerations.

15 National Standard 1 also in discussions
16 of OY talks about managing foraging stocks for higher
17 biomass and BMSY. Again, given for three of our four
18 species, we have no BMSY. Again, the biomass it
19 produces maximum sustainable yield estimate. It makes
20 things a little tricky. But, again, the concept is --
21 you know, leaving some more in the water.

22 So tying OY back to ACLs, ACTs. There's
23 language in the omnibus that says: The Council could
24 reduce catch limits at either the ACL or the ACT to

1 address scientific and management uncertainty as well
2 as these OY considerations.

3 And I think if the Council makes that
4 consideration through the ACL, that means that these OY
5 considerations are being plugged into that hard limit
6 where paybacks are required.

7 If the Council takes these OY
8 considerations at the ACT level, it's a bit of a softer
9 target. But the omnibus states that -- you know,
10 management uncertainty, scientific uncertainty or these
11 OY considerations can be plugged in at the ACT or the
12 ACL level. So there's a lot of flexibility in the
13 omnibus at least my reading of the text. So that's kind
14 of at least my understanding of kind of the framework
15 set up by the omnibus in a nut shell. And I thought that
16 -- you know, it might be a useful time to pause before
17 forging ahead with species. Thank you.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Jason, thanks for that review. I think that is very
20 helpful background information. This is the first time
21 that we set ACLs and ACTS under the new omnibus. Are
22 there questions for Jason on any of these details?
23 Pete.

24 PETER HIMCHAK: Yes. Jason, on the

1 last slide could you clarify the Council considering
2 scientific and management uncertainty. I thought the
3 scientific uncertainty was the personal domain of the
4 SSC. Would you elaborate on that, please?

5 JAMES DIDDEN: Again, this is what the
6 omnibus states. So generally the scientific
7 uncertainty is a purview of the SSC at least for setting
8 an upper limit. I don't know, and I'm fairly sure it
9 hasn't been tested in court.

10 If the Council has additional concerns
11 -- you know, about scientific uncertainty, can it use
12 the ACL-ACT structure to derive some other kind of
13 buffer? I don't know. It's not how it's generally been
14 considered. It's been more kind of segmented
15 scientific uncertainty SSC, management's uncertainty
16 ACT and councils, but the document suggested there's
17 more flexibility in there, at least this part of the
18 document anyway. And the proposed rule is pending.
19 Final role will be pending a good bit after that. So
20 how things exactly get worked out. But, again, this is
21 just kind of quoting out of the omnibus.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Joel,
23 do you have any follow-up comment on that? Okay. Fair
24 enough. We had another hand up over here I think. Mary

1 Beth.

2 MARY BETH TOOLEY: Yes. A slightly
3 different question. I'm just wondering. It's been
4 awhile since I looked at the omnibus amendment. This
5 is a single year spec process, not multi-year? And are
6 your specification processes moving toward multi-year?

7 COUNCIL CHAIRMAN RICHARD ROBINS: Mary
8 Beth, can you please restate that. I was having trouble
9 hearing.

10 MARY BETH TOOLEY: I think that's 'cause
11 I was looking both ways. I was just curious. This spec
12 process is for a single year? And I'm wondering with
13 the new omnibus amendment if you're moving toward
14 multi-year specifications.

15 COUNCIL CHAIRMAN RICHARD ROBINS: We do
16 have the ability to set multi-year specifications in the
17 FMP already.

18 MARY BETH TOOLEY: But we're not doing
19 that here today?

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Jason, you want to clarify?

22 JAMES DIDDEN: The SSC set ABCs for the
23 squids for three years contingent upon a proactive
24 review of where they feel things stand, where they think

1 things stand at the time.

2 And so essentially they're going to take
3 a fairly detailed look at it, but there's the possibility
4 that you don't have to go through a regulatory process
5 with the squids. It would be three years for the squids.

6 But, again, the SSC still have another
7 cut at it, and if they decided some other ABC was more
8 appropriate. If it was higher, the Council could
9 consider it. If it was lower, the Council would have
10 to change things accordingly.

11 MARY BETH TOOLEY: So mackerel and
12 butterfish is single year?

13 JASON DIDDEN: For now, yes.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 That's all the SSC has recommended at this point. Other
16 questions around the table for Jason? Seeing none, Pam.

17 PAM LYONS GROMEN: Thank you. Pam
18 Lyons Gromen. I'm with National Coalition for Marine
19 Conservation. I thank you, Jason, for the
20 presentation. Just a point of clarification for me.
21 There's something I'm still confused about, and that's
22 the ABC control rule and risk policy for squid.

23 And in the omnibus, it seems pretty clear
24 that it wasn't intended to apply to squid, but yet going

1 through this process this year, it seems like the risk
2 policy and control rules were referred to within that
3 process.

4 So I want to know is it the right
5 interpretation that the ABC control rule and risk policy
6 apply to the squid species, and if not, then what is the
7 ABC control rule and risk policy because it's required
8 even though they're an annual species.

9 JASON DIDDEN: Correct. The omnibus
10 was specific that the risk policy, the control rules are
11 limited to mackerel and butterfish, and so my kind of
12 operationally been moving forward, Council still gets
13 an ABC recommendation from the SSC based on scientific
14 uncertainty, but there's no specific risk policy for the
15 squids that I'm aware of.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks, Jason. Any other questions for Jason? All
18 right. Jason, you want to go on to the mackerel details?

19 _____
20 MACKEREL

21 JASON DIDDEN: Sure. Okay mackerel.
22 Just a quick summary of landings over time. Obviously,
23 there's a large foreign fishery back in the '70s. The
24 fishery was Americanized and peaked at domestic fishery

1 2004-2006.

2 Since then domestic landings have been
3 declining. These are current year landings are the blue
4 dots. The fishery has landed less than one percent of
5 the quota to date.

6 These are Canadian landings. The
7 Canadian fishery is a summer fishery in all the areas
8 except Newfoundland where most of the catch occurs, and
9 Newfoundland has been an October-November,
10 end-of-the-year fishery.

11 I didn't have an update for all the
12 areas, but the total amount for 2010 was about 35,000
13 metric tons. It probably came from Newfoundland, so the
14 Newfoundland catch may be about level.

15 But I only have the update of the total,
16 not broken down by area. These are the spring surveys
17 through 2010. Now, it's kind of an interesting story.
18 I requested from the Science Center an update for 2011.
19 The survey just finished. The findings were just posted
20 last Friday.

21 I do have a survey update, and I just got
22 this last night, the update, but also the 2010 figure
23 was revised. So the original 2010 were particularly
24 low. So this is the geometric means spring numbers.

1 And you can see that the 2010 number is still down, but
2 not kind of dropping off the chart like it was
3 originally.

4 I have an e-mail in to try to figure out
5 why that change was made, but I hadn't had a response
6 as of a little while ago. Again, the numbers just came
7 out, so they may not know exactly what accounted for that
8 difference.

9 So the 2010 numbers was revised up by
10 about an order of magnitude, and the 2011 survey that
11 was just completed is that last data point there. It's
12 kind of a lot of -- you know, discussion at the SSC and
13 the assessment.

14 We're saying back in the '70s you had
15 these low index values but a very high fishery. And this
16 most recent data point just kind of carries that concept
17 forward but in the opposite.

18 In 2011 there was no fishery, but the
19 index number was the fourth highest in the entire time
20 series. So obviously -- you know, you have to at least
21 say that the index number is not indicative of how the
22 fishery is going to perform.

23 It may or may not be indicative of what
24 the abundance is, but it's certainly not predictive of

1 how the fishery is going to perform. And this is a
2 geometric mean. It essentially weights out individual
3 large tows and so you get a little -- the catches are
4 characterized by these individual large events. And
5 the TRAC assessment thought that it made sense to use
6 this geometric mean to dampen that out a little bit.

7 And so the first one is this numbers per
8 tow and then kilograms per town, roughly the same
9 pattern. And this was the 2010 kilograms per tow was
10 also revised up. I don't know if it was a calibration
11 coefficient thing, if it was a data thing; but it was
12 revised higher, and that's what it is.

13 So summary of the assessment 2010 TRAC.
14 There were no reference points that came out of it, but
15 signs of decline in productivity they recommended given
16 that to keep catch below 80,000 metric tons, which was
17 the average of '06 to '08 landings. It was the most
18 recent landings at that point.

19 I think at this point I'll turn it over
20 to Dr. Boreman. I have a few slides that I can follow
21 along with him just summarizing the SSC and the ABC
22 rationales and also some of the sources of scientific
23 uncertainty that they considered.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Dr. Boreman.

2 JOHN BOREMAN: Thanks, Mr. Chair.

3 First, I want to talk about how we conducted our SSC
4 meeting. For each of the species we started off with
5 a staff presentation for all four of the species we dealt
6 with in our May meeting.

7 It was Jason was the staff. He was the
8 lucky lead for all four of the data poor species that
9 we were dealing with. Then we had the Center lead
10 scientists, stock assessment scientists, on the phone
11 calling in to the meeting, and we asked them to elaborate
12 if they wanted to, if they wished to add to what Jason
13 said, give their opinions.

14 Then we had the lead social scientist on
15 the SSC summarize the advisory panel report that they
16 had worked with the advisory panel in developing. And
17 then the biological lead would summarize the assessment
18 information if they had any to add to what Jason said.

19 Then we opened up for public comments at
20 that time. And then after the public comments followed
21 that with the SSC discussion and decision on what the
22 ABC should be.

23 So all four of these species I think were
24 probably the most species -- that we deal with on the

1 SSC these are probably the data poorest as a group. And
2 it was a little frustrating in the meeting because of
3 the lack of a lot of information that we wish we had and
4 also information indicating trends or anything else that
5 was going on. So for mackerel we decided to stay with
6 the recommendation that we made last year. That
7 recommendation was based on the track assessment and
8 what came out of that assessment, and the reason, 'cause
9 the most recent survey data that we had in front of us
10 we didn't have the 2011 survey data.

11 But the recent survey data we considered
12 still it was inconclusive because of the potential catch
13 ability and the changes in the catch ability when they
14 switched over from the Albatross to the Bigelow. That
15 still has to be worked out.

16 And right now what we wish we had was the
17 length specific catch ability for mackerel as well as
18 the other species. And that's being worked on in the
19 Center, but it's not available yet.

20 And also concerns over the extent to
21 which the survey provides a reliable index of abundance
22 given changes in availability. And Jason, if you can
23 flip back to that index, that spring survey index.

24 To us the bouncing up and down, we don't

1 think the mackerel stock changes in abundance -- you
2 know, three or four fold from year to year or whatever
3 that's indicating. To us that suggests it's an
4 availability issue with the survey as much as being
5 driven by stock abundance. So that didn't give us a lot
6 of faith in having the spring survey as an index of
7 abundance of the stock. In terms of the catch data,
8 there was our concerns about if the catch data could be
9 considered an index of stock abundance catch per unit
10 effort, but there were concerns about the short duration
11 of this past year's catch season, which ended quickly,
12 as quickly as it started.

13 And also the way the fishery was
14 prosecuted changed also. The vessels weren't doing the
15 normal searching that they do for mackerel. They'll go
16 out and look for schools of mackerel to fish on.

17 And basically the high fuel prices plus
18 the low availability to the fishery it just wasn't an
19 incentive for the industry to go out and look for
20 mackerel. It's too costly.

21 So, with that in mind, we deferred. We
22 had basically little information in front of us. The
23 additional information that we had didn't convince us
24 one way or the other in terms of additional knowledge

1 about what's going on with this species, so we decided
2 to defer again to the recommendations from the mackerel
3 stock assessment experts who were at the TRAC.

4 And their recommendation as we read it
5 was that 80,000 metric tons should be a cap. Catch
6 shouldn't be any higher than that until additional
7 information is available. And we did debate whether the
8 language meant the three-year running average, the most
9 recent three years which they use, or did they mean
10 80,000 which coincides with the running average at the
11 preceding three years for which that assessment was
12 representing.

13 And we just decided that the 80,000
14 represents a universal cap, and until more information
15 comes along that convinces us otherwise, that we should
16 stay with that recommendation. So that's where the
17 80,000 metric tons came from.

18 Do you want to go on to the next slide
19 now? Oh, yeah. In terms of sources of uncertainty,
20 again, desperate trends as Jason talked about, the
21 trends in the surveys and the landings, they just didn't
22 match up. One wasn't coinciding with the other.

23 It said in the early '70s when we had
24 super high landings from the foreign fishery, our survey

1 index was low compared to recent years, and in recent
2 years the fishery is basically nonexistent if you want
3 to use the term.

4 It did exist, but it's a very low level
5 fishery in recent years, yet the survey index is, as
6 Jason said, in 2011 it's the fourth highest on record.
7 But, again, we didn't have that 2011 point. But that
8 just goes to support our source of scientific
9 uncertainty there. There's apparent changes in the
10 survey catch ability itself. It's a bottom trawl, and
11 we're having a semi-pelagic species here. There's
12 always questions raised there.

13 The lack of quantification of the
14 linkage between the U.S. and the Canadian catches,
15 quantification do they coincide. They don't track each
16 other.

17 The survey coverage issues, I think
18 that's a major source of uncertainty. This
19 availability issue arises where we're not sure that the
20 survey, the aerial coverage of the survey is covering
21 the entire scope of the range of Atlantic mackerel along
22 the coast.

23 And there's also some discard and catch
24 issues even though they're probably minor for the

1 mackerel. There's conflicting catch at age and survey
2 information that we talked about. And then there are
3 retrospective patterns in the assessment model that are
4 still unexplained of what happened, what caused those
5 patterns to show up. We're still dealing with that. So
6 that's what the SSC saw when they were looking at the
7 mackerel.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
9 you, Dr. Boreman. Questions for Dr. Boreman regarding
10 the mackerel recommendation? Yes. Mary Beth.

11 MARY BETH TOOLEY: Just one quick
12 question on scientific uncertainty. You mentioned
13 conflicting catch and age survey information. Could
14 you just elaborate a little bit on that one.

15 JOHN BOREMAN: I'm trying to recollect
16 that. Jason, you want to handle that?

17 JASON DIDDEN: I think one of the things
18 was the catch at age, it looks like they've been catching
19 mostly smaller fish of late, while the survey overall
20 is increasing. It's not so much the catch at age is
21 different between the commercial and the survey.
22 They've both been catching smaller fish. But you have
23 this -- you know, overall increase in the surveys of
24 late, while you've had the catch at age data.

1 In terms of an overall sign of might
2 there be a problem in the fishery, you might expect them
3 to track together. You know, if you're having catch at
4 age problems, means there aren't as many mackerel out
5 there. But there have been very strong upward trends
6 in the overall survey numbers while the catch at age in
7 both the survey and commercial has been going down.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Other
9 questions for Dr. Boreman? Okay. Seeing none -- go
10 ahead, Tom.

11 TOM RUDOLPH: Thank you, Mr. Chairman.
12 Dr. Boreman, thank you for touching on the SSC's
13 conclusions with regard to interpreting what the TRAC
14 meant by recent catch. But I wonder could you please
15 elaborate just a little bit more on that. It seems to
16 me that the ambiguity in the TRAC recommendations is a
17 major factor in this year's specifications, so I'd like
18 to ask if you could please elaborate on the SSC's
19 rationale for deciding that it was a fixed 80,000 ton
20 cap. Thank you.

21 JOHN BOREMAN: Yeah. That's the issue
22 we had. All we had was what was in writing, and I don't
23 have that with me, that specific language. But the way
24 the sentence was written it was ambiguous.

1 You can interpret it two different ways.
2 But the way the SSC chose to interpret it is that 80,000
3 -- is the recent three-year running average of 80,000
4 seems to us -- our interpretation is it seemed to the
5 TRAC participants that that was a level that was
6 appropriate to represent a cap for catch.

7 And the reason why I'm saying that is
8 because they say it should stay at that level until we
9 have new information. So they didn't say a rolling
10 three-year average. They just said that three-year
11 average of 80,000 that looks like it's about a level that
12 we should stay at until we get some additional
13 information, have a new updated assessment.

14 TOM RUDOLPH: Thank you. I also
15 realize I didn't identify myself, and I know you guys
16 like us to. My name's Tom Rudolph, and I'm with the PEW
17 Environment Group.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Thanks, Tom. Thanks, Dr. Boreman. Jason.

20 JASON DIDDEN: Thank you. So there's
21 several management issues that I wanted to touch on. A
22 big one with mackerel is that the Canadian catch has to
23 come off the top.

24 Last year I came up with a way to kind

1 of guesstimate Canadian catch based on the current --
2 you know, it would be like we're trying to guesstimate
3 the 2012 Canadian catch, and we use the -- the way we
4 did it last year we would use the 2011 U.S. catch.

5 Well, there's no 2011 U.S. catch, so that
6 method is really not practical to use. So the
7 Monitoring Committee said, well, there's a good
8 correlation with recent catches, and so, for example,
9 it would be using 2010 Canadian catch as a proxy for 2012.

10 Well, one neat thing about the
11 methodology I came up with last year is when you compared
12 the performance only in like 1 out of 10 or 15 years was
13 Canadian catch higher than the result of what I came out
14 would predict. While the Monitoring Committee didn't
15 discuss this, kind of looking at it recently -- because
16 for when you guys are making a decision, these are kind
17 of the actual results. Let's say for 2001 the Canadian
18 catch was 23,950. Well, the catch two years prior was
19 about 16 and 1/2 thousand.

20 So, if you just look at the difference,
21 you can see -- you know, some of these years the
22 methodology being recommended by the Monitoring
23 Committee, which I think is justifiable because there
24 is a strong correlation between what -- you know, Canada

1 caught in 2010 and what it's going to catch in 2012.

2 But there are some years when that would
3 lead to a substantial underestimate of what Canada
4 actually catches. If we had used this methodology in
5 2002, we would have predicted Canada caught 13,000,
6 while they actually caught 34,000.

7 So this was a management uncertainty
8 issue that really wasn't discussed a lot on the
9 Monitoring Committee call, and yet I think -- you know,
10 the real test of any kind of thing is how did it work.

11 And honestly -- you know, just like we're
12 getting to with butterfish discards later, predicting
13 the Canadian catch is difficult, and there's a large
14 management uncertainty issue here. So I just wanted to
15 flag that. So, while -- you know, I think it's
16 justifiable to use that, there are certainly some
17 performance problems with that methodology.

18 Recreational data and closures. I wanted to mention
19 here right now the omnibus has the Regional
20 Administrator closing the mackerel fishery when it hits
21 its ACT; however, you can imagine a situation where the
22 commercial fishery has only caught a small percent of
23 its quota.

24 Right now the RA would have to close

1 mackerel, but it didn't seem like there'd be any sense
2 in it if there's -- you know, 30,000 metric tons left
3 on the table. So, given that, I think that it's possible
4 that the Council could send a letter to the region on
5 the omnibus clarifying what the closure authority is if
6 necessary. I think that would be consistent with
7 maintaining catches below the ABC.

8 And there may be some discretion that
9 it's worth giving the RA because I can imagine some
10 situations like this year where it just didn't seem like
11 it makes sense.

12 Commercial closure threshold. I
13 incorrectly during the Monitoring Committee call stated
14 and no one caught it, that the current closure threshold
15 is 95 percent. The current closure threshold is 90
16 percent.

17 Part of that 10 percent closure
18 threshold buffer there was that the recreational -- that
19 buffer had to account for the recreational catch as well
20 because of how the quota has been set up. With the
21 omnibus it's kind of a new situation. There's a
22 separate allocation for the recreational fishery. So,
23 since that's taken out separately and the commercial
24 closure threshold no longer has to account for the

1 recreational catch, I had additional communications
2 with the Monitoring Committee, and Monitoring Committee
3 was comfortable with sticking with the 95 percent
4 closure threshold. Given the recreational fishery has
5 its own allocation now, the 95 percent is reasonable.

6 So also the Council will need a default
7 option in case Amendment 11 on the omnibus doesn't go
8 through essentially taking some of the same assumptions
9 about discard and Canadian catch and building them into
10 a motion that says, okay, if the omnibus and Amendment
11 11 don't go through, this is the Council's intent and
12 essentially would use the same ABC, DAH, IOY structure
13 as last year.

14 If the omnibus didn't go through,
15 there's no ACT, so the Council will need a default motion
16 indicating its intent, what happens if. Obviously,
17 there's general concern about the stock, given the
18 fishery performance.

19 Other mackerel -- another mackerel issue
20 that just came up in the last couple of days is that
21 Amendment 11 specifies the closure trip limit is 20,000
22 pounds adjustable up to and no higher than -- it doesn't
23 say no higher, but it says adjustable up to 20,000
24 pounds. Well, currently, if the fishery closes after

1 June 1, the trip limit is 50,000 pounds. So the Council
2 could go along and keep the 50,000 pound threshold in
3 their specs like the monitoring committee suggested but
4 then when Amendment 11 goes final, it would obliterate
5 that 'cause it would take precedence. Everyone would
6 be confused about what the actual trip limit is.

7 So staff's suggestion is not to have the
8 50,000 after June 1. The idea is that the fishery makes
9 it late in the year, you can have a higher trip limit
10 'cause their buffer doesn't need to last as long. Just
11 go with a simple 20,000 pound trip limit.

12 And Amendment 14 we can revisit the
13 issue, add more flexibility in the specifications and
14 go back; but otherwise, there are going to be two actions
15 with two different things. They're going to be coming
16 out at about the same time.

17 And I recommend just sticking with
18 Amendment 11 since it will take precedence anyway. And,
19 again, that would just be 20,000 pound trip limit if the
20 directed fishery closes.

21 There are several other mackerel issues.
22 Just a little update on the joint research group. The
23 TRAC recommended this joint research group before the
24 SSC -- I put some flyers in the Science Center about its

1 status. I've gotten an update since then. They're
2 looking to form a 12-member joint U.S.-Canadian research
3 group that has three members from industry and three
4 members from on the research science side from each
5 country. And I don't know as they've actually sent
6 invites out yet, but they're moving along in that
7 process. They've established the framework for what
8 that group's going to look like, and they're working on
9 developing that.

10 And then I also thought -- might just
11 pause now. There is an agenda item while we're in
12 mackerel for an update from the region on the status of
13 the Council's request for the region to look at resource
14 sharing with Canada.

15 So, if that's a short update, we could
16 maybe just pause now for that update. If it's a longer
17 update we could come back to it after kind of we go
18 through the specs motions.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
20 what's your preference?

21 PATRICIA KURKUL: Either one, Mr.
22 Chairman. Whatever.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Why
24 don't we come back to it then after the specs discussion.

1 PATRICIA KURKUL: Okay.

2 JASON DIDDEN: Just give me one second,
3 please. [Pause] We'll touch on that later. So this
4 is just a summary table that I put together so folks could
5 see how some of these things fit together. The mackerel
6 OY is unknown. The ABC is set by the SSC at the 80,000.
7 The expected Canadian catch. There is an update from
8 Canada. It's about 35,000. We use the U.S. discard
9 information, to go from landings to catch, 36,200, but
10 we talked about from the caveats around that.

11 U.S. ABC works out to be 43,781 under
12 that scenario. ABC equals ACL. There's a commercial
13 and recreational split 6.2 versus 93.8 percent.

14 If Amendment 11 does not go through for
15 some reason, the omnibus allows the Council the
16 authority to set the allocation and specs between the
17 recreational and commercial. So a motion along these
18 lines would cover either scenario. There would be
19 indication of the Council intent on that issue.

20 The Monitoring Committee recommended a
21 recreational ACT buffer of 10 percent. The mackerel
22 catch estimates are fairly uncertain. There are no
23 discard estimates; although, they're thought to be
24 fairly low. And at a commercial ACT buffer of 5 percent

1 here.

2 And there are really kind of -- you know,
3 two kinds of management uncertainty that get accounted
4 for. One is: Can you close the fishery in time? And
5 with these fisheries the answer to that is probably.
6 The other part of the management uncertainty is: Do you
7 believe the estimates you're seeing? With mackerel you
8 probably believe the landings numbers. The discard
9 estimates are uncertain, but they're a fairly small part
10 of the overall equation.

11 Predicting the expected Canadian catch
12 is another issue. So with a 5 percent buffer on the ACT,
13 that brings it down to 39,013. Taking out 3.11 percent
14 for discard.

15 My committee essentially looked at a
16 mean plus 1 center deviation of the observed discard rate
17 for the most recent 10 years of data to try to get a
18 discard ratio that is -- you know, is fairly
19 conservative.

20 And, so, again, that ACT buffer in here
21 was not so much to account for can you shut it off, but
22 there's also some misreporting in mackerel that's been
23 reported in the Amendment 11 and 14 process with mackerel
24 getting reported with herring potentially sometimes.

1 Even though that 3.11 percent is
2 probably going to be fairly conservative -- you know,
3 it could be higher potentially, so that's where that 5
4 percent buffer comes in. And the 5 percent buffer did
5 not really consider the Canadian uncertainty issue. So
6 that may be something the Council wants to discuss.

7 Also just threw up here what the numbers
8 change like if you go to a 10 percent commercial ACT
9 buffer. It takes off another 5 percent, and that
10 trickles down through the commercial ACT and the IOY and
11 DAH. Again, this is the performance of using this
12 methodology for the Canadian catch. This I just started
13 thinking about it in the last few days. I think given
14 some of those under estimates that have occurred
15 historically from kind of my staff perspective,
16 increasing that 5 to 10 percent may be reasonable. So
17 that's where I'll stop for mackerel.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
19 you, Jason. Questions for Jason on the mackerel specs?
20 Peter.

21 PETER deFUR: Two questions. One of
22 them has to do with what we've seen in historical catches
23 before. I know currently we're running a few percent
24 of the ABC, ACT or quota or whatever you want to measure.

1 They're not catching. They're not there. Right?

2 JASON DIDDEN: Yeah. This year they've
3 caught less than 1 percent of their quota.

4 PETER deFUR: Right. And in the past
5 one of your earlier figures something that's on one of
6 the background documents indicates that in past years
7 when there's been a rebound that they've been able to
8 catch those, but the largest one we've ever seen is about
9 20,000 metric tons. Is that about right on your
10 historical landings?

11 JASON DIDDEN: I don't recall
12 discussions of rebounding, but the highest catches were
13 around 55,000 metric tons in 2004 and 2006 for the
14 domestic U.S. fishery; although, it was up two hundred,
15 400,000 metric tons when the foreign fishery was
16 operating.

17 PETER deFUR: One of your earlier
18 figures that's expanded from the one on there. It's in
19 one of the background documents to the AP. It has --
20 '04 is the highest, and '03 was about 20,000 metric tons
21 less. Right?

22 So, anyway, that's about the largest
23 increase that we ever seen since 1992 when we've been
24 tracking it or when they reported on that figure. The

1 staff recommendation was substantially lower than the
2 SSC, though, wasn't it?

3 JASON DIDDEN: It was. Although, there
4 was discussion on the Monitoring Committee that the SSC
5 kind of looking at it as -- you know, 80,000 until new
6 information suggests otherwise is probably a reasonable
7 interpretation as well.

8 And I'm on the Monitoring Committee, so
9 I'm kind of critiquing my own thing there, but I agreed
10 with that critique of my own thing that came up on the
11 Monitoring Committee call. Part of why I was looking
12 -- I was thinking, okay, the TRAC said signs of decrease
13 in productivity, use three-year average. So I just kind
14 of carried that forward and making some recommendation.
15 Of course, since then part of my basis for that was
16 looking at that 20-10 survey value that was totally in
17 the tank. That's not nearly as bad as it was, and the
18 2011 value that we have now is pretty good.

19 But I think more than anything else it
20 tells me that -- you know, to be cautious of using the
21 survey index to interpret anything; however -- you know,
22 I think if I was making that again, if I had that 2011
23 data point and knew that 2010 was higher, would I have
24 made the same recommendation? Maybe not.

1 Maybe it would have been: status quo; the
2 survey is high; things are bouncing around; survey's
3 high; catch is low; who knows what's going on; there's
4 really not enough information to decided otherwise.
5 I'm not sure.

6 And maybe have to go through my two or
7 three day kind of analysis of what seems most appropriate
8 given that information. But, yeah, there was a
9 difference there.

10 But I think I agreed with the Monitoring
11 Committee call before the SSC that either approach is
12 I think from a NEPA -- is it justifiable? I think from
13 the spec and environmental assessment, that either
14 option could be justifiable to some degree.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Rich.

16 RICHARD SEAGRAVES: Yeah. Point of
17 clarification, Jason. Could you put up your last
18 summary table again. And it relates to the ACT and the
19 discussion about the 95 percent closure versus the 90
20 percent. So you have an ACT for the commercial of 39,000
21 roughly.

22 Would the 90 percent -- in other words,
23 would you close the directed fishery at the ACT, or would
24 you close it at 90 percent of the ACT?

1 JASON DIDDEN: The Monitoring Committee
2 was saying close at -- that the directed fishery closes
3 at 95 percent of the DAH. So the idea is that, yeah.

4 So the closure threshold. And the
5 closure threshold is essentially -- you know, you're
6 closing the fishery at one point and because of things
7 trickling in later, then -- you know, you actually get
8 to the DAH.

9 And if you've gotten to the DAH because
10 of discards, then you've gotten to the ACT as well. So
11 the DAH addresses can you shut it off in time
12 essentially.

13 And so the ACT buffer was fairly small
14 here because it said discards are pretty small, pretty
15 small part of it, we already have a fairly conservative
16 discard set-aside, there's a threshold for turning the
17 directed fishery off. So a relatively small ACT buffer,
18 primarily accounting for, yes, there's still some
19 uncertainty in discards when all's said and done, and also
20 this misreporting issue.

21 So I'd say the ACT here was relatively
22 small because there is that 95 percent closure threshold
23 on the DAH, and you expect that landings won't go over
24 the DAH, and so catch shouldn't go over the ACT.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Thanks, Jason. Other questions for Jason? Okay. We
3 have received a lot of public comment already and input,
4 but I do want to provide an opportunity for public
5 comment. We have a lot to get through this afternoon,
6 so I'd just ask the speakers to please be concise. Geir.

7 GEIR MONSEN: Thank you, Mr. Chairman.

8 My name is Geir Monsen. I'm from the Seabreeze in Rhode
9 Island. A lot of people in the industry, me included,
10 are petrified about mackerel quotas coming down because
11 of the experience with other fisheries where they first
12 are down and never come up. The same for butterfish.
13 However, what you have with this assessment of mackerel
14 is a lot of wrongs. Number one, there is no connection
15 between the Canadian resources around Newfoundland and
16 our U.S. resource. If anybody bothered to get precise
17 data out on individual fish that's caught around
18 Newfoundland for the last ten years, it is much, much
19 bigger than the U.S. individual fish caught in those same
20 years.

21 And if somebody really think that fish
22 shrink as it swim south, please state so. That's what
23 you believe. I don't believe it. The stock assessment
24 for mackerel have been wrong right from the get-go when

1 it was millions and millions of tons.

2 I calculated back then looking at the
3 cubic that was occupied in mackerel at any given time
4 that you could walk without getting your feet wet on the
5 ocean. That just don't happen.

6 Between '99 and 2000 something
7 drastically happened because all of a sudden we had no
8 mature fish at all. Fish size went from 500 grams to
9 50/60 grams. Mackerel roughly is mature at about 300
10 grams.

11 We have fished immature mackerel since
12 2000 with very, very, little spawn. We have basically
13 killed the resource. From a resource point of view,
14 there should be no quota, but when you have nothing it
15 doesn't matter what the quota is because you're not going
16 to catch anything. Catches this year of mackerel is
17 less than catches of butterfish. Mackerel is at an
18 all-time high price wise. Boats were chasing it all
19 over the ocean. We couldn't find it and had to stop.
20 Butterfish everybody was trying to avoid and with that
21 they caught more butterfish than mackerel.

22 So look at what you're doing. Don't
23 kill mackerel twice. In 2000 it should have been
24 reduced quotas rather than increased quotas because at

1 that point we started to get a big influx of new catching
2 capacity and new processing capacity, and in spite of
3 that catches went up a little bit and then it went down,
4 this year there's virtually nothing. Thank you.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
6 you, Gear. Other comments? Jeff.

7 JEFF REICHLE: Yeah. Thank you, Mr.
8 Chairman. I'd just like to say that, frankly, I totally
9 disagree with what Geir's saying. I don't believe that
10 we've caught all the mackerel. I believe that what
11 we're seeing here is a (inaudible), and I think there's
12 plenty of evidence to point that way.

13 I just got an e-mail today about the
14 fishery in the Faroe Islands, and Iceland's starting up,
15 two nations that have been fishing for centuries.
16 That's what they do. And it's not like that mackerel's
17 been there for a hundred years and all of a sudden they
18 found them. The mackerel is -- all of a sudden mackerel
19 showed up in a place where it's never been before, and
20 they're having to bring in foreign processing vessels
21 from China just in order to be able to process the fish
22 that's there. So where did that fish come from?

23 Of course, the Europeans say that it's
24 their fish. But the last time I looked the Gulf Stream

1 goes that way, and I don't think anyone can unequivocally
2 say that the fish may not have moved north from here.

3 And contrary to what Geir says, we asked
4 several mackerel boats, and KC Foods and Norpel all have
5 mackerel boats. And we were not out looking all season
6 because we've had five declining years of catches.

7 At the same time, they've found this new
8 stock of fish in the Faroe Islands and Iceland roughly
9 five years ago. So can I say for sure that that's our
10 fish there?

11 No, I can't. But I think that we have
12 a process. We have a TRAC. We have an SSC. We should
13 listen to what -- you know, we're forced to listen to
14 what they say at other times, and I think we should listen
15 to what they're saying now. Thank you.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
17 you, Jeff. Other comments? Erica.

18 ERICA FULLER: Thank you, Mr. Chairman.
19 Erica Fuller from Earth (inaudible) on behalf of the
20 Herring Alliance. First, we want to thank you for
21 allowing us to submit a letter Friday with help from
22 experts at the Herring Alliance outlining more fully our
23 concerns with the ABCs that are being recommended for
24 Atlantic mackerel and butterfish due to the

1 you, Erica. Kristen. Pass. Other comments.
2 Patrick.

3 PATRICK PACQUETTE: Thank you, Mr.
4 Chairman. Patrick Pacquette, a recreational fishing
5 advocate from New England. I wanted to urge the Council
6 to be as conservative as they can. I think the 80,000
7 is high, given the fact it's clear the industry doesn't
8 agree; it's clear the scientists are not on page or are
9 at least unsure.

10 I testified before this committee within
11 the last year about how I had this belief that the
12 industry isn't doing it and we have this concentration
13 of mackerel that seems pretty abundant in Massachusetts
14 Bay running from at least Boston to Provincetown.

15 I just want to report to you that our
16 mackerel this year in one year are half the size that
17 they have been. Our mackerel are usually a pound, pound
18 and a quarters, which is just the way that we weight them
19 because we got a money thing at mackerel over two pounds.
20 The fish that's driving the recreational bight in Cape
21 Cod Canal and feeding every charter boat from
22 Provincetown to Boston right now, we're having a run away
23 from small mackerel 'cause we got undersize bass when
24 we fish them as live bait, and we can't get adult mackerel

1 right now. There was one little pocket that was off of
2 Barnstable, Massachusetts, but beside that Stellwagen
3 Bank is filled with fish, and they're all six inches and
4 seven inches long.

5 Our big mackerel are gone this year.
6 Just add that into the anecdotal stuff that you guys are
7 considering. It seems clear, and I just really want to
8 urge the Council it's really time to get precautionary
9 with this fish. We collapse this fish, we're in big
10 trouble.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
12 you, Patrick. Other comments? Pam.

13 PAM LYONS GROMEN: Thank you, Mr.
14 Chairman. Pam Lyons Gromen with National Coalition for
15 Marine Conservation. It seems like we're coming to a
16 close here on mackerel and comments, and one thing that
17 was actually in the SSC report also in the TRAC report
18 was a laundry list of research recommendations that are
19 really important to try to get a handle on all these
20 uncertainties.

21 In looking at it, there's actually 13
22 recommendations to look through here, and I think it just
23 speaks volumes about the uncertainty surrounding this
24 stock that we need to account for in our ACT today. But

1 one of the most important ones, the 13th recommendation
2 in this TRAC list is to initiate a technical TRAC working
3 group in order to advance and monitor progress of
4 research recommendations. That has not been done.

5 The TRAC was completed in 2010/early
6 2010. There's been no movements. Maybe later on as we
7 get into the Canadian agreement discussion or now, I
8 think this Council needs to articulate the importance
9 of that TRAC working group in addressing these research
10 recommendations so we can get a handle on this resource.
11 Thank you.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
13 you, Pam. Greg.

14 GREG DIDOMENICO: Thank you, Mr.
15 Chairman. Thank you, council members. Greg
16 DiDomenico, Garden State Seafood Association. I think
17 a lot of the information has been absolutely portrayed
18 perfectly by the Council staff, and I think the
19 considerations and the deliberations at the SSC were
20 accurate, and quite frankly, they were the most thorough
21 discussions I've heard on a particular species, maybe
22 second to the butterfish, that I've ever seen.

23 One of the reasons that our organization
24 supports the SSC recommendation of 80,000 metric tons

1 is specifically because of the track recommendation. I
2 had the sort of opportunity to sit through that entire
3 process. I did. I was comfortable with the results
4 even though they were lower. And having sat through
5 every SSC post-Magnuson reauthorization, pre-Magnuson
6 reauthorization, again, we support the SSC
7 recommendations because of the science, not because of
8 the uncertainty, because of the deliberations of all the
9 bodies included.

10 We can talk about availability. We can
11 talk about if the fleet is adequate or if the fleet
12 searched adequately enough or even if it's possible to
13 have a commercial fishery every year for mackerel.

14 This fishery, as you guys all know, for
15 commercial quantities for it to be profitable exists in
16 three months under very harsh conditions and under very
17 uncertain conditions. That's the fishery. And it's no
18 wonder that we don't catch them all the time. And if
19 we fished as much as the federal trawl survey, perhaps
20 we'd run into them, but we don't; it's not feasible.

21 One of the last things I think I want to
22 conclude with and I hate to sort of go backwards, but
23 it wasn't just 10 years ago that the advice from the
24 agency was to Americanize this fishery and to put

1 shoreside investment into a fishery that about at that
2 time was around 300,000 combined ABC, metric ton ABC;
3 and if people like Lunz and Norpell, Cape, or whomever
4 put in millions of dollars of shoreside and on vessels
5 and sea freeze, predicated on that advice, what makes
6 us not take that advice now?

7 Because that in essence is what we're
8 asking for, and that is, sticking with the scientific
9 advice because we live and die by it, not only when we
10 support meager reductions or reductions and sort of
11 meager increases in quotas, which we've done over and
12 over and over again because we've been part of the
13 process, but on a practical level give the shoreside
14 folks and the people on the boats the opportunity to
15 catch the fish if they are there 'cause that's what it
16 sort of is all about, and you'd be sort of not providing
17 a chance to do so if you continue to ratchet down this
18 quota. That's just an unfortunate situation, the
19 people who have made the investment predicated on the
20 science the ABC provided. Thank you.

21 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
22 you, Greg. Are there any other comments? Jason, are
23 we ready to go back to you, or are you ready for
24 discussions and motion? I had the benefit of sitting

1 through the fishery performance meetings with the AP and
2 the SSC deliberations. I would just point out that I
3 think the fact that we have an apparent availability
4 problem at least in U.S. waters with the caveats that
5 were identified in the AP report do indicate that we
6 should be somewhat precautionary about that
7 information. It's clear that we don't know what's going
8 on with the stock. There is a lot of uncertainty.

9 I think all the Tier 4 stocks are going
10 to present us with difficult decisions in the face of
11 significant uncertainties. I think we need to address
12 those uncertainties head on and following up on some of
13 the suggestions we've heard about trying to work with
14 the Science Center and work jointly with the Canadians
15 to address some of those research priorities that have
16 not been advanced yet.

17 As Jeff Reichle pointed out, there are
18 questions about whether there's been regime shift or
19 regime change. Those are questions that need to be
20 explored I think through genetic work and tagging work.
21 We need to advance these scientific priorities. But
22 meanwhile, we're confronted with, I think, significant
23 uncertainty with this fishery. But with that I'll open
24 it up to the Council for discussion and action. Howard.

1 HOWARD KING: Yeah. I'm not sure who
2 can answer this question, but if a fishery is closed by
3 the Regional Administrator at 95 percent of the DAH, can
4 it then be re-examined and reopened as long as it doesn't
5 exceed the ACL?

6 COUNCIL CHAIRMAN RICHARD ROBINS: Pat.

7 PATRICIA KURKUL: I'm not sure the
8 question's for me. It depends on whether the
9 regulations allow it or not, and I suspect they don't
10 unless we have some sort of in-season adjustment
11 authority, but even that would be a regulatory action,
12 not some sort of automatic adjustment.

13 COUNCIL CHAIRMAN RICHARD ROBINS:

14 Jason.

15 JASON DIDDEN: Just kind of a further
16 thought on that issue. I'm guessing -- you know, even
17 if the Council requested something like that to their
18 region and I'm saying it's a fairly small -- if it closed
19 at 95 percent and there's still a fairly small buffer
20 there, so if it were to then reopen, it would be very
21 difficult to control it not exceeding the target.

22 And regardless of regulatory authority,
23 I can imagine discussions in the region. They'd be hard
24 pressed to say, yeah, we can open it and be assured that

1 we're not going to have an overage based on some similar,
2 I think, circumstances that have been discussed before,
3 at least the Monitoring Committee.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
5 you. Howard.

6 HOWARD KING: Yeah. That question was
7 predicated on a much larger buffer.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Erling.

10 ERLING BERG: Whenever you're ready,
11 Mr. Chairman, I have a motion on mackerel.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Go
13 ahead.

14 ERLING BERG: This pertains to
15 mackerel. Jan, can you put that up for me, please so
16 I can see it? Can you blow it up a little bit?

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Erling, that's almost as long as one of Pat's motions.

19 No, no, no, no.

20 PAT AUGUSTINE: I understand, Mr.
21 Chairman, I'm being stonewalled, and I guess I don't get
22 to make any motions this meeting. So I want for all of
23 you to be aware you'll see my hand go up, but I won't
24 get any credit for it. Thank you.

1 COUNCIL CHAIRMAN RICHARD ROBINS: This
2 is Mr. Berg's motion.

3 PAT AUGUSTINE: It's Mr. Berg's motion.

4 ERLING BERG: This is on mackerel.
5 There's six bullets. ABC equals 80,000 metric tons.
6 U.S. ABC equals ACL equals 43,781 metric tons. We
7 assume Canadian catch is 36,219 metric tons. The
8 recreational ACT equals RHL equals 2,443 metric tons.
9 This is based on a 6.2 percent allocation of the ABC to
10 the recreational fishery and a 10 percent ACT buffer.
11 The NERO RA can close the recreational fishery if actual
12 harvest estimates are greater than or equal to 2,442
13 metric tons and provide comment to clarify recreational
14 closure intent. I think Jason did that already.

15 Bullet three. Commercial ACT equals
16 39,013 metric tons. DAH equals DAP equals 37,800 metric
17 tons. This is based on a 93.8 percent allocation of the
18 ABC to the commercial fishery, a 5 percent ACT buffer,
19 and a 3.11 percent discard rate. Directed fishery
20 closes at 95 percent of DAH with a 20,000 pound
21 post-closure trip limit. Up to 3 percent of the ACT for
22 Atlantic mackerel may be set aside for scientific
23 research.

24 The last bullet. If neither of the

1 omnibus amendment nor Amendment 11 have been
2 implemented, use the following ABC, equals 80,000 metric
3 tons; U.S. ABC equals 43,781 metric tons; IOY DAH equals
4 42,119 metric tons; DAP equals 27,419 metric tons, joint
5 venture and foreign fishing zero with a 90 percent DAH
6 closure threshold. And that's all.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
8 you, Erling. Is there a second to the motion? Mary
9 Beth. Thank you. Discussion on the motion. Chris.

10 CHRISTOPHER ZEMAN: Just put aside that
11 discussion about the Canadian agreement, were we
12 supposed to have that discussion before this motion or
13 after?

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 After.

16 CHRISTOPHER ZEMAN: I'd like to hear
17 about that, actually. I raised that because that was
18 one thing I actually support. I was the maker of that
19 motion that actually asked for that agreement, and I
20 think that was a factor in my supporting that last year's
21 spec process. So I kind of want to hear that result.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Pat.

23 PATRICIA KURKUL: Thanks. Well, the
24 Council did send the letter last year, and we responded

1 that we would get an update from the Canadians that
2 following fall and continue to -- basically continue to
3 encourage the Canadians to have conversations on at
4 minimum joint science on mackerel and maybe subsequently
5 on resource sharing on mackerel.

6 I think I asked at the time that I get
7 a clearer message from the industry and the Council on
8 really what the intent was with moving forward. I'm not
9 sure if we talked about having some sort of follow-up
10 meeting, but certainly some sort of follow-up discussion
11 because there's a lot of ways to pursue this, and the
12 letter implies that there's interest in going through
13 the State Department process, which is a very lengthy,
14 very formal process that would not involve the industry
15 in the discussions.

16 And the alternative is something that we
17 used in the multi-species process, which was an informal
18 process, but is also an informal agreement and doesn't
19 include the same kind of exemptions from the Magnuson
20 requirements that a formal agreement does.

