

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
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COUNCIL MEETING

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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 come back to, order if you would,
6 please. I'd like to introduce at this point Jonathan
7 Labaree. Jonathan is with the Gulf of Maine Research
8 Institute, and he'll be addressing the Council on
9 lessons learned from the transition to sectors in the
10 northeast region. Jonathan, welcome.

11

12

LESSONS LEARNED FROM THE TRANSITION TO SECTORS

13

JONATHAN LABAREE: Thank you very much.

14

15 And thank you very much for inviting us to give this
16 presentation. It's quite an honor to be here. I
17 thought what we could do -- sorry for the -- we have a
18 little technical difficulty with the presentation
19 coming through just as a regular slide show, so we're
going to do it this way.

20

21

22 But what we'd like to talk about today
is give kind of an overview of how sectors -- how the
23 sector program got developed in the New England
groundfish fishery. We have several people here
24 obviously who were intimately involved in a lot of the

1 details.

2 But just to kind of go through how the
3 sectors became established in the New England
4 management plans, kind of a quick history of how that
5 amendment process went, an overview of kind of what the
6 groundfish fishery looks like in New England, and talk
7 a little bit about what sectors are and how they get
8 implemented and some of the technical kind of details
9 around how they operate and kind of a broad look at sort
10 of lessons learned. We've got a handout that I think
11 you all have now that kind of goes into the lessons in
12 a little bit more detail. But for the purpose of this
13 presentation, I'm kind of highlighting a couple of them
14 to kind of bring up.

15 And then there obviously are, as
16 everybody knows, there's some lingering issues in how
17 the design went and how implementation is happening; and
18 I have a slide that just kind of touches on those. To
19 the extent that we've got time and interest, we can have
20 a discussion.

21 I should say as well that it's obviously
22 a pretty complex system, and if you've got any questions
23 particularly about sort of what I'm covering in the
24 slides, I'd be happy to stop and answer questions about

1 what's up on the screen. Longer discussions might be
2 more useful to kind of leave until the end.

3 So just quickly what the GMRI is: The
4 Gulf of Maine Research Institute. We're a nonprofit
5 research institute based in Portland, Maine. The
6 organization's been around for quite a while, since the
7 late '60s. It's current guise really kind of came to
8 being in 2005 when we moved into that building that you
9 see on the screen there. It's really kind of a fully
10 functioning research lab now with a team of scientists
11 that focus on ecosystem-based research in the Gulf of
12 Maine focused largely on fisheries issues, but we cover
13 some other topics as well. We have a education program
14 that brings middle-schoolers, fifth/sixth graders
15 right to the lab, and they learn about the scientific
16 method and observations and hypothesis and conclusions
17 and that sort of thing in a really very dynamic kind of
18 student-driven process that's quite a dynamic thing.

19 And then the community program, which is
20 where I reside and a couple colleagues here as well. By
21 community we really mean the fishing community. So we
22 interact with the fishing community. We do training
23 convening around certain issues that are coming up. We
24 have technical assistance.

1 We administer the MRIP program that I
2 think many of you are familiar with and some other
3 things. We have a sustainable seafood program that's
4 working on developing a brand around responsibly
5 harvested fish coming out of the Gulf of Maine. Those
6 sorts of things.

7 And I should say -- maybe I did -- but
8 we're a nonadvocacy group. We don't take positions.
9 We don't come up in front of Council and advocate one
10 position or another; although, many of our scientists
11 do sit on plan development teams and that sort of thing.
12 I hope you can see this. This slide show is designed
13 to go throughout the country. I was never quite sure
14 how much people on the West Coast really know that much
15 about New England. I think probably folks here in this
16 room are a little bit more familiar with it.

17 But that slide is designed to kind of
18 give you a sense of what are the fisheries that are
19 managed in New England at the federal level through the
20 council process and where some of the major ports are
21 and the fishing grounds. I think that's probably
22 familiar to most of you.

23 But there are vessels from Connecticut,
24 even New York, Connecticut all the way to Maine that

1 participate. The groundfish fishery in New England is
2 13 regulated species that are divided among 20 stocks.
3 Currently -- or in 2009, there was about 630 active
4 vessels. That's down from -- it's about half of what
5 it was even in 2001.

6 The revenues in 1999 dollars in 2009
7 were close to 60 million dollars, and that too is a
8 dramatic cut from previous years. Just to give you a
9 general sense, the primary gear of 65 percent of the
10 vessels are trawl. There's about a quarter of them in
11 gill net and then less than 10 percent in hook. The pie
12 charts are just a little bit hard to see. I apologize
13 for that. Just to give you sense, that big green blob
14 in the upper right is Massachusetts. So the vast
15 majority of the revenues from -- or the landings, I
16 should say, from the groundfish industry in New England
17 are landed in Massachusetts. There's some New
18 Hampshire, Maine and Rhode Island and a little bit of
19 New York and New Jersey.

20 And then the smaller chart at the bottom
21 kind of breaks Massachusetts out. You see that
22 Gloucester is really the primary groundfish port;
23 although, New Bedford runs a pretty close second and
24 then Boston, South Shore, and then out on the Cape.

1 Just to give you a little bit of flavor
2 of that, Amendment 16 is the amendment that brings kind
3 of the full sector program into being. It was initiated
4 back in November of 2006. It was approved, adopted by
5 the Council in June of 2009, and it went into effect the
6 beginning of the groundfish fishing year on May 1 of
7 2010.

8 The primary objectives of that
9 amendment were to meet some of the new requirements of
10 the Magnuson Act, rebuilding targets and ACLs and AMs;
11 and in addition was to consider new management options
12 as part of that.

13 During that process, during the scoping
14 process, scoping meeting process, for development of
15 Amendment 16, several different ideas came up for new
16 management systems and scenarios for the groundfish
17 fishery. One was IFQs, individual fishing quotas.
18 Another was an area-based management proposal that was
19 designed to kind of deal with some issues particularly
20 focused around the Gulf, Downeast Maine. There was a
21 proposal to modify the days-at-sea system, to enhance
22 it.

23 There was kind of an innovative approach
24 called the Point System, which was allocating points

1 among the fleet based on days-at-sea history and
2 horsepower and length and then assigning point values
3 to different species as the year went along to encourage
4 focusing on more abundant species and discourage
5 focusing on less abundant species.

6 It was deemed a little bit too difficult
7 and complicated to implement in the timeframe that was
8 allotted. So sectors was really the final option on the
9 table by the time Amendment 16 kind of came forward.

10 There's a couple of reasons for that.
11 One is that in Amendment 13 of the groundfish plan
12 several years previously, sectors -- there were a couple
13 of sectors authorized in that, and it was a much simpler
14 version of the sector system that we have now.

15 But there was a precedent for a
16 cooperative getting an allocation of fish. And there
17 are a couple of other reasons. I think one of the issues
18 around the IFQs in New England -- the Magnuson Act
19 requires a referendum if an IFQ system is put into place.
20 And that was, I think, also considered not feasible in
21 the timeframe that they needed to get the amendment done
22 in order to meet the ACL and AM requirements. So by
23 combining the ACL and AM requirements in with these new
24 management options, it kind of pushed the timeframe

1 along.

2 And in some of the other plans in New
3 England, they've decided to separate those two out. So
4 they dealt with the ACL and AMs in a current amendment
5 and are looking at management options in an upcoming
6 amendment, like the monkfish one, for example.