21 So I think we can certainly pursue
22 whatever of those the Council and the interested
23 industry are interested in pursuing, but I think we have
24 to be really clear on what the pros and the cons are of

1 each of them and get a consensus. I don't sense that
2 there has been a consensus in the past on whether to have
3 any conversations with the Canadians, and if so how.

4 The other side of it is basically the
5 Canadians at this last meeting reiterated that they're
6 not really interested in that conversation. I've since
7 had a conversation, in fact, at the NASCA (phonetic)
8 meeting a couple of weeks ago with the regional director
9 general for the region that oversees the mackerel and
10 asked if we couldn't at least continue to pursue the
11 joint assessment process; and so he's committed to
12 getting back to me on that. I think we should try as
13 hard as we can to push for continuing a joint science
14 because that's the underpinnings of any kind of
15 discussion on resource sharing, and we need to jointly
16 decided whether or not to pursue a formal request for
17 negotiation with the Canadians on a resource sharing
18 arrangement.

19 I honestly don't think they're going to
20 be interested in any kind of discussions no matter what,
21 and so if we do have an interest in trying to push the
22 issue, then I think we would have to go the formal
23 process.

24 And my understanding -- I did some

1 inquiries, and my understanding of initiating the formal
2 process is it's really just a letter from the agency to
3 the State Department, but at that point the State
4 Department does pretty much take over the process. So,
5 as I said, we need to be pretty clear about what we want
6 before moving too far along.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
8 the nonexempt joint structure that you referenced, it
9 would not be exempt from Magnuson. Does that also
10 include binding catch controls on the Canadians?

11 PATRICIA KURKUL: The agreement we have
12 on groundfish is they're not binding, but we agree, each
13 country agrees to abide by them. And certainly, both
14 of us have for the duration of the agreement, which has
15 been several years now.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Chris, did you have a follow-up?

18 CHRISTOPHER ZEMAN: I'd like to know
19 what the Council thinks about that option. I mean is
20 that something that -- is there a general interest in
21 having that discussion?

22 COUNCIL CHAIRMAN RICHARD ROBINS: Mary
23 Beth.

24 MARY BETH TOOLEY: Just a little

1 clarification on some of Pat's comments. You did say
2 there is a difference between a formal agreement and a
3 TRAC process that we used to -- under groundfish, and
4 there was a recent amendment to Magnusen that exempted
5 TRAC process from a portion of Magnusen only I think.

6 I'm just trying to remember the details.
7 I understand there is a difference between formal State
8 Department and that exemption that now exists for
9 yellowtail flounder, for example, on Georges Bank. And
10 is it just from the ABC/ACL portion of it? Is that where
11 the difference lies?

12 COUNCIL CHAIRMAN RICHARD ROBINS: Pat.

13 PATRICIA KURKUL: Yeah. Just to be
14 clear: the TRAC is the science part of the process, not
15 the management part of the process, and so our
16 understanding is what we call it in groundfish is Canada
17 multi-species resource sharing understanding or some
18 really long title like that. So the understanding is
19 that we have the TRAC process, which is we do agree to
20 jointly do the science and that that joint science
21 advises the joint management process for recommending
22 annual quotas and TACs for three of the transboundary
23 groundfish stocks.

24 And the problem that we had in that

1 situation was that yellowtail in particular is under a
2 rebuilding program, and because it's under a rebuilding
3 program, we didn't have the flexibility we felt we needed
4 to negotiate with the Canadians because we were bound
5 by our rebuilding program.

6 And so what the legislation did is
7 relieve us of the rebuilding constraints to allow us to
8 negotiate more effectively with the Canadians. And so
9 that doesn't necessarily apply in this situation, but
10 it could in the future.

11 So what the process was getting at with
12 legislation, which for the purposes of rebuilding
13 programs recognizes the understanding as an
14 international agreement under the Magnuson Act. That's
15 what it does. The process of getting that legislation
16 was two or more years and some really strong
17 congressional support. So it's not a very easy process.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Steve.

20 STEVEN SCHAFER: Thank you, Mr.

21 Chairman. In listening to the comments, it seems like
22 a major preponderance of the presenters and commoners
23 have expressed a considerable amount of various factors
24 regarding uncertainty, and I just want to make sure these

1 numbers on the board take into account any sort of
2 management uncertainty.

3 COUNCIL CHAIRMAN RICHARD ROBINS:

4 Steve, why don't we come back to that. We're still
5 talking about the Canadian situation and whether or not
6 to pursue a joint agreement. Are there other thoughts
7 on the Canadian issue of joint management? Oh, Pat.
8 Mr. Augustine. Thank you.

9 PAT AUGUSTINE: Oh, thank you, Mr.

10 Chairman. I am here. Hello. I'm here. Just recall
11 what the U.S. does with ICCAT and tuna fish. We have
12 advisory panels, several meetings a year. We're driven
13 by what's right for the U.S. and the fisheries and so
14 on, but at the end of the day, the Department of State
15 steps in and carries a very big stick at the
16 international level. And invariably, there are some
17 interests in this particular case that the United States
18 has with several international countries, and there may
19 be some reasons as to why what we as advisory panels at
20 ICCAT are suggesting that we do in terms of negotiating
21 and moving forth our way of managing fisheries
22 throughout the American country and the ICCAT 48
23 countries that you lose control of. And so I'm not sure
24 it's quite that complicated with Canada, but I think we

1 have to be very careful as to what we ask.

2 You may not like what you get if you do
3 turn it over to the Department of State, and I think
4 that's what Ms. Kurkul was referring to. It could be
5 a two-year process. It could fall on its face, and you
6 could be completely cut out of the process. So I think
7 it's something to use only as the last possible option
8 to consider. Thank you.

9 COUNCIL CHAIRMAN RICHARD ROBINS: It
10 sounds like at a minimum we need to pursue the joint
11 science initiative with the Canadians. And I think
12 we're all in agreement on that. There are a number of
13 items I think we can revisit through the TRAC
14 recommendations and try to prioritize that as a dialogue
15 with the Science Center and reach out to the Canadians.
16 But does the Council want to pursue further the idea of
17 a joint management agreement at this point? Chris.

18 CHRISTOPHER ZEMAN: It just seems to me
19 it's sort of primary issues to lay out is to sort of lay
20 out well how are we going to deal with this transboundary
21 stock that's basically crossing into Canadian waters,
22 and seems to like Canadian waters more than U.S. waters
23 and for that reason we are at a disadvantage because
24 Canada has access to the resource, and we don't. And

1 I don't know if this is a cyclic thing or if there's real
2 potential that Canadians can just fish this, and they'll
3 never really come down that often to the U.S. That's
4 my big concern. If that's the case, then I can't see
5 what else we can do other than try to go through some
6 sort of formal approach to sort of get an agreement in
7 place. I think that would be better. As a manager,
8 it's just very difficult for me to sort of support a high
9 ACL when we're catching nothing. And so it's an odd
10 situation, but that's -- anyone else has any
11 recommendations, the audience, I would appreciate that.

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Peter.

14 PETER defUR: I'm basically a lot of
15 what Chris said. I think the Scientific Committee is
16 at a minimum, and my gosh, Mr. Augustine's comment is
17 a little bit scary, that mackerel between Canada I hope
18 is nothing like ICCAT.

19 UNIDENTIFIED: But it's another
20 country.

21 PETER defUR: Yeah.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Other
23 comments? Peter.

24 PETER HIMCHAK: So, in the interim,

1 we're left with the current method of estimating
2 Canadian catches in a coming year and then subtracting
3 that off the total ABC. And then I had a question for
4 Jason. If the (inaudible) correlation analysis they
5 did -- I mean this was a major contention issue last year
6 that we had at the committee level, and then we actually
7 changed the split between Canada at the council meeting,
8 and Jason came up with a rather clever correlation
9 analysis based on prior years, etcetera, etcetera. So
10 is the motion as constructed, did you use the same
11 methodology? I heard a comment that it didn't work as
12 well as it had in past years. This is a question
13 specific to the motion. I realize we're stuck with what
14 we're stuck with. But, again, I'm looking for a simple
15 explanation of how Canadian catches were estimated for
16 this year.

17 COUNCIL CHAIRMAN RICHARD ROBINS:

18 Jason, if you could address that. And then why don't
19 we try to resolve the question of joint science and joint
20 management. Go ahead.

21 JASON DIDDEN: The Canadian estimate
22 that Erling made here is just using the 2010 Canadian
23 catch as a proxy for what might happen in 2012. My
24 previous methodology becomes inapplicable because of

1 the low U.S. landings this year. This has some -- the
2 one that's up here I think it's defensible, but as
3 discussed it has some -- you know, has some problems in
4 terms of what you actually see when you look back in
5 history of what would have happened if you had been using
6 this.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
8 you, Jason. Are there any further thoughts on pursuing
9 a joint agreement with Canada? Does the Council want
10 to go down that road or stick with joint science for the
11 time being? Mary Beth.

12 MARY BETH TOOLEY: I think there is
13 value to trying to pursue it in the means that Pat has
14 described so far. And I think that clearly there are
15 a lot of science issues that need to be addressed. I
16 think there are -- we had some indications from the
17 Canadians before that they thought that those fish in
18 Newfoundland were Canadian fish and not transboundary.
19 There's just a huge number of questions in relationship
20 to the stock, so. I mean I attended the recent TRAC for
21 mackerel. Canadian scientists participated, as did
22 U.S. scientists, and that was a good first step. And
23 I think we need to continue along those lines. As Pat
24 indicated -- you know, agreement on the scientists, the

1 foundation of any agreement on management. So we need
2 to continue that.

3 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
4 you. Any further comments? Let's go back to the motion
5 then on the board. There were other comments and
6 questions on that. Howard.

7 HOWARD KING: I would like to make a
8 substitute motion. I would like to substitute in No.
9 3 a 15 percent ACT buffer instead of the 5 percent, and
10 my reasoning is I don't think we should mess with the
11 ABC at 80,000 metric tons for the reason stated, that
12 once that goes down, even if it does become available
13 in future years, it may be hard to get it back up. But
14 I do pay attention to the information Jason put up
15 concerning the 2010 and 2011 survey which indicated that
16 we do have some fish to work with out there. But based
17 on all that I've heard those fish are small. 80,000
18 metric tons of pound and a quarter mackerel would be a
19 lot fewer fish than 80,000 metric tons of six inch
20 mackerel.

21 So, if what we have are small fish, I
22 think we need to be mindful that we can't catch this huge
23 quantity that we would have otherwise. The ACT at 15
24 percent level would spare more of those fish if they are

1 available at such a small size. So I would offer that
2 as a substitute motion.

3 COUNCIL CHAIRMAN RICHARD ROBINS: Do
4 you want us to make that as an amendment since it's
5 dealing with one percentage.

6 HOWARD KING: That would be more
7 efficient, yes.

8 COUNCIL CHAIRMAN RICHARD ROBINS: I
9 think it would. Is there a second to the motion to
10 amend? Second by John McMurray. Discussion? Peter.

11 PETER HIMCHAK: We have a clear
12 indication of what happens when the ACT with the 15
13 percent buffer is reached. What management measure is
14 triggered?

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Jason, can you comment on that. Some of the other
17 numbers like the DAH would derive from that, and so I
18 think the trigger would kick in before you hit that ACT.
19 But, Jason.

20 JASON DIDDEN: Yes. Instead of a 5
21 percent buffer coming from the ACT, it would be triple
22 that buffer amount in terms of metric tons, and then
23 everything else below that will just fall out. The DAH
24 will be that much lower. The recreational harvest will

1 be that much lower kind of proportionately. Or are you
2 talking 15 percent -- never mind. So it would follow
3 through on the DAH, and the closure threshold would just
4 be on the new DAH.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Mary
6 Beth.

7 MARY BETH TOOLEY: Yeah. I think it's
8 interesting to talk about percentages, but I'd really
9 like to see what the actual numbers are. We need to
10 translate this into impacts. And this motion has 5
11 percent. There was a previous slide that Jason put up
12 it was 10 percent, and now we're talking about 15
13 percent. So maybe we could give Jason a few minutes to
14 sort of do those numbers for us so everybody's clear.
15 And then I would have a question to the maker of the
16 motion. I really didn't hear justification for moving
17 down to 15 percent. I mean we have sort of an outline
18 -- you know, of trying to achieve optimum yield in the
19 fisheries. We have a best scientific advice from the
20 SSC, and certainly we have the discretion to reduce the
21 numbers -- you know, for social -- ecological or other
22 reasons, but we do really need to define what it is of
23 why we are going to go with a lower number, and I didn't
24 really hear that from the maker of the motion.

1 COUNCIL CHAIRMAN RICHARD ROBINS:
2 Jason's hooking up his computer now, so. Howard, do you
3 have any comment?

4 HOWARD KING: The motion was made based
5 on the information from the survey and anecdotal
6 information from the industry that what we have
7 available if available in quantity at all are going to
8 be small mackerel, and I didn't want to see an 80,000
9 metric ton or even a 39,000 metric ton catch of all small
10 mackerel. It appears that the large fish have gone
11 north, and they're not available to our fishery. And
12 they may be in some future year, and so we make it 80,000
13 metric tons, but for the foreseeable future for 2012 I
14 was uncomfortable with allowing 39,000 metric tons of
15 small mackerel.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
17 you. Pat. And then we'll have Jason.

18 PATRICIA KURKUL: I would add to the
19 justification that Howard provided, that between the ACL
20 and ACT when you do consider management uncertainty and
21 certainly given the information in front of us including
22 the information with Canadian catch, I was going to
23 suggest that we needed to look at something more than
24 the 5 percent anyway. And so I support the motion.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Jason.

3 JASON DIDDEN: So upon the board I can
4 just kind of -- page three you can there's a 5 percent
5 buffer. The commercial ACT is 39,000 metric tons, and
6 the DAH comes out to 37. Again, DAH is less because of
7 a discard set-aside. If you move up to 10 percent, the
8 commercial ACT is about 37,000 metric tons, the DAH about
9 36,000 metric tons. And at 15 percent ACT, the
10 commercial ACT goes to about 35,000 metric tons, and the
11 DAH is about 34,000 metric tons.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
13 you for that clarification, Jason. Other comments or
14 questions on the motion? Peter.

15 PETER deFUR: Thank you, Mr. Chairman.
16 I'm highly in support of increasing that buffer. I
17 would have suggested more like 25 percent. And
18 recognizing also that, number one, this year we've
19 caught 400 metric tons, not a thousand. Isn't that
20 right? It's about 400 metric tons give or take a few
21 tons? It doesn't matter. It's change. The largest
22 increase that we've ever seen was between 2003 and 2004,
23 and that was an increase from one year to the next of
24 20,000 metric tons.

1 And you know, I'm sensitive to the fact
2 that if the fish are there and they are not the last of
3 the population then we want to be able to have ACT set
4 so the fleet can catch them. But we don't know if the
5 -- well, nobody knows if they're going to show up. But
6 if they show up, we don't know if that's going to be the
7 last school of mackerel that appears in U.S. waters that
8 can be caught. We don't know anything. So I think
9 precaution is called for. I think a higher management
10 of uncertainty. I think a buffer can be increased. I
11 think we have to account for the fact that the Canadian
12 catch could be 10,000 metric tons higher than what you're
13 estimating here based on past experience, looking on the
14 table that we've done before. So I mean I think Howard's
15 is still conservative, and I think a 25 percent is even
16 better. In all likelihood, we're still looking at a
17 thousand metric tons or less next year.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
19 you, Peter. Mary Beth.

20 MARY BETH TOOLEY: Well, I don't support
21 the motion to amend. And some of the discussion around
22 the table is a little disconcerting. I think when you
23 look at the indexes for the survey you see that it's
24 extremely variable, and it always has been extremely

1 variable. The survey over recent time is showing fish
2 at a time when -- you know, availability to the fleet
3 doesn't appear to be there. But certainly, it's not an
4 indication there are no fish there. There are fish
5 there. Availability to the fleet is an issue.
6 Availability to the survey at times is an issue. And
7 I think Dr. Boreman was very clear in his comments on
8 that. We're bouncing back and forth from scientific
9 uncertainty and management uncertainty. In my mind the
10 scientific uncertainty has been clearly outlined by the
11 SSC. They went through seven itemized bullets that was
12 presented earlier in our discussion. And we should say,
13 okay, let's accept that advice.

14 If you want to talk about management
15 uncertainty, I think that's fine. There are a lot of
16 questions about the Canadian catch. You know, I mean
17 I have a lot of issues with things about how discard rates
18 are applied and added in, inappropriately in my
19 estimation. These estimations take a U.S. trawl
20 discard rate and applied it to a Canadian purse sein
21 fishery and added that in. When I think that when the
22 80,000 was agreed to, there was an assumed discard amount
23 that wasn't added on to that. They just went with landed
24 fish. You know, they didn't take landed fish and then

1 calculate what a discard rate was and then throw the
2 discard back.

3 So I think the math is all wrong. But
4 I don't really want to get into those details. I think
5 we're well beyond that. I think that if people have
6 concerns about 5 percent -- 25 percent is extremely
7 drastic. I mean the fish are there. The U.S. fishery
8 needs to be able to go out and get them. It's a very
9 short season, a short time, and you know, bouncing all
10 these numbers around is very disconcerting. If
11 anything, if people are uncomfortable with 5 percent,
12 I would recommend the 10 percent, but going any higher
13 than that I really don't think is called for in this
14 instance. I don't support this current motion.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
16 you. Are there any members we haven't heard from yet
17 that would like to speak? Pete.

18 PETER HIMCHAK: Yeah. I don't support
19 the current motion. Howard's concern about the smaller
20 fish. Didn't the SSC take this into consideration in
21 setting the ABC? And then my other point is that I mean
22 this Canadian catch coming off the top is already filled
23 with a great degree of uncertainty, so under a management
24 uncertainty, we're going to add another layer. I think

1 it become punitive at that point. I don't understand
2 why we keep -- just another reason to reduce, and I can't
3 support the motion.

4 COUNCIL CHAIRMAN RICHARD ROBINS: I
5 think Jason indicated there was some degree of
6 uncertainty in the estimation of Canadian catch using
7 the method he presented. Jason, you already stated that
8 once, but can you just clarify that.

9 JASON DIDDEN: I think their quota is
10 around 60 or 65,000 metric tons, so they can potentially
11 go that high. They haven't gone that high. And it's
12 pretty much as you said. We have a method that -- you
13 know, the 2010 catch is generally correlated to 2012 or
14 2010 landings are generally correlated to 2012 landings.
15 But there's some years that works out okay; some years
16 it over estimates it; some years it under estimates it.

17 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
18 you. Erling.

19 ERLING BERG: Thank you, Mr. Chairman.
20 I can't support this 15 percent either. I was willing
21 to support 10 percent, but I think the 15 percent is a
22 little severe. So, I'm going to have to vote against
23 my own motion.

24 PAT AUGUSTINE: Good for you.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
2 you, Erling. Chris and then Steve. Then I want to call
3 the question.

4 CHRISTOPHER ZEMAN: I just want to point
5 out on the DFO website basically say a couple issues of
6 uncertainty in terms of catch reportings is that there
7 is no reporting of the bait fishery and/or for
8 recreational mackerel fishing.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
10 you. Steve.

11 STEVEN SCHAFER: Thank you, Mr.
12 Chairman. I just want to reiterate my comment from
13 earlier that, again, a major preponderance for the
14 presenters and commoners have expressed a considerable
15 number of various factors regarding uncertainty. I
16 think this is a time where management uncertainty should
17 come into play. Included in this is either by Dr.
18 Boreman (inaudible) -- catch data language and we're
19 talking about three-year averages and how that could not
20 apply here. The recreational catch was described
21 comparing landings of course and just a current survey
22 update. This all amounts to a considerable amount of
23 uncertainty for this council to deal with at the
24 management level.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
2 you. Greg, I've already taken the comment, so. I'm
3 going to call the question. Is the Committee ready for
4 the question?

5 PAT AUGUSTINE: Not really. Point of
6 information, Mr. Chairman.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Go
8 ahead, Pat.

9 PAT AUGUSTINE: Mr. Chairman, I've
10 heard a bunch of emotion come flying out after someone
11 said we've got to be concerned about this and concerned
12 about that. We went through in the last two years of
13 developing an SSC, and a protocol for the SSC. The SSC
14 made their statement. Dr. Boreman responded to his
15 concerns and the concerns that were put forth by Jason,
16 yet we have a document on page 22 that tells us that the
17 SSC recommends 80,000 metric ton plus what his concerns
18 were about the inconclusive data and inconclusive need,
19 yet at the end of it on page 23 there was No. 7, that
20 said: The certification as a recommendation provided
21 by the SSC represents the best scientific information
22 available. And these recommendations are based on that
23 information. So we are now throwing emotion into the
24 pot. I really find it very disturbing that we are

1 allowing emotions to move into this process whereby
2 we've had an SSC and report that states enough
3 information that says we could go with the information
4 that was put up there, the motion generated by Jason.
5 So thank you for that, Mr. Chairman. I do think I cannot
6 support this motion, and quite frankly, I don't want to
7 sign it out of order.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Is
9 the Committee ready for the question?

10 PETER deFUR: Thank you very much, Mr.
11 Chairman. I think Peter's comment about size being
12 taken into account by the SSC, I don't think that's quite
13 right. Can we get a clarification from John Boreman?

14 COUNCIL CHAIRMAN RICHARD ROBINS: Yes.
15 Dr. Boreman, can you comment on that?

16 JOHN BOREMAN: The information that was
17 presented in the last hour about size and the recent
18 catches in local areas, no, we didn't have that
19 information in front of us at the time.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
21 you. Erling.

22 ERLING BERG: Just a procedural
23 question. Are we voting as a committee?

24 COUNCIL CHAIRMAN RICHARD ROBINS: Yes.

1 ERLING BERG: And as a Council? So
2 there'll be two votes. Is that my understanding?

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 That's correct.

5 ERLING BERG: Thank you.

6 COUNCIL CHAIRMAN RICHARD ROBINS: Did
7 you have a further question, Mary Beth?

8 MARY BETH TOOLEY: No. Just one really
9 quick comment. This issue of Canadian catch we do deal
10 with this in the herring FMP as well because it is a
11 transboundary resource, and we average the catch over
12 I think we've used 15 years at times and 10 years at
13 times. We don't worry if it goes over or not. I mean
14 the whole point is to avoid overfishing. It's not to
15 keep the Canadians precisely to a number. We need to
16 keep ourselves to a number. And that's what the real
17 focus is here. That's all we can control. And so I mean
18 I don't -- you know, look at the Canadian number and worry
19 about whether it's going to be 5,000 over or 5,000 under.
20 In the herring we have this issue. We deal with it. As
21 long as the average is in the right place, then that's
22 the comfort zone, so.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Jason.

1 JASON DIDDEN: I'll just kind of build
2 on that. The concern from staff's point of view is that
3 potential exists for the Canadians did happen to land
4 50 or 60, and the U.S. happens to land -- you know, 30
5 or 40, then you can overshoot the 80 total. So that's
6 kind of where -- that's why staff was looking at, okay,
7 how does it perform? Because it gives you the other
8 information about what might happen.

9 MARY BETH TOOLEY: And that's why in
10 herring we do the same on performance because for the
11 Canadian side of the herring resource there is no TAC,
12 there is no limit.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
14 you. Is the Committee ready for the question? Can you
15 repeat the motion, Howard, at this point? The motion
16 is to amend.

17 HOWARD KING: Do I have to read the
18 entire motion or just the amendment?

19 COUNCIL CHAIRMAN RICHARD ROBINS: Just
20 the amendment.

21 HOWARD KING: I move to amend the main
22 motion to substitute in No. 3 the 5 percent annual catch
23 target buffer with 15 percent annual catch target
24 buffer.

1 COUNCIL CHAIRMAN RICHARD ROBINS: It
2 sill needs to be cleaned up. If you delete substitute,
3 you're headed in the right direction. Okay. Is that
4 clear? Howard, is that consistent with your motion?

5 HOWARD KING: It is.

6 COUNCIL CHAIRMAN RICHARD ROBINS: Is
7 the Committee ready for the question to amend?

8 (Motion as voted.)

9 {Move to amend main motion to change #3 above (5%
10 ACT buffer) to 15% ACT buffer.}

11 COUNCIL CHAIR RICK ROBINS: All those in
12 favor please raise your hand.

13 (Response.)

14 COUNCIL CHAIR RICK ROBINS: Eight.
15 Opposed like sign.

16 (Response.)

17 COUNCIL CHAIR RICK ROBINS: Six. The
18 motion carries. The motion is now the main motion. All
19 those in favor on the Committee, please raise your hand.
20 We're now convened as a committee of the whole. We're
21 still convened as a committee of the whole. So all those
22 in favor please raise your hand. All right. Chris has
23 just pointed out that we ought to have the Council vote
24 on the motion to amend first before taking up the main

1 motion. So with that I'll ask the Council, the full
2 Council to vote on the motion to amend. All those in
3 favor please raise your hand.

4 (Response.)

5 COUNCIL CHAIR RICK ROBINS: Eleven.
6 Opposed like sign.

7 (Response.)

8 COUNCIL CHAIR RICK ROBINS: Five.
9 Abstentions like sign.

10 (No Response.)

11 COUNCIL CHAIR RICK ROBINS: The motion
12 carries. The motion is now the main motion before the
13 committee of the whole. Is the committee of the whole
14 ready to vote for the question for the main motion?

15 (Motion as voted.)

16 {1. ABC = 80,000 mt; U.S.ABC = ACL = 43,781 (Assumed
17 Canadian Catch = 36,219 mt)

18 2. Recreational ACT = RHL = 2,443 mt. This is
19 based on a 6.2% allocation of the ABC to the
20 recreational fishery and a 10% ACT buffer. The
21 NERO RA can close the recreational fishery if
22 actual harvest estimates are greater than or equal
23 to 2,442 mt. Provide comment clarifying
24 recreational closure intent in Omnibus.

1 3. Commercial ACT = 39,013 mt. DAH = DAP = 37,800
2 mt. This is based on a 93.8% allocation of the ABC
3 to the commercial fishery, a 15% ACT buffer, and a
4 3.11% discard rate.

5 4. Directed fishery closes at 95% of DAH with a
6 20,000 pound post-closure trip limit.

7 5. Up to 3 % of the ACT for Atlantic mackerel may
8 be set aside for scientific research.

9 6. If neither of the Omnibus Amendment nor
10 Amendment 11 have been implemented, use the
11 following ABC = 80,000 mt; U.S. ABC = 43,781; IOY,
12 DAH = 42,119 mt; DAP = 27,419; JVP and TALFF == 0
13 with a 90% DAH closure threshold.}

14 COUNCIL CHAIR RICK ROBINS: All those in
15 favor please raise your hand.

16 (Response.)

17 COUNCIL CHAIR RICK ROBINS: Eight.
18 Opposed like sign.

19 (Response.)

20 COUNCIL CHAIR RICK ROBINS: Five -- six.
21 The motion carries. Abstentions on that.

22 (No Response.)

23 COUNCIL CHAIR RICK ROBINS: No
24 abstentions. The motion carries. The motion is now

1 before the full Council. Is the Council ready for the
2 main motion? All those in favor please raise your hand.

3 (Response.)

4 COUNCIL CHAIR RICK ROBINS: Ten.

5 Opposed like sign.

6 (Response.)

7 COUNCIL CHAIR RICK ROBINS: Five. The
8 motion carries. One abstention. Thank you. Jason,
9 does that conclude the specifications motions for
10 mackerel the easy one?

11 JASON DIDDEN: Yes, for mackerel.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
13 you. And thank you, Erling and Howard. Are you ready
14 to go on to butterfish?

15 JASON DIDDEN: I believe so.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.

17 _____
18 BUTTERFISH

19 JASON DIDDEN: Okay. So moving forward
20 with butterfish. A similar trend in the catch history,
21 a large foreign fishery in the '70s, eventually phased
22 out. Landings in recent times have been very low. The
23 light blue number is discards. They're estimated
24 through 2008, which is when the assessment, the last

1 discard estimate through 2008. Just a quick look at
2 landings this year and last year. This year's in blue.
3 Last year is in orange. There was about a 20 percent
4 overage of landings last year, and this year landings
5 are on track at a more rapid rate than last year.

6 Fall butterfish indices. These are
7 essentially the same as the Council saw looking when
8 amended the butterfish ABC. My general take on these
9 is that it seems like there's kind of one state of nature
10 in the '80s and '90s where it's high, and then another
11 state of nature from '95/'96 where it's been it's kind
12 of level within each of those two time periods. But
13 anytime you're trying to think about a trend, it always
14 depends on where you start, and so it's very difficult
15 to know what the overall trend is. Fall landings
16 through 2010.

17 Spring landings through 2010. The
18 spring numbers were just uploaded in the system last
19 week. Mackerel seemed the highest priority. These
20 numbers are just through 2010. NEMAP survey 2007, '08,
21 '09, '10 generally upward trends looking at the fall,
22 which again is when the butterfish are most likely
23 primarily in the NEMAP coverage area. The assessment.
24 No accepted reference points from the last assessment.

1 You know, again looked at 2010 soft SARC looking at data
2 through 2008. I did note signs of decline over time;
3 however, it also concluded that fishing mortality
4 appeared very low. And I'll turn it to Dr. Boreman.
5 The SSC's ABC was 3,622 metric tons. And he can again
6 have a couple slides on rationale and sources of
7 uncertainty.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Dr.
9 Boreman.

10 JOHN BOREMAN: Thank you, Mr. Chair.
11 We looked at this species, too. As Jason says, there's
12 no acceptable reference points, but from what we can
13 detail, the fishing mortality rate is extremely low.
14 The natural mortality rate is figured by the stock
15 assessment scientists be up around .8, and the fishing
16 mortality rate is around one-twentieth of that.
17 Normally, when you go out to assess the stock and you're
18 looking for -- for the first time, and you're looking
19 for a fishing mortality rate to start with if it's a new
20 fishery, one rule of thumb that stock assessment
21 scientists use is to set F equals M . So that's a place
22 to start, and then you move on from there. You collect
23 data to see if you need to adjust your fishing mortality
24 rate. So, in this case, and as we discussed last year,

1 it doesn't look like fishing -- and this is also based
2 on the assessment scientists at least from the data poor
3 workshop that fishing doesn't really appear to have an
4 influence on stocks size. It's extremely low.

5 The survey indices as you saw they appear
6 stable, are increasing even though there's a little bit
7 of contradictory evidence in there. There general
8 trends are at least stable or increasing for the stock.
9 We've also through the fishery performance report had
10 some anecdotal observations presented to us by the
11 industries saying that they believe that the abundance
12 appears to be increasing out there in terms of their
13 encounters with butterfish.

14 And the OCRS report. I'll talk a little
15 bit about OCRS. At the national SSC workshop the second
16 one held in St. Thomas, we all, all the SSCs discovered
17 we're dealing with the same issue, and that's what we're
18 calling a Level 4 stocks, stocks which we only have catch
19 information on that's considered reliable. We don't
20 have biological reference points that are reliable.
21 Survey indices are questionable and so on. So at that
22 time the group we decided to form a working group chaired
23 by Jim Burkson from Virginia Tech to come up with some
24 approaches that could be used to address how you set an

1 ABC for stocks where you only have reliable catch
2 information. So they took two years in the process and
3 about a month prior to the SSC meeting their report was
4 published. It was peer reviewed and we were waiting for
5 that. A member of our SSC, Tom Miller, our vice chair,
6 was also a member of that working group, and in the SSC
7 report you have the citation of that report.

8 Well, in that report which is new
9 guidance as we're seeing it, it's a recommendation is
10 for stocks that are lightly fished and where the biomass
11 or abundance appears to be stable or increasing, their
12 recommendation is to start by doubling the overfishing
13 limit and then track that and monitor that and see what
14 happens. So assuming that what we normally do is set
15 ABC, if we do have an overfishing limit, our ABC is set
16 as a proportion of that limit. It's a direct proportion
17 to that limit at either 75 percent of OFL or some other
18 basis. We decided that we could double the ABC that we
19 had last year, and at this point still be at low enough
20 level one-tenth of what it could be, that it would
21 probably still have little if any impact on the abundance
22 on what's driving the abundance in the stock.

23 So that's the guidance that we decided
24 to go with. We were looking at numbers anywhere from

1 what we recommended last year to what we recommended
2 several years ago, 4500 metric tons. And I think the
3 general feeling of the SSC is we could have chosen any
4 of those numbers and would have been satisfied that we're
5 recommending a level that will not lead to overfishing.
6 But we found that this basis in the document, in the ORCS
7 report that has been peer reviewed is as good as any,
8 and it seemed reasonable, so the SSC went with that.

9 So the next slide if there is one. In
10 terms of scientific uncertainty, again, discards, a lot
11 of this is carry over from our conclusions last year.
12 Discards are imprecisely estimated. There's
13 uncertainty with the survey indices. Basically the
14 fall survey from the Center seems to be the most reliable
15 in terms of tracking abundance, but there's problems
16 with all of them. The model based estimates of biomass
17 and fishing mortality are generally imprecise. It
18 doesn't mean they're inaccurate. They just have wide
19 confidence bounds around them. There's no reference
20 points for this species. Questions about the survey
21 efficiency and coverage. Is it covering the entire area
22 like the same question we had for mackerel. And again,
23 the high natural mortality rate is not a source itself
24 of uncertainty. The high rate is what it is. But the

1 fact that it's highly variable as well as any species
2 that's environmentally driven like this species appears
3 to be. Apparently possibly low survey catch ability.
4 Again, this is a pelagic fish, and we have a bottom trawl
5 survey. Some conflicting trends and a large role of
6 environmental drivers for this species including
7 predation. So that's the SSC report. Thanks.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
9 you, Dr. Boreman. Questions for Dr. Boreman? Peter.

10 PETER deFUR: Thank you, Mr. Chairman.
11 Thank you for that summary, John. Are the sources of
12 uncertainty that you talked about the scientific
13 uncertainty accounted for in setting the ABC?

14 JOHN BOREMAN: I'm not following you,
15 not on a quantitative sense. These sources of
16 scientific uncertainty are what's in the back of the
17 minds of the SSC as they're looking at what's an
18 appropriate ABC to set. So it's there. We can't pin
19 it down like for any of the species. These are sources
20 of uncertainty. Most of them are nonquantifiable, but
21 they're there, and some of them we think should be in
22 the future should try to get some estimate of the degree
23 of impreciseness in some of these estimates or trends.
24 But at this point, this is just what's in the minds of

1 the SSC when they're recommending this to the Council.
2 These are the things that bother us about the assessment
3 or the lack of an assessment, and this is why we're
4 uncertain and we're providing you this advice, but it's
5 not absolutely a hundred percent solid advice. There
6 is some uncertainty here, and here's where we think the
7 major areas are.

8 PETER deFUR: As I mentioned briefly, my
9 thought process is those levels of uncertainty in a
10 population or a stock that's clearly in bad shape
11 increasing the harvest even if it's unintentional
12 doesn't seem like an appropriate strategy. And I know
13 that the SSC's evaluation is the catch has little impact
14 on total mortality. And I guess that's the bottom line.

15 JOHN BOREMAN: It is.

16 PETER deFUR: Thanks, John.

17 COUNCIL CHAIRMAN RICHARD ROBINS: Other
18 questions for Dr. Boreman? Pam.

19 PAM LYONS GROMEN: Thank you, Mr.
20 Chairman. Pam Lyons Gromen, National Coalition for
21 Marine Conservation. Dr. Boreman, I had a question, and
22 it's something that was raised in the letter submitted
23 by Earth Justice on behalf of the Herring Alliance, and
24 it's about the ORCS report and how the SSC used that in

1 this case. And we didn't have that document at the time
2 when I was at the SSC meeting, but in reviewing it
3 afterwards, when I read that the recommendation is
4 really to kind of look at a stable catch window, double
5 that to get an OFL, and then to use some kind of
6 percentage anywhere from 50 percent to 90 percent to
7 multiply that OFL to come up with an ABC.

8 And in choosing what percentage to use,
9 you look at different variables about that particular
10 species, it's productivity, especially its role in the
11 ecosystem's forage. Those kinds of things are
12 mentioned in that report. And I'm just -- I'm curious
13 why in this case the SSC chose not to in doubling -- you
14 know, that number, come up with an OFL and then come up
15 with a percentage to derive an ABC.

16 JOHN BOREMAN: Well, we would have been
17 in the same boat. As I said -- first of all, we don't
18 have an OFL estimate to start with. But let's assume
19 that we're going to set the ABC equal the 75 percent of
20 the OFL or 50 percent of the OFL because of all the
21 factors that you said. If we double OFL, then whatever
22 proportion the ABC of that will also be doubled. It's
23 just direct relationship. So that's why we felt it was
24 okay to double the ABC looking at the recommendations

1 in the report about doubling the OFL. Because one will
2 double as well as the other if one is directly
3 proportional to the other.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Kristen.

6 KRISTIN CEVOLI: Rick, I actually have
7 a question regarding the omnibus amendment, and I'm not
8 sure if this is the appropriate time or if it's later.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Go
10 ahead if it relates to this specification specifically.

11 KRISTIN CEVOLI: It does.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.

13 KRISTIN CEVOLI: So in the omnibus
14 amendment, one of the parts of the risk policy which was
15 established by this council that in the case of a lack
16 of an OFL or an OFL proxy that the SSC should not increase
17 the catch limit on a given stock especially in the case
18 of a Level 4 stock where there are so many uncertainties
19 around this. And although I was not personally in
20 attendance at the SSC meeting, members of the Herring
21 Alliance were, and that did seem to be part of the
22 discussions on the SSC. And you would be aware of this?

23 JOHN BOREMAN: We are. And we also as
24 part of the -- we weren't bound to the Amendment 11, but

1 as part of that we also have the flexibility to come back
2 with a recommendation to increase catch if we could
3 justify it. And in this case we're justifying it by
4 saying if we even double the catch it's still
5 inconsequential compared to the total stock abundance
6 out there.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
8 you, Dr. Boreman. I was going to say the same thing,
9 that they can depart from it if they can justify it, and
10 the SSC has done that. Jason. Do you want to go back
11 to your summary table at this point.

12 JASON DIDDEN: Yes. I just wanted to
13 make one quick comment on who that interaction.

14 COUNCIL CHAIRMAN RICHARD ROBINS: Go
15 ahead.

16 JASON DIDDEN: I remember going home and
17 talking to Amy about how that SSC went that day, and one
18 of the things that I had laid out this potential newbrick
19 for -- you know, going the ABC up or down and while I
20 think reasonably that 15 and said, no, I don't think
21 that's appropriate at this time. Both their rationale
22 and my rationale are kind of rooted in the same thing
23 of this fishing mortality appearing very low and almost
24 inconsequential. And at least from my kind of observer

1 or semi observer in the process that seems like a key
2 driver of the SSC's decision making. Some of the
3 discussion that was just had, I was just looking at I
4 talked about some of the two states of nature of the
5 surveys, and if you look at average catch from '96 to
6 2008, that's when we have discard estimates over that
7 time period the indices are in this kind of lower, but
8 apparently kind of stable zone. Average catch was 4,445
9 metric tons. You double that, you could get 8800 metric
10 tons. So I think -- you know, it's tricky, but then you
11 get into -- you know, what is an appropriate time period
12 to look at, and honestly that's another whole bag of
13 worms. But another thing the discussion at the SSC they
14 did look at a range of potential catches that were at
15 least supported qualitatively by the last assessment as
16 not having -- you know, an apparent likelihood of
17 negatively impacting the stock from a fishing mortality
18 standpoint. The final number that they went with was
19 well within that range. There are some other values out
20 there that seem beyond the 36 and 22 that seems like --
21 you know, they also would not be consequential. And so
22 the final decision is within that range. But just a few
23 thoughts on that before I go back. Thank you.

24 JOHN BOREMAN: Rick. Sorry.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Go
2 ahead, Dr. Boreman.

3 JOHN BOREMAN: While we have a moment,
4 I want to introduce two members of the SSC who are in
5 attendance today. One is Dr. Mike Frisk from Stony
6 Brook University. He's hiding in the corner there.
7 He's our lead person for loligo squid. And Dr. Bonnie
8 McCay from Rutgers. Everybody knows Bonnie. She's one
9 of our social scientists on the SSC. She's also
10 chairing our social science subcommittee of the SSC.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Jason.

13 JASON DIDDEN: Thank you. So
14 additional butterflyfish issues that came up in Monitoring
15 Committee or staff discussions. One obviously, there
16 was a DAH overage in 2010. That's probably okay for
17 2012. I have okay if 2011 the DAH, but really it should
18 be okay for 2012 DAH. It's higher because now there's
19 a larger buffer. Butterflyfish closes at 80 percent. As
20 long as those post closure triggers and trip limits stay
21 the same, just because there was an overage last year,
22 potentially this year also, when you look at the graph
23 with the relatively low ABC, if the overall ABC and the
24 overall DAH was increased, we wouldn't really expect to

1 see an overage again.

2 Another issue that came up was having the
3 cap on the loligo fishery in Amendment 10 at 75 percent
4 of the ABC. That creates kind of a tension with the
5 whole ABC framework. If you really want catch to be at
6 the ACT, the cap should be based on the ACT. That's what
7 was in the Monitoring Committee notes. There was some
8 feedback from the region that you can't make that change
9 in specs. But there is some additional work that said
10 if the Council provides some comments on the omnibus that
11 -- you know, the Council's intent was to keep to the ACT.
12 So even though it may have been unclear in the omnibus,
13 the natural conclusion would be that the cap should be
14 based on the ACT. So, again, it would be a comment on
15 the proposed rule, and that could be -- you know, carried
16 forward in the final rule.

17 And then so you could move forward with
18 the ACT and specs because the omnibus will be changed.
19 And that would just require like with the other change
20 that we discussed earlier with mackerel for changing the
21 Amendment 11 slightly. Again, a letter for the omnibus
22 that would tweak that, and then I think things would make
23 sense in terms of the Council's overall ideas of -- you
24 know, keeping catch at the ACT.

1 So discard uncertainty was something
2 that was difficult for the Monitoring Committee to deal
3 with. And to set this discussion up, I have an example
4 on the board. Imagine the ABC was 1900 and you had an
5 ACT of 1500. So the ACT is really what -- you know,
6 that's the catch target 1500. And typically we've seen
7 discards being about double landings. So let's say
8 landings were 500 metric tons and that actual discard
9 point estimates was a thousand metric tons, 500 plus a
10 thousand, 1500. You're right at the ACT. On paper,
11 hey, that's great; however, since the discard estimate
12 is so uncertain, there's some probability that even
13 though on paper you look okay, you actually have had an
14 ABC overage. And some basic stats with some assumptions
15 can allow some thinking about what that probability
16 might be.

17 And so generally if you assume discards
18 are two-thirds of the catch, as we've been doing for
19 quite some time, and the CV on the discard estimate is
20 .62, which is a mean of the most recent 10 years, if the
21 ACT buffer is 10 percent, as the Monitoring Committee
22 had originally suggested, even though on paper if you
23 hit the numbers exactly and you keep to the ACT, there's
24 still a 40 percent probability that actually out in the

1 water there was an ABC overage. On paper it looks okay,
2 but because the discards are so uncertain there's still
3 a fair probability that there's an ABC overage. Of
4 course, there's a 60 percent probability that there was
5 an ABC underage. But that's how it works out. That's
6 assuming a normal distribution on the CVs and that
7 they're unbiased also. So, if that ACT buffer is 20
8 percent, then that drops down to a 27 percent probability
9 that there is an overage. And this as the Monitoring
10 Committee has tried to think about this issue, it seems
11 especially tricky since there's no actual paper overage.

12 You know, on paper everything looks
13 fine. That's essentially what the Council will be
14 judged against in terms of -- you know, did you exceed
15 the ACL, and any real overage and underage related to
16 this discard imprecision will never actually be known.
17 But once we get the discard estimates and the CVs and
18 we know the landings and discard proportions looking
19 back we will be able to -- you know, give an approximate
20 likelihood, as I just did, that it may have happened.
21 And instead of using some of these average CVs and
22 average discard to landings ratios, we would know what
23 it actually was and be able to give a pretty good
24 indication of, okay -- you know, this is what may have

1 happened. At this point we can only say, now, if you
2 look at the mean CVs, if you look at the mean distribution
3 between landings and discards, 10 percent overage -- you
4 know, again, and this is rough, the statistics are just
5 basic statistics. What's critical are the assumptions
6 going into that using that mean distribution of the CVs
7 and the mean ratios of discards to landings.

8 The main thing we wanted to highlight was
9 that -- you know, even though things look on paper okay,
10 you can still have an ABC overage in reality, and the
11 omnibus suggests that this kind of management
12 uncertainty is also set to be considered in setting ACTS.
13 I just wanted to flag that.

14 So also I noted right now there are some
15 directed trip limits, a thousand or more pounds requires
16 3-inch mesh. And even if you use 3-inch mesh, there's
17 a 5,000 pound trip limit. Well, the fishery in 2011,
18 and we saw that landings are coming in a fairly good clip,
19 is landing about 4300 pounds per day, and the trip limit
20 is per trip. Lots of vessels could land that trip limit.
21 So it seems like the current trip limit relative to --
22 you know, the fairly small ABC that we're dealing with
23 -- the current trip limits could allow a fair extension
24 of landings. And even though if the Council wants to

1 increase the ABC or the DAH, the Monitoring Committee
2 didn't think it was good to increase the 5,000 pound trip
3 limit.

4 We did think about -- we did say that it
5 could increase the thousand pound mesh threshold from
6 1,000 to maybe 2,000 pounds in some discussion with
7 staff. It probably would allow some expansion of
8 landings and may just be converting some discards to
9 landings. It's difficult to know exactly how people are
10 going to respond to that, but it's a relatively small
11 change, and there'd be a larger buffer anyway. It seems
12 like a reasonable response to the higher quota.

13 Also wanted to briefly review what
14 happened with the butterflyfish cap in year one. There was
15 no closure in trimester one. There were 50 observed
16 trips. In terms of numbers, annual numbers we've been
17 getting recently, I was pleased with that number. If
18 that keeps occurring throughout the rest of the year,
19 we'd be getting a good bit more observed trips than we've
20 had in recent history. NMFS and Council staff would be
21 providing a full description of the caps operations to
22 the SSC next year. There are some issues. One of them
23 that has cropped up is that about 4 percent of the hauls
24 have been slipped. The observers aren't able to look at

1 stuff on deck. There is some Amendment 10 analysis that
2 suggested about 1 percent of the hauls account for about
3 50 percent of the discards.

4 So given that -- you know, if you're
5 slipping 4 percent of the hauls, there's at least a
6 potential there that what the cap is generating isn't
7 really what you'd think it's generating or isn't
8 reflective of what's happening out on the water. Of
9 those 4 percent of the hauls -- I think it was about 47
10 -- about 17 of them had some comments written down by
11 the observer of, hey, this is what happened. Most of
12 them were related to bycatch, but more related to dogfish
13 than butterfish. There were some butterfish in there
14 the observer noted. They slipped the catch because of
15 bycatch and there were -- you know, a certain amount of
16 butterfish in there. It didn't seem to be like they were
17 slipping these catches for the observers to avoid
18 putting their eyes on butterfish. The observers now
19 have been instructed to take more detailed notes on these
20 occurrences so you can figure out what exactly is going
21 on. Try to get their eyes on it as best as they can and
22 also to -- you know, get as much as they can down for
23 every slip catch.

24 There was some discussion by the

1 Monitoring Committee should the Monitoring Committee
2 recommend some sort of interim measure. There were a
3 lot of slip catch measures in Amendment 14 for the loligo
4 and mackerel fishery. There was some discussion of --
5 you know, can the Monitoring Committee recommend like
6 an interim measure of saying, requiring catch on
7 observed trips be brought on deck unless there's
8 mechanical, safety or maybe dogfish issues and the
9 captain would have to sign an affidavit without any kind
10 of teeth into it. So at least -- you know, get kind of
11 part of the way there. But the way the regs are written
12 that's out of the scope of things that the Monitoring
13 Committee can recommend and according to general counsel
14 out of the scope of things that the Council can do in
15 specs.

16 So I think that will have to wait 'til
17 14 is my current understanding. Or the Council could
18 do a framework, but it seems that could take as long.
19 I mean 14 is kind of in the middle of being developed.
20 So, anyway, just another issue to flag there.
21 Obviously, since it can't be handled in specs,
22 apparently that could be a potential ACT consideration
23 also. But, again, there was an indication in the
24 preliminary observer program look at it that this is like

1 a real focus on they're trying to dump butterfish. But,
2 again, they only had any information on, as I said, about
3 17 out of 47 of those occurrences approximately. So
4 something to look out for and the observer program has
5 instructed their folks to get more information when that
6 happens.

7 So kind of a similar summary table as you
8 saw for mackerel. Max OY unknown. ABC set by the SSC,
9 36 to 2. ACL equals ABC. This has a commercial buffer
10 of 10 percent in there, but the Monitoring Committee did
11 note that it kind of considered this a minimum and it's
12 very difficult to get a handle on. It's a risk tolerance
13 thing, which is obviously in the Councils purview. But
14 it's very difficult -- I mean looking back once we have
15 the actual CVs, have the discard and landings numbers,
16 we would have a better handle on -- you know, what was
17 the likelihood that there was a real in the water ABC
18 overage, but until that point, it's difficult to say for
19 sure what would be an appropriate ACT.

20 Commercial ACT after 10 percent buffer comes down
21 to 3260. Two thirds of the catch is set aside for
22 discards, and that becomes DAH and DAP. And then the
23 butterfish cap operates in parallel, and so you can't
24 kind of add up the DAH and the butterfish cap. They

1 operate in parallel, and it's better to think of the cap
2 as something that's kind of an umbrella over the loligo
3 fishery that will help insure that we do, in fact, stay
4 to the ABC. But it kind of operates -- you can't add
5 the DAH and DAP and say why don't they add up to the ACT?
6 The butterfish cap is kind of a separate thing that is
7 a control in the loligo fishery with the goal of staying
8 to the ABC. But the landings are tracked, and the cap
9 is capped in parallel. They're not additive.

10 And since -- you know, I described the
11 20 percent ACT buffer and what it does in terms of --
12 you know, do we have a sense of how like based on past
13 data how likely you are to have an ABC overage in the
14 water. I just included the numbers for 20 percent ACT
15 buffer in here as well. But, again, the Monitoring
16 Committee said minimum 10 percent, but it's very
17 difficult to know what to describe. Looking back, we'll
18 have some more information, but looking forward, it's
19 very difficult to say what might happen. The CV that
20 we assume, .62, hopefully with a cap, that CV is going
21 to be lower in that additional coverage. If that CV is
22 lower, that means -- you know, for any given buffer the
23 probability of an overage is smaller. But that kind of
24 remains to be seen how that shakes out. Thank you, Mr.

1 Chairman.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
3 you, Jason. Are there any questions for Jason on his
4 presentation? Peter.

5 PETER deFUR: Thank you, Mr. Chairman.
6 Jason, to what extent has -- you said that the butterfish
7 cap has not caused any closure of the loligo this first
8 trimester, right, of this year. What about last year?

9 JASON DIDDEN: This is the first year
10 this was in operation. I think they used about 43
11 percent of the Trimester 1 cap in Trimester 1. There
12 was another amount that will run kind of for the whole
13 year now that's a larger number. But Trimester 1 gets
14 its own little pie of the cap, and it got I'm pretty sure
15 about 43 percent.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks, Jason. Other questions for Jason? Yes, sir.

18 JOEL SOHN: Dr. Joel Sohn, Harvard
19 University. I may be a little bit confused. I thought
20 that the butterfish had an overfishing designation and
21 that if it has that kind of designation, certain things
22 can't change, that you can't increase the ABC, quota,
23 whatever you want to talk about. So if that's changed,
24 when was it changed and what was the logic behind the

1 change?

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Jason.

4 JASON DIDDEN: The 2004 assessment
5 declared overfishing was not occurring, but it was
6 overfished. The more recent assessment said unknown
7 for both categories. And more of a 2004 assessment
8 probably should have concluded the same thing, unknown
9 in both cases. Once something gets on the books in NMFS
10 as overfished it stays there. I think it's a NMFS policy
11 that it stays there until a positive assessment declares
12 it otherwise. So on the books butterflyfish is still
13 technically overfished. I'm not aware or further told
14 if there's any particular thing -- you know, in this kind
15 of circumstance that the Council would not be allowed
16 to increase an ABC just because it's on the books as
17 overfished, but I'm not sure.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Joel.

19 JOEL MACDONALD: I can't recall
20 anything. If you've got the factual basis to do it, then
21 you can do it. I mean it's all a question of what you
22 can defend legally. And if there's a record -- you know,
23 in support of it, then you can go forward with it.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Thank

1 you. Are there any public comments specific to the
2 butterfish specification? Tom and then Geir.

3 TOM RUDOLPH: Thank you. Tom Rudolph
4 with PEW Environment Group. I guess it's sort of a
5 question and a comment. And having heard earlier some
6 compelling testimony about potential age or size
7 truncation in the mackerel stock, I wonder if that issue
8 has been addressed thus far for this specifications
9 package as well. Because my understanding from the
10 limited inquiries I've done is that it's definitely an
11 issue in butterfish as well. And I would just relate
12 that I was talking to several weir fishermen on Cape Cod
13 that used to have a weir fishery for a number of species
14 including mackerel and butterfish, and they were
15 relating to me what they've seen as a tremendous size
16 truncation in the butterfish stock, which is to say they
17 said that they used to catch them the size of a small
18 dinner plate, and they stopped seeing those 15 to 20
19 years ago, and on the rare occasions when they see one
20 now, they don't freak out. And my understanding is that
21 there may be some literature showing that there used to
22 be a larger ratio of those butterfish, and I wonder if
23 that's been addressed in this specifications package.
24 Because it does seem to me to be a concern in this species

1 as well. Thank you.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Thanks, Tom. I know the SSC did look at the latest NEMAP
4 values, for instance, which I think, showed an increase
5 in weight per tow in the last survey index. But I'm
6 going to ask Jason or Dr. Boreman to comment on the
7 question.

8 JOHN BOREMAN: Again, here we have data
9 coming in front of the Council, information that hasn't
10 -- the best place to use that information is to enter
11 it into the stock assessment process. I mean at this
12 stage of the game it's information that's coming in that
13 we haven't looked at as an SSC having had a chance to
14 evaluate it. So at that point I'm just going to reserve
15 comment on it.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
17 you, John. Geir.

18 GEIR MONSEN: Thank you, Mr. Chairman.
19 Geir Monsen from Sea Freeze. In this year's discussion
20 about butterfish I've heard a lot about uncertainty and
21 assumptions and also heard about calibration factors
22 used on the survey data. I will assume that calibration
23 factors in the survey data's got to be used for every
24 species in those surveys. I don't know what all those

1 values are, but it's got to be close to each other. So
2 that bring me to the facts. In the last four surveys
3 that I have seen results from, there were catches of more
4 than twice as much butterfish as there was of Loligo
5 squid, twice as much as there was of Illex squid, about
6 four times as much as there was of mackerel, and similar
7 relationships to a lot of other species. Butterfish was
8 one of the highest catches in those surveys. Butterfish
9 become sexually mature or start to become sexually
10 mature at about nine months. So does squid. I think
11 butterfish have more eggs than squid, so theoretically
12 butterfish should be able to reproduce faster.

13 Very much up and down catches over the
14 years of both species of squid. If you have really high
15 catches one year, it seems to have absolutely no effect
16 on the catches for the next year. I have made statements
17 in front of various committees and this council that in
18 order for butterfish to become a commodity that we can
19 export again, you need a substantial quota that we can
20 use to go to the market and say, hey, we can produce it.
21 The effect of that would only come very gradually. We
22 can only catch what we can profitably sell. There is
23 nobody that's going to go out and catch fish that they
24 got to give away. It would be no risk to this Council

1 or to the resource to come up with a substantial quota
2 for butterfish and then adjust as go forward.

3 Increases in actual landings would only
4 be very incremental. And if you look at what happened
5 with squids, we really got to put a big hurt on butterfish
6 in order to make a difference, make it. So the other
7 thing that I never hear about in any stock assessment
8 is the quality of the inshore waters where butterfish
9 spawn, grow up. Those waters quality have increased
10 substantially over the last decade. It's a lot, lot
11 cleaner. And that's been documented by a number of
12 sources. So think about a much higher quota on
13 butterfish and let us get a good export business going
14 again. Thank you.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
16 you, Geir. Are there any other public comments on the
17 butterfish specifications? Jeff.

18 JEFF REICHLE: Yeah. I'd just like to
19 add to what Geir said, that we're seeing butterfish all
20 over the place. We're seeing more bigger butterfish
21 than we've seen in the last 10 or 15 years. So that is
22 obviously just what we're seeing on the water and all
23 that may not be in the surveys yet. For the past couple
24 years we've been seeing a lot of butterfish.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
2 you, Jeff. Any further comment on butterfish? Yes,
3 sir.

4 JOEL SOHN: Joel Sohn again, Harvard
5 University. The last six months I've had an opportunity
6 to focus my attention on butterfish, and there are a lot
7 of fish here that you can pay attention to. They all
8 have their problems. I thought about how the Council
9 seems to be using the words scientific uncertainty. And
10 there's a difference between science and science
11 uncertainty. Science, that's where someone sits down,
12 uses some kind of controlled experiments and natural
13 history anecdotal information, sets up a pattern of
14 thinking and proceeds to study the butterfish. That's
15 science.

16 And then there's scientific uncertainty
17 that seems to come from you get a value while doing your
18 science, and there's uncertainty around it. In the
19 1950s I think in the famous text -- and somebody can look
20 this up and google it if I've got the date wrong --
21 Bigelow and Schroeder, Fishes of the Gulf of Maine,
22 complained as important as the butterfish is there's
23 very little scientific information about it. If you
24 look now 50 years later, that vacuum, the scientific

1 vacuum, not a question of scientific uncertainty, that
2 vacuum exists. The problem with science is that it's
3 not done by consensus. The Council will take and make
4 a consensus and come to some consensus agreement. The
5 science doesn't get done -- the science is not done by
6 consensus. It's wrong. It's right. It's
7 questionable. It's not questionable. There's
8 differences of opinion. But it's not done by consensus.

9 So my claim is that you're operating in
10 a scientific vacuum. That means that there's no best
11 available science with regards to the butterflyfish, and
12 that is a problem. At least I see it as a problem.
13 There's a difference between having the best available
14 science, science that has taken place, and we have to
15 apply it. But here's a vacuum. The vacuum's been known
16 for a long time. So where is the responsibility going
17 to lie? The science has to be filled in; otherwise, the
18 Council doesn't have science to go on. It doesn't have
19 scientific uncertainty surrounding the science.
20 That's just my opinion. Thank you.

21 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
22 you. Jason, did you have a comment?

23 JASON DIDDEN: Yes. There was just a
24 question on butterflyfish age truncation potentially. And

1 it didn't look like there was too much in the spring,
2 but it should be -- there's kind of a bubble pot of
3 butterfish age composition. It's generally dominated
4 by age zeros and ones. It does look like -- and threes
5 are very few in there. If you look at twos, some of it
6 seems like in the '80s and early '90s there were more
7 twos than there have been recently. So I mean that could
8 be an indication there's been some age truncation. But
9 also -- and this is kind of a future thing -- we're
10 getting length frequencies on all the butterfish and the
11 butterfish cap. There's observers. There's a length
12 frequency of the butterfish discards. Actually, I've
13 got to thank Greg for this. He did a data request to
14 the Science Center on how the cap was working, and they
15 cc'd it when they sent it to him. But there are some
16 nice length frequency information that's now coming out
17 because of the cap. It was there anyway, but the cap
18 has kind of spurred interest as a potential.

19 So I think going future there are lots
20 and lots of hauls of butterfish. So I think we'll be
21 able to -- you know, make some comparisons of what do
22 we see in the assessment, what do we see in the -- I mean
23 survey, what do we see in the situation where we have
24 lots more trips. Now they're directed on loligo, so

1 it's not an unbiased sample, but there is a lot of
2 information there. So that may provide some more
3 information on kind of length frequency and age
4 distribution in the future. Thank you.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
6 you, Jason. Any further public comments before we come
7 back to the Council? Okay. Seeing none, we go to
8 Erling Berg. Erling.

9 ERLING BERG: If there are no further
10 comments, I have a motion on butterfish.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Please.

13 ERLING BERG: Thank you. This is got 10
14 bullets. Number one -- put it up, please. Number one,
15 ABC equals ACL equals 3,622 metric tons. Commercial ACT
16 equals 3,260 metric tons. Ten percent buffer. DAH,
17 DAP equals 1,087 metric tons, two-thirds set aside for
18 discards. If mackerel foreign fishing is not
19 specified, then bycatch fishing equals zero; otherwise,
20 if bycatch foreign fishing equals to .08 percent of the
21 mackerel foreign fishing is to be specified based on the
22 current FMP. Maintain the trip limit of 5,000 pounds
23 to moratorium butterfish permits. Increase the
24 threshold for butterfish minimum mesh requirement 3

1 inches to 2,000 pounds. Maintain the threshold levels
2 for directed butterfish fishery closure at 80 percent
3 of DAH. If 80 percent of DAH is reached prior to October
4 1st, a 250 pound daily limit results. If 80 percent of
5 DAH is reached on or after October 1st, a 600 pound daily
6 trip limit results. Maintaining incidental trip limits
7 600 pounds, reduced to 250 pounds if directed fishery
8 closes before October 1st. Set the butterfish cap on
9 the loligo fishery at 75 percent of the ACT equals 2,445
10 metric tons. Provide comment on omnibus verifying
11 Council intent and decision. I think Jason touched on
12 that.

13 Up to 3 percent of ACT may be set aside
14 for scientific research either as butterfish landings
15 or to cover butterfish discards and loligo RSA activity.
16 And last, if the omnibus has not been implemented use
17 the following: ABC equals 3,600 metric tons, IOY equals
18 DAH, equals DAP, equals 1,087 metric tons; joint
19 ventures and foreign fishing equals zero; butterfish cap
20 is 75 percent of ABC. That's it.

21 COUNCIL CHAIRMAN RICHARD ROBINS: Is
22 there a second to the motion? Mary Beth. Discussion
23 on the motion? John.

24 JOHN MCMURRAY: Thank you, Mr.

1 Chairman. Before I decide how to vote on this, I just
2 have a technical question for Jason or maybe John
3 Boreman. Given the lack of good science and uncertainty
4 involved here, how are you able to determine or come to
5 the conclusion fishing has very little impact on this
6 stock? It just seems unlikely to me.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Jason
8 or John.

9 JASON DIDDEN: I mean I think the basis
10 is the fishing mortality from the last assessment found
11 fishing mortality to be very low. Now the last
12 assessment was not accepted in terms of -- you know,
13 reference points, and there were questions of scale.
14 But the general idea that fishing mortality -- and
15 technically overfishing is unknown. But the assessment
16 did conclude that fishing mortality appeared very low
17 by a number of different candidate reference points even
18 though it wasn't able to settle on some reference point.
19 Dr. Weinberg may have additional thoughts on it. But
20 that's essentially what -- was the conclusion of the
21 assessment, and I think that is what kind of the SSC was
22 picking up on.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Jim,
24 do you have anything to add to that?

1 JAMES WEINBERG: I think Jason is
2 correct. They computed a suite of potential
3 overfishing reference points, and the computed F value
4 was much lower than all of those.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
6 you. Chris.

7 CHRISTOPHER ZEMAN: Yeah. I'm not a
8 big fan of these multiple motions. There's some
9 questions I had specifically on what does eight mean when
10 you say provide comment on omnibus, clarifying Council
11 intent on the issue, and also how in number nine the RSA,
12 how would the 3 percent of the ACT work in terms of
13 covering presumed butterfish discards in the loligo RSA?

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Jason, can you clarify the issue of the Council intent?
16 That again gets to the conflict, right, between
17 Amendment 11 and the omnibus?

18 JASON DIDDEN: Yes. Or Amendment 10
19 says the butterfish cap is based on 75 percent of the
20 ABC. But if you're trying to keep catch to the ACT, it
21 should be based on the ACT. And so the staff would draft
22 up a letter for the Council saying the intent of the
23 omnibus was to base it on the ACT rather than the ABC.
24 And with the discard issue, it's essentially the same

1 as last year in that if loligo RSA occurs, then there's
2 likely to be some kind of butterfish discarding
3 associated with it. And so staff -- you
4 know, will provide information to the folks doing the
5 RSA and look at -- you know, based on the ratio of
6 butterfish discards to loligo landed how much butterfish
7 RSA would cover the discards you presumed to occur in
8 the loligo fishery. At this ACT I think last year and
9 you'll see later in loligo there is kind of a thing in
10 there limit loligo RSA to the extent it can be covered
11 by butterfish RSA. And so it really ends up being left
12 to the folks on the RSA program -- you know, what's the
13 best value, bang for the buck to the Council of using
14 that butterfish RSA to sell loligo or to sell butterfish?
15 I think last year it was used to cover loligo in the RSA
16 program. Cover the butterfish discards that would have
17 occurred in loligo RSA landings.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Does
19 that address your concerns, Chris? Okay. Other
20 comments or questions on the motion? Jim.

21 JAMES WEINBERG: Just a clarification
22 on No. 8. I think. It says 75 percent of the ACT equals
23 2,445. I think it's a little unclear. It's not clear
24 whether 2,445 equals 75 percent of ACT or that equals

1 the ACT. I just think you need to clarify the intent.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
3 We can say it would set the cap on the loligo fishery
4 at 2445 metric tons and then parenthesis, 75 percent of
5 the ACT. Does that satisfy the concern? Is that
6 acceptable to the maker of the motion and the seconder
7 of the motion? Thank you. Set the cap of the loligo
8 fishery at 2445 mt. You can delete that.

9 JAN SAUNDERS: I'm sorry. That number
10 again?

11 COUNCIL CHAIRMAN RICHARD ROBINS: 2,445
12 metric tons. And then parentheses going in the opposite
13 direction 75 percent of the ACT. That's the portion
14 that needs to be in the parentheses. You can get rid
15 of one of the caps on loligo. Erling, as written is that
16 acceptable to you in making the motion?

17 ERLING BERG: Yes.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Thank you. Thanks, Jan. Further discussion on the
20 motion? Is the Committee of the Whole ready for the
21 question? That's all the council members plus the
22 Northeast New England representatives?

23 (Motion as voted.)

24 {1. ABC = ACL = 3,622 mt; AND

- 1 2. Commercial ACT equals 3,260 mt (10% buffer); AND
- 2 3. DAH, DAP = 1,087 mt (2/3 set aside for
- 3 discards); AND
- 4 4. If mackerel TALFF is not specified then bycatch
- 5 TALFF equals zero; otherwise a bycatch TALFF equal
- 6 to .08% of the mackerel TALFF is to be specified
- 7 based on the current FMP; AND
- 8 5. Maintain the trip limit of 5,000 pounds for
- 9 moratorium butterfish permits. Increase the
- 10 threshold for butterfish minimum mesh requirement
- 11 (3.0 inches) to 2,000 pounds; AND
- 12 6. Maintain the threshold level for directed
- 13 butterfish fishery closure at 80% of DAH. If 80%
- 14 of DAH is reached prior to October 1, a 250 pound
- 15 daily limit results. If 80% of DAH is reached
- 16 on/after October 1 a 600 pound daily trip limit
- 17 results; AND
- 18 7. Maintain incidental trip limits: 600 pounds,
- 19 reduced to 250 pounds if directed fishery closes
- 20 before October 1;
- 21 8. Set the butterfish cap on the loligo fishery at
- 22 2445 mt (75% of the ACT). Provide comment on
- 23 Omnibus clarifying Council intent on this issue.
- 24 9. Up to 3% of ACT may be set aside for scientific

1 research (either as butterfish landings or to cover
2 presumed butterfish discards in Loligo RSA
3 activity); AND
4 10. If the Omnibus has not been implemented, use
5 following: ABC = 3,622 mt; IOY = DAH = DAP = 1,087
6 mt; JVP and TALFF = 0; butterfish cap is 75% of
7 ABC.}

8 COUNCIL CHAIR RICK ROBINS: All those in
9 favor please signify by raising your hand.

10 (Response.)

11 COUNCIL CHAIR RICK ROBINS: Fourteen.
12 Opposed like sign. Two. Abstentions like sign.

13 (Response.)

14 COUNCIL CHAIR RICK ROBINS: One. Yes,
15 committee of the whole. The motion carries.

16 Now the Council. Is the Council ready
17 for the question? All those in favor please raise your
18 hand.

19 (Response.)

20 COUNCIL CHAIR RICK ROBINS: Thirteen.
21 Opposed like sign.

22 (Response.)

23 COUNCIL CHAIR RICK ROBINS: Two.
24 Abstentions like sign.

1 (Response.)

2 COUNCIL CHAIR RICK ROBINS: One
3 abstention. Thank you. The motion carries. Jason,
4 are you ready for Illex or --

5 JASON DIDDEN: I'm ready for Illex.

6 COUNCIL CHAIRMAN RICHARD ROBINS: Go
7 ahead.

8

9

Illex

10 MR. DIDDEN: -- foreign fisheries in the
11 '70s. This is landings this year. The fishery
12 typically is the summer/early fall fishery. The
13 fishery has kind of just started. The Fall surveys,
14 these are numbers per tow.

15 And Monitoring Committee noted that
16 above the long term median these are kilograms per tow,
17 slightly above the long-term median in the most recent
18 fall survey. The assessment there are no reference
19 points, and the ABC rationale was 24,000 metric tons.
20 And I'll turn it to Dr. Boreman.

21 MR. BOREMAN: Okay. Basically, the SSC
22 adopted the same ABC as we did last year. And the
23 language we used to justify it is essentially the
24 language we used last year, and that is: that first of

1 all, this is not an assessment-based figure; it's just
2 looking at the history of landings, and basically even
3 though the survey CPUE and landings are varied, there
4 doesn't appear to be any long-term trends. And changes
5 in landings could be the result of changes in abundance,
6 availability and/or market conditions.

7 Additionally, there's no available
8 evidence that landings in the range of 24,000 to 26,000
9 metric tons have caused harm to the Illex stock. That
10 is just looking at the history of landings and comparing
11 them to whatever abundance indices coincided with those.
12 When the landings were around the 24,000/26,000 level,
13 the stock did not appear impacted by it, but then again,
14 there's some uncertainty in stock measurements, as I'll
15 get into later.

16 And we also recommended this ABC for a
17 three-year period subject to annual review. And that
18 is because if we come back next year and we decide that
19 we're going to keep the 24,000 metric tons for an
20 additional year, and Jason and staff doesn't have to go
21 through preparing a regulatory document. So save some
22 work on their part.

23 But we had quite a bit of discussion
24 about this because the SSC says we still want to take

1 a hard look at it every year, and if we do change it,
2 then obviously it will cause some regulatory paperwork.
3 But if not, the next three years we'll keep it at 24,000
4 subject to check.

5 So, in terms of scientific uncertainty,
6 the survey's covering an unknown portion of the range.
7 This probably partly explains the high variability and
8 is probably due to the availability to the survey.

9 There's poor precision in the U.S.
10 discard estimates, but the discards are of low
11 magnitude, so that may not be an overriding concern
12 compared to other issues. Again, here we're using a
13 bottom trawl survey gear for semi-pelagic species that
14 may introduce variation. The landings per unit effort
15 values are sensitive to availability just like the
16 survey is. It has a highly variable natural mortality
17 rate, as we talked about for butterfish, extremely short
18 life span and unknown but likely high impact of
19 environmental factors on recruitment and no available
20 estimates of biological reference points and no
21 estimates of recent biomass and/or fishing mortality.
22 Thank you.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
24 you, John. Jason.

1 JASON DIDDEN: Summary should come up
2 for Illex. The Monitoring Committee didn't identify
3 any major Illex concerns at this point. So the max OY
4 is unknown. The ABC 24,000. The Monitoring Committee
5 suggested using a 4.52 percent for discards, the same
6 as the other, as mackerel and Loligo. It's the mean
7 ratio in the most recent available data increase by one
8 center deviation.

9 And since that's fairly conservative on
10 discards and the quota is not often approached, the ABC
11 would unlikely be exceeded. And that results in OYI,
12 DAH, DAP of 22915 metric tons. Thank you.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
14 you. Are there any public comments on the Illex
15 specifications? Are there any comments on the Illex
16 specifications? Okay. Seeing none, we'll come back to
17 the Council. Erling.

18 ERLING BERG: If there are no further
19 comments, I have a motion on the Illex. This has only
20 got three bullets. ABC equals 24,000 metric tons. IOY
21 equals DAH equals DAP equals 22,915 metric tons.

22 The directed Illex fishery closes at 95
23 percent of the DAH. A 10,000 pound trip limit is
24 implemented upon closure. Vessels with Illex

1 incidental catch permits may land up to 10,000 pounds
2 per trip at all times. Up to 3 percent of the DAH or
3 DAP for Illex may be set aside for scientific research.
4 Thank you.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Is
6 there a second to the motion? Second by Steve Schafer.
7 Discussion on the motion? Is there any discussion on
8 the motion? Seeing none, is the committee of the whole
9 ready for the question?

10 (Motion as voted.)

11 {1. ABC = 24,000; IOY = DAH = DAP = 22,915 mt; AND
12 2. The directed Illex fishery closes at 95% of DAH;
13 a 10,000 pound trip limit is implemented upon
14 closure. Vessels with Illex incidental catch
15 permits may land up to 10,000 pounds per trip at
16 all times; AND
17 3. Up to 3% of the DAH or DAP for Illex may be set
18 aside for scientific research.}

19 COUNCIL CHAIR RICK ROBINS: Is there any
20 objection to the motion? Is there any objection to the
21 motion? Are there any abstentions to the motion?

22
23 (No Response.)

24 COUNCIL CHAIR RICK ROBINS: Seeing

1 none, the motion is approved.

2 Is the Council ready for the question?

3 Are there any objections to the motion?

4 (No Response.)

5 COUNCIL CHAIR RICK ROBINS: Seeing
6 none, it's approved by consent. Are there any
7 abstentions on the motion? Thank you. Oh, I'm sorry.
8 I have George abstaining back there in the corner. He
9 was hiding. The motion carried. Abstention noted,
10 George. Thank you. Jason. Loligo.

11

12 LOLIGO

13 JASON DIDDEN: Okay. Thank you. So
14 for better or for worse, this is Dorytouthis Amerigo
15 Pealeii squid, formerly known as Loligo. There is a
16 paper that looked at the systematics of Loligo and the
17 squids, and it decided that this would be a better
18 classification.

19 And so I don't know exactly how it's
20 going to work through documents, but at some point I
21 guess we'll have to start using Doryteuthis. I was
22 talking to one of the processors, and he was not looking
23 forward to the marketing challenges that this may
24 present.

1 So landings over time similar story.
2 The landings have been in a fairly steady downward trend
3 since 2005, however. Trimester 1 Loligo landings were
4 better than last -- into blue would be 2011. The orange
5 is 2010 -- better than last year, still a good bit under
6 the quota.

7 Trimester 2 has just started, so there's
8 not a lot of data for Trimester 2, just a couple weeks.
9 The Science Center indices, unlike the other species
10 that are not age -- they're not calibrated based on
11 length, these are. And, again, for all these species,
12 2009, 2010, 2011 indices are Bigelow calibrated back to
13 Albatross units. So the survey appears to be generally
14 bouncing around the long term median. The fall same
15 thing. This is for calibrations per tow on this one.
16 Fall pre-recruits seems to be -- you know, maybe an
17 upswing since the mid-'90s; however, the fall recruits
18 to really bounce around from '75 to 2006, but last few
19 years have been low.

20 This is spring index kilograms per tow
21 all squid pre-recruits and recruits. There's a NEMAP
22 survey for Loligo. The top is by count. The darker
23 line is on the top of the upper one is fall. The lighter
24 line is spring. And index values by biomass is on the

1 bottom.

2 2011 assessment came back not overfished
3 but overfishing unknown. It did conclude that it
4 appeared lightly exploited. Said that it is likely the
5 catch could be increased, but they had no idea how much
6 it could be increased by because of the apparent
7 unresponsiveness of the stock to fishing pressure. ABC
8 rationale was 23,400 metric tons. And I will turn it
9 over to Dr. Boreman. Thank you.

10 MR. BOREMAN: Thanks. Well, the
11 rationale is up there. We do have an assessment for
12 Loligo. So that was good. But unfortunately, the
13 assessment that was accepted did not have an overfishing
14 limit estimate in it, so. Again, this is a Level 4
15 species. What we did was look at a period of apparent
16 light exploitation as characterized by the assessment
17 by the SARC, and that's 1976 to 2009. And during that
18 period, we basically chose a point where a year with the
19 highest observed exploitation infraction.

20 That's catch divided by estimated
21 biomass, and that could be a proxy for F. It's been used
22 in the past as a proxy for F in assessments in the
23 Northeast.

24 Again, the SSC interpreted this level of

1 exploitation to be sustainable over the long term, and
2 I believe we also recommended a three-year -- it's not
3 in the report here, but it should have been that this
4 is a three-year recommendations subject to check next
5 year and the following year.

6 In terms of uncertainty, a lot of the
7 uncertainty are similar to what we found in Illex and
8 butterfish. The survey covers an unknown portion of the
9 entire range leading to variable availability.

10 There's poor precision in the U.S.
11 discard estimates. Again, using a bottom trawl for a
12 semi-pelagic species causes some problems. Highly
13 variable survey trends and highly variable natural
14 mortality. Extremely short life span of this species,
15 less than a year. And it's unknown, but highly likely
16 impact of environmental factors on recruitment. And
17 another note here I guess would apply to Illex as well:
18 by the time a management plan goes into place based on
19 this information, these squid are long gone; they're
20 dead. We're dealing with a whole new generation,
21 actually, three new generations or so later.

22 So it's problematic not only from a
23 science viewpoint, but from a management viewpoint too.
24 And based on that the SSC had some discussions about

1 developing an in season method of assessment that the
2 SSC can develop and ABC recommendation based on realtime
3 monitoring of the stock and will probably over the course
4 of next year come back to the Council with some
5 recommendations.

6 This has been discussed in the past by
7 the Council. The SSC is feeling we want to resurrect
8 that issue and come up with a more timely ABC related
9 to what's actually out in the water and not what was out
10 in the water three or four generations ago. Thank you.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
12 you, John. Any questions regarding the scientific
13 advice? Okay. Jason.

14 JASON DIDDEN: Thank you. So we
15 already talked about the slippage issue. And the only
16 other one was the staff suggested and the Monitoring
17 Committee concurred that it could be reasonable to
18 exempt jigging fishing for squid if from the Loligo trip
19 limits if the butterfish cap closes the Loligo squid
20 fishery. The idea being if the butterfish cap closes
21 the Loligo fishery because of butterfish and jigging
22 isn't going to catch a lot of butterfish. So there have
23 been some attempts to catch Loligo by jigging before that
24 generally concluded that it doesn't appear commercially

1 feasible.

2 They may not be quite as aggressive to
3 jig as some of the other squid species. But didn't seem
4 any reason to dissuade someone from trying if they wanted
5 to. So it may not be commercially viable, but, again,
6 didn't seem like there was a need to dissuade someone
7 from doing it, trying it if they wanted to.

8 So max OY would be unknown. ABC 23,400
9 coming from the SSC. The commercial discard set-aside
10 same principal as before with Illex taking the mean plus
11 once center deviation of the observed discard rates in
12 the most recent available data. And that leads to an
13 IOY DAH DAP of 2-2-4-4-5.

14 And as Dr. Boreman said, this is for
15 three years also. And we'll either in this motion or
16 as a separate motion, the Council for both Loligo and
17 retros actively for Illex would be to decided if it's
18 okay with the three-year or not. It may be useful just
19 to break those into two different -- do Loligo and then
20 kind of do both of them for a three-year or not. But
21 I'll leave that to our discretion. Thank you.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
23 you, Jason. Any questions for Jason at this point?
24 Peter.

1 PETER deFUR: Thank you very much, Mr.
2 Chairman. Jason, are there any data -- is there any
3 report or information on the squid jigging that you
4 talked about? Do we have anything that documents lower
5 likelihood of catching butterfish? Has anybody tried
6 jigging? Do we have any reports on it, or are we just
7 going on a hunch?

8 JASON DIDDEN: I mean Loligo feed on
9 prey that are jig size, and butterfish are feeding on
10 zoo plankton and other little critters. So I don't
11 think they'd be -- I mean the jigs are almost as big as
12 a Loligo. So I don't know.

13 I've seen some video and discussion on
14 recreational jigging, and I've never seen anyone --
15 there is some recreational jigging. The Francis fleet
16 does some recreational jigging. Some of the causeways
17 around Newport, Jamestown -- there are commercial folks
18 at squidfish.net or something like that -- and people
19 catch quite a bit of Loligo jigging. But I've never
20 heard of anyone catching a butterfish at that time.
21 But, again, just kind of it would seem unlikely.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Gene.

23 EUGENE KRAY: To that question, Peter,
24 I've jigged for squid probably on a half a dozen

1 occasions. You do it at night when you're going out for
2 yellowfin tuna, which is what we were going for, and we
3 never even saw a butterflyfish. When we get to the school
4 of the Loligo we just concentrate on that.

5 And I just told Howard the story of a
6 friend of mine who was told not to bring it on board until
7 it squirts. Well, he didn't do that, and he was covered
8 in black ink.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Jason.

11 JASON DIDDEN: Such a trip would still
12 be required to notify the observer program, and so the
13 observers presumably those trips could get selected for
14 an observer. So then we would see what happens.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thanks, Jason. Is there any public comment on the
17 Loligo specifications package? Tom.

18 TOM RUDOLPH: Thank you again, Mr.
19 Chairman. Tom Rudolph with the PEW Environment Group.
20 And I was glad to see it come up again here because it
21 was unclear where that would be addressed. But I was
22 wondering so I guess I'll phrase it as a question -- not
23 a question. I would urge the Council to take some action
24 to address the new knowledge that there is tows being

1 slipped in the fishery, and I'm not sure where that gets
2 factored in, whether it's in squid or whether it's in
3 butterfish.

4 So now that you're talking about squid,
5 I'll suggest that something should be done here. You've
6 got a cap on butterfish. I don't see any way to
7 meaningfully track catch in the fishery towards that cap
8 using observer data if there are catches with butterfish
9 in them that are being discarded before being brought
10 on board so the observers can work up the catch.

11 So I was encouraged to see that issue
12 flagged and brought before the Council, but it's unclear
13 to me whether the Council was going to do anything to
14 address it or not.

15 It doesn't sound like management
16 measures to get a handle on the practice and put a stop
17 to it can be done through specifications. I'm not sure
18 about that.

19 But certainly, if that's not the case,
20 that issue should be factored in somewhere in management
21 uncertainty in the specifications for this suite of
22 species. Thank you.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
24 you, Tom. Jason, to that point, what's the status of

1 the dialogue between Council staff and the observer
2 program on this question?

3 JASON DIDDEN: Well, just I know that
4 the observer program has requested their observers to
5 keep better notes when this happens. The primary
6 dialogue is between myself and NERO and DC staff. The
7 regs state -- you know, the Monitoring Committee can
8 recommend a specific set of things -- I flagged them up
9 back at my intro. Then it says the Council can recommend
10 any measure necessary to make sure that specifications
11 are adhered to. But talking with J.C., that any measure
12 is tied to the Monitoring Committee list.

13 Again, the regs said any measure to
14 adhere to specs, so I saw that and said, hum, maybe that's
15 something that can be dealt with in specs. J.C.'s
16 interpretation is no. And so that's kind of a summary
17 of that.

18 COUNCIL CHAIRMAN RICHARD ROBINS: So if
19 that were addressed in management terms it would have
20 to be dealt with in the amendment process?

21 JASON DIDDEN: Well, as I mentioned
22 during the butterfly that's one reason for any -- you
23 know, that can be a factor in ACT. And as far as the
24 Loligo deduction, it doesn't -- there's no information

1 to suggests that discarding is occurring to get rid of
2 Loligo. My notes were discarding for bycatch species.
3 So there's not a strong indication that there would be
4 a need to reduce Loligo catches to account for that,
5 however, there could be for the bycatch species.

6 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
7 you. Greg, you had a comment I believe. Did you have
8 your hand up? Pass. Pam.

9 PAM LYONS GROMEN: Thank you. Pam
10 Lyons Gromen, National Coalition for Marine
11 Conservation. My question is really more about three
12 year specs, but I think it's most appropriate here that
13 it applies to both squid species because that's what
14 we're recommending this year.

15 And my question is about the review that
16 will take place as part of that decision for a three-year
17 specification because we've talked at length in the
18 Ecosystem Committee and also the Executive Committee
19 that we're working on evolving that process to include
20 more ecological considerations.

21 I just want to make sure by voting for
22 a three-year specification decision that we're still
23 allowing in 2013 and 2014 as we evolved that process we
24 can include that kind of information into the decision

1 making.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Pam,
3 I don't think adopting a multi-year specification would
4 in any way foreclose us from considering those factors
5 during the review process. Are there any other public
6 comments on the specification? Erling.

7 ERLING BERG: I have one more on Loligo,
8 10 bullets. Bear with me. ABC equals 23,400 metric
9 tons. IOY equals DAH equals DAP Equals 22,445 metric
10 tons. DAH will be allocated as follows: Trimester 1,
11 43 percent, 9,651 metric tons; Trimester 2, 17 percent,
12 3,816 metric tons; and Trimester 3, 40 percent, 8,978
13 metric tons.

14 For Trimesters 1 and 2 the directed
15 fishery will be closed when 90 percent of each trimester
16 allocation is taken. Vessels will be restricted to a
17 2,500 pound trip limit for the remainder of the period.
18 Vessels with possess Loligo incidental catch limit may
19 land up to 2500 pounds per trip at all times.

20 When 95 percent of the total annual quota
21 has been taken, ie: 95 percent of 22,915 metric tons,
22 a 2,500 pound trip limit will be implemented for the rest
23 of the fishing year. Vessels which possess Loligo
24 incidental catch permits may land up to 2500 pounds per

1 trip at all times.

2 Up to 3 percent of the DAH, DAP for Loligo
3 may be set aside for scientific research as limited by
4 butterflyfish RSA to cover presumed discards.

5 One-half of Trimester 1 underages would be
6 transferred to Trimester 2, and one-half would be
7 transferred to Trimester 3. Overages in Trimester 1
8 would continue to be deducted from Trimester 3.
9 Underages or overages in Trimester 2 would be applied
10 to Trimester 3. Trimester 1 underage transfers are only
11 triggered if the Trimester 1 underage is greater than
12 25 percent, and the Trimester 2 quota can be increased
13 by a maximum of 50 percent.

14 The butterflyfish cap will close the Loligo
15 fishery as described in Amendment 10 with the
16 extrapolation method to be reviewed by a work group by
17 January 1st, 2012, and the Council will be briefed by
18 NERO of any changes to the methodology before January
19 1st, 2012.

20 A 2-1/8 codends will be required in
21 Trimester 1 and 3. A 1-7/8 codends will be required in
22 Trimester 2. Strengthness can be used subject to a
23 minimum 5-inch mesh opening.

24 Vessels intending to land more than 2500

1 pounds of Loligo must notify the observer program, as
2 detailed in last year's specifications and permit holder
3 letters year round, all trimesters.

4 Jigging only. No trawl gear onboard
5 fishing by Loligo by moratorium permit holders will be
6 exempt from the 2500 post-butterfish cap closure trip
7 limit if the Loligo fishery is closed due to the
8 butterfish cap. That's it.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
10 you, Erling. Can you just clarify again is that one year
11 or three years?

12 ERLING BERG: Three years.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Is
14 there a second to the motion? Mary Beth.

15 CHRISTOPHER ZEMAN: I move to split the
16 question.

17 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
18 sorry?

19 CHRISTOPHER ZEMAN: I move to split the
20 question. I think procedurally it's improper, and I
21 think these motions should be one at a time. We have
22 a lot of sort of -- we do have a lot of things here that
23 should be separate discussions, not all of them, of
24 course, but some of these things in terms of the process

1 for the bycatch cap. So I would divide the question.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Chris, I would suggest that if there are -- I mean the
4 specification package is comprehensive in that it has
5 a lot of different elements. If there's a specific
6 element that you want to discuss, I would suggest that
7 we have a discussion on that, and if it needs to be
8 amended and addressed through an amendment, I think that
9 would probably be more efficient than breaking this out
10 into ten different motions. So is there a specific area
11 of interest?

12 CHRISTOPHER ZEMAN: I would like to know
13 which ones of these are similar to status quo and which
14 ones are not.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
16 Jason.

17 JASON DIDDEN: Sure. I believe
18 everything -- Jan, can you scroll up a little bit,
19 please. So the ABC is slightly lower than last year.
20 The DAP would be slightly lower again because of the --
21 there's a slightly higher discard ratio.

22 The trimester allocation is the same
23 percentage wise, but the metric tonnage changes. The
24 closure thresholds are the same. The annual closure

1 threshold of 95 percent is the same.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Jason, excuse me. When you're referencing these, do you
4 mind referencing them --

5 JASON DIDDEN: I'm sorry.

6 COUNCIL CHAIRMAN RICHARD ROBINS: --

7 and he'll help us --

8 JASON DIDDEN: In Bullet 4 the annual
9 closure threshold is the same, 95 percent, and the post
10 closure trip limits are the same. The 3 percent
11 set-aside is the same for Bullet 5.

12 For Bullet 6 all the transfer provisions
13 are the same. It's just that it used to be if there was
14 a big underage in one, it all got dumped into three, but
15 now it gets split but only if it gets enough so that NMFS
16 doesn't have to bother with a tiny amount if there's only
17 a small underage. On No. 7 the cap is the same, but it
18 looks like the motion maker has requested review of
19 methodology. That's actually similar to last year
20 except it was -- you know, tell us what the methodology
21 is.

22 I think that same committee will
23 probably be taking a look at operation of the cap later
24 in the year. There may be a few little statistical

1 wrinkles to iron out that may need some changes.

2 And there was a briefing last year also,
3 different but very similar. The codend in stuff is all
4 the same in No. 8. There was some confusion this year
5 whether or not the 1-7/8. Some people thought the 2 1/8
6 was also required in Trimester 2, but it's the same. The
7 strengthener is the same.

8 No. 9, the observer notification, that
9 wasn't a motion last year; however, there's definitely
10 been some confusion by vessels if they had to notify in
11 Trimester 2. Some vessels thought they didn't have to
12 notify while they do.

13 So NERO actually just sent out a permit
14 letter today or yesterday clarifying that they do have
15 to notify, but the motion kind of highlights that issue
16 so hopefully people aren't confused next year. And then
17 the jiggling thing is new. Thank you.