7 So just what sectors are. Kind of the
8 key characteristics of a sector: They are a
9 self-selecting, voluntary, fishing cooperative. So
10 they're voluntary, and no one's assigning anybody to a
11 specific sector. They are, as I said, self-selecting.

12 They're established through either an
13 amendment or a framework adjustment. So they had to
14 propose -- they submit documents. They submit rosters
15 and operations plans and monitoring plans and
16 environmental assessments to the National Marine
17 Fisheries Service by a certain date, by September 1st,
18 as it turns out; and that gets worked into the amendment,
19 and the amendment actually authorizes their operation.
20 And then NMFS has to through the same rule making
21 process, will authorize their operation plan. In
22 return for setting up these sectors, they are exempt
23 largely from most and theoretically all of the effort
24 control regulations that are in place. So they're

1 exempt from days-at-sea limitations; they're exempt
2 from some of the rolling closures that are in effect for
3 effort control, and some of the other things.

4 They are not exempt from some gear
5 restrictions and reporting requirements and that sort
6 of thing. So, in return for setting up these rules and
7 regulations by which their members operate, they get
8 exempt from effort control.

9 And the way this works is that the
10 sectors are given an annual allocation of the various
11 stocks. And the way the allocation is worked is that
12 it is based on the collective catch history of their
13 members' permits.

14 And in the amendment process, they
15 decided, the Council decided, to take the catch history
16 from 1996 to 2006. So, even though the individual
17 members aren't getting the allocation -- it's not an ITQ
18 -- they are -- when they join a sector, they're bringing
19 with them what was called a potential sector
20 contribution as they join the sector. So it's really
21 the members' collective catch history of the various
22 stocks that determine what the annual allocation for
23 that sector is. And ACE is the annual catch
24 entitlement. So that's sort of their share of the

1 overall TAC.

2 ACE can be traded among sectors, traded
3 or sold among sectors, and there's a fair amount of that
4 that goes on. They are not considered a limited access
5 privilege program. So not only does it not fall under
6 the requirement for a referendum, which applies to the
7 ITQ, but they're not -- they don't fall under any other
8 requirements for a LAPP under Magnuson, so things like
9 cost recovering and some of the other provisions that
10 might apply in that case.

11 There are 17 groundfish sectors that are
12 operating in New England this year, and they represent
13 about 85 percent of the active permits, and they hold
14 over 95 percent of the entire allocation.

15 So most of the vessels that decided not
16 to join a sector were the ones who didn't have very much
17 allocation, and so that's why there's a difference
18 between sort of the number of permits and the amount of
19 allocation. So most of the fish, most of the allocation
20 resides collectively in the sectors.

21 And the rest, if you decided not to join
22 a sector, you stayed in what's been called a common pool,
23 and you're subject to the days-at-sea restrictions and
24 the older system. I'm sorry. That doesn't show it

1 very well here, but that's just a map of the sectors.
2 As I said, there's 17 of them. Most of them are kind
3 of place based. Most of them are community based. A
4 lot of them are also even gear based. So, for example,
5 in Gloucester, there's a sector that's focused on trawl
6 and another sector that's focused on gill net.

7 The biggest sector, the sustainable
8 harvest sector, holds about a quarter of all the quota.
9 They have vessels from all over the coast. So different
10 sectors and different organizations that sponsor
11 sectors took different approaches to how to implement
12 them.

13 And others are a little bit more
14 widespread. The Port Clyde sector based in Maine has
15 kind of a nucleus in Port Clyde, Downeastern Maine, but
16 the others have their vessels from other ports of Maine
17 as well.

18 So it's sort of an interesting network.
19 And 12 of these sectors were sponsored by one entity,
20 the Northeast Seafood Coalition, and those tend to be
21 the one that are sort of place based and harbor based
22 and gear based and culturally based to a certain extent,
23 like in New Bedford. So a sector is a nonprofit
24 organization. I think all of them set themselves up as

1 501 C(5) entities. So they have boards of directors,
2 which are mostly fishermen. Most of them have a sector
3 manager. In some cases two sectors might share a sector
4 manager in order to reduce costs. The sector manager,
5 the primary job that that person has is to track and
6 monitor the catch, the landings and the discards. They
7 have to oversee any trading that goes on among the
8 sectors. But they also are tracking kind of how
9 individual fisherman are doing against whatever their
10 sort of harvest share might be within the sector.

11 And they have to file weekly reports to
12 NMFS. They file a report based on -- that reports to
13 NMFS on where they stand on their allocation. It's kind
14 of like sending your bank the bank statement of where
15 you think you stand on your bank account every week.

16 And then there will be an annual report
17 at the end of the year that reconciles kind of
18 everything. And I should say before I go on that most
19 sectors are treating the allocations that a fisherman
20 brings as that fisherman's allocation.

21 And so not only is the sector manger kind
22 of keeping track of what's happening in the sector as
23 a whole, but they're keeping track of what their
24 individual fishermen are catching and trades that might

1 be happening within the sector. So the fishermen
2 obviously can trade their allocation within the sector
3 as well as outside the sector. And there is some
4 interesting kind of systems that have been set up. I
5 think all of the sectors, for example, have a right of
6 first refusal. So before you as an individual
7 fisherman might go make a deal with another fisherman
8 in a different sector, other members of your sector
9 might have the opportunity to bid on that allocation
10 before it leaves.

11 I'm kind of moving along pretty quickly.
12 I'm happy to pause and answer any questions. Maybe this
13 is familiar ground for most of us. Or any comments from
14 other people who have been through a part of this
15 process. Yeah.

16 PAT AUGUSTINE: A great presentation,
17 Jon. Thank you. A question on the number of active
18 participants declined in recent years. You indicated
19 here that it went from about 1314 down to 633. Could
20 you give us an idea as to how many of those folks just
21 kind of threw up their hand and said I'm out of this or
22 went away as disgruntled people or sold off or are
23 leasing their permits?

24 Could you give us an idea what that break

1 out? What I'm interested in is knowing because we've
2 talked about sectors in some of our fisheries, and we
3 just had a recent discussion with the monkfish people,
4 and they're adamantly opposed to it primarily for some
5 other reasons. But if you could enlighten us on that,
6 it would be helpful. Thank you.

7 JOHN LABAREE: Yeah. I wish I could
8 give you a good answer there. This is obviously what
9 happened before sectors went into place, and it happened
10 under days-at-sea. And I don't really know.

11 Pat may have a better answer to that
12 question. I think there was a lot of different things
13 that happened. I think that with Amendment 13 and some
14 of the reductions in days-at-sea I think just a lot of
15 boats couldn't make it. And so there might be latent
16 permits.

17 I mean there may be the permits may not
18 have traded, but these are what the Council and NMFS
19 would consider to be active if they've landed at least
20 a pound of groundfish. I don't know, Pat, if you can
21 add any more kind of depth to that.

22 PATRICIA KURKUL: Yeah. Not a lot
23 more. As you pointed out, it's over a fairly long
24 period, and so there's a lot of things that contributed

1 to it. The contraction of the groundfish resource.

2 And so for folks that -- you know when
3 you're looking at someone who only landed one pound, for
4 example, as a quote, active participant, in the fishery,
5 then those folks are clearly -- some of them are clearly
6 in other fisheries anyway. So there's a lot going on
7 there. I don't think there's any one answer.