18 COUNCIL CHAIRMAN RICHARD ROBIN: Jason,
19 thanks for that clarification. Chris, does that leave
20 any areas that you still want to further discuss or
21 clarify?

22 CHRISTOPHER ZEMAN: Just 10. You say
23 that was new?

24 JASON DIDDEN: Yes. Right now if

1 someone wanted to try jigging during a closure, they'd
2 be limited to 2500 pounds. But this would except them
3 from this trip limit. I doubt that it will be used, but
4 someone could try it if they wanted to.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
6 you. Mary Beth.

7 MARY BETH TOOLEY: Yeah. Just one
8 issue under No. 4 just for clarification. The first
9 sentence in parentheses, 95 percent of 22915 should be
10 22445, which is the IOY equals DAH equals DAP, as you
11 see reference to No. 1. So that's just a portion of the
12 number. The motion is in agreement with that.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Jason, do you concur with that?

15 JASON DIDDEN: Yes.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Erling, is that acceptable to you as maker of the motion
18 and second to the motion, Mary Beth? Peter.

19 PETER deFUR: Thank you, Mr. Chairman.
20 Erling, I have a question and a possible friendly
21 amendment under No. 9 I think it is, the intending to
22 land more than 2500 pounds. Is intending sufficient
23 there, or do we need to have something in there that a
24 vessel that has a capacity to catch more than 2500

1 pounds? Because we want people to be notified if
2 they're going to be out there and they can catch them.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Jason, is that standard language?

5 JASON DIDDEN: I'm pretty sure in the
6 permit holder letters they say if you don't notify you
7 cannot land 2500 pounds or more. So I think that's
8 probably okay. I mean (inaudible) thinks some
9 additional clarification is necessary, but I'm not sure
10 that it's required.

11 COUNCIL CHAIRMAN RICHARD ROBINS: I see
12 Pat nodding her head, so I think we're okay. Kevin.

13 KEVIN SAUNDERS: Thank you, Mr.
14 Chairman. I want to make a comment on No. 8. With a
15 mesh size for the caught in change in the second
16 trimester, not the first and the third, it just makes
17 it complicated for enforcement. It only looks like
18 about a quarter of an inch difference, so. You know,
19 I'm not a scientist, but I'm not positive that makes a
20 huge difference in the catch. And because it's managed
21 on a trimester schedule which most enforcement officers
22 aren't used to, we got two levels that could create a
23 climate for a mistake in enforcement which I'd like to
24 avoid, and I'm sure the fishing community would like us

1 to avoid making.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Jason.

4 JASON DIDDEN: Originally Amendment 10
5 contemplated moving the whole year up to 2 1/8, but they
6 Council received comment that the industry felt that in
7 Trimester 2 they noticed the squid are spawned out and
8 they're thinner and they go through the net more and
9 they're going to have a high economic loss at 2 1/8.

10 I think there is the idea that after
11 operation of those mesh sizes for a year or two, that
12 they revisit it. I think one of the first things to
13 revisit would be could we just make it standard
14 throughout the year.

15 But given that potential economic issue,
16 again, it would be something the Monitoring Committee
17 looks at when we wanted to, again, see how it plays out,
18 the increase plays out for a while.

19 We haven't had any reports that -- I've
20 had some mixed reports. Some people think that -- you
21 know, they make a tow once, they hit some squid, they
22 come back; they go back to port, get the right mesh and
23 go through the same area; it looks the same and now
24 they're catching some squid but much fewer. Some

1 fishermen report that they don't seem -- it hasn't seemed
2 to be a big issue with the higher mesh. I think you may
3 have raised the same thing last year. It is confusing
4 for probably both fishermen and you guys. But we'll
5 consider that going forward, I imagine.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Thanks, Jason. Further discussion on the motion? Is
8 the committee of the whole ready for the question?

9 (Motion as voted.)

- 10 {1. ABC = 23,400; IOY = DAH = DAP = 22,445 mt; AND
11 2. DAH will be allocated as follows: Trimester 1 -
12 43% (9,651 mt) Trimester 2 - 17% (3,816 mt), and
13 Trimester 3 - 40% (8,978 mt); AND
14 3. For Trimesters 1 and 2 the directed fishery will
15 be closed when 90% of each Trimester allocation is
16 taken; vessels will be restricted to a 2,500 pound
17 trip limit for the remainder of the period.
18 Vessels which possess Loligo incidental catch limit
19 may land up to 2500 pounds per trip at all times;
20 AND
21 4. When 95 percent of the total annual quota has
22 been taken (i.e.: 95% of 22,915 mt), a 2,500 pound
23 trip limit will be implemented for the rest of the
24 fishing year. Vessels which possess Loligo

1 incidental catch permits may land up to 2500 pounds
2 per trip at all times; AND

3 5. Up to 3% of the DAH/DAP for Loligo may be set
4 aside for scientific research (as limited by
5 butterfish RSA to cover presumed discards); AND

6 6. 1/2 of Trimester 1 underages would be
7 transferred to Trimester 2 and 1/2 would be
8 transferred to Trimester 3. Overages in Trimester
9 1 would continue to be deducted from Trimester 3.

10 Underages or overages in Trimester 2 would be
11 applied to Trimester 3. Trimester 1 underage
12 transfers are only triggered if the Trimester 1
13 underage is greater than 25% and the Trimester 2
14 quota can be increased by a maximum of 50%; AND

15 7. The butterfish cap will close the Loligo fishery
16 as described in Amendment 10 with the extrapolation
17 method to be reviewed by a work group by January 1,
18 2012 and the Council will be briefed by NERO of any
19 changes to the methodology before January 1st,
20 2012.

21 8. 2 1/8" codends will be required in Trimester 1
22 and 3. 1 7/8" codends will be required in
23 Trimester 2. Strengthness can be used subject to a
24 minimum 5 inch mesh opening.

1 9. Vessels intending to land more than 2500 pounds
2 of Loligo must notify the observer program as
3 detailed in last year's specifications and permit
4 holder letters year round (all trimesters).

5 10. Jigging only (no trawl gear onboard) fishing
6 for Loligo by moratorium permit-holders will be
7 exempt from the 2,500 pound post-butterfish-cap
8 -closure trip limit if the Loligo fishery is closed
9 due to the butterfish cap.}

10 COUNCIL CHAIR RICK ROBINS: Is there any
11 objection to the motion? Is there any objection to the
12 motion?

13 (No Response.)

14 COUNCIL CHAIR RICK ROBINS: Seeing
15 none, it's approved by consent. Are there any
16 abstentions on the motion?

17 (No Response.)

18 COUNCIL CHAIR RICK ROBINS: One
19 abstention. Thank you.

20 Is the Council ready for the same
21 question? Are there any objections on the motion? Are
22 there any abstentions on the motion?

23 (No Response.)

24 COUNCIL CHAIR RICK ROBINS: Seeing

1 none, it's approved. One abstention. Thank you.

2 Seeing no objection, it's approved by consent. Jason.

3 JASON DIDDEN: I wasn't quite sure if
4 the three year made it into this actual motion, and it
5 definitely didn't for Loligo, so that would be something
6 new, just to clarify.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
8 you. I thought it did. But, Erling, do you want to
9 address that for both Illex and Loligo in one motion?

10 ERLING BERG: Well, do you want to add
11 that as another bullet then?

12 COUNCIL CHAIRMAN RICHARD ROBINS: I
13 would add a separate motion. I would make a new motion
14 that these specifications would be effective for three
15 years for Illex and Loligo. Jason, does that cover it?
16 Somebody care to make that motion? Erling.

17 ERLING BERG: Okay. Do you want me to
18 red that? Move to specify specs will be effective for
19 three years for Illex and Loligo.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Is
21 there a second to the motion? The chair recognizes the
22 gentleman from New York.

23 PAT AUGUSTINE: Thank you, Mr.
24 Chairman. I second that motion. Call the question.

1 COUNCIL CHAIRMAN RICHARD ROBINS: So
2 the motion is specifications will be effective for three
3 years for Illex and Loligo, 2012 to 2014. Is the
4 committee as a whole ready for the question?

5 CHRISTOPHER ZEMAN: No.

6 COUNCIL CHAIRMAN RICHARD ROBINS:
7 Chris.

8 CHRISTOPHER ZEMAN: I would like to
9 amend it. Basically just to add: subject to change by
10 the Council annually, just so it maintains that an annual
11 specification, results are annual specifications.

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Jason, are they already subject to annual automatic
14 review? The SSC has said -- that was contingent -- their
15 advice was contingent upon that.

16 JASON DIDDEN: In the sentence that
17 people referred to Council motions for -- you know, what
18 their sense was Council was doing, it could be useful
19 just to add that clarification so people are aware of
20 that if they're just looking at Council motions.

21 COUNCIL CHAIRMAN RICHARD ROBINS: So,
22 if there's no objection, why don't we just add subject
23 to annual review by the Council. Is there a maker to
24 the motion and seconder? Yeah, the gentleman from New

1 York is in agreement.

2 Okay. So is the committee of the whole
3 ready for the question?

4 (Motion as voted.)

5 {Move that the specifications will be effective for
6 3 years subject to annual review by the Council for
7 Illex and Loligo (2012-2014.)}

8 COUNCIL CHAIR RICK ROBINS: Are there
9 any objections to the motion? Are there any objections
10 to the motion?

11 (No Response.)

12 COUNCIL CHAIR RICK ROBINS: Are there
13 any abstentions on the motion?

14 (No Response.)

15 COUNCIL CHAIR RICK ROBINS: Seeing
16 none, it's approved by consent.

17 Is the Council ready for the same
18 question? Is there any objection to the motion?

19 (No Response.)

20 COUNCIL CHAIR RICK ROBINS: Are there
21 any abstentions on the motion?

22 (No Response.)

23 COUNCIL CHAIR RICK ROBINS: Seeing
24 none, it's approved by consent. Thank you very much.

1 Peter.

2 PETER deFUR: Are you finished with
3 those matters? Just before we go on to the next matter
4 on the agenda a simple question to inquire about picking
5 up some items that have been carried on for the last three
6 hours.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Let
8 me ask Jason where he is on specs.

9 JASON DIDDEN: I'm done. I just had one
10 other thing to note that I don't want to take action on,
11 but I wanted to report.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Let's
13 go ahead and do that, and then we'll come back to Peter.

14 JASON DIDDEN: Related to the concern
15 about the mackerel fishery, I've gotten a few calls in
16 the last few months about increasing the mesh size in
17 the mackerel fishery or creating a mesh size in the
18 mackerel fishery at 3 inch; however, my response has been
19 there is really no way to evaluate what that would do.

20 There's no (inaudible) activity for
21 mackerel. There's a few studies for some -- but there's
22 nothing out there really to say what it would do. People
23 have called me, hey -- we had one mackerel fisherman
24 saying, well, if you did that to me -- at the AP Meeting

1 -- I've designed this experimental net that has three
2 inch on the sides, I think, and lower on the bottom, and
3 I wouldn't be able to use that. So I don't know that
4 there's a consensus in the industry that they would like
5 that, but there certainly have been some people who have
6 brought that up; although, there's no way to evaluate
7 what it would do.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
9 you, Jason. Greg, would you comment to this point?

10 GREG DIDOMENICO: Thank you, Mr.
11 Chairman. Actually, I was going to make that comment
12 during the deliberations of the ACT under the mackerel
13 ABC. We believe that -- somewhat agree with what Howard
14 had said, and that is, if fish do come back into the range
15 and they are small, should we avoid them?

16 We felt we should, and we thought a
17 3-inch mesh would possibly be a very good step to do that
18 and would, of course, address some of the concerns of
19 what we all have of fish returning in a small size and
20 trying to avoid those for the next year.

21 So that was the comment we were going to
22 make before. We, of course, hoped it would reduce the
23 ACT, but that's up to you guys. Thank you.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Thank

1 you, Greg. Peter.

2 PETER deFUR: Yeah, Mr. Chairman.
3 We've identified at least a half a dozen different
4 projects that need further investigation in order for
5 us to clear up some of the questions, numerous questions
6 that we've had over the last three hours regarding
7 stocks, and as part of the RSA Committee, my radar went
8 off.

9 And so how are we going to follow up on
10 that? Do we have multiple stocks with mackerel? What
11 do we know about further information on the annual cycles
12 of both Illex and Loligo or whatever its name is now?
13 I have a list of things. And so I would hate to see those
14 just die in the minutes of this meeting and have no follow
15 up.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 That's a fair concern, and I can assure you they won't
18 die. They're active concerns at the SSC level as well,
19 and so I think you can anticipate that we'll follow up
20 with the Science Center and try to identify how we can
21 address some of these uncertainties particularly with
22 respect to the mackerel stock that was so prevalent
23 during the SSC deliberations and here today. And Rich
24 or John, I don't know if you all want to comment any

1 further on how we'll deal with those issues.

2 JOHN BOREMAN: Well, the SSC every fall
3 I think at our September meeting we look at the research
4 priorities, and we adjust the list. So we'll be doing
5 that again this year. And based on what happened
6 yesterday at the RSA meeting, I'm sure the SSC's going
7 to get more intimately involved with the RSA process.
8 That information will move forward from the SSC to the
9 RSA Committee through that new process, whatever it's
10 going to be.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Thanks, Dr. Boreman. Is there anything else to come
13 before the committee? I'm going to turn to Chris Moore
14 who has an announcement about an event tonight, and then
15 we're going to take a 10-minute break. And when we come
16 back, we'll be hearing from Jeff Tinsman from Delaware,
17 and Jeff will be presenting the Special Management Zone
18 presentation. Chris.

19 CHRIS MOORE: Thank you, Mr. Chairman.
20 Speaking about the gentleman from New York, remember
21 that we have a reception for outgoing Council members
22 tonight. That reception is being held at Lombardi's on
23 the Sound.

24 It starts at seven o'clock. We have a

1 bus for anyone that wants to go. The bus will be here
2 at about 6:45, so plan on being in front of the hotel,
3 the reception area in front of the hotel at 6:45.

4 The reception lasts from 7 to 9. The bus
5 will come back to the hotel about 9:15. Everyone is
6 welcome to attend the reception. If you're not a
7 Council member and you're interested in attending, see
8 Jan, and she'll put your name on a list. The cost is
9 \$35. And the restaurant's about four miles away for the
10 folks that don't want to take the bus. And we'll give
11 you directions if you want to drive yourself. Any
12 questions?

13 UNIDENTIFIED: Are you coming?

14 PAT AUGUSTINE: Tomorrow is the
15 gentleman from Pennsylvania's birthday. So you keep
16 saying we're going to catch up with you. Well, I'm not
17 going to die for a while. He's going to be 76 tomorrow.
18 And maybe he'll celebrate that with us.

19 COUNCIL CHAIRMAN RICHARD ROBINS: There
20 you go. Before we break, I want to take the opportunity
21 to commend Jason for all of his work in this year's
22 specifications cycle. A lot of extra work went into the
23 analyses. [Applause.]

24 I'd also like to thank Bonnie McCay for

1 here leadership on the SSC, Social Science Committee,
2 and the undertaking of the project we put before her
3 committee this year and the AP performance report. A
4 lot of work went into that, and I think the discussion
5 benefited significantly from it. Thank you, Bonnie.
6 Erling.

7 ERLING BERG: Speaking of these two guys
8 are leaving, these are the two oldest gentlemen on the
9 panel. When they leave, I'll have the dubious
10 distinction of being the oldest one, and I'm not really
11 looking forward to that. Thank you.

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Seniority has its privileges, Erling. Is that it for
14 the announcements? Okay. Let's take a 10-minute
15 break, come back, and hear from Jeff Tinsman on the
16 Special Management Zone.

17 [Break: 4:15 p.m. to 4:30 p.m.]

18 COUNCIL CHAIRMAN RICHARD ROBINS: --
19 with the Delaware Department of Natural Resources and
20 Environmental Control. Jeff will be giving us a
21 presentation on the special management zone request of
22 the Council, which is a specific request to agree to add
23 a site to the special management zone, and Bill has
24 another presenter as well.

SPECIAL MANAGEMENT ZONE (SMZ)

1
2
3 JEFF TINSMAN: Thank you, Mr. Chairman.
4 Delaware will be presenting their request for special
5 management zone designations for five artificial reef
6 sites in federal waters today. We're going to start off
7 with Bill Figley who ran the New Jersey reef program for
8 many years giving us some of the background.

9 And this is a regional issue so we're
10 going to have three speakers. Bill, will start off and
11 make our formal presentation, and John Organ from the
12 Sport Fish Restoration Office, U.S. Fish and Wildlife
13 Service will let us know what the consequences are if
14 we cannot get this SMZ designation in place. Thank you.
15 Here's Bill Figley.

16 BILL FIGLEY: Well, as Jeff said, my
17 name's Bill Figley, and in a former life I was a fisheries
18 biologist for the State of New Jersey, Division of Fish
19 and Wildlife. And for the first 22 years I ran the
20 artificial reef program in the state of New Jersey.

21 I'd like to make it very clear today that
22 I'm not here to testify for the State of New Jersey or
23 the Division of Fish and Wildlife. I am here on behalf
24 of 75 fishing and diving clubs and the hundreds of

1 thousands of anglers and divers who fish and dive on New
2 Jersey's reef sites.

3 And I'd like to thank the Council for the
4 opportunity today to discuss the need for SMZ status to
5 resolve a gear conflict that's now occurred on New
6 Jersey's reef sites.

7 I passed out a paper handout to
8 everybody. And, if you could turn to page one of that
9 handout, I'll be referring to different sections in that
10 handout as I speak.

11 New Jersey's reef program is
12 administered by the Division of Fish and Wildlife, and
13 there are no privately held reef permits in the state
14 of New Jersey. It's all state run. The state run
15 program began back in 1984. During the next 20 years
16 the state developed a network of 15 ocean reef sites.
17 Two are in state waters, and 13 are in the federal EEZ.
18 Now, the reef sites encompass about 26 square miles,
19 square nautical miles of sea floor, and that represents
20 about 0.3 percent of the New Jersey sea floor out to the
21 edge of the continental shelf.

22 Over the past 25 years, a total of over
23 4,000 patch reefs have been constructed on those sites
24 for a total of 16 million tons of rock, concrete and

1 steel.

2 The administration of the program since
3 1989 that covers the cost of personnel, salaries, and
4 equipment has been paid for by the Federal Sport Fish
5 Restoration Program.

6 The actual construction of reefs for
7 ships and barges and things like concrete pipe have been
8 paid for by donations from anglers and scuba divers.
9 And other dominations of rock, concrete, debris, army
10 tanks, subway cars, things like that, have been paid for
11 by the material providers.

12 On page two, page two is actually page
13 one of New Jersey's artificial reef plan, and it gives
14 the objectives of the reef program. In addition to
15 developing various types of marine life habitat, the
16 purpose of the reefs was to develop new fishing grounds
17 for hook-and-line fishermen, underwater structures for
18 scuba divers, and economic benefits to the state's
19 recreational fishing and diving industries. All of
20 these objectives are consistent with the Federal Sport
21 Fish Restoration Program funding guidelines. Turn to
22 page three. Every permit, ocean permit, re-permit,
23 needs an Army Corps of Engineers permit. And New Jersey
24 has a blanket permit for all 15 of its sites.

1 And this happens to be one of the inside
2 pages of the public notice, which is issued after the
3 Corps receives the application for the reef sites. And
4 down at the bottom it says the purpose of building these
5 reefs is to create habitat for fish and shellfish,
6 fishing grounds for anglers and underwater structures
7 for scuba divers.

8 Now, these are the same objectives that
9 are reiterated time and again in all of the state reef
10 documents. So it's very clear what the intentions of
11 the state are in building these reefs.

12 If we turn to page four. New Jersey's
13 reefs are a public resource much like a public park, and
14 they're open to everybody to use as long as you use the
15 fishing gear for which the reefs are designed.

16 They're also designed for the average
17 angler, and what I mean by the average angler is a guy
18 with a small 20- to 25-foot boat who wants to take his
19 family out or possibly a couple of friends for an
20 afternoon of fishing. And the goal of the program was
21 to provide moderate hook-and-line catch rates over the
22 entire length of the season and in that way give the
23 opportunity to the greatest number of people to have a
24 chance of catching a few fish. The goal of the program

1 was not to allow a few fishermen to set large quantities
2 of highly efficient fishing gear and dominate both the
3 catch and access to the reef sites.

4 Page five. Recognizing that every
5 square mile of the ocean off New Jersey has probably been
6 used by commercial fishermen at one time or another, the
7 state made every effort in selecting areas for reef sites
8 to minimize the impacts on commercial fisheries.

9 The first thing that was done back in the
10 early days was to obtain the permits for six historic
11 reef sites. And these are noted on NOAA nautical charts
12 as blue shaded fish havens. And these would be in
13 existence -- they were permitted by private groups,
14 probably party and charter groups, in the '60s, '50s,
15 and as far back as 1935.

16 For the remaining sites that were
17 picked, none -- other reefs were picked by the Division.
18 The objective was to keep these sites relatively small
19 in size, a half square mile to 1-1/2 square miles in size,
20 and the idea, too, was to select the fewest number of
21 sites necessary to satisfy the 10 ocean inlets along our
22 coast. And you can compare the 15 in New Jersey with
23 the state of Florida that has over 350 reef sites. Now,
24 in selecting locations, the Division talked with

1 commercial fishermen to make sure the locations were not
2 situated on highly productive commercial fishing
3 grounds.

4 And if you look in the handout -- this
5 is again from the reef plan -- it says that our intent
6 was to avoid highly productive fishing areas, rock out
7 droppings, shell bottom, live bottom, and areas of
8 cobblestone. These are all areas that might be favored
9 by lobster. And down at the bottom it also says that
10 we avoided traditional trawling and dredging areas.

11 Page six. I have been asked to describe
12 the trap fishery. And I'm sure most of you are very
13 familiar with lobster and fish trap gear, but I'll go
14 over it quickly.

15 Lobster and fish traps are basically
16 cages made out of heavy gauge plastic coated wire, and
17 they're approximately 2 feet by 4 feet by a foot deep.
18 There's really very little difference between a lobster
19 and a fish trap.

20 The primary difference being in the
21 funnel design and also the fact that lobster traps are
22 baited, and fish traps are not. Now, New Jersey
23 commercial fishermen say that the fish -- what they're
24 targeting most on reefs when they set traps is lobsters.

1 Now, these are both limited entry fisheries. You need
2 permits both in federal and in state waters for them.

3 In New Jersey there's about a hundred
4 permit holders, and most of these hold both federal and
5 state permits and both lobster and fish permits. About
6 20 of these fishermen set traps on New Jersey's ocean
7 reefs.

8 Page seven. Traps are set on long
9 submerged ground lines which are stretched across the
10 sea floor. In New Jersey the average trap line is about
11 1500 feet long and has a couple dozen traps attached to
12 it.

13 Now, traditionally a buoyed flag was put
14 at the end of each trap line so that the fisherman can
15 find his gear and retrieve it. Due to the gear conflict
16 controversy that's been going on in the state over the
17 last five or six years, many fisherman have stopped
18 putting surface markers on their gear. So a lot of the
19 gear is under the water unseen.

20 One fisherman said that he sets 400 traps
21 on the Shark River reef site, and there are no flags on
22 that site. Once the traps lines are set, they're left
23 in place for months at a time. The legal requirement
24 is that you pull the traps up to check them once every

1 30 days. After checking them, they're typically put
2 right back down in the same place. Trap lines are
3 considered fixed gear, and fixed gear is a restrictive
4 type of gear because it excludes other types of
5 commercial and sport fisheries from using the same area.

6 Page eight. Now, most of New Jersey's
7 reef sites are designed to be drift fishing areas. And
8 we did this by spreading out small structures like reef
9 balls, concrete pipes, large pieces of concrete, spread
10 it out over the sea floor. By spreading out the
11 material, you spread out the fish, and that also spreads
12 out the fishermen. And this technique also makes it
13 much harder to catch the fish and you can accommodate
14 a much larger number of boats on a reef site when they're
15 drifting.

16 The typical method of fishing is to
17 simply drift through the reef using bottom rigs, a sinker
18 and a hook, and the target species are summer flounder
19 and black sea bass.

20 Now, trap lines strung across these reef
21 sites become obstacles to drift fishermen. They snag
22 their gear. It's just a simple process of snagging
23 their hook on either the ground line or the trap itself.
24 Fishermen that are fishing on ship wrecks and larger

1 structures that have trap lines around them also stand
2 a chance of snagging their anchors and losing that.
3 There's often so much gear on these reef sites that some
4 anglers avoid the reefs and decide not to fish there.
5 This is particularly true of party and charter boats who
6 don't want to lose costly fishing gear that they have
7 to pay for.

8 Now page eight. Trap lines also get
9 fouled in reef structures and lost to the fishermen.
10 And these tangled messes of rope and traps then become
11 an obstacle to recreational fishermen snagging their
12 rigs and anchors for decades.

13 I'd also like to speak a little bit about
14 the history of traps on reefs. In the very beginning
15 back in the 1980's when the reefs were just starting to
16 be built, there were a few trap lines on a few of the
17 reef sites. Most of the reef sites did not have any
18 trapping activity. If historical levels of trapping
19 was going on today, I would not be here. But the problem
20 has gotten much greater.

21 Page nine. This is a survey that was
22 conducted by the Division of Fish and Wildlife, and it
23 shows a chart of the Sea Girt reef site, and it shows
24 the various reef materials that were placed on the site,

1 and it also gives the location of trap flags as they were
2 identified.

3 You can see that the trap lines are
4 aligned around all of the different structures that are
5 put out there. Now, the way reefs are built, the way
6 we put out small structures is they're loaded onto a
7 large deck barge, 250 foot deck barge, with concrete or
8 reef balls or concrete pipe, and these are delivered to
9 the site, and we typically put a marker buoy at the
10 designated area, and then a tugboat will tow the barge
11 around the marker buoy in about a 500 foot radius circle,
12 and the material will be pushed off by bulldozers at
13 random to create a drift fishing area.

14 And this takes a lot of room to do this
15 kind of deployment, about 25 acres. And it's very
16 important during deployment that trap lines are not --
17 we don't drop the material on top of the trap lines. So
18 a wide berth had to be given to all trap flags.

19 Since trap gear is about 1500 feet long,
20 we basically had to maintain about a 1500 foot radius
21 around any flag to not place material. And as you can
22 see from the diagram, there's basically no place to put
23 material on the reef site.

24 It makes it very difficult to plan and

1 construct ocean reefs. And during the years, there were
2 many cases where lobster and fish traps were destroyed
3 by reef deployment exercises.

4 Page 10 is a bar graph, and on the y axis
5 it tells you the number of trap flags that were observed
6 per square mile. And the X axis gives a couple different
7 levels of material, volumes of materials on reefs. And
8 if you note in areas that had no reef material that were
9 directly adjacent to reef sites, there are absolutely
10 no traps or trap markers found.

11 On reef sites that have small amounts of
12 material, there are very few trap lines, but on reefs
13 that have lots of material, there were also lots of
14 traps.

15 And this data suggests that traps are not
16 being set on historical areas, but are being set in
17 response to the availability of new reef structures, and
18 they're taking advantage of a good situation.

19 Page 11. Page 11 is also a chart
20 prepared by the Division of Fish and Wildlife, and it
21 shows the traditional lobster trapping grounds. Those
22 are shaded in green. They are also plotted New Jersey's
23 15 ocean reef sites, and these are plotted to scale.

24 And the commercial fishermen have told

1 us that 80 percent of New Jersey's lobster harvest comes
2 from the mud hole region which is that horizontally
3 funnel-shaped green area that's running across sort of
4 the top part of the chart. Another large percentage of
5 the lobsters are caught along the edge of the continental
6 shelf. That's that large vertical area of green shaded.
7 A very small percentage of the lobster harvest actually
8 comes from the inshore area where New Jersey's reefs are
9 located.

10 Now, reef sites have become absolutely
11 critical to New Jersey's recreational fisheries. Reef
12 fishing is highly concentrated on these reef sites. In
13 the year 2000 the Division found that 20 percent of all
14 the recreational caught fish in New Jersey are taken on
15 reef sites, over five million fish. And this is despite
16 the fact that reefs occupy only 0.3 percent of the sea
17 floor.

18 So they're tremendously important to the
19 recreational fishery. And given the fact that many
20 areas of the marine environment are set aside for
21 commercial fishing operations -- you have clam beds; you
22 have oyster beds; you have fike and (inaudible) areas;
23 you have aquaculture operations -- I don't think it's
24 unreasonable to ask the Mid-Atlantic Council to grant

1 special management zone status for New Jersey's reefs
2 and guarantee the public that they can fish with hook,
3 line, and spear. Thank you very much for this
4 opportunity.

5 JEFF TINSMAN: Thank you, Bill. We're
6 going to hold questions until the end. I'm Jeff Tinsman
7 from the Delaware Division of Fish and Wildlife. I run
8 the artificial reef program which is in it's 20th year,
9 and I'm here to formally request special management zone
10 status for our five artificial reef sites in federal
11 waters. The goals of the Delaware reef program are
12 spelled out in our state plan.

13 They are: to enhance fish habitat by
14 providing structure which is protective to the fish and
15 provides a substrate that provides trophic support for
16 fish. Invertebrates that settle on this structure are
17 a novel group much different from what's found in the
18 adjacent sediment.

19 And by creating things like blue mussel
20 community, we increase biodiversity in the area and
21 greatly increase the biomass of invertebrates available
22 for fish food.

23 We've done ash free dry weight studies
24 that show a 400 fold greater amount of invertebrate food

1 on a reef structure than in the adjacent bottom. And
2 a final goal of the reef program is to provide hook and
3 line fishing activities.

4 When our sites were selected in 1993 and
5 2005, we generally looked for areas of what I call
6 futureless sand bottom with no live bottom, no existing
7 structure, and we avoided ship wrecks within the
8 perimeter of the site. Sometimes they're near by, but
9 not within the perimeter. And we vetted all of our
10 candidate sites through the Mid-Atlantic Council and the
11 Mariners Advisory Committee to make sure we weren't
12 conflicting with navigation or any existing commercial
13 fisheries. So we took every effort to avoid conflict
14 when we got started.

15 Funding for the program is mostly sport
16 fish restoration funds. It constitutes at least 75
17 percent of the money spent on developing reef sites. We
18 also have from time to time had access to mitigation
19 funds from power plants which were causing fisheries
20 impacts.

21 In-kind donations of labor, services,
22 and materials have been very important in matching Sport
23 Fish Restoration funds. Rarely we get cash donations
24 or memorial gifts in memory of avid anglers, that sort

1 of thing.

2 But Sport Fish Restoration funds are the
3 real funding source that is most important to us. It's
4 important to note that no taxpayer money, no general tax
5 fund money is used on artificial reef development.

6 This is funded pretty much as a user tax,
7 Sport Fish Restoration funds or taxes on fishing or
8 boating equipment. So the folks that use the reefs are
9 the ones that are paying for the development of the
10 reefs. The sites in question on this chart are Sites
11 9, 10 and 11. They are 3, 5 and 13 miles from shore.
12 In 2005 we added two deeper water sites, and we did this
13 cooperatively at the time with the State of New Jersey
14 but with the idea that Maryland would become involved,
15 and subsequently they have resumed their
16 state-sponsored reef program.

17 These sites are sited in such a way that
18 they're equidistant from ports in New Jersey, Delaware
19 and Maryland. And by doing it that way, we were able
20 to keep down the total number of permitted sites. These
21 sites were sited in deeper waters so that they could
22 accommodate Navy vessels that we knew would be becoming
23 available.

24 Instead of each state siting two new

1 sites, we kind of tripled up and kept the total number
2 to a minimum. Let's look at the relative impacts of a
3 special management zone designation for Delaware's five
4 federal water reef sites. We did a little GIS work and
5 determined that the area of the continental shelf due
6 east of Delaware is 2323 square miles.

7 The area of our five permitted sites is
8 4.6 square miles, and the percentage that would be
9 impacted by this designation is a little less than
10 two-tenths of one percent or one-five hundredth of the
11 area of the continental shelf out there.

12 And, as I said, none of this area had any
13 pre-existing structure, like the old grounds has a lot
14 of natural rock, it had no live bottom and no
15 pre-existing fisheries. So we don't feel that this
16 constitutes a major impact. And what it would require
17 of commercial potters is that they would be required to
18 catch their quota on the remaining 99.8 percent of the
19 continental shelf.

20 Bill did a good job describing how
21 commercial pots and lines foul recreational fishing
22 gear. We have conflicts with commercial gear, fish
23 pots, lobster pots in both state and federal waters.
24 Conflicts in state waters are with commercial potting

1 of oyster toadfish for the live market, conflicts in
2 ocean sites caused by commercial sea bass, lobster and
3 conch pots.

4 In recent years, complaints are not only
5 coming in in greater quantities to state agencies, but
6 they're now overflowing, and people are going directly
7 to the funding agency.

8 The Sport Fish Restoration Office became
9 aware of this problem and made it clear to the affected
10 states that it was their responsibility to control
11 conflicting gears on these sites.

12 And of course, that's done by regulation
13 on sites in state waters, but because ocean sites are
14 in federal waters outside of state jurisdiction the
15 process is that we approach the Mid-Atlantic Council and
16 request SMZ status, and the gear can be restricted as
17 a part of the formation of that SMZ. In terms of what
18 Delaware has done about conflicts in reef sites in state
19 waters, we did not have authority to manage gear types
20 anywhere in state waters, but the 145th General Assembly
21 passed House Bill 270, and that was signed by Governor
22 Markell in April of 2010, and that gave the Division of
23 Fish and Wildlife authority to manage gear types within
24 the perimeter of permitted artificial reefs.

1 And subsequently the amended Regulation
2 35-36, which is regulations relating to fish pots, by
3 adding Section 5.0, which states: It shall be unlawful
4 to take or attempt to take any fin fish within the
5 geographical boundaries of any artificial reef site
6 under Delaware jurisdiction by any means other than
7 hook-and-line or spear.

8 This regulation will go into effect July
9 11th of this year. I guess the origin of the special
10 management zone in the Mid-Atlantic or along the
11 Atlantic coast was in the snapper grouper plan of the
12 South Atlantic Fishery Management Council.

13 Under that plan SMZs are common in the
14 South Atlantic. One example I can give you is South
15 Carolina, I believe, has over 30 ocean reef sites. As
16 far as I know, every one of them is an SMZ. Black sea
17 bass plan contains very similar language allowing reef
18 permit holders to petition the Mid-Atlantic Council for
19 SMZ designation for their ocean sites. Once that
20 designation has been made, then gear can be controlled
21 and conflicts eliminated.

22 This slide is recent information taken
23 from Addendum 21 to the black sea bass plan. And across
24 the gold bar there from left to right this is actually

1 four candidate reference periods that were under
2 consideration as a baseline for making changes to that
3 plan.

4 And you can see what's going on in the
5 last five years here with black sea bass fishing in the
6 Mid-Atlantic region. As you move from left to right in
7 the years in the mid-2000s, 2006, '07, and '08, drop off,
8 you can see the decline in percentage of the coast wide
9 catch, most dramatically -- more dramatically the
10 farther south you go. New Jersey showed a decline from
11 42 percent to 28 percent, about a one-third decline,
12 while the southern sector, Delaware through North
13 Carolina, declined from 13 percent to 4 percent, about
14 a two-thirds decline.

15 So this is not the good old days of black
16 sea bass fishing in relative terms. There are a number
17 of reasons for this, and bass pots are not by any means
18 all of the reason for that decline.

19 Fish are getting larger. More of them
20 are moving north. Massachusetts and areas like that are
21 catching a bigger percentage of the fish. But we would
22 like to take steps to reverse that decline and get sea
23 bass fishing back up to where it should be. We see the
24 benefits of SMZs to be, first, the elimination of gear

1 conflicts and the creation of enhanced hook-and-line
2 fishing opportunities one of the goals of the reef
3 program.

4 Removing commercial pot gear from the
5 reef sites would also allow that percentage of black sea
6 bass harvest to rebound a little bit. Right now
7 commercial potters are harvesting 11-inch fish -- That's
8 their legal size limit -- while recreational fishermen
9 have to wait until the fish get to 12 1/2 inches.

10 So, basically, potters are taking the
11 fish -- they're not competing for the same fish at the
12 same time. They're taking the fish a season before they
13 would recruit into the recreational size limit. Mostly
14 effort on our sites are New Jersey potters. There are
15 no Delaware potters potting on Delaware's reef sites.

16 Right now we are in the process of
17 considering ways to reduce the tautog harvest by 53
18 percent. In the 14-year history of tautog management,
19 that's the biggest reduction that we've had to make, and
20 it's painful, and we're concerned about it. Delaware
21 commercially is a diminimis state with regard to tautog.
22 The commercial potters and anglers are limited to the
23 recreational measures. They can take the same thing a
24 hook-and-line fisherman could take no matter how they're

1 caught. So they catch less than 1 percent of the tautog
2 in Delaware. Folks fishing -- New Jersey potters
3 fishing on our ocean sites may very well have quotas for
4 tautog that they harvest on our sites and then land in
5 New Jersey. And we would see the elimination of pots
6 as a benefit in conservation of that stock.

7 Probably the most serious implications
8 of this issue are what the potential is for impacts on
9 our funding picture. And I indicated how important
10 Sport Fish Restoration funds are to us. And as I said
11 in my original letter to the Council requesting a spot
12 on the agenda here, New Jersey has already had their reef
13 program's use of Sport Fish Restoration funds
14 terminated. And there are other measures beyond that
15 that could impact all of our data collection activities.

16 Fisheries independent surveys, aging
17 studies and all the data that we use for fish management
18 could be impacted if this situation is not straightened
19 out. And at this point I'd like to ask John Organ from
20 the Sport Fish Restoration Office to come up and tell
21 us about that funding picture.

22 JOHN ORGAN: Thank you, Mr. Chairman.
23 I do have a handout that was passed out. It's a
24 one-page. I could redefine in natural daylight. I

1 apologize you're probably not going to be able to read
2 it under these lights here.

3 My name is John Organ. I'm chief of the
4 Wildlife and Sport Fish Restoration program for the U.S.
5 Fish and Wildlife Service in the northeast region. I'm
6 also an associate professor of Wildlife Conservation at
7 University of Massachusetts-Amherst.

8 And I mention that only because I'm a
9 wildlife biologist, not a fisheries biologist, and my
10 training background and current research is in mammals,
11 so I literally feel like a fish out of water at this
12 council. But I do have oversight responsibility for the
13 Sport Fish Restoration Act in the northeast region.

14 I suspect there is not many people in
15 this room who aren't familiar with the Sport Fish
16 Restoration program. The Dingell-Johnson Sport Fish
17 Restoration Act was enacted in 1950. It was amended in
18 1984 as what's known as the Wallop-Breaux amendments.

19 The funding comes from federal excise
20 taxes on fishing gear, motor boat fuels, as well as
21 import duties. These funds are apportioned to states
22 based on a formula that takes into consideration the land
23 and water area as well as the number of fishing licenses
24 sold in the state. The northeast region of the Fish and

1 Wildlife Service extends from Maine to Virginia. It
2 encompasses 13 states plus the District of Columbia.
3 There are four states that are partnering with us in
4 artificial reef programs. I'll just give you a brief
5 overview of the status of those. The State of Virginia
6 is proposing to fund deployments for 18 reef sites within
7 the Chesapeake Bay starting in July. Five sites in the
8 exclusive economic zone have been excluded from their
9 proposal.

10 The grant to the Commonwealth of
11 Massachusetts generally focuses on administrative
12 activities that are primarily coordination and
13 technical guidance for reefs that are being constructed
14 by others. There's no federal funds in the construction
15 of those reefs.

16 New Jersey has had an active grant, as
17 Bill outlined, since 1992. They deploy materials on 2
18 coastal sites and 13 sites within the exclusive economic
19 zone. The current annual funding, federal funding, on
20 that grant is \$294,000.

21 Delaware, as Jeff indicated, has had an
22 active grant with us since 1992 as well, and they deploy
23 materials on 9 coastal sites and 5 sites in the exclusive
24 economic zone. Current annual federal funding to

1 Delaware is \$600,000.

2 The objectives in a grant proposal are
3 crucial in terms of the decisions that we make relative
4 to whether a proposal is eligible for funding under the
5 Sport Fish Restoration Act. The grants in New Jersey
6 and Delaware have similar objectives, essentially to
7 provide habitat for reef-dependant species sought by
8 recreational anglers, and to provide recreational
9 anglers with additional fishing opportunity.

10 Now, issues have emerged, as the
11 gentlemen that have preceded me have indicated, over the
12 last few years essentially, to reiterate, the
13 proliferation of commercial fishing traps and pots on
14 artificial reefs that are constructed with
15 Dingell-Johnson Sport Fish Restoration funds and the
16 conflicts that these gear issues have with the
17 accomplishment of the grant objectives. And what's
18 probably most critical here is the absence of mechanisms
19 to manage these conflicts on the reefs both in state
20 waters and in federal waters within the exclusive
21 economic zone.

22 We first became aware of this issue in
23 July of 2007 when we were informed by the New Jersey
24 Division of Fish and Wildlife that conflicts were

1 occurring on reefs.

2 The initial conversations that we had
3 subsequent to that with Delaware indicated that there
4 was a similar problem emerging there as well.
5 Subsequent to being informed and becoming aware of this
6 issue, we've received countless inquiries and
7 complaints from recreational angling groups primarily
8 in New Jersey for a period of about four years. We have
9 not received similar public complaints from Delaware.

10 Both the states of New Jersey and
11 Delaware, the grantees, have acknowledged that these
12 conflicts interfere with their ability to accomplish the
13 objectives put forth in these grants.

14 The Sport Fish Restoration Act makes it
15 pretty clear that projects that are funded under this
16 must focus solely on sport or recreational fishing.
17 Projects that have activities that are supporting
18 commercial fishing purpose are deemed ineligible for
19 funding. And the Act also has a language that provides
20 for the acquisition or management of lands for fish
21 restoration and management projects.

22 When the regulations 50 CFR Part 80, that
23 were written to implement the Sport Fish Restoration
24 Act, it clarified that providing for public use and

1 benefits from sport or recreational fisheries was an
2 eligible activity, and they reemphasized that projects
3 must be for the purpose of restoration, conservation
4 management and enhancement of sport fish for
5 recreational purposes. The requirements under the
6 implementing regulations are that the grantees may only
7 use the funds proportioned to them for approved
8 activities or purposes, purposes that are approved under
9 the grants by our office. If they're used for
10 something other than approved activities in the grant,
11 then those funds must be replaced with nonfederal funds.

12 If property that's acquired with or
13 developed with these funds is used for purposes that
14 interfere with the accomplishment of grant objectives,
15 then the violating activities must cease. The grantee
16 also must be able to account for and control all assets
17 that are purchased or constructed with grant funds to
18 ensure they continue to meet the grant objectives.

19 Projects that are in noncompliance may
20 be suspended or terminated or the grantee may be declared
21 ineligible to participate further in any aspect of the
22 Sport Fish Restoration Program.

23 We do have a policy on commercial use.
24 It became effective in 2006, and this was developed

1 primarily to clarify that non-fish and wildlife
2 dependant activities could potentially be conducted on
3 lands that were developed or managed with grant funds,
4 as long as those uses essentially -- an activity that
5 does not interfere with the purposes
6 of those grant objectives. Now, the states have the
7 initial responsibility to determine whether or not a
8 proposed commercial activity interferes with the
9 purposes of the grant objectives.

10 They're under no obligation to allow
11 nonfish and wildlife-dependent activities or other
12 commercial activities on lands or facilities that are
13 acquired, developed, or managed with grant funds. The
14 Fish and Wildlife Service has the ultimate authority and
15 responsibility to approve or revoke a state's decision
16 in that matter.

17 Now, we recognize that the value of our
18 artificial reefs is hugely important in particularly
19 providing for habitat and providing for recreational
20 fishing opportunity, and we strongly support our
21 artificial reef programs.

22 Both New Jersey and Delaware acknowledge
23 that commercial activity is interfering with the grant
24 objectives in the reef areas, and the regulations

1 provide for three options for correcting the problem.

2 In New Jersey we terminated further
3 funding for the artificial reef program in April of this
4 year. We could have terminated that funding and
5 actually taken more severe actions back in July of 2007.
6 We didn't because New Jersey Division of Fish and
7 Wildlife has been a good partner, and they initially
8 approached us about this problem. They sought our
9 guidance on resolving the issue and worked jointly with
10 them and with others to try to resolve the issue, and
11 that unfortunately was to no avail.

12 So both parties, New Jersey Division of
13 Fish and Wildlife and my office agreed that no resolution
14 was in sight. The efforts to achieve resolution had
15 failed, and we decided neutrally that we could no longer
16 justify continued funding of this program.
17 Essentially, my office was not in compliance with the
18 regulations by approving any future funding for the reef
19 program.

20 The Delaware Division of Fish and
21 Wildlife has been working diligently to bring their reef
22 program into compliance with Sport Fish Restoration
23 regulations and policy, so we have not terminated
24 funding for the reef program.

1 In 2010, as Jeff indicated, the Division
2 of Fish and Wildlife received authority to regulate
3 fishing on the reef sites in state waters.

4 In July this regulation will go into effect. It will
5 eliminate interference with artificial reef grant
6 objectives in state waters. And, as you're all aware,
7 Delaware is here to ensure continued funding for the reef
8 program in the exclusive economic zone. There is
9 precedent for this, as Jeff indicated in the South
10 Atlantic, and we strongly support and encourage the
11 Council to act favorably on Delaware's petition for
12 special management zones for their reef sites in the EEZ.
13 Thank you.