8 JONATHAN LABAREE: Yeah.

9 HOWARD KING: Thank you, Jonathan.
10 You seemed to elude to this, but I wanted to try to nail
11 it down. If a sector's TAC is the sum of the historical
12 TAC of the individuals within the sector, does the
13 individual's history then determine that individual's
14 allocation within the sector?

15 JONATHAN LABAREE: Yeah. For the most
16 part, that's what sectors have done. They've said that
17 each fisherman was given what's called a potential
18 sector allocation, so they are a potential sector
19 contribution. So they got a spreadsheet from NMFS that
20 said given these TACs, here's what you're bringing in
21 terms of pounds to the sector.

22 And so most sectors have said that's
23 what you get to fish even though the actual allocation
24 went to the sector. Most of the sectors are, in effect,

1 operating as sort of mini ITQs.

2 There's a few cases where that didn't
3 happen. In some cases some of the sectors have pooled
4 what they call their choke species. So there's
5 obviously species that are less abundant, and the TACs
6 are low, and they're worried that if you go over and
7 overfish as a sector, if you overfish any of your TACs,
8 you have to shut down as a sector unless you can trade
9 allocation in from another sector. So they're very
10 concerned about those what they call the choke species,
11 the ones with a relatively low TAC. And so in some
12 cases, they've kind of collectedized their choke
13 species and left that as almost an insurance pool. But
14 for the most part, I think it's fair to say that's how
15 sectors are operating. Yeah.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Jonathan, you had figures up there that documented the
18 contraction of the fleet, and I believe that went
19 through 2009. The implementation of Amendment 16 was
20 effective May 1 of '010. Is that correct?

21 JONATHAN LABAREE: Right.

22 COUNCIL CHAIRMAN RICHARD ROBINS: So
23 that contraction occurred before the implementation of
24 16.

1 JONATHAN LABAREE: That's right.

2 COUNCIL CHAIRMAN RICHARD ROBINS: And I
3 guess we'll be looking over the course of the next few
4 months to see what some of those final results are after
5 a year's fishing is completed then.

6 JONATHAN LABAREE: Yeah. That's
7 exactly right. There's not a lot of good -- part of it
8 is about exactly how many boats are actually fishing and
9 how much real contraction there's been. My
10 understanding, and it's more anecdotal than anything --
11 is that there's a lot of trading of ACE going on; there's
12 not a lot of permit selling going on yet. So there's
13 not necessarily a lot of sort of structural
14 consolidation. But given some of the low TACs and some
15 of the uncertainty and some of the new regulations and
16 costs, some fishermen are definitely electing to lease
17 their quota out and not fish. But it's not clear how
18 kind of long term and lasting that will be. I don't
19 think it's played out yet.

20 PRESTON PATE: Thank you, Jonathan, for
21 the information this morning. As other councils go
22 about considering and developing catch share programs,
23 I'm sure that they'll be looking back at the experience
24 in New England and learn from many mistakes that were

1 made there, particularly in terms of the timing and
2 sequencing of major decision points.

3 But beyond that, I think there would be
4 a lot of interest in looking at just what does constitute
5 success. Certainly, you can compare the character of
6 the fishery after implementation for a year's worth of
7 stated goals of the plan, but are there any metrics that
8 are being developed beyond that comparison that would
9 be helpful?

10 I know that I read just recently that
11 MRAG is working on some of those. I'm not familiar with
12 what they're doing, and I'm interested in knowing what
13 involvement the sectors have in that program and what
14 is being considered at this point. If you can share
15 that.

16 JONATHAN LABAREE: I can
17 certainly try. The second part of my presentation was
18 to think a little bit about some of the lessons. And
19 you've eluded to a couple of them. But, yes, MRAG has
20 been retained by the Moore Foundation, which is a
21 foundation that's provided some of the funding to the
22 nonprofits like GMRI and others who have been involved
23 in this to try to evaluate not just what happened with
24 sectors, but how do you evaluate sort of effectiveness

1 of catch shares generally.

2 And there was a recent meeting that
3 involved some sector members and some fishermen and some
4 social scientists that was kind of an initial kind of
5 a scoping meeting to kind of get at what some of the goals
6 might be and some of the indicators it might use.

7 My understanding is that the Council is
8 also going to be taking a look at this towards the end
9 of the fishing year and try to evaluate sector programs
10 through another process. And so there's an awful lot
11 of people trying to understand exactly what you bring
12 up.

13 And one of the lessons I guess we sort
14 of teased out, and it's in the handout, but I've got it
15 on the slide here. The overall lesson for everybody is
16 just how important communication is. It's a long
17 process. It started in 2006 and didn't end until 2009,
18 and a lot of people feel that that wasn't long enough.
19 And that's a long time to kind of maintain good
20 communication and make sure that everybody really knows
21 what decisions have been made and what ones are coming
22 up next and what the implications of them are.

23 I think for a council -- this really gets
24 to your question -- is the ability to set measurable

1 goals. I'm going to break these down a little bit in
2 the next slides. But that really kind of gets to it.

3 I mean how do you evaluate the
4 effectiveness of a program of a major switch like this
5 unless up front you're pretty clear about what you're
6 trying to achieve and you figure out a way to even
7 measure it beforehand.

8 And that's some of the criticism that's
9 happening, too. A lot of the ground work wasn't done
10 particularly on the socioeconomic side. For industry
11 a really key lesson for this particularly under sectors
12 was to get organized. It took a huge amount of effort
13 on the industry side to get these things set up and
14 running.

15 One of the lessons for NMFS certainly is
16 the data. This constituted just an enormous, several
17 quantum amount of data and in timeliness and both for
18 industry to kind of come to grips with and for NMFS to
19 come to grips with it. And it was a monumental task,
20 and it's still evolving. And for NGOs there's
21 certainly -- you know, the lesson that we took away --
22 and there are several -- but is to do what you can to
23 kind of support industry leaders. It takes a fair
24 amount of leadership to institute any kind of major

1 change. And one of that things that NGOs can do is to
2 try to support those leaders.

3 An extra little bullet on there is just
4 to kind of bear in mind that there is a huge distinction
5 between the design of a system like this and the
6 implementation. And one of the issues that happened in
7 New England, again because of the contracted deadlines,
8 was that in a sense it was getting implemented as it was
9 being designed.

10 So these sectors were creating the
11 operations plans and doing the environmental
12 assessments and getting the rosters together at the same
13 time that the Council was making decisions about
14 allocation and monitoring systems, and it was all
15 happening sort of at the same time. And it was clearly
16 an issue, so. Yeah.

17 PETER HIMCHAK: I didn't mean to cut you
18 short.

19 JONATHAN LABAREE: That's all right.

20 PETER HIMCHAK: I was just trying to get
21 in line for making a comment. Perhaps I need a little
22 clarification on my terminology here. By looking at
23 the history of the individual vessels prior to the
24 formation of sectors for the period of years that you

1 designated, I mean did you not essentially determine a
2 share or a percentage or a catch share that this vessel
3 knew and would then be able to use in the formation of
4 sectors?

5 I guess technically you're not calling
6 it a catch share because that would require a
7 referendum, but in effect, did this not dictate how
8 valuable a vessel would be in to forming a sector,
9 whether they wanted this vessel in their sector, and
10 then who ultimately would not be invited into a sector
11 because their entitlement or whatever you want to call
12 it would be so low?

13 So can you explain? Because we're
14 dealing with developing a catch shares program, and I'm
15 just trying to draw a line between that and the jump into
16 sectors.

17 JONATHAN LABAREE: Right. Right.
18 Well, there's several layers to your question. One is
19 sectors is considered a catch share. It's not an ITQ,
20 so it didn't meet the need for a referendum and whatnot,
21 and it's not considered a LAPP because it's not a
22 permanent -- I think part of the reason is it's not a
23 permanent allocation. It's a annual allocation to a
24 sector. So it is considered a catch share in sort of

1 the broad sense of that word. And, yes, when the
2 Council decided to use catch history as the formula for
3 allocating the fishery -- and there were several other
4 options on the table, but that's the one that seemed to
5 get the most support, and it's the one that the Council
6 went with -- they did basically sort of give individual
7 boats their share.

8 And what I'm not aware -- and it may have
9 happened -- I'm not aware of anybody not being able to
10 join a sector because they didn't have enough
11 allocation. I think there was an understanding for the
12 most part that you were going to be able to fish what
13 you brought, and so if you didn't bring many fish, you
14 weren't going to catch many fish.

15 But I'm not aware of anybody who was left
16 out of a sector because they didn't have enough
17 allocation. Again, that was the first year. And this
18 next year the sectors have already made their
19 applications and submitted their rosters for approval
20 for the next fishing year.

21 There's some changes. There are some
22 boats that have switched sectors. But apart from a
23 couple instances maybe where people have just violated
24 the terms of their sector agreement, I'm not aware of

1 anybody kind of being left out in the cold because they
2 wanted to join a sector but couldn't all other things
3 being equal. But, yes, setting that allocation
4 definitely gave people a sense of what they were going
5 to bring and what they weren't going to bring. A bit
6 of a difficulty there was that the TACs weren't set until
7 a little bit later, so not all the fishermen really knew
8 what they were really going to bring to the sectors until
9 kind of into December, until a few months before the
10 fishing year.

11 MICHAEL LUISI: Thank you. I was just
12 curious as to how your monitoring efforts may have
13 changed after the sectors were developed. Was the
14 at-sea monitoring -- dockside monitoring was there a new
15 structure to that; and if so, what was it?

16 JONATHAN LABAREE: Yeah. There's
17 quite a new structure to that, yes. Previous to this
18 there was no dockside monitoring for the groundfish
19 fishery, and in part of the amendment, it requires 50
20 percent of trips to be monitored at dockside. So
21 there's a new provision for dockside monitoring.

22 In addition to that, there is increased
23 at-sea monitoring. And what essentially they did is
24 they took the at-sea observing program and kind of

1 beefed it up to a certain extent and scaled it up so that
2 about 38 percent of sector trips are monitored at sea.

3 So the at-sea monitoring program is
4 really designed to understand discards because it's now
5 a full -- it's a full retention. You have to land
6 everything. You have to bring back to the port
7 everything that you catch that's of legal size. So you
8 can't discard any more except for legal size fish. But
9 if you discard a sublegal size fish, that still gets
10 counted against your allocation. So the at-sea
11 monitoring program is essentially designed to
12 understand discard rates.

13 And so if you have an at-sea observer,
14 an at-sea monitor, you get an actual discard rate for
15 your trip. But then if you don't have one, you have an
16 assumed discard rate that's based on all the other
17 observing, and it's broken down by sector, by stock
18 area, and by gear type I think. And so there's some
19 structure to that. And that's a new system. It's
20 based on an existing observing system, but it's got new
21 requirements. Yeah.

22 MICHAEL LUISI: Just a quick follow-up.
23 Other individuals that aren't part of sectors still have
24 to comply with those same guidelines? Or are those

1 specifics that you gave as far as percentages of at-sea,
2 dockside observations; is that just specific to the
3 sector management?

4 JONATHAN LABAREE: That's just
5 specific to sector management. There is in -- maybe
6 it's next year, not 2011, but the following, 2012, it
7 is envisioned that the common pool will have dockside
8 monitoring and an increased level of at-sea monitoring;
9 but I don't think it's really clear exactly where those
10 levels will be. But it's really designed to kind of
11 respond to the allocation of the catch share kind of
12 component and to understand where the discards are.
13 And the dockside monitoring is really designed to verify
14 the daily reports, just to make sure that the landings
15 are accurately tabulated.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Jonathan, I believe Mary Beth had a question.

18 JONATHAN LABAREE: Oh. Yeah.

19 MARY BETH TOOLEY: Well, I just wanted
20 to respond to a couple of questions that Council members
21 had. One was about the low allocation and what does
22 that mean for joining a sector. And if you're a vessel
23 that doesn't have a great amount of fish associated with
24 that vessel, the prohibitive thing about sectors is the

1 cost of the administration of a sector.

2 So, if you don't have enough fish, then
3 how could you afford to join a sector and participate
4 in the process? And I don't know how all sectors have
5 dealt with that, but I am familiar with one particular
6 sector and what they did because they actually did want
7 the people to join regardless of whether their
8 allocation was low or not was they made an adjustment
9 for those vessels that may be, for example, lease only.
10 They don't actually have enough fish to pay -- you know,
11 to keep that boat running, and hopefully over time as
12 stock status changes, they in the future would, but
13 their current -- you know, financial situation today
14 makes it somewhat prohibitive. So they're not charged
15 all the fees that an active vessel would be charged in
16 that sector. So they provided an avenue to allow them
17 to participate.

18 And then on the question of monitoring,
19 I think -- you know, Jon described it quite well, but
20 I just would note that the Council's having ongoing
21 discussions about the value of dockside monitoring; and
22 we have some in the industry who feel it has little or
23 no value, and then, again, we have others in the industry
24 who would actually like to see increased dockside

1 monitoring. So I think that's a discussion that will
2 be ongoing.

3 JONATHAN LABAREE: Pat.

4 PATRICIA KURKUL: I was just going to
5 add to the -- you're doing a great job, by the way, Jon.
6 Thanks. Also point out that the sectors actually
7 represent over 70 percent of the active vessels, and so
8 a very, very small number of vessels ended up in the
9 common pool. In effect for 2011, I think we're up close
10 to I think even over 99 percent. The monitoring covers
11 pretty much the majority of the fishery.

12 JONATHAN LABAREE: Yeah. And just one
13 final point on the monitoring: Those costs are now
14 being born by the federal government. So they're
15 paying for the at-sea programs through their observing
16 program. The dockside monitoring is paid -- the
17 sectors are getting reimbursed for those costs by a
18 grant from the federal government. The grant actually
19 runs through GMRI. We administer the grant.

20 So the dockside monitoring, those are
21 contracts that each sector has with different
22 monitoring companies, and then they get reimbursed. So
23 that's kind of a sector-by-sector thing where the at-sea
24 monitoring is done essentially through the observing

1 program that runs out of the Science Center.

2 The questions are really great, so I
3 don't want to kind of derail the conversation
4 necessarily, but I think that on the communication issue
5 I think that, as we all know, it's very difficult to kind
6 of communicate what's going on. The Council staff as
7 Amendment 16 kind of got closer and closer, they did go
8 on kind of a tour of the region and did presentations
9 and had workshops to try to get industry a little bit
10 more involved and informed about the process. They
11 unfortunately weren't particularly well attended.