14 JEFF TINSMAN: Thank you, John. Just
15 one final comment from me. I also passed out a letter
16 from Dave Saveikis, our division director as the
17 signatory to the reef permit. He is making the formal
18 request for SMZ consideration.

19 Something I didn't mention is that we
20 made a couple presentations to the Council on this
21 subject back in 2007. We did not apply for SMZ
22 consideration at that time.

23 At that time it would have been a
24 discretionary request. It would have been just

1 something we wanted. At this point, we're not in that
2 category any more. My back is to the wall.

3 We would like to continue developing
4 artificial reefs and operating in all the other
5 important ways to collect fisheries information
6 necessary for management. So I'm appealing to the
7 Council to recognize that need.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
9 you, Jeff. Let me turn to Joel first and just ask him
10 to describe the process by which an SMZ designation would
11 be made.

12 JOEL MACDONALD: The federal
13 regulations at 50 CFR 648.146 specify the process. It
14 says: The recipient of a Corps of Engineers permit for
15 an artificial reef, fish attractions device, or
16 modification of habitat for purposes of fishing may
17 request that an area surrounding and including the site
18 be designated by the Council as a special management
19 zone.

20 Purposes of the SMZ would be to prohibit
21 or restrain the use of specific types of fishing gear
22 that are not compatible with the intent of the artificial
23 reef or fish attraction device or other habitat
24 modification. These special management zones would be

1 established through the rule making process.

2 Now, the process to get to that point, to the
3 end point, if you will, is that the Council has to
4 establish what's called a SMZ monitoring team comprised
5 of members of the staff from the Mid-Atlantic Council,
6 NMFS Northeast Region, and the Northeast Fisheries
7 Science Center.

8 And this team will evaluate the request
9 in the form of a written report considering the following
10 criteria. There are several of them. The first is
11 fairness and equity. The second is promotion of
12 conservation. The third is avoidance of excessive
13 shares. The fourth is consistency with the objectives
14 of Amendment 9 to the Fishery Management Plan for the
15 summer flounder, scup, and black sea bass fisheries, the
16 Magnuson Act, and other applicable law. The fifth one
17 is the natural bottom in and surrounding potential SMZs.
18 Six, the impact on historical uses.

19 And then the Council has the option of
20 scheduling meetings with industry advisors and/or the
21 S & S committee to review the report and associated
22 documents and to advise the Council. The council
23 chairman may schedule public hearings if he so chooses.

24 Okay. The Council following review of

1 the SMZ monitoring team report, supporting data, public
2 comments and other relevant information may recommend
3 to the regional administrator that the SMZ be approved.

4 Such a recommendation will be
5 accompanied by all relevant background information.
6 The regional administrator will review the Council's
7 recommendation.

8 If the regional administrator concurs in
9 the recommendation, he or she will publish a proposed
10 rule in the Federal Register in accordance with the
11 recommendations. If the regional administrator
12 rejects the Council's recommendation, he or she shall
13 advise the Council by writing a basis for the rejection.
14 The proposed rule if it's published shall afford a
15 reasonable period of time for public comment.
16 Following a review of public comments and any
17 information or data not previously available, the
18 regional administrator will publish a final rule if he
19 or she determines that the establishment of the SMZ is
20 supported by the substantial weight of evidence in the
21 administrative record and consistent with the Magnuson
22 Act and other applicable law.

23 And that's the totality of the process.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Thank

1 you, Joel. And, Jeff, I just wanted to make sure I
2 understand clearly your request here tonight. You're
3 asking the Council to initiate the process that Joel has
4 just described to identify SMZs for Delaware's five
5 sites that are in the EEZ?

6 JEFF TINSMAN: That's correct.

7 COUNCIL CHAIRMAN RICHARD ROBINS: And I
8 just want to make sure I'm clear on that because at the
9 conclusion of those remarks, I thought he said the same
10 of New Jersey. And I wanted to make sure that we were
11 clear on what was being asked of us tonight.

12 JEFF TINSMAN: No. I'm the only.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
14 you. Questions and comments from the Council. Howard.

15 HOWARD KING: Question for Jeff. In
16 state waters where you have placed artificial reefs and
17 now you have the state law coming on line, what perimeter
18 do you have around those sites, and are they marked, and
19 who enforces this new regulation?

20 JEFF TINSMAN: We have no perimeter, no
21 buffer zone around a site. It's just as the corners of
22 the site appear in the Corps permit, anything inside of
23 that boundary basically would be illegal to fish or set
24 pots within that.

1 HOWARD KING: Would the Coast Guard
2 enforce this?

3 JEFF TINSMAN: In state waters it would
4 be our marine patrol officers would enforce it, and Coast
5 Guard certainly could enforce it. I believe in federal
6 waters Coast Guard would be the lead agency. And I think
7 our state people are deputized and able to operate out
8 there as well.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Gene.

10 EUGENE KRAY: If it's appropriate, Mr.
11 Chairman, I'd like to make a motion. I move that the
12 Council initiate the team as indicated by Joel's reading
13 of the regulations with the goal to establish special
14 management zones on the five offshore artificial reefs
15 of Delaware.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Second to the motion? Second by Dr. Anderson.

18 Discussion on the motion? Pat.

19 PAT AUGUSTINE: Yes. Discussion on the
20 motion. It just seemed to me it's the right way to go.
21 But I was going to question Bill and also Jeff, and Howard
22 asked the question: Does not the Fish and Wildlife ask
23 for a buffer zone, a specific buffer zone around each
24 of these artificial reefs? It seems that part of your

1 presentation said that -- you just said that you cover
2 the corners.

3 But within that context of that
4 description in New York we have a 500 foot -- I think
5 500, isn't it Steve -- around our reefs. And it just
6 seems to me that should be established as this process
7 moves forward.

8 I would just ask the maker of the motion
9 if he would consider following the protocol that would
10 be required of including develop the advisory group or
11 panel, committee that it would require to move this
12 process forward. That's part of it.

13 The second part was to have New Jersey
14 and/or Delaware clearly define by either latitude or
15 longitude or a specific area buffer all the way around
16 those so you'll forever be protected in writing. Just
17 seems to me because our protocol requires to the FMP for
18 black sea bass that the proposal will have to go to the
19 Demersil Committee when it's ready to go to be reviewed
20 and then the full Council. I think I heard that, Mr.
21 Chairman.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
23 I think the details of the perimeter and footprint is
24 something that would be reviewed by the review team

1 during the regulatory development process.

2 And I think Steve had a -- did you have
3 a comment to that point? Okay. Are there other
4 comments around the table? Go ahead, Kevin.

5 KEVIN SAUNDERS: Thank you, Mr.
6 Chairman. I'd just like to make a recommendation that
7 if you do provide a buffer zone, squares are appropriate.
8 They're a lot easier to enforce than other. So I hope
9 you consider that. Thank you.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
11 you. Other questions or comments? Vince.

12 VINCE O'SHEA: Yeah. Actually, I was
13 thinking clicking up a couple levels. I would think
14 this council would want to consider having an
15 enforcement rep on that team right from the start to
16 address that and any other issues. Thanks.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thanks for that recommendation. I think we'll take that
19 into consideration. Other comments around the table?
20 Chris.

21 CHRISTOPHER ZEMAN: One question. One
22 request. But one question is that in terms of the SMZ
23 designation who would have to make that request for New
24 Jersey?

1 COUNCIL CHAIRMAN RICHARD ROBINS: The
2 permit holder. So it would be the state. That would
3 be the State Department.

4 CHRISTOPHER ZEMAN: And I would like to
5 be on that committee if I can.

6 COUNCIL CHAIRMAN RICHARD ROBINS: Pete.

7 PETER HIMCHAK: Yeah, Rick. I was
8 thinking this as Gene made his motion on the sites,
9 Delaware's SMZ sites. I haven't yet seen any
10 correspondence from New Jersey specific to this issue,
11 but I wouldn't limit the motion to the seven sites off
12 of Delaware. Five sites. I'm sorry.

13 We're still trying to resolve issues
14 within state borders on our two reef sites and then
15 ultimately -- you know, also the SMZ area as well. So,
16 yeah, I think it's critical that somebody from New Jersey
17 serve on this SMZ development process. And if I get some
18 definite correspondence, I'd expeditiously send it to
19 the Council.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Pete,
21 as I understand the process that's been described, it
22 has to be initiated responsively upon receipt of a formal
23 request, which is what we have received from Delaware.
24 So I would think if we receive a similar request from

1 New Jersey, we could then take action as a council to
2 fold that into the review process.

3 PETER HIMCHAK: Well, yes. I mean
4 prior to this meeting, I inquired as to what our
5 department. Our Department and Division of Fish and
6 Wildlife have the permit, are the permitting holders,
7 and they have not come forward with this specific letter
8 yet at this time.

9 COMMITTEE CHAIRMAN RICHARD ROBINS:
10 Fair enough.

11 PAT AUGUSTINE: Point of information.
12 If I'm going to be changed just to be brought in that,
13 I have no idea whether Delaware has intentions of having
14 more than five artificial reefs, but if it's to establish
15 special management zones --

16 COMMITTEE CHAIRMAN RICHARD ROBINS: For
17 the five that have been requested.

18 PAT AUGUSTINE: It's up to Delaware
19 whether they're going to have more. Wouldn't it be
20 better to encompass more?

21 COUNCIL CHAIRMAN RICHARD ROBINS: We're
22 already cutting into our listening session by about a
23 half an hour, but I know we have a public comment or two
24 on this issue. I'll take it on specific to the motion.

1 Greg, did you have a comment?

2 GREG DIDOMENICO: Specific to the
3 motion, no I don't.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
5 Any other specific comments on this motion? All right.
6 Seeing none -- Adam.

7 ADAM NOWALSKI: Thank you, Mr.
8 Chairman. Adam Nowalski, Recreational Fishing
9 Alliance. I just want to speak in support of the
10 initiation of this process. Thank you.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
12 Is the Council ready for the question?

13 CHRISTOPHER GRIMBILAS: Sir, is this to
14 the motion? My name is Pete Grimbilas. I'm with the
15 Greater Point Pleasant Charter Boat Association, and a
16 group called the New Jersey Outdoor Alliance. I'm here
17 to support Delaware's request for the SMZ status on their
18 artificial reefs.

19 New Jersey needs to follow with the same
20 request. In New Jersey I've witnessed a rise and fall
21 of one of the nation's most productive reef programs.
22 The fact is that other states copied New Jersey's
23 programs and successes. New Jersey created 15 reef
24 sites. New Jersey took bare, desert-like unproductive

1 sea floor and turned it into series of oases where marine
2 life could flourish. New Jersey created spawning
3 grounds, nursery and a refuge for fin fish infestations
4 to thrive. Each reef was strategically located and
5 constructed adjacent to most every ocean inlet for easy
6 access by the public.

7 The fact is that New Jersey was creating
8 underwater state parks where anglers and divers can
9 enjoy a pastime of fishing and diving. New Jersey
10 actually enticed the general public to participate in
11 these programs, especially recreational fishing and
12 diving organizations, and they all responded it was a
13 great program.

14 The state collected millions in
15 donations from the Recreational Committee. The fact is
16 since 1984 New Jersey has collected and invested nearly
17 10 million dollars in the reef building program, half
18 of that out-of-pocket donations and half from federal
19 funding, Sport Fish Restoration funds, which we
20 certainly appreciate.

21 New Jersey's reef building effort became
22 the most popular salt water program the state ever
23 introduced. The state study, I believe, in 2002 found
24 that 20 percent of the recreational caught fish actually

1 {Move that the Council initiate a team per General
2 Counsel's reading of regulation with the goal to
3 establish Special Management Zones for 5 artificial
4 reefs in Delaware.}

5 COUNCIL CHAIR RICK ROBINS: All those in
6 favor please raise your hand.

7

8 (Response.)

9 COUNCIL CHAIR RICK ROBINS: Thirteen.
10 Opposed like sign.

11 (No Response.)

12 COUNCIL CHAIR RICK ROBINS: Abstentions
13 like sign.

14 (Response.)

15 COUNCIL CHAIR RICK ROBINS: One
16 abstention. The motion carries. Thank you very much.
17 And thank you, gentlemen, for your presentation. With
18 that we're going to adjourn and go into our listening
19 session. We'll take about five minutes to set up. And,
20 Chris, do you have an announcement about the bus after
21 that?

22 CHRIS MOORE: The bus has moved. It's
23 going to be behind this building. It's going to be here
24 at 6:45. It will take off at about five to seven.

1 Thanks .

2 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
3 you. So we'll be at ease for five minutes while we set
4 up, and then we'll get started.

5 WHEREUPON:

6 THE MEETING WAS SUSPENDED AT 5:35 P.M.

7 *****

8 C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 9th, day of July, 2011

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
800 North State Street, Suite 201
Dover, Delaware 19901-3910

COUNCIL MEETING

15-16 JUNE 2011

at

Danfords Hotel
25 East Broadway
Port Jefferson, NY 11777

THURSDAY, JUNE 16, 2011

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1 [8:03 a.m.]

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INTRODUCTIONS AND ANNOUNCEMENTS

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COUNCIL CHAIRMAN RICHARD ROBINS: Good morning. Why don't we go ahead and get started. For those of you who weren't with us last night, we had a great opportunity to acknowledge and thank Pat Augustine and Gene Kray for 17 years between them of service on the Council, and it was a great opportunity.

So before we go to Gordon Colvin with the MRIP update, I'm going to ask Dr. John Boreman if he would report out for the SSC. Yesterday he provided us with the Committee's ABC recommendations as they related to the squid, mackerel, butterflyfish specifications, but he has one other item that he wanted to bring to our attention. John.

JOHN BOREMAN: Sorry. You caught me reading about Gabby Gifford's homecoming here.

COUNCIL CHAIRMAN RICHARD ROBINS: John, try pointing it away from the speaker. The speaker's back in the corner.

JOHN BOREMAN: Point me away from the speaker. Is that fine? Can you hear me now?

COUNCIL CHAIRMAN RICHARD ROBINS:

1 Yeah.

2

3

SSC NOMINATION

4 JOHN BOREMAN: Okay. Other than the
5 fact that the SSC's going to be meeting the end of July
6 to take on the next four species which have a lot better
7 information content in their assessments than the last
8 four, it will be scup, black sea bass, bluefish and
9 summer flounder. That's on July 26th and 27th, And it
10 will be in Baltimore.

11 The other item is I had found out a few
12 weeks ago that -- well, actually, I've known for quite
13 a while -- that Doug Vaughan from the Beauford Lab stock
14 assessment scientist for many, many years -- he's a well
15 respected -- he's retiring at the end of August, and he
16 sent out a little note to those of us who worked with
17 Doug on the Hudson River case back 35 years ago saying
18 he was talking with the South Atlantic SSC about
19 possibly joining that group.

20 So I fired off an e-mail quickly to him
21 and through a iterative process of about a week of
22 sending him a list of all the barbecue places in
23 Baltimore and so on I coaxed him into agreeing to put
24 his name in the hat for the Mid-Atlantic SSC. I think

1 he'd be a super addition. I sent his CV out. I'm
2 passing it around now. I sent his CV out to the SSC
3 members and asked for a thumbs-up or a thumbs-down.
4 Within an hour 14 of them replied with a thumbs-up. A
5 lot of them said, I've known Doug for many years; I've
6 been working with him; he's a great guy.

7 Another point in his favor besides he's
8 very personable, he's a good team member, he's a
9 menhaden stock assessment scientist. Menhaden is one
10 of those so-called forage species. We don't deal
11 directly with them here in the Mid-Atlantic Council, but
12 Doug is the expert on menhaden, so he'll be a welcome
13 addition, and he'll broaden the expertise and the scope
14 of our SSC.

15 So the SSC -- I'm speaking on their
16 behalf now -- the SSC would like to put his name forward
17 to nominate him to take the seat that was vacated by
18 Chris Moore when Chris moved up to bigger and better
19 things. So I'm putting that name out now.

20 As I understand, you're not going to
21 make the decision today, but think about it, and then
22 come back in August at the August meeting and decide.
23 Thank you.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Thank you, John. We wanted to give the Council an
2 opportunity if there are any other nominations that they
3 want to make for consideration between now and the
4 August meeting. So we'll make a decision then. Thank
5 you very much, John. Okay. With that we're going to
6 go to Gordon Colvin and the MRIP update.

7 JASON DIDDEN: Gordon and I are kind of
8 tag-teaming it. I'm going to give an intro, and then
9 Gordon is going to go, and then I'm going to do a wrap-up.

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Thank you, Jason.

12

13 MRIP UPDATE

14 JASON DIDDEN: Sorry. So, before
15 Gordon got into some of the new information on the
16 re-estimation projects and some of the other changes,
17 I wanted to kind of -- a couple Council members have
18 asked me, hey, where do these numbers come from and how
19 do they -- you know, any given number for a state or a
20 wave, how do they get those? And so I wanted to kind
21 of give a quick conceptual framework.

22 The actual process involves lots of
23 statistics, different assumptions and details and
24 adjustments. But this is kind of how it works from a

1 conceptual point of view.

2 And it's really just pretty basic math
3 actually. It's just average fish per trip times the
4 number of trips. That's the core kind of methodology
5 of MRIP. That's really all it is. And that gives you
6 total fish. So, if you have five fish per trip and five
7 trips, five times five is twenty-five. Ultimately,
8 that's all MRFFS is. Now, of course, it's only going
9 to be accurate if your average fish per trip is correct
10 and if your number of trips is correct. And that's kind
11 of where the devil in the details comes in. Because if
12 those numbers are wrong, your final number is wrong.
13 But really, that's the key thing.

14 Now, if you go on to the MRFFS site,
15 you'll see -- you can bend a request all different ways.
16 And they're called strata. And think of a strata, it's
17 just a bin for similar data. And so this would be one
18 of those bins or strata, 2010, Wave 6, Delaware, private
19 boat inland. That would be one of these bins.

20 So, let's say Rich was intercepted
21 November 25th, 2010, at the Lewis, Delaware boat ramp,
22 and he said he fished in the bay, so that's inland. Then
23 his data would be binned into that top strata, 2010, Wave
24 6, Delaware, private boat, inland.

1 And all the intercepts, when people get
2 intercepted at the boat ramp, the people ask them: Did
3 you fish in the bay or the ocean or wherever? And all
4 that information is put in these strata. They're
5 binned.

6 And then what happens is you get
7 estimates for all the different combinations. So you
8 have inland, zero to three miles or three plus miles.
9 And you also have different kind of modes: shore
10 fishing, party boat fishing, charter boat fishing or
11 private boat. And so you get this matrix and the style
12 of fishing is developed. There will be an average tag
13 per trip for inland shore, for inland party, an average
14 bluefish per trip, and average oyster cracker per trip.

15 Every species that's encountered on
16 those intercepts are used to build this average fish per
17 trip. And so Rich's intercept might be combined with
18 -- it's an inland trip, so maybe in Indian River Bay.
19 That's another in the same strata. Someone said they
20 fished in the bay, it would be inland.

21 And all those trips are combined to form
22 what are the average Wave 6, Delaware, inland, private
23 boat, average fish per trip. For each of those bins,
24 they'll have an average number of fish per trip for every

1 species, and there might be 30 different species that
2 were encountered by various anglers on various trips,
3 and that gets you your average fish per trip.

4 And so I went in and looked at it. So
5 for that bin, 2010, Wave 6, Delaware, private boat,
6 inland -- you know, what it was for fish per trip there
7 were: .11 striped bass, .05 white perch, .01 toadfish,
8 and .36 tog. And I can believe that. It's believable,
9 given -- I mean I fish in that area, too. It's at least
10 the right species mix anyway. So that's kind of half
11 of the equation. And, again, all the different
12 intercepts are used to build that number. So we have
13 average fish per trip. Now we need the number of trips.

14 And so how do we get that? How many
15 trips? Essentially, we call people to see if they went
16 fishing. And the results of those calls are used to get
17 the total number of trips or effort.

18 For-hire and large pelagic are done a
19 little differently. But essentially you know, for the
20 majority of your typical species they're calling
21 people. And then there are all kinds of adjustments.
22 They're only calling people in coastal counties.

23 So, in the intercepts, they figure out,
24 okay, how many people are we missing? And that's used

1 to adjust the numbers. There's a lot of stats that go
2 behind it, but ultimately fish per trip times trip
3 equals total trip. And that's really all it is.

4 And the effort data, when the people are
5 called, they're asked the same kind of questions to bin
6 their data. We own a private boat around the shore.
7 Was your trip and inland trip? Was it an offshore trip?
8 So you get the same kind of strata. You get the average
9 fish per trip, number of trips; you get total fish. And
10 so, if you look at the data again for that same wave,
11 2010, Wave 6, Delaware, private boat, inland, there were
12 38,110 trips estimated for that particular wave. And
13 so the average catch per trip, you multiply each one of
14 those by the total number of trips, and that give you
15 your total catch estimate.

16 And that's just so kind of when -- I
17 thought it would be useful when you guys are seeing the
18 numbers, you'll know a little bit what's behind them.
19 They're intercepting people at the dock to get that
20 average fish per trip. They're calling people to get
21 total number of trips. And then they just multiply the
22 two together.

23 And you can do this, too, if you go to
24 the NMFS query. And I blew some of these up. I just

1 put the same query in for -- you know, Wave 6, Delaware,
2 private boat, inland. I did harvest. And the numbers
3 you'll see are the same numbers.

4 Now, one note: The average fish per
5 trip data is not immediately available on the NMFS query
6 website. That will show you the number of trips and
7 fish. But if you have those two, you can just divide
8 one by the other, and you get the average fish per trip.
9 And that's what I did here.

10 But I wanted to calculate that out and
11 show folks because even though that's not something you
12 can query on the website, that's really what underlines
13 how those total trips are generated.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Gene.

16 EUGENE KRAY: Jason, you indicated that
17 you're calling coastal counties, which is the MRFFS did
18 it. But are we not using the salt water registry yet
19 for phone calls?

20 JASON DIDDEN: Generally not. No.
21 Not yet. But they will be coming online at least some
22 states I believe towards the end of the year.

23 EUGENE KRAY: Okay. Thank you.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Peter.

2 PETER deFUR: Thank you, Mr. Chairman.
3 Do they just use simple arithmetic average rather than
4 something for the distribution like geometric or
5 harmonic?

6 JASON DIDDEN: Again, there's lots of
7 details, and I think for today you can follow up with
8 -- and it's also all changing.

9 The sites are weighted by how much
10 pressure is in a given site. There's a lot of details
11 if folks want to dig into later they can. But I just
12 wanted to kind of set the stage a little bit first.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Rich.

15 RICHARD SEAGRAVES: Yeah. Well, the
16 actual Rich was interviewed in the past year at Indian
17 River, and while I was taking my boat out, the
18 interviewer came up and went down to the boat. Did a
19 fantastic job. And I've been interviewed probably
20 three or four times in the last 10 years, and I've always
21 been pretty impressed with the diligence and the work
22 that they're doing.

23 But by the time I got back to take my boat
24 out, the interview was over, and I said: Don't you want

1 to measure our fish?

2 And she said: Well, I've already
3 interviewed the one angler. So I was surprised that
4 they didn't do more interviews. There was only two of
5 us on the boat. They interviewed my son. He didn't
6 catch anything, any keepers, so there were no fish
7 measured.

8 So I was just curious as to why -- it
9 seems pretty expensive to put somebody out there to get
10 an actual live interview, why you wouldn't take
11 advantage and interview as many people as you could on
12 a boat.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 John.

15 JOHN BOREMAN: I may be able to answer
16 that in a way. This is an issue that the MRIP program
17 is dealing with in the design of the intercepts. One
18 of the problems with the MRFFS intercept was there was
19 too much left to the discretion of the person doing the
20 interviews in terms of if they go to a place and they
21 see another fisherman there, oh, I'll interview them
22 too, put them on the list; or nobody at this place; I'm
23 going to go down the road to the next location and
24 interview there.

1 Well, that really skewed and screwed up
2 the statistical analysis of the data because you'd have
3 a random factor in there which is the desire, what the
4 interviewer wants to do that you really can't account
5 for in a statistical sense.

6 So we are redesigning the intercept
7 survey -- probably Gordon will touch on this -- to take
8 that decision making out of the hands of the interviewer
9 so it is a strictly statistical procedure.

10 They are told what to do, and then if
11 there is nobody there, they have instructions for what
12 to do next. It's not leaving it up to the whims of the
13 person doing the interviews. So I'm not sure if that
14 was the case here, but it might have been where they say,
15 well, we have instructions to do it this way; I don't
16 want to screw it up.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thank you, Dr. Boreman. Why don't we hold our questions
19 until we've heard from Jason and Gordon, and then we can
20 explore with whatever you need for further
21 clarification.

22 JASON DIDDEN: Sure. So a state total,
23 which is what you guys see, I think, more often when --
24 you know, you're looking at say rec. specs. Is you see

1 the state total. And the state total is just the sum
2 of all those parts. And that's what you see.

3 Uncertainty is high at the lower
4 break-outs 'cause sample size is smaller, and more
5 samples equals better estimates. And it depresses.
6 When you have higher samples, the variance or the range
7 between whatever is observed is whatever is observed.
8 But, as the samples size goes up, typically precision
9 goes up as well.

10 So just, again, to kind of review, the
11 one thing that I (inaudible) to communicate is that
12 folks ask you all how they're done. You have the basic
13 framework of fish per trip times number of fish.

14 And, of course, now, as I said, the
15 devil's in the details. If those numbers aren't right,
16 everything gets messed up. And that's where I'll
17 transition to Gordon who will talk a bit about how on
18 some of those issues MRIP is working to make sure those
19 numbers are right. Can you put Gordon's up? Thanks.

20 GORDON COLVIN: Good morning,
21 everybody. It's been a pleasure to be with you this
22 week and to be back with the Council as always and to
23 welcome the Council to my hometown. It's been some time
24 since you've been here, and I hope you'll come back

1 frequently. I'm going to try to this morning start
2 talking to you for the first time I think about some of
3 the details of the changes that we'll be making this year
4 and next year to our survey methods, our estimation
5 methods using the new and improved methods and designs
6 that have been developed through MRIP. A lot of work
7 fairly quickly.

8 A few background slides and then get
9 right into the details of some of the changes that we're
10 rolling out, particularly the changes with our method
11 for estimating angler catch from the angler intercept
12 data and changes that John was alluding to with respect
13 to the angler excess intercept survey design.

14 And we'll talk a little bit about our
15 plans for beginning to use registries as the basis of
16 our survey sample for effort estimation as well.
17 Before I do, I want to once again thank the Council and
18 the chairman and executive director for your support for
19 MRIP going along.

20 We've had the benefit of Jason's
21 participation as a member of our operations team and our
22 communication education team. And that support has
23 been invaluable. And I really appreciate the increased
24 engagement of the Council in MRIP activities

1 particularly over the last year/year and a half. The
2 chairman and Jess Coakley were able to join us for an
3 important workshop we had earlier this year addressing
4 the subject of improving the timeliness of the delivery
5 of our preliminary estimates to help the councils in the
6 future we hope with tracking catch against catch limits
7 and addressing management uncertainty.

8 The estimation process that I'm talking
9 about is assisted by what we're referring to as an
10 observer team, key folks involved in our data user and
11 partner community who are kind of following us along as
12 we finalize and roll this out.

13 And Jim Gilmore, Howard King, Jess
14 Coakley, and Jim Armstrong I believe those are the folks
15 that have been involved with the observer team and have
16 had the patience to sit through an awful lot more
17 statistical down in the weed stuff than they ever
18 imagined. Wouldn't you say that's right, Howard? And
19 we appreciate their support and their continuing
20 support as we wrap that process up.

21 So, as I said, I want to quickly go
22 through some of the background of how the Marine
23 Recreational Information Program got from its inception
24 to where it is today and then get into the details of

1 the implementation. The program was initiated in 2007
2 to address the NRC review of the current survey
3 methodologies, not just the MRFFS methodologies, but
4 virtually all of the marine recreational surveys around
5 the country as well as the subsequent requirements of
6 the Reauthorization Act to implement as many of those
7 NRC Council recommendations as were feasible.

8 We wanted and have always tried to
9 address clearly the issue of expectations that we are
10 going to need to use sample surveys as a primary basis
11 for accounting for recreational catch in the country.

12 We don't envision a future in which we
13 will be able to specifically count in detail every fish
14 caught by every angler on every fishing trip. There are
15 just too many, and they are distributed too widely.

16 We might get to that point in some
17 instances with limited sectors in the fishery,
18 particularly party charter boats and in some instances
19 limited fisheries for low frequency species like highly
20 migratories.

21 But for the most part we're going to need
22 to address sample surveys. We're going to have to
23 estimate catch, and that means that we'll never have a
24 perfect solution that delivers an accounting of every

1 fish caught a day, two days a week or shortly after it
2 was caught. So those expectations hopefully will be
3 understood, but at the same time we need to and can
4 substantially improve the accuracy both from freedom of
5 bias and the precision of our estimates by addressing
6 the recommendations of the NRC panel and then expanding
7 sample size to cover some issues that are not currently
8 being addressed.

9 We had our initial funding from the
10 program delivered to us actually with an off-line
11 budget. A discretionary fund was provided by the AA in
12 2007 at 1.7 million, and since then we've been in the
13 NMFS budget and built into the budget for 9 million in
14 2010.

15 The 2011 President's request was 9
16 million. We don't yet -- we may actually. This week
17 we should be getting our final numbers, and it looks like
18 it might be coming in at 10 million for MRIP FY 11.
19 That's the good news.

20 Of course, the challenge associated
21 with that is to obligate an unexpected amount of money
22 this late in the fiscal year and make sure it gets put
23 to productive use basically in the next two weeks.

24 The President's budget request for FY 12

1 is increased to 12 million. Of course, FY 12 is a huge
2 question mark. But the intent of that increase is to
3 expand certain elements of our sampling to enable us to
4 shift from bimonthly to monthly waves in those parts of
5 the country where that would be helpful as well as to
6 begin to implement a logbook-based survey of party and
7 charter boats, particularly following up on the current
8 pilot in the Gulf of Mexico and potentially elsewhere
9 in the Atlantic and Gulf regions.

10 MRIP has filed a general approach
11 primarily through the work of our operations team which
12 is chaired by Preston Pate and which Jason also
13 supports, as I indicated, to develop projects that will
14 address and evaluate current sources of bias or error
15 in the survey estimates in the evaluation phase, to
16 pilot those projects, to test them in the field in
17 innovation phase and ask they are successfully deployed
18 and approved through the MRIP process to activate or
19 implement these. And that's the stage we are now
20 entering for some of our major programs.

21 The important focus of this is that it's
22 important to understand that our interest up to now has
23 been on addressing the primary recommendations in the
24 NRC review to identify sources of error and potential

1 bias in the current design and address those as our first
2 priority and to implement new methods that are as free
3 as possible from sources of bias and generate unbiased
4 estimates of fishing effort and catch.

5 And having done so, having established
6 and implemented the appropriate methodologies, to then
7 expand the coverage and increase sampling to address any
8 coverage gaps that are important to our data users and
9 to improve the statistical precision of the estimates
10 and also to address delivering estimates on a more
11 timely basis hopefully with funding support from the FY
12 budget and to continue to build funding over time as
13 necessary to address the Council's needs for catch
14 limits and accountability.

15 A couple of quick highlights. The
16 angler registry program that I think most folks are
17 familiar with I think the simple statement on this is
18 to say that as of today all states in the region are now
19 on board, have the ability to collect sufficient angler
20 data and have entered into a memorandum agreement with
21 NOAA Fisheries to deliver it.

22 Some of the states in the region, North
23 Carolina, New York, Delaware already have. Those that
24 have more recently come on board with new programs to

1 expand their data collection, Maryland, Virginia, and
2 New Jersey, will be delivering data later this year.

3 So we've gotten there, and by the end of
4 the year, we should start to have a pretty good registry
5 of anglers for this region. The other things are things
6 I'm going to talk about in more detail.

7 The improvements that we're developing
8 to our survey designs and data quality including a new
9 estimation method and the testing and powering of new
10 survey designs, for both mail and telephone surveys to
11 collect effort data. The access intercept survey
12 improvements we continue a detailed pilot of the use of
13 for hire trip reporting systems in the Gulf of Mexico
14 that will wrap up later this year.

15 So this first priority concern of the
16 NRC panel and in talking to a number of the panelists,
17 it's been very clear to us that their primary concern,
18 the highest priority, the difficulty they had with the
19 survey designs that we used is that there is potential
20 for bias in a number of ways in the current designs and
21 that the potential sources of bias have not been
22 adequately tested and explored in the survey design and
23 eliminated to the degree possible.

24 And as a consequence, their

1 recommendation and their strongest level of concern
2 continues to address this issue. In the area of catch
3 estimation, their findings were that the estimation
4 methods we use essentially are far more detailed
5 equations than Jason put up that we use to derive a catch
6 estimate from the intercept data do not account for the
7 actual design of the intercept survey sampling.

8 They are different, and we'll get into
9 that in a minute. But they're simply inappropriate
10 equations for the sample design. They're not matched.
11 They also have a number of concerns about the design of
12 the intercept survey itself. It embraces a number of
13 assumptions in terms of how it operates that could
14 introduce bias and the effect of those assumptions and
15 their potential for inserting bias because their
16 concerns have not been adequately tested and at a
17 minimum need to be tested and demonstrated to be bias
18 free or failing that adjustments need to be made.

19 They clearly identified in the report
20 that there is a significant potential for bias in the
21 estimates themselves, and in particular they emphasize
22 the fact that the current estimation method likely
23 underestimates precision of the effort, and in fact, as
24 we'll see later, that is true. They were right.

1 So they recommended, in effect, that we
2 get into weighing our estimates based on testing the
3 assumptions in the survey designs and applying
4 appropriate weights based on the findings that we made
5 about the actual probabilities -- assumed probabilities
6 of inclusion of anglers in our sample design, eliminate
7 some of the flexibility in our survey design, and make
8 some other changes.

9 We've had a project team working on the
10 intercept survey design comprised largely of Drs. David
11 Van Voorhees and Han-Lin Lai from our office as well as
12 Jay Briedt and John Opsomer from Colorado State
13 University. Dr. Briedt was actually a member of the NRC
14 review Panel itself, and Dr. Opsomer was a member of the
15 independent peer reviewers of the NRC panel report.

16 And they are exceptionally qualified
17 experts in this area. And it was Jay Breidt's major
18 contribution to the NRC review that led to this review
19 of the estimation methods and its emphasis and its top
20 priority, frankly, in the MRIP program.

21 So their work has generated both a new
22 estimation method that is applicable to our survey
23 designs and have been in effect on the Atlantic coast
24 since about 2003 as well as recommendations for

1 significant changes to our survey design, which I'm
2 going to walk through now.

3 There are a number of things that we're
4 changing. The first part of it is that our current
5 method for estimating catch, the equations that we use
6 assumes that our sample is a systematic random sampling
7 of anglers, and, in fact, that assumption has never been
8 tested and is not true.

9 Our actual sample -- and this is what the
10 statisticians call it, is a multi-stage cluster design.
11 It is not a systematic random sampling. And I've been
12 grappling with this since the day it was brought to my
13 attention as a problem. But, in effect, what it means
14 is that we don't sample anglers at random. We sample
15 site days. We maintain with our partners, and in many
16 cases those partners are the state, an inventory of all
17 fishing sites in the Atlantic and Gulf Coast, a
18 so-called site master site register.

19 And we categorize the degree of fishing
20 activity at those sites in something we call pressures,
21 which is essentially the number of fishing trips
22 observed to occur at those sites, and we select sites
23 to be sampled based on the probability that an angler
24 would be fishing there, which is based on essentially

1 the pressure.

2 So that a site that is 10 times as busy
3 as an other site should have 10 times the likelihood of
4 being selected at random to be sampled. And that's how
5 the program works. And if we were simply sampling
6 sites, that would be a systematic random sample, but
7 that's not what we do.

8 We then go to those sites, as we should,
9 and interview anglers, but we interview them in
10 different subsequent groups. If it's a boat ramp or a
11 marina, we then pick a boat. And then when we pick a
12 boat, we pick the anglers on the boat, getting back to
13 what Rich was talking about awhile ago, and in some cases
14 we interview all of them, and in some cases we don't.
15 We almost never intercept every boat at a site because
16 it's frequently too busy for that. But each one of
17 these I guess you would call them a stage is a different
18 stage in the sampling process. The site, the boat, the
19 anglers on the boat and then the fish that the anglers
20 have are all part of this.

21 And, if you step back and look at it,
22 you're not sampling the stuff at random. You're kind
23 of scoping down an individual site. And as a
24 consequence, you can't calculate, you can't take the

1 data you get from that and simply assume it's a
2 systematic random sample because the characteristics of
3 the catch on one boat might very well be different than
4 they are on any other boat that you might sample, and
5 yet that's what we've assumed. We have not tested that
6 assumption, and frankly, we know it's wrong.

7 So the new method that we're using in the
8 estimation design is essentially a textbook application
9 of the appropriate method to use to make an estimate,
10 to generate an estimate from a multi-stage cluster
11 design.

12 We're going to start to use it now based
13 on the current sample designs that have been in effect
14 since about 2003. And we will be continuing to use it
15 in the future. We'll make some changes in the
16 multi-stage cluster design of our intercept survey in
17 the future, but they won't affect the need basically to
18 use the new method for estimating catch and replace the
19 old method. That's the first change we're making.
20 There are several others, and some of these others begin
21 to affect not only the estimation method but also the
22 intercept survey design itself.

23 In the past, generally speaking the
24 pressures that dictated the site selection

1 probabilities were based on pressures observed during
2 peak angler periods. The pressure ratings are based on
3 peak angler periods.

4 The probability of site selection is
5 based on peak angler periods, and the sampling was done
6 at peak angler periods, and that embraces an assumption
7 that, in fact, angling taking place at peak angling
8 periods is typical of the entire 24-hour day.

9 Well, it's probably not. But, in any
10 event, we don't know because we haven't tested that
11 assumption. And, in fact, it's likely not to be true.
12 So that problem was also pretty clearly pointed out, and
13 many people I think if you're familiar with the NRC
14 report you recall that criticism. That was prominent
15 in the report.

16 So what we're going to do now with the
17 new estimation method, we've been able to come up with
18 a model-based approach from some data that we have,
19 particularly data that we have in the historic data
20 based in the telephone surveys about the time of day the
21 trip (inaudible) to enable us to re-weight the estimates
22 to take into account the time of day and the different
23 catch characteristics over the time of day. You will
24 be able to generate a weighted estimate that takes the

1 angler's trip frequencies over the course of a day into
2 account.

3 In the new survey design, we're going to
4 go farther than that, though, and eliminate this problem
5 altogether by -- and I think this is the issue that John
6 was giving out -- in the future we will no longer be
7 selecting sites based on a simple site day, but we'll
8 be dividing each day into four, six-hour time blocks.

9 And the site pressures in the master
10 site registry will be reconfigured into pressures for
11 each of these four, six-hour time blocks, and our sample
12 selections will no longer be for a day, but they will
13 be for a specific time block.

14 And the intercept survey crews will be
15 required to stay at their assigned site for that entire
16 six-hour period, site or site cluster, which I'll get
17 to in a minute as well.

18 But the bottom line is that we'll be
19 sampling not just during peak periods, but throughout
20 the day, and any bias associated with time of day issues
21 will be eliminated in the intercept survey design.
22 We've now eliminated it in the estimation. In the
23 future we'll be eliminating it right in this intercept
24 survey design itself. The next thing is

1 the issue of modes. By and large the way we do things
2 now has been oriented towards trying to get as high a
3 level of productivity as we can out of our intercept
4 surveys.

5 This is something that Rich alluded to
6 as well. You've got somebody out in the field and
7 there's opportunities to collect data, why not collect
8 it? And that's kind of been the thinking that we've had
9 an our partners have had over the years.

10 And it turns out that, in fact, that
11 thinking introduced bias into our estimates
12 unfortunately. And one of the things that we allowed
13 our intercept folks to do is to collect these so-called
14 alternate mode trips

15 The site assignments are mode specific.
16 The site pressures are mode specific. But many fishing
17 sites, as you know, will have more than one mode of
18 fishing going on. A marina might have charter boats and
19 private boats. At a boat ramp site, there might be
20 people fishing from shore. This goes on all the time.
21 And historically the intercept interviewers have been
22 encouraged if there's not much going on in your assigned
23 mode and there's some other fishing going on, go get the
24 data; why not. Well, the why not is that we don't know

1 what the probability of selection of that site for that
2 alternate mode was.

3 So that data's in there, but we don't
4 know what its selection probability should have been.
5 And as a consequence including it introduces bias into
6 the estimates using that data.

7 We tried to figure out if there was a way
8 to model, to recover those site selection probabilities
9 for the ultimate modes and to model a solution as we had
10 done for the time of day that would enable us to use that
11 data. We could not.

12 So, as a consequence in the new
13 estimation method that we're applying to the historic
14 data, we are throwing out all of the data that we got
15 in the alternate modes on the assigned site days. We
16 just can't use it. It introduces bias, and it's going
17 to be taken out.

18 In the future, again, the assignments
19 will be much more rigorous for the intercept
20 interviewers and they will be told not to collect data
21 in alternate modes on their assigned site day. They
22 will just stick with the modes that was the basis of the
23 assignment. The last big thing that we're doing deals
24 with the sites themselves, how we select them

1 themselves. As I indicated, that site assignments are
2 essentially a probability proportionate to a site day
3 assignment, and they're subdivided by mode; by day type,
4 weekend or weekday; by month. It doesn't say it on the
5 slide, but also by state.

6 However, and the way it worked was,
7 again, trying to get efficiency. The interviewers were
8 required to go to those sites that were assigned on that
9 basis. But if nothing much was going on there, after
10 two hours they could leave and go to an alternate site.
11 And the alternate site they would go to would be at their
12 own choice, and normally it would be some site that
13 wasn't too far away to try to collect some more data and
14 not waste their time, or so we thought.

15 Again, the probability, however, was
16 that the selection probabilities of the alternate sites
17 that they themselves chose was not know, was not in the
18 record, and was not incorporated into the estimates of
19 catch.

20 Often as not, given that the
21 interviewers were going from a site that wasn't busy
22 'cause it wasn't busy, you can imagine they probably
23 tried to find a site where there was some fishing going
24 on and clearly not being selected at random, but being

1 selected because an interviewer wanted to find somebody
2 fishing. That introduced bias and did introduce
3 potential bias at least into the estimates. The degree
4 of which was never tested. So since we didn't know the
5 selection probability of the alternate sites the folks
6 went to, we couldn't adjust for them.

7 What we have now done with the new method
8 is we've gone back into our records and come up with a
9 way of determining the selection probability of those
10 alternate sites and building and constructing a model
11 to re-weight our estimates that builds that in.

12 So we are now able to adjust the
13 estimates to account for those alternate site
14 selections. And the new estimates will reflect that.
15 However, in the future, again, going back to the
16 intercept survey design, we're going to change it even
17 further.

18 We're going to be making the site
19 assignments essentially specific. And as I said
20 earlier, they will no longer be for a full day or a peak
21 period. They will be for an assigned six-hour time
22 block. We're going to be building them as site
23 clusters.

24 There will be essentially three

1 clusters. A high pressure site will be a cluster of
2 one; a medium pressure site will be a two-site cluster,
3 and a low pressure site will be a three-site cluster.
4 And the assignment will be to cover all sites within a
5 cluster during their six-hour period. So, if it's a
6 single site cluster because it's busy, the interviewer
7 will stay on that one site for the full six hours of the
8 assignment and collect as much data as possible.

9 If it's a two-site cluster, they will
10 spend three hours on the first site, three hours on the
11 second site. We will try to design it so they are
12 reasonably close together so in an eight-hour workday
13 they can complete a full six hours of data collection.

14 And similarly with a three-site
15 cluster, it will be two hours per site. The point is
16 that there's going to be no discretion and therefore no
17 potential to introduce bias into the sites that are
18 chosen and we will know their selection probabilities
19 fully and confidently up front.

20 Now, that said, one thing that is
21 probably obvious to many of you who have some
22 familiarity with how this program works, is that that
23 places a great deal of emphasis on rebuilding a high
24 quality master site registry that accurately and

1 completely incorporates pressure ratings for all of our
2 sites by mode, by day, type and so forth and maintains
3 it over time. Because without that, this all kind of
4 falls down. So that's one of the things we'll be
5 thinking about -- and I'll come back to this in a few
6 minutes -- is how do we rebuild that site register to
7 a point where we all have confidence in it? So what are
8 the results of all this? Our staff is just about
9 completed now with the mathematical process, the
10 statistical process of going back into the historic
11 data, pulling the data elements out, cleaning them up
12 as they need to be, doing a QAQC.

13 Some of the data elements that we're
14 using in this new method were not used in the old method,
15 so they hadn't gone through the QAQC. We had to do that
16 as a first step and then inserting them into the new
17 models and equations and coming up with new estimates.

18 One things we've learned is that we're
19 not going to be able to do 2003 right away because that
20 year was the year in which the for-hire survey was
21 initiated on the Atlantic coast and it happened during
22 the fishing year. It didn't happen at the beginning of
23 the year.