12 And as May 1st came along, NMFS did a
13 great job and hosted a whole series of workshops to try
14 to understand the whole data processing issue and
15 engaged the sector leadership in those. And just on
16 kind of the difficulty side, it's just it really is hard
17 to get a fisherman to participate in the process and to
18 reach them. This is a huge, massively huge change that
19 happened throughout the whole industry, and it was very
20 difficult to kind of communicate at the breadth of the
21 scale and also to detail everything down to kind of new
22 reporting requirements and that sort of thing.

23 Setting measurable goals. I mean I
24 don't need to go through all these. But I think that

1 huge burden on industry to get organized and to kind of
2 get their heads around all that kind of needed to happen
3 to kind of get going on this.

4 One kind of interesting highlight going
5 back to the dockside monitoring is that on a couple of
6 these issues, industry kind of came together and
7 collaborated on the design of dockside monitoring,
8 which is really left to the sectors to develop. They
9 wanted to make sure that there was kind of a standard
10 set of guidelines for how that was going to go and not
11 every sector proposed something different.

12 And so they came together. GMRI kind
13 of helped convene that. But they really sort of led the
14 way on kind of developing what dockside monitoring might
15 look like. They may need to revisit it. But it's kind
16 of an interesting example of kind of collaboration with
17 an industry, the cross-industry.

18 I already talked a little bit about the
19 data systems. I throw up this slide. And, again, I'm
20 sorry. It's a little bit hard to see. But the
21 reporting and monitoring requirements are significant
22 and a lot of them are new, everything from a 48-hour
23 pretrip notification so that the at-sea observer or
24 monitor can make it to the boat. All these boxes and

1 arrows are all sources and lines of data and
2 communication, and they all end up at the bottom right
3 corner, which is the weekly report that the sector
4 manager has to file.

5 So there's streams of data that come
6 from the boat, come from the dockside monitor. They
7 come from the sector manager. They come from the
8 dealer. They come from the at-sea monitor, observer.
9 And they all kind of come together once a week in this
10 report that goes to NMFS. It's really quite a complex
11 system, and it took awhile to get everybody kind of on
12 the same page on how to do it.

13 And finally, I'll just quickly touch on
14 NGOs and the role that we might be able to play. GMRI
15 worked pretty closely with 14 of the 17 sectors and
16 really helped them in a lot of the technical details they
17 needed to come up with their operations plans and their
18 monitoring plans, their environmental assessments.

19 And NMFS did actually in the first year
20 help cover some of the costs of those environmental
21 assessments. Not surprisingly, not all NGOs have the
22 same agenda, and so some are able to participate in the
23 process at different levels with different results.
24 And I think it's difficult for us as people who spend

1 a lot of time sitting in front of computers making
2 presentations to keep attuned of what's really going on
3 our water and what's going -- you know, to be effective
4 and going to work for the fishermen under this totally
5 new system.

6 So just kind of lingering issues. As
7 everybody knows, it's not the smoothest of rides. And
8 I think the allocation question remains a really hot
9 topic. And it's hard to know how it might have gone
10 differently. But it really clearly created winners and
11 losers out of this, and that is continuing to be an
12 issue.

13 I've already touched on the lack of good
14 analysis on the social and economic potential impacts.
15 I think that's beginning to come up to speed as more
16 funding comes there. Clearly, under a system like
17 this, the ability to set TACs highly responsively to
18 what's actually going on out on the water is absolutely
19 critical.

20 When you can shut a sector down based on
21 a low allocation if that data is a couple years old, it
22 makes it very difficult. And so this kind of brings
23 that into a little bit more sharper focus. And there's,
24 of course, some legal challenges. There's several

1 lawsuits going on right now. The biggest one is really
2 kind of focused around, I think, around sort of the
3 allocation question. And then, as Mary Beth eluded to,
4 these sectors represent a whole new cost to the
5 industry. There's a sector manager that's monitoring
6 costs. This first year the costs are probably higher
7 than they will be over time as industry and sectors get
8 used to the system and can find efficiencies. But
9 that's clearly a new burden that didn't exist this time
10 last year.

11 So to the extent there's time and
12 whatnot, I'd be happy to answer more questions.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Jonathan, thank you. When you had the slide up there,
15 I think about some of the things that went well with the
16 Council and things that maybe didn't go well. I think
17 you identified the fact that they did identify specific
18 objectives relative to the allocations, but there
19 wasn't a cohesive vision for the fisheries. Is that a
20 lingering concern in the region?

21 JONATHAN LABAREE: Yeah. As a
22 spectator, I think the Council has on a number of
23 occasions tried to address that question as sort of a
24 vision for the fishery. I know that you folks are about

1 to embark on something along those lines.

2 Several efforts, I think, have been made
3 kind of outside the council process in New England to
4 do that. I'm not really in a good position to kind of
5 comment on how well that's been integrated into what the
6 Council has done. Other people here who sit on the
7 Council may have another opinion. But I think it is
8 really difficult to contemplate such a major shift and
9 particularly making decisions along the way without
10 having sort of a general sense of where you want to head.
11 And even now I think it's very difficult for the Council
12 to kind of put their heads around that.

13 COUNCIL CHAIRMAN RICHARD ROBINS:

14 Thank you. Other questions for Jonathan? Comments on
15 the presentation?

16 JAMES FLETCHER: Jonathan did a good
17 job, and he brought people down to North Carolina to help
18 get them into a sector, but it has destroyed the hardware
19 stores, the welding shops, and stuff like that in North
20 Carolina simply because the sector that was formed and
21 the way the rules were written, the vessels had to land
22 in New England. They could no longer bring their
23 product from the last trip back into Carolina.

24 So, if you go through and look at the

1 number of hardware stores and stuff that have closed,
2 that's one thing to consider when you start thinking
3 about sectors. The other thing to consider when you
4 start thinking about sectors -- and I think Jonathan and
5 Pat will both tell you -- is the Carolina vessels were
6 told under the days-at-sea that they could lease their
7 days-at-sea. Nobody told them that you're not going to
8 get credit for what's caught under those days-at-sea.
9 So a number of vessels in North Carolina that leased
10 their days-at-sea during this 2006, back '96 to 2006,
11 lost all of the allocation. They have nothing to take
12 into a sector.

13 So there again, the people in this state
14 lost, the fishing vessels of North Carolina. If you
15 don't understand what I'm saying, I'll explain it to you
16 in another way. But that was one of the major things:
17 They were told that by leasing the day it would not hurt
18 them, and then when NMFS and the sectors came in under
19 this, you got your catch history, and if you leased your
20 days, you didn't get any catch history because it was
21 based on your permits.

22 Another thing that came up and it's
23 going to eat us more: When the sectors bought software
24 to go on the boats to report, the sector couldn't buy

1 the software and put it on each boat; each vessel had
2 to buy the software and put it on the boat. So, there
3 again, that was an additional cost.

4 And whoever wrote the software could
5 have been asked to do it, and the software could have
6 been -- there was some software that we already had on
7 the vessels, but NMFS told us we couldn't use it.
8 Another thing that the vessels in Carolina got had on
9 was when we called up and asked: Could five
10 corporations form a sector? No, not if they're by the
11 same owners. Now, when you go up North and look at it,
12 somehow or another we have sectors up there that
13 basically the same group of owners that are the same
14 family own it.

15 So, if the Council is thinking about
16 sectors, there's a lot of problems with it. Another
17 thing that's going to come up in sectors, and it's
18 affecting the Carolina boats again now, which I am
19 familiar with, is when all of these fees become final
20 and they're no longer covered by grants and they're no
21 longer covered by anything NMFS is doing and it falls
22 back into the sectors, a lot of these boats in Carolina
23 will not have enough poundage allocation to pay the
24 sector fees.

1 Now, we go into another thing. We have
2 dockside monitoring. There has always been a problem
3 between the captain of a boat and the dealer on the
4 weighing of the fish. This would have been an ideal
5 locate time to say that the captain of that boat can be
6 a dockside monitor and he can be on the scales.

7 But, no, no, no, no. We're not going to
8 do that. We have to pay and add an additional tax to
9 the fishermen to land with a dockside monitor. And it's
10 a problem that we see with the boats in Carolina that
11 as soon as all of these grants and stuff run out, most
12 of boats in Carolina that I'm familiar with are going
13 to have to sell their allotment. They're not going to
14 be able to stay in it; so thereby, you will have another
15 lower number of vessels.

16 Another side of the coin on the sectors
17 that come up is that all of the scallop boats that were
18 in Carolina -- and there were probably 12 or 14 that had
19 what they call combination permits; they could scallop
20 and they could fish groundfish -- leased their days
21 during this timeframe. So they have totally lost it.
22 They don't have any poundage.

23 They had the right to fish under the
24 days, but they way NMFS and the New England Council did

1 it they took advantage because they said you can keep
2 your days. They just didn't say we're going to base
3 your sector allocation on your landings and they're not
4 going to go. So I want to reiterate that process.

5 And the other thing that comes up now in
6 North Carolina on the sectors and the question that I
7 have: There's 630 active vessels in the sectors; if you
8 divide the square miles in the EEZ that are being fished,
9 can those 630 vessels drag that area one time? In other
10 words, figuring miles that it takes to fish with a net
11 per ton for 365 days, has anybody run the numbers that
12 we cannot fish the area? So, when you get into sectors
13 and start looking at it, this state has literally been
14 disadvantaged by the sectors, and it was disadvantaged
15 by NMFS not telling us up front if you lease your days,
16 you're not -- the main thing was if you lease your days,
17 you're not going to get credit for the pounds.

18 And, if New England or anybody wants to
19 rectify the sector situation, go back and say that if
20 you lease your days to vessels in Carolina, you got the
21 poundage. And the first thing will be: Well, we don't
22 know which days you were fishing.

23 Yes, you do, because if you lease days
24 under the old system, you had to fish those days first.

1 So, take the first landings of that boat for the number
2 of days that they leased.

3 But this state, North Carolina, under
4 this system has been extremely, extremely disadvantaged
5 financially, and we're going to continue to be
6 disadvantaged. And it's time for this Council to stand
7 up and say, hey, let's put things right; at least let's
8 be fair.

9 And if anybody's got any questions, I
10 will be glad to answer them. But this one I have four
11 members that losing that poundage have sold their boats
12 into South America and said the heck with it. So, when
13 you look at that reduction in number, all of that money
14 that would have been coming into Carolina -- and we talk
15 about needing jobs. This state on the coast is hurting,
16 and it's time that this Council take into action that
17 will help us. Thank you. Any questions?

18 COUNCIL CHAIRMAN RICHARD ROBINS: Jim,
19 how many North Carolina boats are currently
20 participants in the groundfish sectors that you haven't
21 verified it?

22 JAMES FLETCHER: In the tri-state
23 sector, out of Wanchese there are seven. In Bell Haven,
24 to my knowledge, I think there are three. In New Bern

1 it would be fleets out of New Bern or this area, all of
2 them leased their days.

3 So the number of boats in here would
4 probably be around 12 that were combination boats, but
5 because they had leased their days in this time frame,
6 it's zero.

7 And it's just totally frustrating that
8 if we had had some warning -- the main part of this that
9 hurt so bad was we were told if we leased our days we
10 kept them and we weren't told that, hey, you're not going
11 to get credit for the landings, and we're going to base
12 your allocation on the landings.

13 And that is what has hurt as much as
14 anything down here. That's what put four people
15 completely out of business. So I appreciate your time
16 and trouble and would like for you to give it serious
17 consideration. It's nothing against Jonathan. They
18 came down and tried to help us. But what we see now is
19 what the administrative fees. The five or seven boats
20 that are left down here that are in the sector, we're
21 not going to be able to pay the fees. We don't have
22 enough poundage. So thank you.

23 COUNCIL CHAIRMAN RICHARD ROBINS:

24 Thank you, Jim. Pat.

1 PATRICIA KURKUL: Yeah. I'm not going
2 to go through all of Jim points, but I do think it's worth
3 correcting a couple of the misperceptions on his issues.
4 First on the catch issue, which seems to be the biggest
5 one, there was actually quite a lot -- that was a Council
6 decision.

7 There was quite a lot of discussion at
8 the Council about whether or not the catch would be
9 attributed to the lessor or the lessee, and the Council
10 decided that it would be attributed to the vessel that
11 actually fished and caught the fish.

12 And so that was part of the rule making.
13 It was part of the public process. It was part of the
14 public hearings. And it was also part of the proposed
15 rule that was issued. And that -- a decision predated
16 sector management. It goes back several years now.

17 On just a couple of the other things.
18 With respect to the software, I think the issue of having
19 to purchase the software was actually an internal sector
20 issue and not something that came from us. In fact, we
21 had software that we provided free to the industry.
22 There is a rule under sector management that to form a
23 sector you have to have basically three independent
24 parties. And so someone who owns three different

1 corporations would not be considered an independent
2 party. So, if you have any interest at all in a fishing
3 vessel, then you're not counted as one of the three
4 independent parties.

5 So there has to be a minimum of three
6 vessels, and each vessel has to be independently owned.
7 And I think I'll just leave it at that. But I did want
8 to correct a couple of things.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thank you, Pat. I think the fact that lease catch
11 history -- if leased catch history is credited to the
12 lessee, which is what happened in the groundfish
13 fishery, the difficulty with that is obviously it has
14 the potential to diminish the permit holder's basis in
15 the fishery. And that's exactly I think what Jim is
16 describing.

17 That issue and the importance of it
18 wasn't lost on this Council or on New England when we
19 subsequently went through the discussion on Amendment
20 15 for scallops and discussed how leasing might work and
21 how the catch history associated with leased
22 allocations might be credited. And so the provision we
23 had in there in the final proposal was that the catch
24 history would, in fact, stay with the lessor, but

1 leasing was ultimately not approved in Amendment 15, so
2 that was late on the table. But the issue of leased
3 catch histories is very important about how that's
4 treated, and it does have implications. But that
5 lesson's already, I think, been learned at this point.
6 Howard.

7 HOWARD KING: Yeah. A question for
8 Pat. The allocation, I guess, was based on the catch
9 history, but days-at-sea that were not leased but also
10 not fished weren't eligible for any credit of any kind
11 I take it?

12 PATRICIA KURKUL: That's right. It
13 did come down to landings. I think there were is it
14 seven different options that went to public hearing --
15 five or seven, and there were a combination of things,
16 catch history. And then several of them were based on
17 the size of the vessel and catch history or days-at-sea.