24 And as a consequence, it's going to be

1 more complicated to get the for-hire mode done for 2003.
2 So the initial roll-out will be for the years 2004 to
3 2010, will be published revised estimates of catch, and
4 then, of course, from 2011 on we'll be using the new
5 methods. In a preliminary sense, looking at the
6 numbers that they're beginning to generate, what we see,
7 in effect, is that some of the catch numbers are higher,
8 some are lower, some are not terribly changed, and there
9 does not seem to be a distinct pattern to the changes
10 in the catch estimates.

11 What we do see when we look at the
12 proportionate standard of error or the estimate of
13 variants of our estimates is that they are higher and
14 in some cases significantly higher than the estimate of
15 variants that we're used to seeing in the past.

16 What we know is that the estimates of
17 variants that we used to see in the past were completely
18 wrong. It's not that they've gone up; it's we have now
19 learned that they had been significantly underestimated
20 historically just as the NRC panel predicted they would
21 be when they looked at our methodology. We just
22 systematically underestimated variants historically.

23 The statisticians looked at all of this
24 as in a kind of a complex way -- and I couldn't begin

1 to understand the way they look at it -- but they refer
2 to total survey error, mean squared error of the
3 estimates that are generated for the survey as a
4 combination of both the accuracy and the precision of
5 the estimates and they're confident that the estimates
6 that we are going to get despite the increases in
7 variants are generated through a designed, unbiased
8 method of estimating data from catch data from intercept
9 catch data and are therefore more accurate and we can
10 have a higher degree of confidence in them in the future.
11 What they also say that is encouraging is that having
12 eliminated the primary sources of potential bias in our
13 methodology, we can now reasonably securely invest in
14 increasing sample size to increase precision and
15 improve total survey error simply by increasing sample
16 size.

17 So I think we're going to get to a point
18 there where we're going to work on that residual error
19 by increasing sample size as soon as we complete some
20 of our other work.

21 Just a couple of little things that are
22 worth thinking about in all of this. We've all had a
23 tendency in the past -- I know I have -- to think of what
24 sample size as being the number of angler intercepts,

1 the number of interviews that are done with anglers.

2 It turns out that's just dead wrong.

3 The actual sample size that needs to consume us is the
4 number of site day assignments completed according to
5 the survey design. And in the future, it won't be a
6 sight day; it will be a site six-hour time block. But
7 we need to think of that as what we want to get done.
8 So, if we're going to look to increasing sample size,
9 it won't be increasing necessarily the number of anglers
10 interviewed; although, that will increase. It will be
11 how many site day assignments are successfully
12 completed, assigned, completed and done. And the more
13 we do the better our survey precision will be. And we
14 have that assurance directly from Drs. Breidt and
15 Opsomer.

16 I want to just get into briefly a little
17 bit of discussion about where we're headed with changes
18 in the effort. Gene brought up the registry earlier,
19 and I'd like to address that. We're not quite as far
20 along with this as we are, but we're getting there.

21 Some of the criticism is that the NRC
22 panel made of our current methodology, they pointed out
23 that our current survey methodology which relies on the
24 so-called coastal household telephone survey, relies on

1 telephone interviews of
2 land-line-equipped households and is troubled by the
3 increasing reliance of people on cell phones.

4 And this, by the way, is a very well
5 documented problem for all surveys that are done by
6 telephone, not just ours but the many, many, many other
7 kinds of surveys are characterized by declining
8 response rates in telephone surveys generally. They
9 also point out that there's a relatively low proportion
10 of fishing households in the general population that
11 you're going to sample through a telephone directory,
12 so at best our sample is highly inefficient, and our
13 success rates are low. And they noted that reliance on
14 a license-based list has not been available but
15 recommended that we create such a thing and move to it.

16 But they also recognized, the NRC panel
17 recognized, that any effort to create a registry will
18 take time to make it complete and that during such time,
19 during the phase-in of a new registry-based sample
20 frame, a so-called dual frame that would include both
21 a registry of anglers and an unbiased representative
22 sample of the entire population be used. And the sample
23 design for dual frames is something that we've been
24 testing in response to that.

1 So I want to talk a little bit about some
2 of the trade-offs and the things that we've learned from
3 the pilot projects that we've been doing. Right away
4 we started using existing state license frames in the
5 Gulf of Mexico and the South Atlantic to do dual frame
6 stuff going back right to 2008 and moving forward,
7 particularly with Louisiana and North Carolina had been
8 conducting a so-called dual frame sample with a
9 telephone survey of the state license holders and the
10 continued use of the coastal household survey, try to
11 get comparable data. And essentially what we learned
12 is that, indeed, the coastal household survey is
13 inefficient. It misses the anglers who don't reside in
14 coastal counties and those who have cell phones.

15 When we put the registry together with
16 it, we certainly improve efficiency greatly. We get a
17 much higher proportion of successful interviews from
18 the registry, but it doesn't really address the
19 underlying problem that generally cell phone or
20 telephone survey response rates are declining. So, in
21 the long run, that might not work.

22 The other problem is that if you're
23 going to do a dual frame, you need to know where the
24 overlaps are between your two frames. They need to be

1 accounted for. And surprisingly in a lot of these
2 things, we've been finding that when you call people in
3 the coastal household telephone frame and you ask them
4 do you have a saltwater fishing license, you get an
5 inaccurate response or no response from many people who
6 cannot accurately tell you that they have or don't have
7 a saltwater fishing license, and that's a problem
8 because we have to cover that overlap.

9 One of the solutions that was suggested
10 to us early on to that is to consider replacing a coastal
11 household directory frame with a mail survey frame. So
12 we started working again in North Carolina with a dual
13 frame using a postal service directory as the sample
14 frame for the backup and the second frame, and it's
15 worked much better. We get higher response rates from
16 the mail surveys, which is, again, not just an MRIP
17 finding, but is generally a survey science finding; and
18 because it's addressed based and because you have an
19 accurate address accounting on your license frame, you
20 can easily account for the overlap between the two
21 accurately.

22 You don't have to worry about the
23 individual's ability to remember whether they bought a
24 lifetime license when they were 12 years old. And so

1 those things seem to work, and so the mail survey has
2 great promise.

3 What it doesn't produce, however, is yet
4 another problem that we're thinking about in the
5 trade-off context, and that is going back to that issue
6 of timeliness.

7 The way the current surveys work is we
8 complete a wave of intercept sampling. Right now it's
9 two-month wave. It might go to one month or something
10 else in the future. And then we make a phone call for
11 a period of about two weeks.

12 And it takes about two weeks because the
13 proper survey design to address nonresponse issues and
14 so forth requires us a number of repeat contacts to get
15 the data from the party that was selected for sampling.
16 But the mail surveys take longer. You cannot complete
17 them in a two-week period at the end of the frame. It
18 just takes longer. And so a concern about the mail
19 survey is that that might actually lengthen the
20 post-wave period to produce a preliminary estimate kind
21 of working counter to what we want to do, which is to
22 shorten that period.

23 And as a consequence of all that, the
24 folks have come up with yet another option. What

1 they're referring to as a dual frame, mixed mode survey,
2 which is almost as baffling as multi-state cluster
3 design.

4 But what it really boils down to is that
5 we will use angler registries at the end of a sample
6 waive, whether it's a one-month or two-month wave to
7 generate a primary and preliminary estimate of catch.
8 We will use a master address-file-based mail survey
9 continuously over the course of the year to generate a
10 second frame for ensuring complete coverage in the
11 absence of a coverage bias in the estimate, and as the
12 data comes in over the course of the year, we will
13 continuously update the estimates.

14 That would enable us to get pretty quick
15 preliminary estimates at the end of any wave based on
16 the registry data and to continuously update that over
17 the course of the year as the mail survey results come
18 in. That's been piloted in North Carolina over the last
19 year or so. And right now the operations team and MRIP
20 just approved a substantial expansion to a South
21 Atlantic region wide pilot of that methodology that we
22 hope to begin in Wave 6 of 2011 and expand further.

23 And unless we run into some significant
24 problems or difficulties with it, the expectation is

1 that we'll just start rolling that right up the Atlantic
2 Coast and across the Gulf in 2012 as we get the --
3 particularly in the Mid- and North Atlantic regions as
4 we start to get all the state registry data in that's
5 coming in later this year and next year, as I alluded
6 to earlier. So that's where we're headed with all that.

7 One thing I just wanted to -- kind of in
8 the background of all that, that I should have said and
9 didn't, is that we're still talking about dual frames.
10 We're talking about a license frame and a mail frame.
11 We really don't want to do that. We'd really like to
12 work just with the license frame and nothing else.

13 But what we have found, and it's not
14 surprising is that we still have a lot of gaps in the
15 registry frames that we've got, whether it's the
16 registry frame that we created initially last year and
17 could continue to create under federal regulations or
18 those that we are receiving from the states. There are
19 some gaps in the state licensing requirements that leave
20 a few people out, and there is the problem associated
21 with noncompliance.

22 So we are going to continue to work with
23 the states and hope that we get to a point within a couple
24 of years where we will be sufficiently confident in the

1 quality and completeness of the state registries that
2 we can just use them and drop the second frame. But for
3 the foreseeable future it will be a dual frame study,
4 a dual frame survey.

5 So just kind of reviewing where we are
6 with the timing on all of this. The revised estimates
7 that I spoke of using the new estimation methodology for
8 the years 2004 to 2010 and our Wave 1 and 2 estimates
9 for 2011 using the new methodology we're going to be
10 talking with the observer team in a couple of weeks about
11 all of this, and we expect to have a public roll-out of
12 new numbers by the end of July.

13 The implementation of the new intercept
14 survey that I mentioned, now that methodology had been
15 piloted in North Carolina. The field work on the pilot
16 is complete. The final report is not yet written and
17 has not yet been accepted by MRIP and NMFS, but we have
18 no reason to think that it won't be, based on the
19 emphasis placed on moving in that direction by the team
20 that developed the estimation method and the folks that
21 peer-reviewed their report.

22 So that we may identify some tweaks that
23 we need to do or some practical difficulties we need to
24 work out with our partners, but we're planning towards

1 implementation.

2 We're not waiting until we get to the end
3 of the road to begin that planning because that
4 planning, as you can imagine, will take some time. We
5 have to go through changes in contracts, OMB clearance
6 of new survey design, new data collection design under
7 the Paperwork Reduction Act; and we have to rebuild the
8 site registries, again, hopefully working with our
9 partners, as I alluded to earlier.

10 But we are already actively planning,
11 and the target date for implementation will be the
12 beginning of Wave 2, which is March 1 of 2012. I just
13 briefly wanted to mention also the for-hire data
14 collection, which I haven't spoken much about.

15 The pilot project that I alluded to in
16 the Gulf of Mexico is in piloting the use of mandatory
17 trip reporting in the Panhandle of Florida and the
18 Corpus Christi area of Texas. Field data collection
19 extends through this August. And at the end of that
20 we'll have an evaluation report that we'll all have a
21 great deal of interest in in terms of both the
22 feasibility and our ability to have independently
23 validated the self-reported data through dockside
24 monitoring, and if that works out then we'll undoubtedly

1 be engaged with dialogue with many of our partners about
2 you know, expanded pilots or feasibility testing of
3 these methods in other regions of the country probably
4 beginning next winter.

5 Some of the other things we're working
6 on. We still have some biases that are under study that
7 are not yet addressed, and one of them that I know has
8 been spoken about around this table in the past is
9 concerns about private access fishing.

10 We are unable to intercept trips that
11 return to private access sites, and therefore, our
12 methods, again, incorporate the assumption that catch
13 characteristics of private access trips don't differ
14 from the catch characteristics that we do sample, and
15 that is yet an untested assumption.

16 We have one MRIP study underway in North
17 Carolina and Florida to study and try to assess that
18 bias, and the results of that study may either enable
19 us to develop corrected factors or prescribe some
20 additional data collection to try to get a more
21 systematic long-term monitoring of that bias potential.
22 There's also one being done in California by the State
23 of California on the same subject. There are some more
24 sophisticated methods that the NRC panel recommended

1 that we work towards development, what they refer to as
2 smaller estimation methods that our expert statistician
3 team will be working on after they complete their
4 current work.

5 And we continue to try to come up with
6 improved methods to try to estimate the numbers of fish
7 released, which we continue to rely on angler recall and
8 are difficult to get at and prove as well as methods for
9 rare event fisheries and large pelagic fisheries which
10 always seem to be -- because they're rare events,
11 they're hard to sample, and we don't get a lot of data,
12 and so you have a very high degree of imprecision in your
13 estimates.

14 We'll be looking at ways to improve
15 those and talking to folks about alternatives including
16 censuring and complete reporting to get accurate. With
17 that I'm going to turn it back to Jason. He's going to
18 talk a little bit about some of the specific projects
19 that are underway or planned for the Mid-Atlantic
20 region.

21 JASON DIDDEN: Jan, can you put my other
22 presentation up? While she's doing that, the big way
23 that I believe a lot of the bias stuff that Gordon was
24 talking about is just simply if the sites are sampled

1 one way, the estimation has to match that. And they
2 haven't, and they will. That's kind of how I view a lot
3 of that in a nutshell. But I wanted to touch a little
4 bit on Gordon mentioned some of these other projects
5 that are going on. Totally, it's been 47 funded MRIP
6 projects. Many may not have been done in the
7 Mid-Atlantic, but a lot of the methods are
8 transferrable, and they will benefit our area.

9 Just kind of a brief list. I went
10 through the projects and just kind of binned them into
11 some categories: data management and standards,
12 interview quality control, the dual frame methods,
13 recall period issues, estimation issues and intercept
14 design that Gordon talked quite a bit about, and also
15 trying to improve the participation survey, how we're
16 getting effort estimates.

17 Also, there have been some on the
18 discard surveying private sites, the for-hire mode.
19 Well, I'll leave that 'til later. Log books turn them
20 in, HMS issues. There's been a wide scope of projects
21 that have been funded.

22 I think maybe -- I don't know -- maybe
23 a quarter or a third have been completed, and the rest
24 are ongoing. Some are close to being completed. So

1 kind of my kind of how I see things is 2011/2012 is kind
2 of where the rubber meets the road. These projects are
3 coming to fruition. There report's out. And they
4 provide the ability to make changes that are well
5 justified to the current methodology. 2011 projects
6 have a more regional focus, and there are four that are
7 specific to the Mid-Atlantic area. I submitted five
8 project proposals. Three of them got funded. The top
9 one is not one that I submitted, but I was involved in
10 a bit.

11 Maryland is looking to separate the
12 Chesapeake and coastal bays as two different strata.
13 Right now as a bin -- I was talking about those strata
14 bins inland as a bin. Well, for Maryland the coastal
15 bays and Chesapeake Bay are both inland.

16 It may make sense that those catch rates
17 are different enough you want to separate them out. So
18 they're working on a study to do that. Also, that could
19 have impacts for other Mid-Atlantic areas that have kind
20 of a similar situation where you've got these inland
21 strata that are different from each other enough that
22 you want to kind of separate them out.

23 So the three that I submitted, there was
24 one a workshop I'm looking at volunteer angler surveys.

1 I noticed that a lot of the states have kind of popped
2 up with these volunteer angler surveys. There may be
3 some ways that they can be used, especially looking at
4 like the length frequencies. They're used for regs.,
5 but there are a lot of problems with using the volunteer
6 angler survey. So looking to get a small workshop with
7 some of the state folks who are using those, try to
8 coordinate how the data is being collected so that it
9 can be used as much as it can be, but also to kind of
10 frame it so people are aware that there are limitations
11 on how that data can be used.

12 Looking at improving the Mid-Atlantic
13 for-hire vessel frames that are used. The states often
14 have kind of a better sense of the list of for-hire
15 vessels. And looking, again, a small workshop of some
16 of the state agencies to try to see if we can get the
17 states to better help NMFS maintain those state
18 registries for for-hire data collection.

19 And then the last one was I submitted --
20 a project for additional data collection in Wave 1. I
21 just made a list on the fishing reports. There are
22 definitely some substantial Wave 1, for-hire activity
23 in the Mid-Atlantic.

24 There was a survey of effort that looked

1 at individual anglers for Virginia to Rhode Island, and
2 the rates were quite low. But a lot of the reports I
3 see in Wave 1 are for-hire -- to expand that -- the Wave
4 1 for-hire effort data collection in Wave 1 in 2012 --
5 try to get a sense of how much for-hire effort is going
6 on in Wave 1. There are two projects that didn't get
7 funded that I submitted.

8 One was just a breakdown for some of our
9 substrate like I think for black sea bass we need some
10 substrate divisions and S & T would just handle that as
11 necessary as that comes up.

12 Another one was I proposed a for-hire
13 constituent workshop, kind of bringing in for-hire
14 folks from Mid-Atlantic and New England and saying here,
15 we have these results from this for-hire logbook
16 project.

17 And they suggested there are certain
18 benefits to logbook programs, but there are certain
19 drawbacks too. They're a lot more intensive. They
20 require a good bit of intrusive QAQC and try to get
21 ascension to constituents.

22 Do you want to have these relatively low
23 intrusive surveys, or do you want to move to these highly
24 intrusive logbook programs with a lot of QAQC on the

1 self-reported data and validation.

2 That one the operations team -- and I
3 think it was a reasonable thought -- let the for-hire
4 logbook program play out a little bit more in the Gulf.
5 Once some results come back from that, maybe work with
6 the communications team and still run that project but
7 maybe next year. So that's just a quick sense of -- just
8 to give folks a little more idea of some of the scope
9 of the MRIP projects. And also this year is more of a
10 regional focus on all of them.

11 Rick had indicated he had a pretty keen
12 interest in the Mid-Atlantic Council get involved, so
13 worked with Jessica and Chris on some projects we
14 haven't got funded. So the Wave 1 will be Wave 1 next
15 year, and the workshops will be probably late
16 summer/early fall. Thanks.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thank you, Jason and Gordon, for the updates. Jason,
19 you're right. I think a year ago this time we were
20 having the same discussion and wanted to make sure that
21 we were focusing specifically on how the Council could
22 support the improvement of recreational data collection
23 in the region. So it's great to see these projects
24 coming on line and taking shape. That's very

1 encouraging. Gene.

2 EUGENE KRAY: Yes, Gordon. You talked
3 a lot about bias. And one of the criticisms of MRFFS
4 was during the intercept strategy, there was a strong
5 feeling that the people who caught fish were intercepted
6 and those who didn't were not included in the survey,
7 which obviously puts a tremendous bias into the study.
8 The one time I was stopped -- and this has got to be about
9 10 or 12 years ago -- and I had three or four summer
10 flounder. My next-door neighbor was with me. He's a
11 lousy fisherman. He didn't have any. But they
12 measured my fish. They counted my fish. But they
13 didn't count his. So has something been done to correct
14 that in terms of how the interceptors ask the questions
15 and who they ask?

16 GORDON COLVIN: Well, there are a
17 couple of different areas of criticism along those lines
18 that we're aware of, and one of them I've already talked
19 about. And that's how the sites themselves get chosen,
20 that there's a perception in the past that the
21 interviewers went to busy sites or sites where there was
22 a lot of successful fishing going on. And I think I've
23 already explained how we're getting rid of that problem.

24 The question of the selection of the

1 boats, the anglers and the fish within a site assignment
2 is what you're getting at now, Gene, and, in fact, there
3 are already instructions that should eliminate the bias
4 associated with angler selection that are applicable
5 and if followed should prevent bias.

6 So what's really needed there is the
7 investment in better training and supervision of the
8 intercept folks. And we recognize that that's a
9 requirement. There are probably also going to be some
10 tweaks in the tasking and the nature of assignments that
11 will get at this as well that we're still working on
12 coming out of the North Carolina pilot. In an ideal
13 sense, what the survey statisticians tell us is that,
14 well, here's what you need to do: When you've got a site
15 assignment, you have to interview everybody. Well,
16 okay, that's great.

17 Now, there's 400 people coming and going
18 off of a fishing pier in a six-hour assignment, and we
19 got to somehow get to every one of them. That's not
20 always going to work. So there's two things we need to
21 do. We need to make sure we count them all. And that's
22 not always going to happen.

23 But we need to come away from that
24 assignment with a definitive count of the number of

1 anglers that were there and the number of boats if there
2 are boats there and so on and so forth.

3 And then we need to make sure that the
4 anglers that are sampled are appropriately selected to
5 be sampled. And I know one of the things that's going
6 to happen is that I think Rich mentioned earlier a trip
7 where there were two people on a boat, but only one of
8 them was surveyed.

9 That's not going to happen in the
10 future. They should be collecting data from every
11 angler on the vessel once that vessel's been selected.
12 And we will probably actually be looking at changing our
13 methods a little bit to generate that estimate based on
14 the vessel catch rather than the individual angler catch
15 and then build that back into the estimation. That's
16 one of the tweaks we're looking at.

17 So, yeah, we're aware of all that, and
18 it needs to be addressed both through some design
19 changes, but more importantly it needs to be addressed
20 through the quality control that we build into the
21 intercept surveyors performance.

22 EUGENE KRAY: Thank you, Gordon. A
23 follow-up. The marina where I kept my boat in Cape May
24 is a very large marina. It's one of the largest in all

1 of New Jersey, as a matter of fact. And there are like
2 three points of entrance and exit for that marina
3 including a boat ramp which is apart from the other three
4 parts of the marina.

5 So having one person try to do that would
6 be impossible because it is so large, and the egress is
7 just they're going every which way. In terms of site
8 selection, I would think that has to be taken into
9 consideration.

10 And there are charter boats that are
11 part of that equation as well as private boats and boats
12 coming in with the ramp and pulling their boats.

13 GORDON COLVIN: That gets right into
14 the issue I was talking about in terms of needing to
15 address the quality of our master site register. Some
16 sites may need to be divided. They may very well need
17 to be split into more than one site. From the way you're
18 describing that marina, that clearly could be the case.

19 The other thing is that if there are, in
20 fact, different modes of fishing going on, charter boats
21 and private boats, they will not be treated together
22 anymore. Remember what I said. It will be selected on
23 -- the mode will be part of the selection.

24 So, if the site is selected for charter

1 boats, that's all they're going to get. You know, the
2 funny thing is in some cases that's been the case in the
3 past, and I've actually had calls from charter boat
4 captains on Long Island saying, or even by the same
5 marina, I got a guy sitting down here all day, and he's
6 doing nothing; they're all coming and going, and he's
7 not collecting any information. Why?

8 And the answer was: that in that case,
9 the interviewer had been instructed not to collect
10 alternate mode. The site had been chosen for private
11 boat. He wasn't collecting charter boat trips that
12 day. He was counting them, which he was supposed to do.
13 And that will be the case in the future. So you may
14 actually encounter a situation where your site is chosen
15 for charter boats. You're seeing private boats coming
16 and going, and you're wondering why aren't they
17 collecting any data? Well, they're not supposed to in
18 that instance.

19 COUNCIL CHAIRMAN RICHARD ROBINS:

20 Vince.

21 VINCE O'SHEA: Thanks, Mr. Chairman.
22 Actually, I have a policy question. Gordon, one of the
23 things that strikes me is that MRFFS despite its
24 criticism was really well designed by statisticians and

1 a lot of thought went into it so any effort to improve
2 it is really going to be complex, and it's going to be
3 involved, and there needs to be a comparison period.

4 And I think you're aware that the agency
5 is getting quite a bit of criticism for not implementing
6 MRIP immediately. And I think the tradeoff is you want
7 it right, or do you want it fast? And you can't get it
8 right by doing it fast. So my
9 question is: What sort of things do you think the
10 councils can be doing and the commission to sort of
11 reinforce this issue that it's important that we get
12 this right, it's important the agency get it right, and
13 it's important that you take the time to get it right,
14 and the users are supportive of that to try to counter
15 this other message that says you're in contempt of
16 Congress 'cause this wasn't done last week?

17 GORDON COLVIN: You just did it. You
18 answered your own question, Vince. I don't know. I
19 mean that is the truth. We have experienced that
20 criticism, and there has been a certain degree of
21 impatience. And I think it's appropriate simply for
22 our partners to understand and join us in the
23 communication of that message.

24 And you said it right. The message is

1 very simple. It's: Do you want it done fast, or do you
2 want it done right? We have focused from the beginning
3 on trying to do it right to systematically develop
4 improved methods, get them pilot tested, debugged and
5 peer reviewed before we begin to implement them.

6 And happily, we're now at a point where
7 we can begin to implement them. And hopefully that will
8 help with some of the impatience. And another part of
9 the message and one that I think would be very helpful
10 for the councils to understand and hopefully to
11 participate with us in communicating is that the numbers
12 are not what's really important here.

13 There's a lot of concern about so what
14 will the new numbers be? And I ask the question -- I'll
15 be very frank with you -- why are you asking me that?
16 What's really important here is how we got to them; by
17 what process did we develop the technical improvements,
18 the appropriate statistical procedures to collect and
19 generate estimates of angler catch that stand up to
20 scientific scrutiny and that have been developed
21 hopefully sufficiently transparency and open
22 communication with you all and with stakeholders that
23 you can see the evolution of the process, that
24 regardless of what the numbers might be that because of

1 how they were developed they are scientifically and
2 technically credible.

3 And recognizing further that, as I
4 alluded to at the outset, they are not an enumeration
5 of every fish that got counted by somebody. They are
6 a statistical estimate generated by a sample survey.
7 And we all need to understand that and appreciate what
8 it means as we apply and use them. I mean those are the
9 key messages. It would help if we were all on that same
10 -- thank you, Mr. Chairman.

11 COMMITTEE CHAIRMAN RICHARD ROBINS:
12 Gordon, in terms of a communication and I guess the
13 implications of the new estimations when they come out
14 in July, I would think they will certainly have
15 implications also relative to stock assessments. And
16 I was wondering how's the MRIP team planning on
17 interacting with the Science Center on those aspects?

18 GORDON COLVIN: And thanks, Mr.
19 Chairman, for asking me that. There are obviously some
20 potential ramifications for changing the estimates for
21 publishing alternate estimates of catch, and this is
22 nothing new. It goes on.

23 From time to time, we are called on to
24 update our estimates or our methods whether it's

1 collecting fishery dependant or independent data, and
2 we have to incorporate that into our various processus.

3 We do have an internal group that NMFS
4 is looking at this and trying to come up with some
5 appropriate guidance to the councils and to the science
6 centers and their partners about how they might consider
7 the application of revised numbers.

8 But in the context of stock assessments,
9 I think the most likely outcome is simply that as
10 assessments are updated, these alternative catch
11 numbers generated by new methodology will be the numbers
12 that are used to estimate recreational renewables from
13 the population rather than the old numbers.

14 Now, one thing that I know that from the
15 stock assessment scientists are concerned about is that
16 they would like to see if we're going to modify the time
17 series, they'd like to see us modify a longer time series
18 back to 2003, '4. And the reason that we have not gone
19 back farther is that the methodology that we used prior
20 to 2003 differed from the methodology that's in place
21 now. And as a consequence, this new estimation method
22 the various weightings that we're doing are not
23 applicable to the data that we collected prior to 2003.

24 We are hopeful that within the next year

1 or two we'll be able to go back and construct some
2 weighing methods that will apply to the data collected
3 earlier, perhaps to the mid-'90s and extend that time
4 series, which will be helpful to the assessments.

5 But that depends on the existence in our
6 data base of the parameters that we need to go back and
7 extract and build into these weighing measures. And
8 our experience with doing it to date has caused us to
9 be a little bit concerned about whether or not that's
10 going to work. But we're hopeful, and they are looking
11 at it.

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Thanks, Gordon. Pat.

14 PAT AUGUSTINE: Thank you, Mr.
15 Chairman. Gordon, great presentation. And, Jason,
16 great follow up. Two questions. In response to what
17 was just mentioned, Vince hit on it, but the folks that
18 are screaming and yelling and hollering I believe
19 generally speaking their concerns and yelping, if you
20 will, to increase their membership in their
21 organizations. There are issues out there that they do
22 get folks excited saying you're not delivering your
23 goods, you're supposed to have done this and had it
24 implemented and so on. A question that I didn't hear

1 addressed, Gordon -- and I know that you've got pilot
2 projects out there that are really good -- is there a
3 bias created by ramp trailer fisherman chasing the fish?

4 Okay. Simply stated, the striped bass
5 are in Norfolk today and Port Jeff tomorrow and next week
6 they're in Mt. Sanai, and the next week after that
7 they're out there are issues on the other side.
8 Fishermen who trailer vessels have a tendency to chase
9 the fish a lot. So I don't know if this creates a bias.

10 The second one was: How about bad
11 weather days? And this is getting in the bowels of it.
12 When folks who set out to do their intercept, what
13 happens if they have a bad weather day and people are
14 not going to be out there, do they still go out there
15 and sit in the rain or whatever it happens to be?

16 I'm sure they're incidental. But
17 similar to the way you're addressing Wave 1, we know
18 specifically there are folks who fish Wave 1 offshore
19 for black sea bass and all the records say is, well, they
20 don't catch anything. So those are real holes. And I
21 think you're addressing most of the, but can you talk
22 to those two points?

23 GORDON COLVIN: Actually, the Magnuson
24 Act itself asked us to look at the bad weather issue.

1 And the report we did to Congress earlier this year
2 specifically addresses that question. You can check it
3 there.

4 But basically it boils down to this:
5 The way we select sites to be selected to send an
6 intercept interviewer to them is done at random. And
7 as I've been talking about, we're going to try to improve
8 that process so that it's totally random and the person
9 stays put for the duration of their assignment.

10 Now, if you're choosing at random,
11 you're going to choose weather days in proportion to how
12 they occur in nature. Right? So, presumably, if they
13 follow the design, some days they're going to go sit for
14 two, three hours or six hours because there's nobody
15 fishing 'cause it's a lousy weather day, and that gets
16 reflected in the data that you collect, and it should
17 prevent us from having any bias in our estimates that
18 are a reflection of bad weather or good weather for that
19 matter or anything else that might affect angler
20 participation in some unusual way, like massive oil
21 spills in the Gulf of Mexico. All that stuff should be
22 appropriately addressed by a truly random sample
23 design. And I think the answer to your ramp question
24 is exactly the same. Over time the distribution of

1 angler effort will be reflected in the pressure ratings
2 on all of those sites. And if we got the pressure
3 ratings right, then the assignments will be distributed
4 appropriately.

5 PAT AUGUSTINE: Thank you for that.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 John.

8 JOHN MCMURRAY: Thank you, Mr.

9 Chairman. Both Gordon and Jason touched on this, but
10 I'm still a little confused about how the for-hire fleet
11 is sampled and to what extent those dreadful VTRs we have
12 to fill out come into play.

13 GORDON COLVIN: Yeah. Thanks. I
14 didn't get too much into the for-hire survey, and I
15 appreciate you bringing it back up. The for-hire
16 survey is how we generate estimates of catch in that mode
17 on the Atlantic coast right now.

18 And in our region the for-hire survey
19 consists generally of this: It's done very similar in
20 methodology to what Jason outlined, except that we don't
21 use the coastal household telephone survey to collect
22 trip data. In the case of for-hire survey we actually
23 use a registry of for-hire vessel operators to collect
24 the vessel trip data. But we do use the access point

1 angler intercept survey as the primary basis for
2 collecting the catch data. So all the changes I talked
3 about on the estimation method and the intercept survey
4 are applicable to the for-hire survey and the results
5 that will generate from the for-hire mode.

6 We expect to continue to use the
7 for-hire survey telephone survey of the vessel
8 operators to generate catch estimates. Now, in
9 addition to that, in our region, the Northeast region,
10 many vessels but not all of them, but those vessels that
11 hold federal permits are required in some instances to
12 submit trip reports.

13 That data, it's a separate data
14 collection effort that flows from the fishery
15 management plans and the implementing regulations for
16 summer flounder, scup, black sea bass, bluefish,
17 mackerel, groundfish and so forth. And those numbers
18 have never been used directly to generate the catch
19 estimates.

20 In recent years, they have been used by
21 our staff to help kind of as a backup data stream to help
22 us address some of the missing data and to essentially
23 kind of in a tuning sort of way to tune our estimates
24 of catch from the for-hire survey. But they are not the

1 primary survey database. And a couple of things I'd
2 point out. MRIP has undertaken a comprehensive review
3 of for-hire survey methods nationally. That review is
4 published on our website. We've also had an
5 independent expert review of those methods and
6 recommendations for improvements of for-hire data
7 collections nationally and recommended best practices
8 for for-hire data collection, which is also a final
9 report on our website.

10 And as the NRC panel did, our
11 independent review identified mandatory electronic
12 trip reporting as the method of choice in the future for
13 for-hire data collection to replace sample surveys,
14 such as the for-hire survey that's in effect now with
15 conditions, with a whole bunch of caveats.

16 And it's some of those caveats that
17 we're testing in the Gulf pilot now. They include
18 things like this: all the vessels have to participate,
19 not just the federally permitted vessels, but the state
20 waters vessels; you have to have an independent
21 validation of your data, processed and independently
22 validated; you have to have a quality complete list
23 obviously of all the participants, and it has to be
24 maintained, stuff like that.

1 Those are things we're trying to test.
2 And we may open that dialogue in the future depending
3 on the outcome of the Gulf pilot. A couple of things
4 I can share with you about the Gulf pilot. Data
5 collection is not yet complete, as I indicated, but I
6 can tell you that there has been some disappointment in
7 the participation rates in the Florida reports; despite
8 the fact that it's mandatory, they're barely up to 80
9 percent participation, and that's a criticism of some
10 of the other such things around the country, such as in
11 California.

12 The other thing is we have not yet had
13 any data come to us to compare the validation data with
14 self-reported data. And we're not sure how that's
15 going to match up. But if it doesn't match up, well,
16 we're going to be back to the drawing board. Did you
17 want to follow up on that, Jason?

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Jason.

20 JASON DIDDEN: I did need to check back
21 with some of the SNT folks. My understanding is that
22 VTR data is not used on the preliminary wave estimates,
23 but they do use the VTR data for the effort estimates
24 at the end of the year for the final. There's a lag in

1 the VTR.

2 And the my understanding is the VTR data
3 is used on the effort side of things for the final annual
4 numbers. So it is used to make the estimates but only
5 in the final numbers, not the preliminary wave
6 estimates.

7 COUNCIL CHAIRMAN RICHARD ROBINS:

8 Mike.

9 MICHAEL LUISI: Thank you, Mr.
10 Chairman. In the interest of time and given the fact
11 that the question I had related to Maryland specific --
12 the pilot project that's ongoing and what our fishermen
13 can expect from any results from that, I'll just go ahead
14 and hold off on that and catch Jason and Gordon off line.

15 COUNCIL CHAIRMAN RICHARD ROBINS:

16 Thank you. Are there any other questions for Gordon?
17 John.

18 JOHN MCMURRAY: Just very quickly,
19 Gordon. How are HMS trips accounted for and to what
20 extent does the mandatory reporting in that fishery come
21 into play?

22 GORDON COLVIN: HMS trips are largely
23 come forth through the large pelagic survey which is a
24 separate survey that is done. It focuses on federally

1 permitted -- it uses a registry of federal permit
2 holders as its primary sample frame.

3 And everything I described today about
4 the methodology changes and the intercept survey design
5 changes are potentially applicable to the underlying
6 design of the LPS, but we have not yet done that review.
7 The LPS is targeted to be reviewed by the same team next
8 year, and we anticipate some improvements to their
9 sampling design. Actually, the LPS design already
10 includes -- the intercept survey design already
11 includes some of the same provisions that are part of
12 the new MRIP design, but there are some that are not
13 included. So that will be improved.

14 In addition, there are catch card
15 reporting programs for Atlantic bluefin tuna in place
16 in North Carolina and Maryland, and one of our projects
17 this year will be to pilot expanded implementation of
18 catch cards for bluefin in Massachusetts.

19 We have a lot of interest on the part of
20 the HMS advisory panel in moving away from the LPS sample
21 survey back towards a mandatory catch guard base
22 sampling on a broader basis.

23 We went down that road some years back
24 with mandatory reporting of all tuna, and it ended up

1 getting replaced by the LPS which is more reliable. So,
2 in some sense, we may be coming full circle on all of
3 this using some new methods, but we'll see.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 John.

6 JOHN MCMURRAY. I know there is
7 mandatory reporting reporting for bluefin right now.
8 And is that taken into account?

9 GORDON COLVIN: I think that's built
10 into the LPS design.

11 JOHN MCMURRAY: Despite the compliance
12 issue of course.

13 GORDON COLVIN: And LPS collects more
14 than bluefin data, but the bluefin data is a component
15 of the reporting data. There's other stuff too.
16 There's tournament registrations and so on and so forth.
17 They're all part of that program.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Kevin.

20 KEVIN SAUNDERS: Thank you, Mr.
21 Chairman. Do you foresee the federal enforcement
22 possibly changing from educational to actual
23 enforcement in the future?

24 GORDON COLVIN: With respect to

1 registry? I think so. Probably. I'm not quite sure
2 when. It's an ongoing discussion.

3 KEVIN SAUNDERS: Thank you.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Okay. Gordon
5 and Jason, thank you very much for the presentation. I
6 appreciate it. Our next presentation is going to be on
7 National Standard 10, and that will be given by Doug
8 Christel from National Marine Fishery Service.

9 While Doug's getting set up, I'm going
10 to ask if Dr. Gene Kray would report out on the
11 Ecosystems Committee. He had asked to report out
12 early, so we'll accommodate that report right now.

13

14

15 ECOSYSTEM AND OCEAN PLANNING COMMITTEE REPORT

16 EUGENE KRAY: Thank you, Mr. Chairman.
17 The Ecosystems and Ocean Planning Committee met on
18 Tuesday, and Dr. Jason Link and many of you in the room.
19 Dr. Jason Link gave a presentation on the review of the
20 Northeast Fisheries Science Center Ecosystem Program
21 model and a little bit of a hint of things that are to
22 come. The thing that impressed me is Jason's eagerness
23 and willingness to interact and develop this interim
24 process with the Council.

1 And I think that's going to go a long way
2 toward moving us closer to the inclusion of the
3 ecological considerations into our fishery management
4 plans. So I'm very impressed with his work. I don't
5 understand a lot of it, as you saw the flow chart that
6 he put up there briefly that we're not supposed to
7 understand, so.

8 Anyway, the second part we talked
9 briefly about the BOEMRE situation with the offshore
10 areas, and Chris had written a letter and we asked for
11 additional information, and there were none, so we
12 understand with the letter that Chris had sent.

13 I had indicated to Rick and Chris that
14 we're going to have to get very close to BOEMRE and be
15 sure that they're keeping us in the loop. They have not
16 kept us in the loop; although, we thought they were.

17 But apparently things are slipping
18 through the cracks. We were not notified about the
19 section of Delaware that was rejected. We heard it from
20 John Williamson. So Tom's going to check on that, and
21 we're going to see where that goes and who made those
22 kinds of decisions and what rationale did they have.
23 And that's it, Mr. Chairman. If you want, I will
24 briefly touch on the New England meeting. It will take

1 me about two minutes or a minute.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Go
3 ahead, Gene.

4

5 NEW ENGLAND MEETING REPORT

6 EUGENE KRAY: We talked about the Sassy
7 model, and there's a lot of frustration. This is with
8 the habitat PDT meeting. And the frustration of the
9 folks up there because the council keeps changing the
10 ground rules.

11 It's supposed to work on an omnibus
12 amendment to cover all habitat, and then in January they
13 threw in they want more data, more habitat data for
14 groundfish and for scallops, which changes the whole way
15 -- and continues to extend the time.

16 They've been working on this now for
17 nine years. I think it might be another nine years
18 before -- if then -- that this thing is finished. The
19 thing that was encouraging at the meeting, however, was
20 that we had about a one hour discussion. And this will
21 interest the Council because some of the areas of deep
22 sea coral are within the Mid-Atlantic Council region.
23 Peter Auster and Dave Packer -- Dave was very much
24 involved in the planning of our ecosystem workshop last

1 December in Virginia Beach. And Tom wasn't able to be
2 there, but they were going to have a conference call,
3 and so Peter Auster, Dave Packer and Tom Huff discussing
4 further movement toward gathering of data on deep sea
5 corals. They came to a definition of deep
6 sea corals and it included sponges. So it's a very
7 broad definition of deep sea coral. And we're defining
8 the areas not only inside the canyons but in between the
9 canyons how we're going to define that, what are we going
10 to call it. So they're getting into those kinds of
11 discussions.

12 And I was very, very impressed with the
13 work they were doing, and I think that has -- it's going
14 to have an impact on what we're doing so we have to stay
15 close to that is what I'm trying to say. And that's my
16 report, Mr. Chairman.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Gene, thanks for the report. Thanks also for your
19 leadership on the committee. We're very grateful for
20 it as a council. And thanks for the update on the
21 corals. We will continue to follow that closely. Any
22 questions for Gene? Okay. With that we'll go to Doug
23 Christel on the National Standard 10 presentation.
24 Thank you.

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NATIONAL STANDARD 10 PRESENTATION

DOUG CHRISTEL: Thank you, Mr. Chairman. Good morning everybody, Council members, members of the audience. My name is Doug Christel. I'm (inaudible) with the Northeast Regional Office of Marine Fishery Service, but this morning I'm going to be talking to you on behalf of the National Standard 10 working group that was formed by NMFS headquarters.

Today I'm going to be talking a little bit about fishing safety. National Standard 10, as you know, is the guidelines that Congress outlined for consideration of safety issues and the development of fishery management plans.

The outline of my presentation includes a little bit of discussion about fishing safety on the East Coast, National Standard 10, and the current guidelines, issues under consideration for revising these guidelines and opportunities to provide public comment as part of this process.

Obviously, commercial fisheries, as you all know, has been one of the most dangerous occupations. According to the National Institute of Occupation, Safety and Health, during 1992 to 2008, the average

1 annual fatality rate for commercial fishermen was 128
2 deaths per 100,000 workers.

3 In contrast the annual fatality rate for
4 all U.S. workers was only four per 100,000. The
5 legislative response to this was to develop National
6 Standard 10 as part of the 1996 changes to the
7 Manguson-Stevens Act. That National Standard 10
8 reads: Conservation management measures shall to the
9 extent practical promote the safety of human life at
10 sea.

11 To put this into context, the U.S.
12 Bureau of Labor Statistics calculated the fatality rate
13 for various occupations to the U.S. Occupations are
14 listed on the Y axis of this chart, and the number of
15 fatalities are represented by the red bars to the right
16 of the graph, and blue bars represent the fatality rate,
17 the number of deaths per 100,000 workers. As you can
18 see, commercial fishing and fishing-related workers are
19 the highest mortality rate at 200 deaths per 100,000
20 workers despite only having 56 work fatalities per year
21 in 2009.

22 Now, the next lowest one is loggers, as
23 you may have seen on the Discovery Channel or the other
24 reality TV shows they have a substantially reduced rate

1 at 61.8 deaths per 100,000 workers.

2 So commercial fishing is upwards of
3 three times more dangerous than logging. This graph
4 shows the fatality rates in 2009 -- I'm sorry -- 2000
5 to 2009 throughout the United States. This does not
6 include all fatalities, but because of the small number
7 of fatalities in Hawaii and Pacific region.

8 But, as you can see, the portion of the
9 bars in red highlight the East Coast fishing region and
10 the fatalities. Between 2000 and 2009, they ranged
11 from 40 to 60 fatalities per year. In recent years with
12 the exception of perhaps 2008, the East Coast has had
13 more fatalities than other regions. National Standard
14 10 was added to the Magnuson Act, as I said, in 1996.

15 NMFS developed and published guidelines
16 for the implementation of that National Standard in
17 1998. These guidelines serve as the primary guidance
18 for NMFS and the councils to develop consideration of
19 safety issues and the development of management plans
20 and associated management regulations.

21 As you all know, the National Standards
22 apply to all regional councils as well as the Fishery
23 Service when developing fishery management plans and
24 associated regulations.

1 The management plans and any
2 regulations must be consistent with these standards,
3 and the guidelines are there to help the councils and
4 the NMFS agency develop those regulations to ensure that
5 safety is considered when creating the measures.

6
7 The current National Standard 10
8 guidelines are listed in 50 CFR 600 regulations.
9 Generally, they describe a few conditions upon which
10 should be considered including reducing safety risks
11 when developing management measures, avoiding
12 requiring vessels to go out in conditions they would not
13 normally do so, and to define safety of life at sea is
14 not only applying to the persons aboard the vessels but
15 to the actual vessel's safety itself. Considerations,
16 as I said before, include the operational environment
17 including weather, gear, and vessel stability
18 characteristics, and avoiding the potential for vessels
19 to hurry out and complete fishing operations in short
20 duration or commonly known as derby fishing.

21 Other elements of the National Standard
22 10 guidelines include consulting with the U.S. Coast
23 Guard and the fishing industry when developing
24 management measures to ensure that safety is considered

1 and safety aspects are minimized to the extent possible.

2 Mitigation measures include avoiding
3 setting seasons in bad weather, allowing flexibility to
4 set gear and retrieve gear in between fishing seasons,
5 allowing gear requirements for smaller or less capable
6 vessels, and other efforts such as effort limitation
7 reducing the race to fish.

8 The current guidelines are 13 years old.
9 As I said, they were implemented in 1998.

10 There's been significant advances in not only the
11 fishery management regulations. Different management
12 measures have been implemented over that time. But
13 also advances in the way data are analyzed from a safety
14 context. There's been a few recent efforts to
15 integrate the safety concerns with fishing industry
16 including a National Transportation Safety Board
17 workshop in Washington D.C. in October of 2010, and most
18 recently the Coast Guard Reauthorization Act which
19 includes substantial revisions to elements that affect
20 vessel safety.