18 And so there was a full suite of options
19 that went to public hearing and a lot of support early
20 on for an alternative, sort of a hybrid alternative that
21 wasn't just based on catch history but had some other
22 component to it. But at the public hearings, the
23 support for the catch-history-only option was
24 overwhelming, and so the Council adopted that one.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Mary
2 Beth.

3 MARY BETH TOOLEY: Yeah. I guess I
4 would just add one thing. The decision on how that
5 history was going to be treated versus days-at-sea was
6 a very difficult one for the Council, and as Pat
7 indicated, the public hearings were pretty clear that
8 the people -- that the majority of people favored catch
9 history.

10 But I think that all of the Council
11 members at the table knew that regardless of which
12 alternative you chose, that there were going to be
13 winners and losers. I mean that was just a given; it
14 didn't matter, I mean that some people were going to do
15 better under one, and others would do better under
16 another.

17 But one of the main reasons for the
18 amendment is that we knew up front we have more vessels
19 and not enough fish. It's just simply the reality, and
20 that was not going to change, so you try to create
21 something to deal with that.

22 I mean consolidation was one of the
23 things that was expected by the plan. We all knew that
24 that would happen. And, you know, even when you look

1 at the groundfish stocks in the Northeast at a fully
2 rebuilt levels that we hoped they would be at in the near
3 future, we still had way more vessels than were needed
4 to harvest those fish. So I understand it's difficult
5 for people, and it certainly was not an easy decision
6 for the Council either.

7 COUNCIL CHAIRMAN RICHARD ROBINS:

8 Thank you, Mary Beth. Pres.

9 PRESTON PATE: Jonathan, there's a
10 perception among the fishermen that were opposed to the
11 catch share sector management approach and those that
12 found themselves disadvantaged by that approach once it
13 was implemented, that their involvement in the debate
14 about whether or not that approach was appropriate was
15 meaningless because the decision had already been made
16 when the process started, because of some grand
17 conspiracy that the government had to force sectors upon
18 the regional management scheme. What can we do and
19 other councils do to avoid that?

20 I mean I don't share that perception, of
21 course, but I think it's important for us to be very
22 sensitive to the fishermen's understanding and the
23 information that they can bring to the table and their
24 positions on this being appropriate for themselves

1 personally and for discrete sectors? Communication,
2 transparency in the process are the obvious answers.
3 Are there any other suggestions you might give?

4 JONATHAN LABAREE: Well, I think that
5 another thing that's kind of important to bear in mind
6 is that as unpopular as sectors are right now for some
7 people, days-at-sea system was not working either; and
8 when you combine that with the ACLs and AMs and you see
9 what's actually happened to the common pool in New
10 England as they've begun to hit some of their TACs and
11 had reductions in catch limits, trip limits, and
12 differential days-at-sea counting, that wasn't a great
13 alternative either.

14 So it's true. It's a very difficult
15 question to answer. And I think that one of the things
16 that as an organization GMRI would endeavor to do the
17 next time around -- one of the things that we did in the
18 run up to Amendment 16 -- I mentioned there was a whole
19 series of options, management options, on the table.
20 We helped sponsor a series of workshops that allowed
21 people to kind of really dig in and understand what those
22 options might mean.

23 So outside of the sort of formal council
24 process to get people to -- a person, for example, who

1 proposed the point system got up and had an opportunity
2 to explain what it was, and people were invited to come
3 and engage around and understand that option better.

4 We did that during Amendment 16. I
5 think that it would have probably worked even better if
6 we had been able to get more people to the table, maybe
7 held more of those meetings so they were in different
8 ports. I think that -- you know, as I said, for NGOs
9 it's always hard for us to really engage, I think,
10 effectively with industry, and I think that's true up
11 and down because of the nature of the work. And I think
12 that -- you know, it's hard to come to the Council
13 meetings. It's hard to come to committee meetings.
14 It's hard to keep track of what's on the agenda.

15 And there's industry organizations that
16 the fishermen belong to and hope they get represented
17 at the Council level. I think that this was such a
18 sweeping change that some of even the most effective
19 industry groups -- they represented so many interests
20 that it was hard for them to zero in on some of the key
21 topics.

22 So I think that one of the things I've
23 been sort of following along a little bit on the monkfish
24 thing, and if that goes to a system like this, GMRI and

1 other groups would be interested in helping host a
2 series of meetings outside of the council process that
3 are designed to kind of engage industry a little bit more
4 as key decisions -- if that's the direction it goes in
5 -- as key decisions get made.

6 I think it just takes an awful lot of
7 work and a willingness to meet industry kind of where
8 they are as much as expected to come to us. I don't have
9 a good answer, but that's one thought.

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Jonathan, I know it's never easy to cure an imbalance
12 between if you had extreme excess capacity and a limited
13 yield in a fishery, but do you think the public support
14 might have been broader or the industry support might
15 have been broader if there had been more of a composite
16 basis of allocation?

17 I recognize that as it went through the
18 process, the public input that was heard at the council
19 level was overwhelmingly supportive of using catch
20 history. But in hindsight do you think a composite
21 basis might have had broader public support?

22 JONATHAN LABAREE: That's really hard
23 to say. I think that part of the difficulty was I think
24 fishermen were trying to make a decision with incomplete

1 information. I think when the Council made their vote
2 in June of 2009, that the final TACs and data didn't
3 really get out to the fishermen until after that.

4 I don't know whether that would have
5 changed their opinion or not. So my sense a little bit
6 was that the support of catch history was a
7 philosophical one as much as anything. The idea that
8 catch history sort of was, in its broadest kind of
9 concept, is a measure of your involvement and commitment
10 to the industry that sort of felt right. Whether that
11 philosophical idea then translated into what was kind
12 of fair is really hard to know. And I should say that
13 in the lawsuits that are happening right now that are
14 focused on allocations is less whether it should have
15 been history and more that the time period for certain
16 groups were different than the whole group, so,
17 particularly with the recreational. There's a very
18 minor recreational component to the groundfish industry
19 in New England, but they have a major world of play in
20 the haddock and cod in the Gulf of Maine. There's a
21 little bit of technical. It's hard for me to know, but.

22 COUNCIL CHAIRMAN RICHARD ROBINS:

23 Thanks. Howard.

24 HOWARD KING: One more question for

1 Jonathan. Early on in the public process, were ITQs
2 considered along with sectors and then rejected?

3 JONATHAN LABAREE: That's right. I
4 think in the early stages of developing the amendment,
5 ITQs were potentially a possibility. And I think that
6 one of the reasons they were discarded is that given the
7 requirement in New England to have a referendum, the
8 time that it was going to take to develop a plan and then
9 have it go to referendum meant that -- and Mary Beth
10 could probably answer this better than I can -- meant
11 that the amendment would not likely be completed by the
12 time they needed to meet some of the requirements of the
13 Magnuson to hit the sectors meant that they didn't have
14 to do a referendum, but ITQs would have pushed the
15 process back and made them separate the amendment out.
16 So it was on the table early on, but it was not part of
17 the final discussions, as it got discarded part way
18 through, probably in mid-2008 maybe.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Pat.