21 The current guidelines for National
22 Standard 10 do not include methods to analyze and
23 evaluate safety considerations, and part of the
24 objective for considering revising National Standard 10

1 is to possibly integrate suggestions on how to analyze
2 fatality and injury rates as well as to compliment the
3 Coast Guard mandates in the Reauthorization Act.

4 An advanced notice of public rule making
5 was published by National Marine Fishery Service on
6 April 21st, 2011. This notice of proposed rule making
7 seeks input and comments on what elements should be
8 considered when considering revisions to the National
9 Standard 10 guidelines.

10 A series of public meetings were
11 scheduled to be held including is Silver Spring,
12 Maryland; various regional councils, such as this
13 morning's meeting; and other opportunities for public
14 comment will be considered including paper, oral
15 testimony at council meeting such as this one, and other
16 elements. Comments will be accepted through July 20th,
17 and these comments will be used to formulate the
18 proposed changes to these National Standard 10
19 guidelines.

20 There were eight issues that were
21 outlined in the advanced notice of proposed rule making
22 for consideration of revising National Standard 10.
23 I'm going to go through each one. They're not listed
24 in priority order, but they're just supposed to outline

1 some of the ideas that have come up during the scoping
2 process for which issues are most relevant.

3 The first one is assembling and
4 analyzing data on fatalities and injuries. The
5 regulations for the Coast Guard require that all
6 injuries including those that require professional
7 medical attention or otherwise render an individual
8 incapable of performing his or her duties should be
9 reported to the Coast Guard.

10 These fatalities are counted by the
11 fishery, and NMFS would like to include guidance on how
12 to collect and analyze this if that is appropriate.

13 The National Institute of Occupational
14 Safety and Health has produced a few regional summaries
15 of fatality and injury rates throughout the United
16 States. There are a few copies of the East Coast report
17 available on the table in the back, and I have the links
18 to provide anybody with additional copies if you are so
19 interested. But they summarize a lot of the recent
20 trends in injury and fatalities within various
21 fisheries in each region, and are very useful in
22 providing the overall context for what's going on in
23 each region.

24 The second element for consideration of

1 changes include calculating fatality and injury rates.
2 Calculating these rates provides a way to compare risk
3 among various fisheries because the workforce within
4 each fishery varies greatly.

5 So first element to calculating these
6 rates is to define what that workforce is and trying to
7 quantify it. Obviously, there are a number of ways you
8 can do this, some of which include counting the number
9 of active vessels, the number of operational
10 days-at-sea, and the average crew size.

11 Part of this advance notice of proposed
12 rule making seeks guidance on ways to quantify that
13 workforce. This chart shows a little bit of
14 representation of how many fatality rates and what the
15 workforce is like among various fisheries.

16 And, as you can see, the East Coast
17 region there's a substantial number of full-time
18 equivalent employees in the scallop fishery, 10,000.
19 They had 44 fatalities during 2000-2009. So that
20 results in a rate of about 425. North Atlantic
21 Northeast Multi-Species, the groundfish fishery has a
22 rate of 600. So clearly, although they have fewer
23 fatalities, they also have fewer workforce engaged in
24 that fishery; therefore, the rate is higher. The next

1 one is to evaluate risks.

2 Risk assessment can be conducted in any
3 number of ways, but they are most useful at identifying
4 safety hazards within a fishery, and they suggest ways
5 that maybe measures need to be revised to consider
6 safety in a more proactive manner.

7 Risk assessment could include the types
8 of hazards to vessels and their operators, the number
9 of fatalities, are the operations of this fishery in
10 such a manner compromising the ability to perform search
11 and rescue operations or to get medical assistance if
12 necessary?

13 I'm not finding the target apparently --
14 so. Okay. Thank you. Sorry about that. The first
15 element that we're considering in the National Standard
16 10 guidelines in safety considerations to mitigate --
17 mitigation measures to improve the safety. Some of
18 these elements include potential for vessel
19 replacement, in transit through closed areas, emergency
20 provisions such as the safe harbor provision. Another
21 consideration is to whether the 3 conditions -- weather,
22 stability and derby fishery concerns as well as the
23 existing mitigation measures should be refined or
24 supplemented; and this is what NMFS is seeking input on

1 as we go through this reevaluation process.

2 The fishery just -- get collecting data
3 on recreational safety issues in the recreational
4 fishery. There's very few incidence of safety and
5 fatality in the Federal offshore waters and there are
6 a number of incidences more confined in the
7 recreational fishery to near-shore and inland seas
8 areas; so we are seeking input on ways -- on issues that
9 need to be addressed in the recreational fishery
10 specifically.

11 -- fishery industry on safety issues
12 relevant to each fishery. We want to further expand
13 upon that and seek an input of -- improvements are
14 necessary into the (inaudible) process. Fishery
15 management councils or the nation at large wish to have
16 a more systematic incorporation of that consultation
17 process through the development of advisory panels or
18 other committees that could function as a venue for
19 discussing safety issues.

20 The seventh item is the stock assessment
21 and fishery evaluation reports. Safety information is
22 not always included in this. It can be. Some
23 fisheries, such as the monkfish fishery and the herring
24 fishery, have safe reports integrated into the

1 regulations.

2 From a groundfish perspective, these
3 elements also exist, but they haven't been utilized in
4 full context, but rather these safety issues and other
5 elements describing the fishery have been integrated
6 into the fishery impact statements and the
7 environmental assessments that are presented to
8 development management action.

9 So we're really trying to consider ways
10 to more systematically incorporate safety elements into
11 the annual reports on the fishery at large to get a sense
12 of guidance for future issues that should be addressed.

13 The eighth and final element is to
14 define the relationship between the National Standard
15 10 and the fishery impact statements. As I stated
16 before, various fisheries throughout the nation do
17 incorporate safety issues as part of their fishery
18 impact statements or the MEPA documents associated with
19 management actions.

20 The Reauthorization Act of Magnuson in
21 2006 required that safety elements be considered in
22 these fishery impact statements. NMFS is just
23 interested in seeking guidance on how to more
24 systematically incorporate elements that should be

1 integrated within these fishery impact statements to
2 consider safety concerns.

3 As I said before, comments on the
4 advance notice public rule making will be considered
5 through July 20th. Various mechanisms exist to present
6 those comments including submitting comments through
7 the regulations.gov website, faxed comments to the
8 attention of Debra Lambert at 301-713-1193, or mailed
9 at the address provided on the screen.

10 All of this information is summarized in
11 the advanced notice of proposed ruling making, and I can
12 also provide that information to you if you're
13 interested. As I said, the deadline is July 20th.

14 Another avenue of input is to submit
15 your comments to the public meetings. So today I would
16 like to welcome comments not only from council members,
17 but also from members of the audience at the conclusion
18 of this presentation as far as what issues we should be
19 considering when we're advising National Standard 10
20 guidelines. We've had a series of meetings including
21 one in Maryland, one in Key West, Florida, today as part
22 of the Mid-Atlantic Council meeting, next week at the
23 New England Council meeting, and finally there's going
24 to be one in Seattle on July 19th.

1 So, in summary, ultimately NMFS is
2 seeking comment on what issues are relevant for safety,
3 fatality, and injury issues in the fisheries throughout
4 the nation.

5 We're seeking input on ways to improve
6 upon or supplement the existing National Standard 10
7 guidelines or issues that the agency should be aware of
8 when considering future changes to the National
9 Standard 10 guidelines if they are not done through this
10 process.

11 Once again, comments on these issues can
12 be accepted through July 20th. And I'd be happy to
13 entertain any comments the Council or public may have.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Thanks, Doug. Pat.

16 PAT AUGUSTINE: Thank you, Mr.
17 Chairman. Doug, good to see you in your new role and
18 congratulations. Great presentation. Mr. Chairman,
19 because we are short on time, it would seem to me that
20 you might want to create an ad hoc quick committee to
21 address whether or not we should make a comment to this
22 issue, particularly about -- Erling and I were talking
23 about it when we weren't supposed to be -- about one man
24 vessels, one man operated vessels and concern of those

1 number of people that do fall overboard and the boat is
2 found out there going in circles with no one on board
3 and maybe address it from that point of view as to which
4 fisheries we would have most concern over. And that way
5 we can move the process forward. I do think we should
6 respond as a council to this action. Thank you, Mr.
7 Chairman.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
9 I was going to suggest we explore that through our Law
10 Enforcement Committee --

11 PAT AUGUSTINE: Great idea.

12 COUNCIL CHAIRMAN RICHARD ROBINS: --
13 since we have Coast Guard representation on there.
14 Rich.

15 RICHARD SEAGRAVES: Yeah. I had a
16 question. Maybe I didn't pick it up in the
17 presentation. But is there any analysis done assuming
18 that the National Standard 10 requirement went into play
19 somewhere around the late '90s and the data you
20 presented was for the 2000s, was there any analysis of
21 pre and post imposition of National Standard 10 to see
22 if it had any effect on vessel safety?

23 DOUG CHRISTEL: Not that I'm
24 systematically aware of. I mean there is an evaluation

1 of safety issues over time. The data that I have
2 available to me only presents it about after 2000
3 roughly, but data, of course, go back before that. The
4 Coast Guard has kept records on that.

5 In 2009 the fatality rate in commercial
6 fisheries overall was 200 deaths per 200,000; but if you
7 look at the longer time series dating back to 1992, the
8 fatality rate was 128. So there is some changes.

9 Now, overall there has been some higher
10 profile safety incidents and fatalities in the last
11 couple years, but overall there is improvements in the
12 safety at large.

13 But still safety is a primary concern in
14 the commercial fisheries, given the high rate of
15 fatality compared to the number of work force. I can
16 investigate that, and if you give me your address, I can
17 provide that evaluation if it is available.

18 RICHARD SEAGRAVES: Thanks.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Thanks, Doug. Other comments or questions? Kevin,
21 do you have any initial reaction to the proposed
22 National Standard, or would you prefer to provide some
23 comments from the Law Enforcement Committee as we go
24 forward?

1 KEVIN SAUNDERS: Thank you, Mr.
2 Chairman. Yeah. I look forward to talking about this
3 more during the Law Enforcement Committee. I think in
4 general the Coast Guard always has an interest in
5 fisheries enforcement as well as the safety of
6 commercial fishing vessel safety -- commercial fishing
7 vessel -- you know what I'm saying. Anyway.

8 COUNCIL CHAIRMAN RICHARD ROBINS: We
9 got it.

10 KEVIN SAUNDERS: Anyway, so I think
11 this is a good step forward, and perhaps during this
12 committee, I'll bring some of the commercial fishing
13 vessel safety reps to sit on that.

14 I'm also, I'm pleasant to find out
15 through my channels when I saw this was on the agenda
16 that you had already engaged the Coast Guard at the
17 headquarters level, and that's great. I think this is
18 a good support. Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Thanks for that follow-up. Other questions or
21 comments? All right. Erling.

22 ERLING BERG: Well, perhaps at our next
23 meeting two months from now in Wilmington, we could
24 convene the Law Enforcement Committee to look a little

1 closer at this. Would that be a possibility? Is there
2 going to be time?

3 COUNCIL CHAIRMAN RICHARD ROBINS:

4 Yeah. I think after this meeting, we can go out to the
5 Law Enforcement Committee and give them an opportunity,
6 we have perhaps a conference call, give them an
7 opportunity to help us develop comments that we could
8 submit on behalf of the full council. Doug, do you have
9 any other follow-ups?

10 DOUG CHRISTEL: No. Just to highlight
11 who's involved in the working group to emphasize Kevin's
12 point is the U.S. Coast Guard is involved in the National
13 Standard 10 working group as is the National Institute
14 of Occupational Safety and Health and any other related
15 entities.

16 Primarily, it's NMFS, U.S. Coast Guard,
17 and IOSH as the main drivers. Department of Labor I
18 believe has been consulted as part of this process as
19 well. So it's an ongoing dialogue.

20 I'd be happy to present my contact
21 information as well if you have any further questions
22 or follow up. As a representative on the working group,
23 I'd be happy to forward any concerns that come up over
24 time to the working group for their consideration in

1 addition to the formal channels that I identified
2 earlier.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Thanks again, Doug. Why don't we take a 10-minute
5 break. You can take advantage of that to check out if
6 you need to. And we will come back and try to get
7 through the committee reports with some economy. We're
8 going to leave some time for discussion on a monkfish
9 update that Howard King will provide us with, and we'll
10 go from there. Thank you.

11 [Break: 10:07 a.m. to 10:20 a.m.]

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Erling, can you look out in the hall and let people know
14 we're getting started. [Pause.] Okay. The next item
15 of business is the approval of the April council meeting
16 minutes.

17

18 APRIL 2011 COUNCIL MEETING MINUTES

19 COUNCIL CHAIRMAN RICHARD ROBINS: Are
20 there any corrections to those minutes as they were
21 distributed? If there aren't any additions or
22 corrections to the minutes, those will be approved as
23 presented. Next is the regional administrator's
24 report. Pat.

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NMFS REGIONAL ADMINISTRATOR REPORT

PATRICIA KURKUL: Thank you, Mr. Chair.

The omnibus ACL/AM Amendment notice of availability to implement the annual catch limits and accountabilities for all the Mid-Atlantic plans did publish in the Federal Register on May 23rd with the public comments accepted through July 22nd. The decision date for the amendment, that is, the date that the agency will approve or disapprove the amendment is August 23rd. The proposed rule for the amendment is scheduled to publish tomorrow, June 17th; and that public comment period will end on July 18th. For tilefish you should have gotten a copy of the annual report on the tilefish IFQ cost recovery program. I think those were handed out. I'm pretty sure.

This is the first annual report of the program, and it details how the costs were determined, how the fee for each allocation holder was calculated based on their landings during the 2010 calendar year.

The bills for the IFQ program were issued on March 23rd. All 13 allocation holders paid in full before the May 7th deadline. So that program went very smoothly this year.

1 For Atlantic mackerel, squid and
2 butterfish, the loligo Trimester 2 and 3 quotas were
3 adjusted to account for underages in Trimester 1.
4 Because the underages for Trimester 1 were greater than
5 25 percent of the Trimester 1 quota, the underages were
6 rolled over to Trimester 2 and 3; but the rollover to
7 Trimester 2 is limited to a 50 percent increase, so it
8 actually went into both Trimesters 2 and 3. Any quota
9 remaining at the end of Trimester 2 will be rolled over
10 to Trimester 3 as well. We published a proposed rule
11 in the Federal Register on April 21st for the 2011 scup
12 fishery to increase the scup total allowable catch and
13 total allowable landings and to implement the
14 recreational measures for summer flounder, scup and
15 black sea bass. The comment period on that closed on
16 May 23rd, and the final rule is under development.

17 We also published an emergency rule in
18 the Federal Register on June 1st to close the Nantucket
19 Light Ship access area to scallop fishing for this year.
20 This was at the request of the members of the scallop
21 industry and the Council, THE New England Council.

22 The action was taken to prevent high levels
23 of scallop and yellowtail flounder from being caught in
24 this access area were to open before implementation of

1 Amendment 15 and Framework 22 to the scallop fishery
2 management plan.

3 Amendment 15 to the plan establishes a
4 process for setting the ACLs and AMs for the scallop
5 fishery, and Framework 2 will actually set the ACLs and
6 AMs for the 2011 through 2013 fishing years based on the
7 process in Amendment 15.

8 This framework also adjusts days-at-sea
9 and IQ allocations and revises the access area rotation
10 schedule. The comment period for Amendment 15 and
11 Framework 22 proposed rules close on May 26th and May
12 31st respectively. So, if approved, these actions are
13 expected to be in place in July of this year, and the
14 measures implemented under Framework 22 will replace
15 the emergency measures by continuing the closure for the
16 rest of 2011 fishing year. For dogfish we published a
17 final rule in the Federal Register on June 7th that sets
18 the final specifications for the 2011 fishing year.
19 That's effective July 7th through April 30, 2012.

20 The quota will be 20 million pounds, and
21 the possession limit will continue at 3,000 pounds.
22 This quota is identical to the quota set by the
23 Commission. Landings of dogfish that have occurred
24 since the start of the fishing year, which was May 1st,

1 will be applied to this quota.

2 On monkfish the final rule for Amendment
3 5, which establishes the ACL and AM process for the
4 monkfish fishery, was published in the Federal Register
5 and became effective on May 25th.

6 We are holding 15 public scoping
7 meetings during July and August to discuss vertical line
8 entanglements of large whales. The scoping meetings
9 are an opportunity for the public to get involved in the
10 development of conservation measures intended to reduce
11 the risk of serious injury and mortality of large whales
12 during entanglements in vertical lines. Four other
13 scoping meetings will be held in the Mid-Atlantic area
14 July 26th in Moorehead City, North Carolina; July 27th
15 in Virginia Beach, Virginia; July 28th in Ocean View,
16 Delaware; and July 29th in Manahawkin, New Jersey.
17 More information about the scoping meetings is posted
18 on our website. I'm sure you've all heard by now that
19 based on an extensive review of the scientific and
20 commercial information currently available, we
21 concluded that the listing of Atlantic bluefin tuna
22 under the Endangered Species Act is either threatened
23 or endangered is not warranted at this time.

24 Let's see. I think I have just two more

1 items. We also published a proposed rule in the Federal
2 Register on July 15th to revise the reporting
3 requirements for the Atlantic herring vessels or for
4 vessels holding Atlantic herring permits. The comment
5 period on that closes on June 30.

6 The rule revises the reporting
7 requirements because more timely information is
8 necessary to monitor the herring catch. And then I did
9 want to -- I'm sorry. Two others. One other.

10 I hope you've all seen also our comments
11 on the Bureau of Ocean Energy Management BOEMRE's
12 commercial leasing for wind power. New Jersey called
13 for information and nominations.

14 They did comment on that call for
15 information earlier this month, and as we've discussed
16 a couple of times, I think earlier in this meeting, this
17 is a process we're trying to stay very involved in. And
18 then finally, I did want to talk just a little bit about
19 the management review that was done in New England
20 recently and where the results were released recently.

21 That management review, which I hope
22 you've all seen, identifies several different areas
23 where there's some opportunity for improvements in the
24 way we do business.

1 And sort of generally they fall into
2 areas of governance, areas of communication, and areas
3 of science collaboration as well as industry
4 collaboration.

5 The Science Center has been working with
6 the New England Council in developing action plans in
7 response to that management review. It's clear in
8 several of the areas where we're developing action plans
9 that obviously since the Science Center and the Regional
10 Office work just as closely with the Mid-Atlantic
11 Council as the New England Council, that will want to
12 also want to collaborate with this council.

13 We had some discussion about this at the
14 Executive Committee meeting earlier this week. We are
15 looking under the governance issue at dusting off a
16 draft operating agreement, an MOU that we worked on with
17 the Council several years ago that although never
18 finalized, did, in fact, lead to the FMAT process in the
19 Mid-Atlantic. We're developing the communication plan
20 and certainly want to make sure that we are working
21 lockstep with the Council on that. And quite a lot of
22 the strategic plan in the meetings that were held
23 earlier this week on the cooperative research are also
24 part of this process, and so we do want to, as I said,

1 make sure that we work very closely with the
2 Mid-Atlantic Council on this as well. And that's all
3 I have, Mr. Chair.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 Thank you, Pat. I do look forward to follow-up
6 conversations and actions related to the Northeast
7 Management review. I think we will have implications
8 as well for the NRCC and how those relationships and how
9 that work is done.

10 I wanted to ask about the status of the
11 Atlantic sturgeon listing. Can you give us some sense
12 of where that stands or when we might expect some
13 additional output?

14 PATRICIA KURKUL: We're still in the
15 process of the scientific review and gathering
16 information, and I don't expect a decision on the
17 sturgeon listing until early October, so.

18 COUNCIL CHAIRMAN RICHARD ROBINS: I
19 appreciate that update. And the scoping sessions on
20 the large whale entanglement on vertical lines -- you
21 had, I think, four in the Mid-Atlantic -- do you know
22 what time of day those are? Can you go to your website?

23 PATRICIA KURKUL: Yeah. I have it
24 right here. I have it right here. Just one second.

1 Here it is. That's sturgeon. Sorry.

2 COUNCIL CHAIRMAN RICHARD ROBINS: I can
3 follow up --

4 PATRICIA KURKUL: Yeah. I do have it
5 right here, and I'll get back to you.

6 COUNCIL CHAIRMAN RICHARD ROBINS: I'll
7 follow up on that. We do have an announcement to make,
8 though. Today is Dr. Gene Kray's birthday.

9 [Applause.]

10 EUGENE KRAY: And I will never live to
11 be as old as I look. And my standing joke, which I think
12 I've told everyone already is: I'm so old I remember
13 the Dead Sea when it was only sick.

14 COUNCIL CHAIRMAN RICHARD ROBINS: All
15 right. Are there any questions for Pat? Pat, thanks
16 for the report. Yes, please.

17 PATRICIA KURKUL: The hearings are to
18 be held from 6 to 9 p.m.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Thank you very much. With that I'll go to Frank Almeida
21 or -- Frank, are you doing this or Jim? Jim. Jim
22 Weinberg.

23

24

1 NMFS NEFSC DIRECTOR REPORT

2 JAMES WEINBERG: Thank you. As usual,
3 I'll go through some information about our surveys and
4 then talk about stock assessment and then a couple of
5 meetings. First of all, the spring multispecies bottom
6 trawl survey was completed on May the 12th.

7 Regarding the scallop survey, Leg 1 was
8 completed on May the 21st, and that focused on Southern
9 New England and Delmarva. And Leg 2 departed Woods Hole
10 on June the 8th, and it will be sampling Georges Bank,
11 and that will complete that survey.

12 There's a Leg 3 scheduled beginning on
13 June the 20th, and that's going to focus on looking at
14 the HAB cam validation as an approach for surveying
15 scallops.

16 Some future surveys that are scheduled:
17 the herring hydroacoustic survey will begin on the
18 Delaware on September the 8th; the clam dredge survey
19 will begin on July the 11th with the Delaware II; and
20 that's the last time that the Delaware is scheduled to
21 be used for this purpose. Following
22 the survey by the Delaware of the clams, there will be
23 an industry cooperative dredge cruise that's done
24 beginning on August the 23rd with the fishing vessel

1 Pursuit. The Northern shrimp survey will begin on July
2 the 10th using the Gloria Michelle. Then moving on to
3 stock assessments. The SARC 52 just took place in Woods
4 Hole. That was an independent peer review the week of
5 June the 6th, and the stocks that were reviewed were the
6 three winter flounder stocks: Gulf of Maine, Georges
7 Bank, and Southern New England.

8 And the reviewers are currently writing
9 their reports, and nothing is out on that yet but will
10 be publishing those results this summer, probably in
11 late July/early August.

12 The Center has also been involved with
13 doing multispecies groundfish analyses. It's
14 basically for providing information to develop the
15 biennial ACL adjustments for the New England groundfish
16 stocks.

17 There is also a TRAC meeting scheduled
18 in St. Andrews, Canada on the three transboundary
19 stocks: the Eastern Georges Bank cod, haddock, and
20 Georges Bank yellowtail. That meeting will take place
21 from June the 21st to the 24th.

22 The Center staff is also very actively
23 engaged in doing updates for the Mid-Atlantic stocks.
24 And for most of these, these are projections. It's a

1 shortened version of the normal update that would occur
2 annually. And this was the information that the Center
3 staff could provide at the time that it was needed, given
4 our involvement with also doing all the work for the SARC
5 52. So the updates that we're working on are for:
6 bluefish, black sea bass, scup, fluke; and there's also
7 work scheduled for dogfish later in the summer and fall.
8 SARC 53 will take place in late November or early
9 December of 2011, and black sea bass and Gulf of Maine
10 cod are on the agenda.

11 I also wanted to mention in Woods Hole
12 there will be a meeting regarding the definition of
13 excessive shares in the surfclam and ocean quahog
14 fishery. And that will be a CIE meeting, and John
15 Walden is the person from the Science Center who's
16 leading -- he's basically our point of contact for that
17 meeting.

18 And it will take place beginning on June
19 the 21st. It's either a two or a three-day meeting in
20 Woods Hole. And they'll be evaluating some work that
21 was done by a technical group that met earlier this year,
22 which developed basically some working definitions
23 about what an excessive share is in this fishery.

24 So this is like a second stage of that

1 process where the CIE is evaluating whether the approach
2 that was outlined by the technical group is reasonable
3 or not. And that concludes my report. I'd be happy to
4 answer any questions. Thank you.

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 Thank you, Dr. Weinberg. And I think after the
7 specifications discussions we had yesterday about
8 mackerel, we're going to want to have substantial
9 follow-up with the Science Center about how we can
10 continue to advance that discussion and try to get some
11 movement to address some of those uncertainties that
12 have been identified by the SSC in their report and that
13 were discussed by the AP members as well.

14 So I'd like to anticipate some follow-up
15 correspondence or meeting, etcetera, to deal with that
16 issue. Questions of Dr. Weinberg or comments on the
17 Science Center report? Okay. Seeing none, I'll go to
18 Joel MacDonald for the general counsel report.

19

20 NOAA OFFICE OF GENERAL COUNSEL

21 JOEL MACDONALD: Thank you, Mr.
22 Chairman. Since the last time we met, we've only had
23 one lawsuit filed against us. It's called Michael
24 Flaherty and Others including Ocean River Institute

1 versus Lock.

2 It's actually a challenge to Amendment
3 4 to the herring FMP. And the complaint alleges that
4 we had violated the Magnuson Act, MEPA and the
5 Administrative Procedure Act by abusing our discretion,
6 failing to include shad and river herring as stocks in
7 the fishery, set a legally sufficient annual catch limit
8 for Atlantic herring, by failing to include an
9 acceptable ABC control rule, implement legally
10 sufficient accountability measures for the fishery, and
11 completing an environmental impact statement,
12 analyzing a reasonable range of alternatives and
13 associated new facts. We are to file our
14 administrative record and the answer on June 27th, which
15 is obviously upcoming pretty quick.

16 I've got a number of other updates. In
17 Martha's Vineyard Fishermen's Association versus Lock,
18 that was a case that alleged that we had failed to manage
19 shad and river herring or in the case of the ASMFC they
20 have not effectively managed shad and river herring even
21 though they had an interstate plan.

22 We filed a motion to dismiss that case
23 some time ago actually, and we're still waiting to hear
24 from the court on our motion. In the New Bedford v. Lock

1 case, which is a challenge to Amendment 16 to the
2 multispecies FMP, the plaintiffs filed a motion on May
3 25th to supplement their original complaint and add a
4 challenge to Framework 45, which they claimed amended
5 Amendment 16.

6 It seems procedurally kind of a unique
7 way to go. In my estimation, I think a separate
8 complaint would have been more appropriate. But we'll
9 see what the court does with that.

10 In Lovegren versus Lock, which is
11 another challenge to Amendment 16 to the multispecies
12 case, there were a number of sort of parallel actions.
13 One of which was Food and Water Watch had filed a motion
14 to intervene as a plaintiff in that case, and the judge
15 denied that motion, but he said they could file an amicus
16 brief, friend of the court, if you will. And they have
17 appealed that.

18 The Appellate Court right now is trying
19 to set up a settlement conference. That's a typical
20 device that the appellate level uses to try and weed out
21 cases that can be settled and not burden the appellate
22 process.

23 Yeah. I don't know if there's any
24 reasonable expectation that we'd be able to settle this.

1 I've been through it, and it doesn't seem really
2 appropriate for a record review case, but they go
3 through it anyway.

4 In Oceana versus Lock, which is another
5 challenge to Amendment 16 of the multispecies plan, we
6 filed our motion for summary judgement on April 15th.
7 The plaintiffs filed their reply on May 13th.

8 Now, another Oceana case, which is
9 Oceana versus Goutieres, that was a challenge to the
10 omnibus standardized bycatch reporting methodology
11 amendment, the oral arguments in this case were held on
12 May 13th of this year.

13 Another case, General Category Scallop
14 Fishermen versus Lock, this was a challenge to Amendment
15 11 to the scallop FMP. You may recall that that was one
16 that turned the general category into a limited access
17 category. And the attorney in this case had actually
18 raised several challenges to Amendment 11, some of which
19 were constitutional challenges.

20 We prevailed at the district court
21 level. We also prevailed at the appellate level.
22 Right now we're waiting to see if the plaintiffs will
23 seek a review by the Supreme Court.

24 My expectation is that even if they file

1 a writ of certiorari, that the Supreme Court will not
2 entertain this because it really doesn't trigger the
3 criteria that the court typically used for accepting a
4 writ of certiorari. It doesn't present any novel legal
5 concepts, etcetera, etcetera.

6 Actually, there are three cases that
7 will be dismissed if the appeal is not taken at the
8 Supreme Court. They are: McCullough versus Lock,
9 Miguel versus Lock, and Hand versus Lock. They are
10 essentially duplicative of the general category case,
11 and I think in all three instances were filed after the
12 30-day statute of limitations contained in Section 305
13 of the act. So we're waiting to hear on that. There's
14 a certain time period that they have to seek review of
15 the Supreme Court. I don't know if it's run or not.

16 In Norton versus NMFS, this was a case
17 involving a denial of a general category limited access
18 permit for scallops. It's kind of an interesting case
19 procedurally only because one day I had a call from I
20 think it was the Permits Office and was asked rather
21 excitedly: What do we do? I just got a call from a
22 fisherman who said, hey, where's my scallop permit; the
23 court just ruled in my favor.

24 And I said: Well, let me check into

1 this. And come to find out that the U.S. Attorney who
2 was handling the case had fallen off the electronic
3 filing system that the court uses, so we were not given
4 notice of a hearing at which only the plaintiff and his
5 client showed up, and the court filed in their favor
6 since nobody opposed it.

7 So, we're going, ho, this doesn't look
8 good. So the other thing procedurally that was
9 problematic is that the plaintiff's attorney did not
10 file any of his documents with the U.S. Attorney, which
11 the rules of civil procedure require.

12 So we lost out on two scores: The
13 electronic system failed us, and the plaintiff's
14 attorney didn't notice us on what he was filing with the
15 Court. So we were able to argue with the Court that we
16 -- you know, we should be allowed to get back in.

17 Right now we're in the process of filing
18 a supplemental response, and oral argument in this case
19 is scheduled for the last week in July. And that's it,
20 Mr. Chairman.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Well, it's hard to fight when you don't know when and
23 where the fight is.

24 JOEL MACDONALD: Exactly. That was a

1 surprise, let me tell you.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Good
3 grief. Joel, who was the plaintiff in the first case
4 that you brought to our attention, the new case? Was
5 that on river herring?

6 JOEL MACDONALD: Michael Flaherty and
7 Ocean River Institute.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Thank you. Questions for Joel? Seeing none, we'll go
10 to federal enforcement. Kevin, you want to go first?

11

12 US COAST GUARD REPORT

13 KEVIN SAUNDERS: Thank you, Mr.
14 Chairman. In the past two months, we've done 107
15 boardings. We also had a medium endurance cutter
16 offshore for the past 35 days, the Acusca out of Tampa.
17 We're projecting some (inaudible) farther than we
18 typically do.

19 We're fortunate to have an ocean cutter,
20 and we'll continue to have an ocean cutter for the next
21 two months, too. So, of that effort, we didn't detect
22 any violations. We've only detected one termination,
23 meaning that we have just less than one percent
24 termination rate of the commercial fleet that were

1 surveyed. And that, of course, is zero percent of the
2 violation rate of the commercial fleet that was
3 surveyed.

4 However, we did have three negative
5 protected species interactions with gear in whales and
6 turtles. If you'd like to read the report, the details
7 of that are in there. But it kind of makes it
8 appropriate the meeting that's going to come up in
9 Virginia Beach and other areas about interactions with
10 marine mammals.

11 So pretty short report. I would like to
12 turn your attention to the outreach page. The lessons
13 learned from the Deep Water Horizon spill recently came
14 out, and one of the lessons learned was that vessels of
15 opportunity, meaning commercial fishing vessels that
16 can be outfitted to attract -- you know, oil with spill
17 response gear turned out to be a great benefit both for
18 the commercial fishermen that were misplaced by the
19 spill and for the companies that needed more assets out
20 in the water.

21 As a result of that D-5 area we're
22 looking at trying to develop a list that has commercial
23 fishing vessels that are willing to step up and
24 potentially serve in this kind of capacity if we do have

1 a spill in our area that requires additional vessels to
2 help. So there's some criteria. We have that listed
3 here. And just want to bring that to your attention.
4 Eventually, in the near future, we're going to have our
5 sectors, which are the units down from where I'm at in
6 the district, survey the fleet probably through the
7 commercial fishing vessel safety examiners and compile
8 a list of who is willing and able to participate in this.

9 All it requires is a four-hour training,
10 and then if there is a spill, you'll be called up, and
11 if you'd still like to participate, you participate, and
12 you're reimbursed by whoever the responsible party is
13 for the spill.

14 So, if it's federalized, it would be
15 reimbursed by the federal government. If the
16 responsible party, like in the case of BP, steps up, then
17 you'll be reimbursed from BP.

18 On average the reimbursement rate for
19 Deep Water Horizon was \$1200 a day. So it came to
20 significant. Just what we're trying to do as a lessons
21 learned, we're trying to interact proactively in our
22 area. That's all I have, sir. Thank you.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Thank you, Kevin. Any questions for Kevin on the law

1 enforcement report? All right. Tim.

2

3

NMFS FEDERAL LAW ENFORCEMENT REPORT

4

TIM DONOVAN: Good morning, Mr.

5

Chairman. Thank you. Tim Donovan, Acting Agent in

6

charge up in the Northeast. Gene, Happy Birthday.

7

Move on to a couple cases. Last month up in district

8

court in Boston, Universal Fish and Thomas Kats were

9

both sentenced after pleading guilty to Lacy Act

10

violations surrounding the falsely labeling catfish as

11

grouper. Seventy-five thousand dollar fines were

12

issued to both Kats and Universal.

13

What was interesting was that the judge

14

at the time of sentencing made a comment that he would

15

have sent Kats to jail if not for Kats's current medical

16

condition. It's just interesting that usually we don't

17

get that type of response at a sentencing hearing on our

18

cases.

19

Also, up in district court in Boston,

20

this month Daniel Barber of Connecticut was indicted for

21

trafficking and falsifying records and illegally

22

harvesting striped bass.

23

The indictment charges brought back

24

with harvesting striped bass in Rhode Island waters

1 during closed season and selling them in Massachusetts.
2 So that trial will be coming down the pike for us.

3 Also, there's been a lot of press
4 lately. We've got a couple of agents working out of
5 Cape Cod on the seal shootings trying to develop
6 information on who's involved in that. And that's one
7 of our priority cases right now up in Massachusetts.
8 Moving on to some more administrative changes coming
9 down the pike. We are very close to the announcement
10 of a new director for our Office of Law Enforcement. I
11 understand that it should be in the very near future that
12 the director will be announced.

13 The SAC job, Andy Cohen's old position
14 that I've been covering, will be posted. I understand
15 that's going to be posted next week, and we'll be
16 reaching out to everybody.

17 So, when that announcement goes out,
18 I'll make sure the Council gets it. And we'll get a wide
19 publication on that because we really are looking for
20 somebody to come in and help us as we evolve.

21 The other changes. The enforcement
22 officers, we've got five now in New England. Kevin
23 Matthews just finished the academy, and he reported to
24 the Menorah, New Jersey office. And we are also

1 nationwide going out with another announcement.

2 This, again, is a result of the IG's
3 review and additional administrative and a coverage for
4 NOAA Headquarters they want a better balance between
5 agents and uniformed officers.

6 This next announcement that's coming
7 out I expect to see a position down in Newport News,
8 Virginia as well and then some additional ones up in
9 Massachusetts. I apologize for the mic. And lastly,
10 behind me Don Frye at the last meeting I mentioned that
11 we were having a new compliance liaison assistance
12 coming on board, and that person is Don Frye, a former
13 commercial fisherman who I poached from George's shop
14 up in the Regional Office.

15 And he's been on for the last month and
16 a half spending time getting out to know the fleet up
17 in the North. And as soon as I get my budget, I'll be
18 releasing him down here as well.

19 So I encourage you all to get to meet him
20 during today's meeting. He will be attending the
21 Council meetings with us. Again, his job different
22 from what the agency and the enforcement officer.

23 He's out there working with industry,
24 looking for ways to improve compliance, what's working,

1 what isn't working, and that liaison between us. And
2 he'll be connected to the Regional Administrator's new
3 communication team up in the Northeast as well.

4 Again, as you understand, we're going
5 through some changes in the Office of Law Enforcement,
6 and we expect good things from Don. He's walked the
7 walk, talked the talk, and I think he's a great addition
8 to our team.

9 Lastly, until we go through the changes,
10 I expected, I had hoped that the priorities, the public
11 comment for the regional and national priorities for us,
12 Office of Law Enforcement, would have been published by
13 now and out there. I do apologize. Apparently,
14 there's more stuff happening in Headquarters than that
15 right now.

16 So, in the very near future, I should
17 hopefully by the next meeting have that out there. But
18 as soon as it's out there, I'll get it out to the Council
19 members, and we're really encouraging feedback. That
20 concludes my report, Mr. Chairman.

21 COUNCIL CHAIRMAN RICHARD ROBINS: Tim,
22 thanks a lot for the report and update. Can you give
23 us a sense? You said you had a striped bass case that
24 involved trafficking of striped bass that were being

1 caught during a closed season in one state and I think
2 being shipped into Massachusetts. Was that a large or
3 small -- can you give us a sense of the scale of that?

4 TIM DONOVAN: Yeah. To the best of my
5 knowledge, that started in 2009 and carried over in
6 2010, and there was about a total of about 12,000 pounds
7 of striped bass.

8 What I don't know and I don't have,
9 because Greg had (inaudible) earlier, I don't have the
10 specifics of how many different events. As it gets
11 closer to trial, I may have that data. But in total
12 we're looking at about 12,000 pounds. On that note, Mr.
13 Chairman, real quick, we still have some ongoing striped
14 bass investigation operations down this end, and we've
15 got some new joint activities with both the Coast Guard
16 and some of our state partners. So it's still an issue
17 that we are working, sir.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Thank you, Tim. I know a lot of the states have been
20 challenged in that area. So I appreciate the update.
21 Any questions? Vince.

22 VINCE O'SHEA: Thank you, Mr. Chairman.
23 It's not so much a question as a comment. Certainly,
24 first, to publicly thank Tim and his crew for the effort

1 on the striped bass case. We've noted that.

2 I know there's a case pending with
3 hidden compartment, and I'm not sure if this was one of
4 the guys, but there is -- state guys have run across a
5 guy with very elaborate hidden compartment system in a
6 trailable boat that was doing the same Rhode Island,
7 Massachusetts, Connecticut deal on striped bass.

8 TIM DONOVAN: I believe that might be
9 the same person, Vince.

10 VINCE O'SHEA: Yeah. In which case, in
11 my view, criminal is a good way to describe that type
12 of behavior. But the other thing is it's no secret that
13 the Office of Law Enforcement is taking a pounding, and
14 I just wanted to call it unfounded in my view. But call
15 attention, Tim, that on the 15th of June
16 seafoodnews.com, John Sacton wrote a very complimentary
17 editorial basically praising the response NMFS has done
18 to the enforcement concerns that were risen 2 1/2 years
19 ago, and the title of his editorial was, Gloucester, New
20 Bedford Mayor is Foolishly Endorsing Crazies in New
21 England While the Industry Thrives.

22 And then it goes on to describe how NMFS
23 enforcement has been responsive to the criticism. So
24 I'm sort of offering this as a cheer-up thing. Maybe

1 this is a sign of a light at the end of the tunnel, that
2 there are people that come around.

3 It says that some of this ongoing
4 criticism now has maybe gone beyond reasonableness and
5 that you guys are making a good effort thing. So I offer
6 that to you in terms of encouragement, Tim. Thank you.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Thanks. Greg, you had your hand up. Did you have a
9 question or a comment?

10 GREG DIDOMENICO: Just a question for
11 Agent Donovan. How did the Burber case, the person
12 who's been accused of the striped bass crimes, how did
13 he harvest those striped bass?

14 TIM DONOVAN: To the best of my
15 knowledge, it was hook-and-line, and I'm not sure who
16 the responding purchaser was, but I believe there was
17 hook-and-line there.

18 GREG DIDOMENICO: Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Any
20 other questions or comments for Tim? Tim, thanks for
21 the report. We'll move on now to Captain O'Shea, ASFMC.

22

23

ASMFC REPORT

24

VINCE O'SHEA: Thanks, Mr. Chairman.

1 I think I've used up all my microphone time, so the good
2 news is I have no report because the Commission hasn't
3 met since the last time the Council did, and I gave you
4 a full report.

5 The Commission is meeting the first week
6 in August in Alexandria, Virginia. And our agenda
7 first notice we hope will go out this week. As always,
8 our meetings are open to the public, and we're happy to
9 see anybody that attends. And always, thank you very
10 much for your hospitality, members of the Council. And
11 I was so pleased to be able to attend the send-off for
12 Pat Augustine who's also an ASMFC commissioner and Gene
13 Kray who we also see regularly and is an important player
14 at ASMFC. So thank you very much, Mr. Chairman.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thank you, Vince. With that, we'll move on to the
17 liaison reports.

18

19

NEW ENGLAND COUNCIL LIAISON REPORT

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23

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COUNCIL CHAIRMAN RICHARD ROBINS: And
the New England Council met. Their summary for the last
meeting, which was in Mystic, is behind Tab 12.

Pat Kurkul has already highlighted a
number of the actions that were done in response to that

1 meeting. Notably, the Council requested an emergency
2 action to close the Nantucket Light Ship area in the
3 scallop FMP. That was necessary to close a loophole
4 that was created by the delay in Framework 22.

5 The Service responded positively to
6 that, and I'd like to express my appreciation for that.
7 I know if that had not happened, we might have had a
8 serious problem with the ACLs for the fishery, and it
9 could have invoked accountability measures and other
10 disruptive problems.

11 In the herring fishery, the haddock
12 catch cap was increased from two-tenths of one percent
13 to one percent. And that was a highly debated issue
14 there at the Council table. Additionally, they agreed
15 to move forward with the development of a white paper
16 related to Monkfish Amendment 6, and that will look at
17 possibly having separate management plans for monkfish,
18 given the somewhat divisive nature of the comments that
19 were received north and south in the development of the
20 proposed catch share program for monkfish. I know
21 Howard will be briefing us on Amendment 6 shortly.

22 They also put together an ad hoc
23 committee to address accumulation limits in the
24 groundfish plan, and that committee met recently. I

1 think Howard and Erling were there. So we look forward
2 to some additional details there.

3 And, Erling or Howard, I don't know if
4 you have any additional comments from your committee
5 meetings. Erling attended a recent meeting of the
6 Scallop Committee I know. And I don't know if you have
7 any other detail.

8 ERLING BERG: Not really, Mr. Chairman.
9 You're familiar with the gentleman that was trying to
10 regain his permit that he had sold. I think we
11 discussed that, and I don't think it's going to go
12 anywhere.

13 I did attend the accumulation workshop.
14 We didn't really settle anything. What are excessive
15 shares? I'll know when I see it. That's basically
16 what came out of it. So there was no conclusion there
17 at all. There's a lot of work to be done on that.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Howard, did you have anything to add regarding the
20 accumulation limits or the other meeting?

21 HOWARD KING: No. You weren't asking
22 for the Monkfish Committee report now, were you?

23 COUNCIL CHAIRMAN RICHARD ROBINS: That
24 is next. Are there any other questions or comments

1 about the last New England meeting? Okay. Howard, do
2 you want to go ahead and update us on Amendment 6?

3

4

UPDATE ON AMENDMENT 6 TO MONKFISH FMP

5

HOWARD KING: Yes. Thank you, Mr.
6 Chair. The report will be based on the last Monkfish
7 Oversight Committee meeting held June 1st in New
8 England. And as a preface to that, just to remind
9 everybody that this is all based around proposed
10 Amendment 6, the Monkfish Management Plan, and that
11 amendment was to consider catch shares.

12

And so the recent committee meeting was
13 to digest a white paper that staff had prepared to look
14 at two separate management areas for the north
15 management and south management areas for monkfish.

16

That dividing line's an extension that
17 reaches, that bisects Massachusetts and goes out to sea.
18 The gist of the white paper concluded that there is no
19 legal impediment to managing monkfish under two
20 separate management regimes. It did conclude that with
21 near certainty that the monkfish stock is one biological
22 stock. Not absolutely certain, but all indications are
23 such.

24

As a result of that, the committee felt

1 that the stocks should be managed under one FMP within
2 perhaps two management structures for the north and the
3 south, but one FMP, not to have a separate FMP for the
4 north or a separate FMP for the south.

5 And there was actually a motion proposed
6 and adopted to manage under one FMP, which is
7 essentially no change. That's the current status.
8 There were some discussions about the issues and
9 difficulties of managing as two separate stocks, but we
10 went away from the meeting still with the impression
11 that the fishery would be managed separately, north and
12 south. But that isn't nailed down at this point.

13 The meeting evolved into a discussion of
14 the problems currently experienced by the monkfish
15 fishery. Amendment 5 to that fishery was just
16 implemented in May, and that will make some
17 improvements. For instance, it will reduce discards
18 for those trips where monkfish are directly caught.
19 There's still a discard problem with the incidental
20 catch in the fishery. A list of problems that was
21 developed by the Committee, by the AP actually, with
22 some additions by the Committee were late in effort,
23 lack of continuous supply to processors, wasteful
24 discards, inefficient vessel operation, lack of

1 flexibility, geographic restrictions with the southern
2 category H vessels, which has been mentioned
3 previously; and added to that was coordination of
4 management regimes within geographic areas for
5 utilization of catch targets and protected species
6 interactions.

7 The Committee approved a motion to
8 accept the advisory panel list of problems with those
9 additions provided by the Committee and use that as a
10 basis to develop goals and objectives for Amendment 6,
11 regardless of the system that's adopted, whether it's
12 catch share related or not, the problem areas we defined
13 with the goals and objectives of Amendment 6 would be.

14 The staff, the plan development team,
15 has been tasked to drill down on those problem areas and
16 present to the Committee at the next meeting the list
17 of goals and objectives and how they relate to the
18 problem areas. That's the next work product that's
19 come out of the staff for this committee.

20 Mr. Executive Director, I noticed in the
21 August meeting, there's a scratch-out of one of the
22 items, and I wonder if there would be time -- 45 minutes
23 at the August meeting -- to recap for the Council where
24 we are on this and at that time to probably present a

1 couple of motions. The industry wants us to give notice
2 essentially of what the current preference for the
3 Mid-Atlantic region, Mid-Atlantic Council, is
4 regarding the monkfish fishery. The
5 plan development team will present these goals and
6 objectives not at our meeting in August but will have
7 a good sense of what they are, but would be presented
8 to the New England Council either in September or
9 November, but likely November.

10 So, at the August meeting, we can catch
11 the Council up to where we are on the monkfish plan and
12 prepare ourselves then for our October meeting if
13 further action is necessary. That concludes my report.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Howard, when is the next meeting of that committee?

16 HOWARD KING: It's not scheduled at
17 this time, but it will probably be before the end of
18 July.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Okay. Just a couple points. I know there are concerns
21 about governance and representation that have been
22 brought to our attention. Additionally, though, in the
23 course of discussing some of the concerns that we've
24 heard about how people are reacting to a potential

1 change in the management plan and structure of that, it
2 seems like one of the problems in that is that people
3 don't know where they would stand under a new management
4 model. So, for example, they may not know what their
5 catch history is.

6 I think some of those concerns are
7 reminiscent of Amendment 16 in the groundfish plan where
8 people may not have known what their basis was until very
9 late in the process. And so I wonder at least at the
10 August meeting when you bring us up to speed if we could
11 discuss how we might request that people be better
12 informed through some sort of evaluation of catch
13 histories, etcetera, relative to different management
14 scenarios.

15 MR. KING: Members of the AP have asked
16 for that. That's not an easy task. With the current
17 catch shares rules, if catch shares were ever proposed
18 either to the north or to the south and I think that the
19 constituency would demand to know specifically how
20 individual blocks of fishermen would fare under that
21 prior to voting by referendum. But I'm not sure how to
22 get the answers to the questions you're asking. But
23 that's certainly a request that we can make.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Okay. Why don't we explore that some more between now
2 and the August timeframe. Pete.

3 PETER HIMCHAK: Howard, would you
4 object to my repeating the comments that I made through
5 the e-mail to you and Erling and Rick. We were on the
6 Monkfish Committee, Howard and I, and I'm not as polite
7 as Howard, but I've been going up there for a couple
8 years as a representative from the Atlantic Council, and
9 I would delicately explain the atmosphere as very tense,
10 even blatantly tense or antagonistic among advisory
11 panel north versus south. And I think our fishermen --
12 we had all the scoping meetings, and you know, it's
13 generally accepted that -- you know, we like Amendment
14 5; it just was implemented in May; let's fish under
15 Amendment 5; we solved some of our problems in the
16 southern management area; we don't want to buy into
17 catch shares. There's a lot more to it than that
18 because of vessels fishing both areas.

19 But I think our fishermen keep repeating
20 to me that essentially the time line for Amendment 6
21 there may be a sense of urgency in the New England area
22 for catch shares with the sectors, and we understand
23 that. And they don't want to get swept up into that,
24 so they're looking for some kind of reassurance on

1 separate management regimes.

2 And I don't know how you do that because
3 you have to solve a lot of the problems that Howard
4 referred to, as what do you do with vessels fishing both
5 sides of the line. And we go up to the committee
6 meetings, and I think the best thing is to alert the
7 other Council members about -- you know, really impress
8 on you the concerns that we keep hearing that we don't
9 want to be coerced into a program that we're not very
10 -- well, at least the New Jersey fishermen I hear from
11 -- it's like we're very happy right now; let's see how
12 sector management works and see how the whole program
13 works up there in New England.

14 So I don't know what they're looking
15 for. Or I guess before you can have a referendum, you
16 have to fully explain all the potential shares; you
17 can't just go out and have a vote and say, well, we're
18 not interested even though the scoping meetings tend to
19 imply that. So I guess I'm going on and on here.

20 But I think the advisors are looking for
21 a little message from the Mid-Atlantic Council. Maybe
22 it's more appropriate to come out of the August meeting
23 that -- you know, the sentiment here is separate
24 management regimes under one FMP. And maybe that's all

1 they're looking for. So I'll leave it at that.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Peter, thanks for bringing us up to speed on that
4 perspective. I think we would do well to have some
5 more information in hand at the August meeting and take
6 a closer look at it. One of the points that I raised
7 at the last New England meeting on the subject was the
8 fact that we wanted to see this develop very slowly and
9 deliberately, and I was concerned about the time line.
10 And Terry Stockwell, who chairs the committee, pointed
11 out that in requesting this white paper as the next step.

12 And this goes back now two or three
13 months, but in requesting that that reflected and
14 responded to just that type of approach. And it sounds
15 like what Howard has described for us in terms of a more
16 thorough description or statement of the problems by
17 specifically looking at the problems and then having the
18 staff go through and try to synthesize those into goals
19 and objectives.

20 That seems like a fairly deliberate way
21 to go about it. And I would suggest that we let that
22 begin to move forward and keep the Council more closely
23 updated and involved as it does go forward. I know
24 there are concerns that are specific within our region.

1 Howard.

2 HOWARD KING: I think some of the
3 industry people that Pete speaks to would probably
4 attend the August meeting.

5 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
6 sorry, Howard.

7 HOWARD KING: Some of the industry
8 representatives that Pete talks with would probably
9 attend the August meeting.

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Okay. Steve Schafer.

12 STEVEN SCHAFER: Thank you, Mr.
13 Chairman. Howard, when you say with reference to
14 putting this on the calendar for August and the industry
15 wants us to give notice, is that industry in the north
16 or south or both?

17 HOWARD KING: I think -- well, the
18 South.

19 STEVEN SCHAFER: The South.

20 HOWARD KING: Primarily. But that's
21 not exclusive. But the majority of the southern
22 representatives have indicated that they want two
23 separate management areas.

24 STEVEN SCHAFER: Given that this

1 Council has had a lot of interaction with H permit
2 holders for Virginia and North Carolina, is this the
3 industry that you're talking about, or is this from New
4 Jersey; or where specifically is it from?

5 HOWARD KING: It includes both, but
6 some of the Category H are guardedly looking for
7 improvements in their situation, but not necessarily
8 from catch shares. I think New Jersey, which has the
9 majority of the fishermen are most apprehensive about
10 being dragged along with a management structure that New
11 England might want that they don't.

12 STEVEN SCHAFER: And have you been in
13 contact with anybody from the State of New York
14 regarding us giving notice?

15 HOWARD KING: Yes. Yes. In fact,
16 there are I think at least three individuals on the
17 advisory panel from New York.

18 STEVEN SCHAFER: Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Greg, was this to this point?

21 GREG DIDOMENICO: Just to speak to
22 concerns that Steve just raised. The two gentlemen
23 from -- one gentleman from North Carolina, Chris
24 Hickman; the other gentleman from Virginia, Chris

1 Walker, I've been in contact with. They support this
2 approach. They share our concerns.

3 And specifically I've shared with them
4 the Amendment 5 language regarding the double trip
5 limit, and, in fact, they're really exploring their
6 opportunities under that new provision in Amendment 5
7 and believe that that may -- it certainly will address
8 some of their discard issues. And we're also exploring
9 whether or not that under some circumstances it will
10 allow a triple limit. They're not sure about that yet.

11 But I've spoken to both of those
12 gentlemen, and they're sort of encouraged by what may
13 be possible under the new Amendment 5. So hopefully,
14 that will address one of the concerns. Thank you.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thank you. I think what's been laid out is a reasonable
17 way to go forward to let the PDT develop or the staff
18 develop the statement of problems based on the AP input
19 and the committee input and then work that into the
20 necessary approaches. Okay. We'll go on now to Chris
21 Moore's report.

22

23

EXECUTIVE DIRECTOR REPORT

24

CHRIS MOORE: Thank you, Mr. Chairman.

1 There's a number of items behind Tab 14 that I'd like
2 to call the Council's attention to. The first one is
3 the typical document that you always see at the Council
4 meetings.

5 It's the annual work plan or schedule of
6 activities. If you take a look at that, the next
7 Council meeting is in August. As Howard indicated,
8 that's going to be in Wilmington, Delaware.

9 A number of items are going to be dealt
10 with or discussed there including the usual, summer
11 flounder, scup, black sea bass specifications for 2012.
12 We're also going to be doing bluefish specifications for
13 2012.

14 We'll be looking at RSA priorities and
15 also potentially considering squid, mackerel,
16 butterfish DEIS. Before that, in June and July, we have
17 a number of things that are going to be taking place.
18 Going to involve either Council members or Council
19 staff. Next week, as Jim indicated, we have the CIE
20 review of the excessive share document in Woods Hole.
21 A number of staff folks are going to be up there with
22 Lee, including Tom and Jose and myself. Rick is also
23 going to be attending that national CMC CMSP workshop
24 in D.C., that's related to the National Ocean Council,

1 and that's the 22nd through the 23rd.

2 In July we have SSC meetings and
3 Monitoring Committee meetings to support Council's
4 decisions in August. You can take a look at the rest
5 of the calendar when you get a chance. We're also, as
6 we've talked about before, continuing work on a number
7 of amendments, Amendment 15 to surfclams, Amendment 3
8 to spiny dogfish, Amendment 14 to squid, mackerel,
9 butterfish, Amendment 17 to summer flounder, scup, and
10 black sea bass.

11 And the details and the dates for some
12 of those meetings are detailed in the work plan as well.
13 I sent an e-mail around to the Council regarding the scup
14 analysis, and if you didn't get a chance to take a look
15 at that, take a look.

16 This is the bioeconomic analysis
17 contracted with Getner and Associates to begin that
18 work. That work has begun. And Brad's excited about
19 the work. We're looking at a final report around the
20 end of the year.

21 The next couple of items behind the tab
22 are items that I think Pat covered in her report. The
23 next item is the 2012 Council meeting schedule. If you
24 haven't had a chance to look at that, you can take a look

1 and see where we're meeting and when we're meeting next
2 year. The next item is a memo from Jessica Coakley to
3 a number of folks regarding a specifications concision
4 work group, which is a great title for a work group.

5 This is something that came out of our
6 staff to staff meeting that we had with George's folks
7 up in Gloucester in April. Basically, if you have a
8 chance to look at this e-mail, it says: This work group
9 will start with an examination of the summer flounder,
10 scup, and black sea bass specification package for
11 efficiencies and then apply those lessons learned to all
12 our packages.

13 These are the packages that you guys
14 rarely see. These are the documents that support the
15 Council decisions related to specifications. So it's
16 something that we've dealt with in terms of this
17 particular issue trying to make those documents more
18 user friendly and efficient for a number of years, and
19 we're moving forward with this work group.

20 So, hopefully, as a result of that,
21 we're going to have more efficient, more user friendly
22 documents that support our process. Again, if you have
23 any questions, you can ask me about that. I think we
24 should stop there before I get to the next couple of

1 issues. Any questions?

2 COUNCIL CHAIRMAN RICHARD ROBINS: Lee.

3 LEE ANDERSON: I too love the name of
4 that committee, specification precision workshop. I
5 never knew what that meant until I looked it up. But
6 anything to shorten things up is good. One thing that
7 I would have is I would think that someone from the SSC
8 might be a good person to cooperate with that 'cause
9 you're preparing those documents to be received by the
10 SSC.

11 And there may be some inputs as to how
12 they would be -- I don't necessarily want to volunteer
13 John and his guys for something, but John and Rich may
14 have some comments on that.

15 CHRIS MOORE: Actually, Lee, these are
16 the documents that happen after the process. So this
17 is after the Council's made a decision. It includes all
18 the stuff that the SSC discussed, all the stuff the
19 Monitoring Committee discussed. So these are the
20 specification packages that support the final Council
21 decision.

22 LEE ANDERSON: Okay. Well, I guess I
23 was going to say that we could still do some thinking
24 about using that word to do the work that goes before

1 that as well.

2 CHRIS MOORE: Yeah. We can think of
3 other instances where we can use concision in some of
4 our work.

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 John.

7 JOHN MCMURRAY: Thank you, Mr.
8 Chairman. Regarding the scup analysis, you said you
9 were expecting it to be completed by the end of the year.
10 So it's possible it could be available for Council
11 review at the January meeting?

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 February meeting. Is it possible to have it for the
14 December meeting?

15 CHRIS MOORE: I would say no at this
16 point. It's possible, but the chances are given the
17 work. I think that I've shared the documents with you,
18 and if I haven't let me know. But take a look at the
19 actual contract and the statement of work.

20 There's a lot of work that Getner and his
21 folks need to do before we get a final report. And I
22 think that the actual due date is the middle of December.
23 So I think we'd miss our December Council meeting, but
24 certainly it's going to be there to support any sort of

1 discussion you want to have in February.

2 So the next item that I want to cover is
3 the next item behind the tab, and this is the draft
4 action plan for the Council advisory panel governance
5 review working group, which is another great title for
6 a working group. And this working group stems from the
7 discussions that we've had that relate to our advisory
8 panels, and specifically, the structure of functioning
9 governance of those advisory panels. And Rick and I and
10 others are very interested in the output of this
11 particular group.

12 We formed the panel -- you can see the
13 committee membership is Steven Linhard, Howard King and
14 Jack Travelstead. Jessica is working with those folks
15 to actually to help them with their work. And I think
16 Howard is going to report out on a meeting that they held
17 last Friday, a conference call.

18 HOWARD KING: Thank you, Chris. Yes.
19 The members are: myself, Steve Linhard, Jack
20 Travelstead and Chairman Robins. Over time it's become
21 obvious that the advisory panels, which are on an FMP
22 basis, species FMP basis, are more or less effective
23 depending on the species, the individuals that populate
24 the advisory panel, and how they're managed or how the

1 Council engages them.

2 And so the purpose of this work group is
3 over the next couple months to review and revise the
4 methods for populating and maintaining and engaging
5 these advisory panels.

6 So we'll be looking at composition of
7 the panels, how they're appointed and how they're
8 maintained, how we govern the panels and how they govern
9 themselves, how ASMFC and the Mid-Atlantic work
10 together with their advisory panels and where possible
11 have complimentary or comparable panels, and also the
12 possibility of revising some of the operating
13 procedures for the panels. And so Jessica Coakley is
14 the staff person. [Clearing throat] Excuse me. It
15 must have been that gin and tonic.

16 So Jessica will be doing the heavy
17 lifting, but I think with myself and Jack and Steve
18 Linhard and Chairman Robins, we'll be able to produce
19 some worthwhile proposals to improve this situation
20 with the advisory panels.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Howard, thank you for that report. I just want to add
23 that we want to put ourselves in the best possible
24 position of getting the most informative advice that we

1 can from the APs.

2 The output from the APs is quite
3 variable, and I think this systematic review of the
4 governance and how we're interacting with them will
5 help. The role of the APs is changing as we get into
6 the use of this performance report, and that immediately
7 raises concerns about composition, representation,
8 etcetera, from the SSC perspective. That's the first
9 thing we heard. So, as we evolve that role, we need to
10 be responsive and try to adapt the structure. Pat.

11 PAT AUGUSTINE: Thank you, Mr.
12 Chairman. To that point, in 2002/2003 we did have a
13 joint committee, and I was the first chairman of that
14 of summer flounder, scup, and black sea bass, and it
15 worked out extremely well. We did have very good
16 representation for both sides.

17 And over the years, that's evolved over
18 something else where one side was overweighted versus
19 the other side. But you might want to go back and look
20 at the composition we had before. It did work well. It
21 went on for about 18 months.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Thanks, Pat. Are there any other questions about the
24 AP? Peter.

1 PETER deFUR: Thank you, Mr. Chairman.
2 I was just going to say to Howard that I hope that we'll
3 consider multiple types of representation panels when
4 we look at our AP, not that every AP needs to have --
5 you know, representation from everywhere, but
6 geographic as well as recreational versus commercial
7 versus various other factors that we can include so that
8 that will bring some new perspectives and some enriched
9 perspectives into our whole picture. Thank you.

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Thanks. Chris.

12 CHRIS MOORE: Thanks, Mr. Chairman. The
13 next item you might find interesting deals with our
14 logo. Jan, if you could put up the Powerpoint
15 presentation, please. So we've discussed our
16 communication activities or lack thereof many times
17 since I've become the executive director. And, in
18 fact, I think the last time we talked we were still
19 considering hiring a communications specialist to
20 basically help us with our communication activities and
21 serve in a role that we haven't had in a while.

22 Given our budget uncertainties, I've
23 decided not to move forward with the recruitment of a
24 communications specialist at this time, but I did hire

1 a part-time communications specialist to work with us
2 on time track.

3 His name is Zubin Bamji. His resume is
4 behind Tab 14 as well. He's a very capable guy. He's
5 worked for NPR. He's worked for the Red Cross. He
6 worked for an investment firm in New York, and he also
7 worked for me in headquarters as a senior communications
8 specialist.

9 As Mary said yesterday, Zubin's going to
10 be helping her develop a communications plan for the
11 August Council meeting to launch our visioning project.
12 He's also helping us with some general communications
13 activities. As we've been waiting for the
14 implementation of a fully developed communication plan,
15 I've decided to move forward with a number of
16 initiatives to basically support the basis of a larger
17 program, just to build on it as we continue our
18 communication activities related to, again, to general
19 council functions as well as visioning projects.

20 As we've discussed before in prior
21 Council meetings, one of the first things we want to
22 consider is our brand or our logo. Actually, when we
23 talk about our brand, it includes our logo and our tag
24 line.

1 That's our current logo in case you
2 forgot. It's served us well. It's been in place, I
3 think, since -- I should have checked. But I think
4 we've been using it since 2001. It's colorful. It's
5 got our iconic species, summer flounder. It's got
6 Mid-Atlantic Council around the circle, and it also has
7 our tag line: Building Sustainable Fisheries, in the
8 center of it.

9 One of the problems that we have is when
10 you shrink it down to use it for other things like media
11 and things besides Powerpoint presentations, it's tough
12 to discern some of the specifics associated with the
13 logo, and you really lose the identify of some of the
14 other things you see in the larger version of it.

15 I hired another contractor, Keith
16 Blevins, who's done a lot of communications work as well
17 and a lot of logo development to take a look at our
18 current logo and basically look at the strengths and
19 weaknesses. So these are things that are continuing in
20 a report that was provided to the Council.

21 Basically, the strengths include the
22 color. Blue and green conveys aquatic and conservation
23 themes. The circular shape allows for flexibility in
24 reproduction in terms of how we use it on website and

1 printed media.

2 But there's a number of weaknesses that
3 he identified. These include the fact that the logo is
4 complex, it doesn't communicate the fact that it's
5 Mid-Atlantic Council very quickly, it lacks elegance
6 and timeliness, the tag line is too small for people to
7 see, the illustration style is too detailed, and you
8 have problems with it when you try to reproduce it in
9 terms of grays and blacks.

10 So Keith has indicated that one of the
11 most important things that we need to consider is that
12 the logo be distinctive, recognizable and inseparable
13 from the organization that it represents.

14 If you look at our logo and put it in the
15 mix of the other council logos, it's not that
16 distinctive. It kind of looks like the South Atlantic
17 Council logo. The circle is in the Gulf of Mexico
18 Council logo. So it's really not standing out. And as
19 a Mid-Atlantic Council, we want it to be the strongest,
20 most recognizable logo in the bunch. So these are the
21 things that we would want if, in fact, we want to move
22 forward with a new logo. We want it to be recognizable.
23 We want it to be clean and simple. We want it to reflect
24 strong leadership, innovation and approachability.

1 Now, those words were from Keith's
2 report. Keith spent a lot of time interviewing folks
3 that are on the Council and not on the Council asking
4 them very specific questions related to what the Council
5 meant or what the Council meant to them, and these are
6 the terms that he identified in his report.

7
8 The other thing is that the new logo has
9 to be easily reproduced in multiple formats. So we want
10 to use it for lots of stuff. We want to put it on
11 letterhead. We want to put it on our website. We want
12 to put it on a coffee mug. We want to put it on a shirt
13 for Vince. We want to put it all over the place.

14 And last but certainly not least we want
15 to distinguish our council from the other councils in
16 other fishery organizations. So these are our new logo
17 options. And we didn't arrive at these very easily in
18 the sense that we did actually a number of things. One,
19 we asked Keith to develop some logos for us, and he did.
20 After Keith had developed these logos, we went back and
21 forth and decided that, in fact, we needed some
22 additional logos for consideration. So we went out to
23 the larger world and got some alternatives. These four
24 are the logos that were identified by the logo working

1 group, which is an easy working group, the logo working
2 group, easy name for a working group. These are the
3 four that they picked for Council consideration.

4 And if you look at any of these, when you
5 compare them to other councils, they're all very
6 distinctive. So they all could work when you compare
7 them at least to the other councils. So, basically,
8 I've come to the Council with these four logos to see
9 if, in fact, any one of them stands out from your
10 perspective.

11 Now, consider the fact that these are
12 concepts, and the colors that you see up there can
13 change; the logos can change, but the overall design,
14 the concept, that design won't change.

15 So we really have as a council three
16 alternatives: We can stick with the current logo, we
17 can pick one of these, or we can go back to the drawing
18 board and come back to the Council with another logo.
19 With that, Mr. Chairman, I'd like to open it up for
20 discussion and questions.

21 COUNCIL CHAIRMAN RICHARD ROBINS:

22 Vince.

23 VINCE O'SHEA: Yeah. Thanks, Mr.
24 Chairman. Before you even start this -- that's why I

1 put my hand up -- we struggled with this a little bit
2 at the Commission, and I think one of the key issues of
3 the image is what the organization's mission is, what
4 the tag line is.

5 We came to the conclusion of putting
6 that tag line elsewhere in a lot of other documents that
7 we did. We didn't try to put that in the logo. So I
8 just suggest to you all that while your current one has
9 that sustainable management or whatever thing, which is
10 great.

11 I don't necessarily think that it has to
12 be -- you don't necessarily have to have that into the
13 log, and that gives you a lot more flexibility in your
14 logo, for whatever that's worth. Thanks.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Good
16 point. Chris.

17 CHRIS MOORE: Excellent point. And
18 thanks, Vince, for reminding me to discuss that. This
19 doesn't contain the tag line. None of these logos
20 contain the tag line and for that very reason. Number
21 one, if we stuck a tag line in there, it's going to be
22 very difficult to read. Number two, I think that as a
23 council we do need to reconsider our tag line. And we
24 thought that it might be helpful or it might be

1 interesting for the Council to wait until we get through
2 the visioning project or at least a portion of the
3 visioning project before we start considering new tag
4 lines for the Council. So that will be a separate
5 discussion but certainly one that we need to have.

6 VINCE O'SHEA: Right. So I bring that
7 just 'cause one of the options you're given in this
8 discussion is do you want to abandon what you have right
9 now? And that does have a tag line in the thing. So
10 people might necessarily vote for status quo just 'cause
11 they like the tag line, and there's other ways to address
12 that issue. Thanks.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Chris.

15 CHRIS MOORE: We had a lot of discussion
16 in the working group, and I should say that the working
17 group included Pat and Howard and Jean and Pres. And
18 Rick and Lee were also on the phone calls. Mary helped
19 me. Zubin was on the phone calls as well.

20 We had a lot of discussion about the
21 importance of the logo in terms of what we want to
22 represent with the logo and how important it is that the
23 logo be the right design for publication, those kind of
24 issues. So you can take a look at these.

1 I don't hear a lot of oohs and aahs in
2 the audience, so I'm getting the sense that it might be
3 somewhat difficult to pick one. But I would like to
4 have a discussion about a favorite. If you want to
5 consider something else besides that, this is a good
6 time to let me know.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Erling.

9 ERLING BERG: Yeah. Thank you, Mr.
10 Chairman. Now, if I had to pick one out of those four
11 right now, I would pick the one in the lower right-hand
12 side. I don't like the two rectangular ones there, the
13 flowing ones.

14 I would change the color. I mean we
15 learned in our safety training was be brighter. And I
16 don't know what that color should be. But the blue and
17 the green are kind of nondescript, and you need to stand
18 out.

19 But I do like the circular and the fish.
20 That's what we do. So that would be my choice I mean
21 out of those, but there may be some other choice out
22 there that might be better.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Peter.

1 PETER deFUR: Thank you, Mr. Chairman.
2 I just did this for my business. I had the exact same
3 choice for the exact same reasons as Erling. And I
4 think the blue is closer to the gentleman from New York's
5 shirt. I think it's a good blue. I like the one on the
6 right. It's not just I would settle for that, but I like
7 that one in the lower right.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Chris.

10 CHRIS MOORE: So remember that these
11 are concepts, and the colors can change, and we are
12 considering. So, if you look -- you know, at the one
13 in the upper right the green is a little off to us. So,
14 again, these designs are somewhat fluid.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Other thoughts or questions? Pat.

17 PAT AUGUSTINE: Thank you, Mr.
18 Chairman. I had a tendency to look at the one in the
19 upper right. When you flashed it by with the others on
20 there, it didn't fit. And I'm not sure I'm looking for
21 a fit. I'm looking for a message.

22 And, again, as both Pete and Erling
23 said, it seems like you zoom right into that corner right
24 one. Again, the tag line, that's going to be an issue

1 all by itself. But of the four of them if I had to make
2 a choice now, I'd take the one in the far lower
3 right-hand corner.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 Other thoughts from Council members? Are there any of
6 the committee members that served on the working group
7 have any other reactions to this? Howard.

8 HOWARD KING: Just following on with
9 these two preferences are, I would be happy with any of
10 these or at least three out of the four. But on the one
11 on the lower right-hand corner, if we do adopt that we
12 would need to have some way I think to make the fishery
13 management council portion more impressive, more
14 visible because, as you mentioned, when you reduce
15 these, you lose a lot of that. And color could help to
16 do that.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Gene.

19 EUGENE KRAY: Thank you, Mr. Chairman.
20 I wonder how many members -- I'm sorry I had to step out
21 for a minute. The one in the upper right-hand corner
22 how many recognize that that's a highly modern style
23 fish.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Oh,

1 it's highly modern. Mike.

2 MICHAEL LUISI: Thank you. When I look
3 up there, the first one that jumped out to me was the
4 one on the upper right, something about the design of
5 the fish. It's almost the kind of thing that could be
6 separated and put on a T shirt without the text and over
7 time you become familiar with that image. So, if I had
8 to pick, I think I'd go with the upper right.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thanks, Mike. Pete.

11 PETER HIMCHAK: Yeah. Just my first
12 impression was that I thought the upper right one was
13 rather cool.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Upper right?

16 PETER HIMCHAK: Upper right. But then
17 again, I'm terrible at making these decisions, and I
18 always defer to my wife, so I'll show them to her.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Steve.

21 STEVE HEINS: They say first
22 impressions are important. As I was walking past the
23 back of the room, and Jim goes: Which one do you like?
24 And I just whipped my head up there, and I said: The

1 one on the upper right. Boom. It just jumped out at
2 me like that. That's my impression.

3 COUNCIL CHAIRMAN RICHARD ROBINS: I
4 think it has a strong visual impact. I think both of
5 the rectangular ones are probably the most modern
6 looking of the group. Gene and then Mike.

7 EUGENE KRAY: It's already called in
8 the discussions of the working group, the one on the
9 upper right, it's a modern adaptation of a fish, and I
10 think the word was forward looking. The phrase was
11 forward looking. And I think that was some of the
12 rationale why many of us liked that, the one on the upper
13 right.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Mike.

16 MICHAEL LUISI: We just did this
17 recently in my department, the meatball approach, if you
18 take all the state agencies throughout the country and
19 there's always the meatball idea. Everything's a
20 circle. It looks like a meatball. We called it for
21 years, it was always the meatball. And all the cars had
22 the meatball on it. Everything was a meatball.

23 So we recently went to a new design. It
24 actually has no exterior boundary. It's more like the

1 image in the upper right. And we have been able to
2 separate text from image and create a number of
3 different logos that we use. That's just in order to
4 separate it from everything else and get away from that
5 meatball approach could be something else to think
6 about.

7 COUNCIL CHAIRMAN RICHARD ROBINS: The
8 branding consultant that we hired didn't use that
9 metaphor but basically said the same thing about the
10 circle.

11 Other comments? John. Now, this is
12 going to be binding advice from the SSC. But go ahead.

13 JOHN BOREMAN: Well, there is some
14 uncertainty coming along with this, and I'll list that.
15 But the upper right is appealing. As you know, it looks
16 very similar to the one we're using for MRIP, the same
17 kind of fish. But what I like about it is, as was said,
18 the image, the icon and the text are separable. So when
19 you reduce it, you can either eliminate the text totally
20 after a while because this will be a brand; it will be
21 recognition, or you can put in MAFMC or whatever. So
22 that to me is an appealing aspect.

23 COUNCIL CHAIRMAN RICHARD ROBINS: All
24 right. Now we might hear from the Science Center on

1 this issue. Gene.

2 JAMES WEINBERG: Well, I think that
3 fish in the upper right looks mean and that would convey
4 --

5 COUNCIL CHAIRMAN RICHARD ROBINS: It's
6 a tough council. It's a tough modern council. Go
7 ahead, Pete.

8 EUGENE KRAY: Are you saying you want
9 one that's warm and fuzzy? That's the opposite of mean.

10 JAMES WEINBERG: I think I'll have to
11 defer to Frank Almeida for that.

12 MR. ALMEIDA: I think a mean fish like
13 that might be able to kick another council's butt. I'm
14 just saying.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Are
16 there any comments from the audience? Okay. All
17 right. Seeing none, what's the pleasure of the
18 committee? It sounds like we're hearing some fairly
19 good support for this one in the upper right. Gene.

20 EUGENE KRAY: I make a motion that we
21 adopt the logo in the upper right-hand corner.

22 COUNCIL CHAIRMAN RICHARD ROBINS: We
23 have a motion to adopt. Second by Pat Augustine, the
24 gentleman from New York. So keep in mind these are four

1 concepts, and we can take this concept and continue to
2 refine the grading of the color, etcetera, etcetera.
3 Vince.

4 VINCE O'SHEA: So I was thinking the
5 intent of the this motion is just to single out that one
6 for further work and development and come back to the
7 Council.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 That's fine. Any discussion on the motion? Is there
10 any objection to the motion?

11 PETER deFUR: [Inaudible.]

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 They're going to leave us a little something. Is there
14 any objection to the motion?

15 (No Response.)

16 COUNCIL CHAIRMAN RICHARD ROBINS: Seeing
17 none, it's approved by consent. Thank you, all.
18 Chris.

19 CHRIS MOORE: I want to thank everyone
20 for the discussion. It was very helpful. No,
21 seriously. I really did appreciate the comments.
22 This is something that we make a little light of, but
23 it's an important thing for the organization.

24 Our last logo, if you think about it, 10

1 years -- 10 years. So this logo is probably another 10
2 years. So, again, thank you very much for refining the
3 logo, and you'll see the next version very soon. Thank
4 you.

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 Chris, excuse me. I forgot to ask if there were any
7 abstentions on the motion. Are there any abstentions
8 on the motion?

9 (Response.)

10 COUNCIL CHAIRMAN RICHARD ROBINS: One
11 abstention. So noted. The motion carries. Thank
12 you. Chris, do you have anything else under your
13 report? Okay. Science report. Rich Seagraves.

14

15 SCIENCE REPORT

16 RICHARD SEAGRAVES: Thank you, Mr.
17 Chairman. I just want to say I think it might make a
18 pretty good tatoo, the one you picked, so glad that's
19 the one you want.

20 The information I'm going to talk about
21 is behind Tab 15, and there are only two items. The
22 first set of information deals with planning efforts for
23 the national SSC meeting that the Mid-Atlantic Council
24 will be hosting in October.

1 Recall that we've held three national or
2 have been three national SSC meetings held as a result
3 of primarily the re-authorization of Magnuson and the
4 new ACL/AM requirements.

5 And so those first three meetings -- the
6 first one was actually the first collective meeting the
7 SSC's ever held. And that was held prior to the
8 National Standard 1 guidelines actually being
9 published. The first one was kind of just trying to
10 figure out what this new paradigm was going to look like
11 and how the SSCs were going to deal with the new ACL/AM
12 paradigm. The second two workshops dealt primarily
13 after we had some experience and many of the councils
14 were implementing or proposing ways to implement those
15 ACL/AM requirements. And I think we're in pretty good
16 shape on that now.

17 So, at the end of the third meeting,
18 which was held last October in Charleston, it was
19 proposed that we consider two primary areas -- it was
20 decided that we would hold a fourth workshop and that
21 the topics of interest that the SSC thought most
22 important were to look at social and economic
23 considerations or the lack thereof of discussions at
24 most of the SSC deliberations around the country, and

1 also there was a desire to start to look at ecosystems
2 and ecosystem-based fishery management in
3 considerations in the SCC deliberation process.

4 And so that was discussed at the council
5 chairs meeting this past winter, and it was decided that
6 those two topics would be covered. And as a result, we
7 need a little broader representation at the meeting
8 because of the sort of the diverse nature of the two
9 disciplines that we're going to try to cover.

10 So we will be hosting the meeting
11 October 4th through the 6th in Williamsburg, Virginia.
12 We formed a national SSC steering committee, which is
13 comprised of the eight SSC chairs as well as myself and
14 Rick Methot, and we've held two meetings, and the
15 summary notes for those meetings are in behind Tab 15.
16 It became pretty obvious immediately there wasn't an
17 economist or social scientist that chairs an SSC.

18 So, when we began deliberations about
19 what the program should look like, it's pretty obvious
20 that we needed some input from that side of the house,
21 so it was decided that at the first meeting that we would
22 form two planning subgroups, a social economic subgroup
23 and an ecosystems subgroup, and we also have the chair
24 of our subgroup are members of our SSC.

1 David Tomberlin is chairing the
2 planning subcommittee for social economics, and Jason
3 Link is chairing the ecosystems component. Since then
4 we've had one telecon for each of the subcommittees, and
5 we've started to develop a program. So I think we're
6 way ahead of the game being the host council here.

7 I think the last three, not that they
8 weren't well organized, but there wasn't a lot of
9 thought and preparation that went into -- not as much
10 as I think was desirable. And given the nature of the
11 topics we're discussing, we're really been pretty
12 aggressive in trying to lay out a good program. So
13 things are moving along. And I think that we should be
14 in good shape come October for that effort. And, John,
15 did you want to add anything?

16 JOHN BOREMAN: Yeah. Thanks, Rich.
17 The one thing I wanted to add is I'm the chair of the
18 workshop, the overall chair, and my charge to each of
19 these program subcommittees is: We want to come out of
20 this workshop with some products and some advice going
21 back to the CCC.

22 In the past, we talked about issues; we
23 talked around issues and through issues, and everybody
24 agreed we've got lots of problems to deal with. But

1 what I'm looking for is some consensus agreements on
2 issues, how we approach these on a national basis; is
3 there opportunity for standardization among the SSCs in
4 terms of how social economics and ecosystems are being
5 addressed and come back with some products out of the
6 workshop to go back.

7 Because I think if we just keep having
8 meetings and talking about problems, the CCC is going
9 to lose interest in these workshops. We need to have
10 something coming out that's solid, solid advice going
11 back on collectively how we see viewing these issues and
12 dealing with them in the future. Thanks.

13 RICHARD SEAGRAVES: Okay. Thanks,
14 John. And if you're interested, the two planning
15 subcommittees were populated by the -- well we basically
16 asked for nominations from all the councils, and there's
17 a list there to see what the representation is. And
18 also there is a list of some of the candidate topics that
19 we've been discussing and kicking around. And
20 hopefully, within about a month we'll probably have some
21 finalization on the program.

22 The one concern we had was trying as
23 early as possible identify speakers of either national
24 or international experts, and so far it looks like the

1 social and economic group thinks they don't really need
2 that, that they're discussions are more basic because
3 of the lack of participation by the social and economic
4 members.

5 Their engagement in the SSC process has
6 not been the level that people would like. So some of
7 the problems there are more basic. I don't know about
8 the ecosystems. But, anyway, we're making good
9 progress there.

10 The other thing I included, the only
11 other item in my report is a progress report from Wilberg
12 and Miller. Recall that the Council has entered a
13 contractual agreement with the University of Maryland
14 to evaluate ABC control rules for what would be
15 basically a conceptualized Mid-Atlantic stock. And
16 the purpose of this exercise is to try to evaluate the
17 performance of some of the ABC control rules that are
18 outlined our tiered approach and see what the
19 performance of those control rules would be relative to
20 metrics like maintaining stock biomass, proportion of
21 time that the fishery would be overfished, what the
22 foregoing yield might be under some of these rules.

23 And so basically the study creates a
24 virtual population of fish and then assesses that stock

1 using various methods and then looks at stock
2 projections and the ideas and take away information in
3 some cases to the data poor groups and say, well, under
4 these various ABC control rules how well would they
5 perform either if you introduce error into the modeling
6 or the reference points or you assess them more or less
7 frequently.

8 There are a number of things that are
9 being looked at. But I provided the progress report and
10 will note that we have a -- and it's being called a
11 management strategy evaluation, which is somewhat of a
12 misnomer. It's really an assessment strategy
13 evaluation.

14 So we have a steering committee that
15 includes Lee and Rick, John Boreman, and myself, Jessica
16 Coakley, some folks from the Northeast Fishery Science
17 Center as well.

18 And we've had two meetings and have been
19 advising them, and that project the completion report
20 is due at the end of August. And that concludes my
21 report.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Thank you, Rich. Any questions for Rich? Okay.
24 We'll go on to the committee reports. And I'll turn to

1 Peter DeFur for RSA.

2

3

4

RSA COMMITTEE REPORT

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PETER deFUR: Thank you, Mr. Chairman.

6

I just have two comments that I want to raise to the

7

Council, the full Council. We had two major

8

activities. The first one was that we reviewed in

9

closed session the research proposals for this year.

10

Took care of that.

11

And anybody who was on the committee I

12

thank you for getting your electronic forms back to

13

Cheryl Corbett. So we're doing it electronically now.

14

The other one is included in Tab 1. And if you look in

15

Tab 1, I'm going to draw your attention to that. I know

16

you're not going to look at it now.

17

But you will find a memo that regards the

18

future of the RSA program. That's going to be coming

19

to the full council within the next two meetings. I

20

think we're going to be completed on schedule by

21

October.

22

And so we're going to need some Council

23

action on exactly what we're going to do with the RSA

24

program for that. So I draw your attention to that. I

1 ask you to look for at it. It's going to be coming back
2 at you. Thank you.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Thank you, Peter. Ecosystems has already reported out.

5

6 EXECUTIVE COMMITTEE REPORT

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Executive Committee met yesterday, and we considered a
9 number of issues. Dr. Moore gave us an update on the
10 budget situation. And I'll ask, if you don't mind,
11 Chris, just updating the full council on that. We also
12 reviewed the CCC meeting, and I'll discuss the SSC
13 ecosystem issue.

14 CHRIS MOORE: Thank you, Mr. Chairman.
15 Behind Tab 5. Yesterday we discussed the table or graph
16 behind Tab 5, which basically details where we're at
17 with the current budget.

18 So, when we went to the CCC meeting, the
19 budget was an important topic of discussion, as you
20 might imagine, for the councils. And it was announced
21 at that meeting that we would be level funded for 2011.

22 So that means that basically we get the
23 same money that we got in 2010. To date we've received
24 a small portion of that almost 3-1/2 million dollars.

1 It's a little over -- it's about 750,000 if I remember.

2 And obviously, we're looking for that
3 next check to give us the rest of the money for 2011
4 because we are running out of money. The other thing,
5 speaking of money, in terms of Rich's presentation, we
6 have been promised money for the national SSC workshop,
7 and we move forward based on that promise. That was
8 \$150,000 that was promised from NMFS headquarters to
9 support that activity. We haven't gotten that money
10 either.

11 So we are very adamant, in fact, that we
12 would not have the workshop if, in fact, we didn't get
13 the money. So I'm hoping that that check will be
14 included with our other big check and we'll be able to
15 proceed with everything that we want to do.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks, Chris. The primary outcome of the Executive
18 Committee meeting I think was eluded to by Gene Kray,
19 and we had a discussion there about the SSC's response
20 to the Term of Reference No. 1.

21 We had a three-page summary there from
22 Jason Link who reported to the Executive Committee.
23 And the ecosystem subcommittee has proposed that in
24 order to develop goals and objectives, that they would

1 lay out a potential range of approaches to the problem
2 that could include what's described as an unpacking
3 method or other method such as structured decision
4 making that would bring in stakeholder level input, and
5 they would propose to have their next meeting -- they're
6 going to have a conference call I believe in two or three
7 weeks, and at that point they're going to discuss the
8 methods further but also discuss development of some
9 strawman ideas to respond to the first term of reference
10 there. And so we agreed that we would task them with
11 moving forward with that, and we'll look forward to
12 output in several weeks.

13 Are there any questions on that aspect
14 of the SSC's work? And that's all I have under
15 executive. I think the last word today will go to HMS,
16 Mr. Pat Augustine.

17
18 HMS COMMITTEE REPORT

19 PAT AUGUSTINE: Thank you, Mr.
20 Chairman. My last report. Simply stated, it's in the
21 book. If you want to review it, review it; and if you
22 don't it's okay.

23 There has been some changes in the Gulf
24 of Mexico start of the season. We did that, moved it

1 from January 1st to March 1st. And as a result, it kept
2 the Gulf of Mexico from going over and on sandbar at
3 large and coastal sharks and usurping the whole quota.

4 So other than that, most of the reports
5 were below the quota level and moving along as
6 projected. The last one, the Atlantic swordfish
7 landings were still way, way, way below.

8 The potential photo that we have there's
9 still resistance for any large commercial vessels,
10 long-liners to invest the millions of dollars that it
11 takes to gear up to increase the number of participants
12 in that fishery. So, if you look at that report, you'll
13 notice that we're still way below the baseline quota
14 taken. It looks like that's going to continue for quite
15 awhile. Buoy gear seems to be the gear of choice for
16 those folks that are being very successful at landing
17 those fish.

18 There is a movement as of the last
19 meeting I reported at HMS is in the process of developing
20 a final rule on allowing Illex fishermen to retain a
21 certain number of swordfish that they catch in bycatch
22 -- it's been a limited number, and they've been
23 discarded.

24 That report should be finalized

1 hopefully within the next 60 or so days. No insurance
2 of it. But there's a process that's required here of
3 once the notice is published, it takes roughly 30 days
4 unless there is some exception and a request to the
5 Department of Commerce. Mr. Darcy helped me clarify
6 what that process is this morning.

7 So expect that the discard rate will go
8 down, and those fish will be utilized, and it will show
9 a greater increase in our harvest. Remember that as far
10 as ICCAT is concerned, what swordfish or quota that we
11 are not using in the U.S. is susceptible to being chased
12 after by the other countries who have either, one, used
13 their quota, or who want quota. So whoever gets
14 involved with ICCAT or HMS representing the
15 Mid-Atlantic be very aware of that's one of the
16 underlying issues that the U.S. has to deal with, and
17 as the representative from the Mid, you will be on the
18 Highly Migratory Species Advisory Panel.

19 As I said last night, do your homework,
20 be participated, be interactive, and be bold. All the
21 things that go behind closed doors and HMS Advisory
22 Panel and ICCAT are private. The public is not allowed.

23 They're closed sessions. You'll be
24 discussing positions and information that is not privy

1 to the public. So, again, whoever goes there and who's
2 appointed from this council, be aware, do your homework,
3 and be bold.

4 Visualize yourself as representing the
5 middle seven states 'cause that's what you'll be doing.
6 And if you have to interact with your fishermen, talk
7 to them about it, talk to them about their concerns,
8 listen very attentively to what the other commercial
9 fishermen are saying along the Atlantic Coast.

10 And if you have to be bold and think
11 outside the box, remember your friend is your friend
12 until you make a call that is not in their favor; and
13 then they're not your friend, and you're the enemy. So
14 do it with your heart, do it with your thought that you
15 are there to represent the best interest of the fish at
16 the ICCAT level at the best interest of the United
17 States. Thank you, Mr. Chairman. And thank you for
18 the recognition last night.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Thank you for your leadership on the HMS Committee, Pat.
21 Is there any other business to come before the Council?
22 Seeing none, I'd like to thank the members of the Empire
23 State delegation for their hospitality and all the
24 members and staff for a productive meeting. With that

1 we're adjourned.

2

3 WHEREUPON:

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5 THE MEETING WAS CONCLUDE AT 12:04 P.M.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the

above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 11th, day of July, 2011.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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