20 PAT AUGUSTINE: Yeah. Thank you, Mr.
21 Chairman. I'm getting a little frustrated only because
22 we had a case presented by James of what happened to
23 several vessels, several fishermen. I've been waiting
24 for an answer or some direction.

1 Is there anything that we can do as a
2 council, or is court a last resort, for them to go to
3 court to try to get some equality? I guess I'm looking
4 for how could we address that problem? Is it still a
5 problem? Or are those vessels that are out or are they
6 being -- their catch history or days-at-sea do they have
7 to live with the fact that they've either lost them or
8 they've been transferred or taken away from them?

9 I'm still just not clear where those
10 vessels and those owners are now. And is there any
11 action that we can do either in terms of recommending
12 that their case be looked at or just to get an answer
13 back through Pat and/or George that: Here's what
14 happened; it's a dead issue; and they were -- I hate to
15 use the word deal with -- but those issues were looked
16 at, and here's where we are. I feel a little awkward
17 because a case has been presented, and still don't --
18 I'm not pointing to Jonathan; I'm just saying are they
19 in limbo, or is it over? I don't know if you can help
20 me with that, Mr. Chairman, but you're the one who's been
21 handling all that.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
23 I think the lease catch history, as Pat pointed out
24 earlier, reflected a council decision that preceded the

1 development of sector management. But I'll just ask
2 Joel: Are those lease catch histories are at all the
3 subject of any of the current lawsuits on Amendment 16?

4 JOEL MACDONALD: Not to my knowledge.
5 I'm not really intimately familiar with all the
6 Amendment 16 litigation, but I don't think those are the
7 principal allegations.

8 But as far as the legal process goes, I
9 mean once a plan amendment or framework goes in place,
10 under Section 305 you only have 30 days from when that
11 action was promulgated to challenge it; otherwise, you
12 lose that opportunity.

13 So we've gone beyond that period of
14 time, to say the least. Right now with respect to
15 Amendment 16, there are three lawsuits in progress.
16 There is one by the City of New Bedford, one by James
17 Luvgren, and the last one is by Oceanna. We've had
18 recent involvement, if you will, by a number of parties.
19 Food and Water Watch filed a motion to intervene as a
20 plaintiff in that case. Barney Frank and John Tierney
21 have filed a motion to be allowed to participate as a
22 amicus, and the State of Massachusetts has done that as
23 well.

24 The motion by Food and Water Watch to

1 intervene as a plaintiff was denied; however, Judge
2 Zobel said that they could participate as an amicus, and
3 she also granted the motion of the State of
4 Massachusetts and Barney Frank and John Tierney to
5 participate as amici.

6 So that's where we are on that
7 litigation. I can look into it further and -- you know,
8 find out what the litany of allegations are and let you
9 know if that is an issue. I don't think it is.

10 PAT AUGUSTINE: Okay. Well, that
11 helps me a great deal. I thank you for that
12 clarification because it sounded like it was going
13 around in a circle. Preston Pate had asked a question
14 and couldn't get a solid answer. But that clears it up
15 for me. Thank you. Thank you, Joel.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Well, Pat, again, some of the Virginia boats had the same
18 experience that Jim Fletcher pointed out happened here
19 in North Carolina, and so when we went through Amendment
20 15 in scallops, I was familiar with that issue, and we
21 worked very hard in the committee to try to make it the
22 other way if leasing were allowed in that fishery.

23 PAT AUGUSTINE: But that also happened
24 during that 30-day period. Right? That all happened

1 during that 30 day --

2 COUNCIL CHAIRMAN RICHARD ROBINS: That
3 would have been for the scallop fishery, but leasing was
4 ultimately not approved, so it was mute. Mary Beth.

5 MARY BETH TOOLEY: Just one thing in
6 general that I would add. And there certainly has been
7 plenty of controversy since the implementation of
8 Amendment 16 and sectors. And I think for a lot of
9 people, particularly that were not terribly involved in
10 the development, the fact that they received such low
11 catch shares.

12 So we have the implementation of an
13 amendment that implemented ACLs and AMs with reduction
14 in catch at the same time as sectors. So I think for
15 a lot of people some of the anger is really in their low
16 allocations.

17 Well, the reality of the situation is
18 that if we did not have sectors, which as Jonathan
19 alluded to, they would not have been happy with their
20 allocation of days-at-sea either. It was not going to
21 be a pretty picture. You know, there are a lot less fish
22 to go around. And I think it's hard for people to --
23 you know, when they send you that letter in the mail that
24 says this is what your contribution factor is and it's

1 -- you know, half or less of what you caught last year,
2 I mean that's pretty difficult. But if the Council had
3 not recommended for implementation of the sector plan,
4 those days-at-sea allocations coming in the mail
5 wouldn't have looked any prettier.

6 PAT AUGUSTINE: Well, thank you, Mr.
7 Chairman. That sheds a lot of light on it for me.
8 Thank you.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Sure
10 thing. Additional questions or comments? Jim, this
11 is a new issue?

12 JAMES FLETCHER: To answer Mr. Pate's
13 question of what can we do. If you're going to think
14 about doing, write the rules. Say these are the rules:
15 Now five years from now we're going to put them in; you
16 fish to what's your best advantage.

17 And the other thing -- and I'm not
18 picking on -- and she's not here -- Pat. I stood at the
19 New England Council and told them over and over again
20 that choosing what they were going to do was going to
21 disadvantage the North Carolina fishermen.

22 And you know what the answer was? Tough
23 luck because you're from the South. And nobody stood
24 up and did it. And if you look at it from a perspective

1 of what the Magnuson Act requires, that no state
2 fishermen would be disadvantaged, then the New England
3 Council is on record of disadvantaging certain states
4 by doing that, and they're also disadvantaging certain
5 states.

6 I do not believe that they held a meeting
7 in North Carolina on whether they were going to use the
8 days or the poundage. So to say, oh, wait a minute, we
9 didn't do it; we went with what the Council did. No.
10 This whole system was designed, if you ask the North
11 Carolina fishermen, to move more of the catch out of
12 Carolina and into New England. Thank you.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Thank you, Jim. Any further questions? Jonathan,
15 thank you very much for what has been a very informative
16 presentation. And we will look forward as a Council,
17 I think, over the course of the coming months to more
18 updated information about the performance of the
19 sectors as the first year of fishing concludes. But
20 this has been very helpful to us. I appreciate it.

21 JONATHAN LABAREE: Thank you very much.
22 It's been a great treat. Thanks.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Indeed. Let's take 10 minutes and come back as a

1 committee of the whole for river herring and shad.

2 (Break: 2:20 p.m. to 2:45 p.m.)

3 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:

4 Thank you. This a meeting of the River Herring and Shad
5 Committee. It's a meeting as a council as a whole, and
6 the purpose of this is to provide a status update since
7 our last committee meeting in December. Jason you want
8 to start?

9

10 SHAD/RIVER HERRING COMMITTEE MEETING OF THE WHOLE

11 JASON DIDDEN: Sure. Thank you. At
12 that committee meeting essentially I think part of the
13 conclusion of that was there are several issues that
14 could potentially be dealt with: directed fishing
15 mortality, incidental catch control, habitat issues,
16 and maybe science resources. Those were kind of four
17 things that I think kind of floated to the top.

18 And then within those different kind of
19 issues there are potential vehicles for the Council
20 interacting on those issues. It could be Amendment 14;
21 it could be a new FMP or maybe something else.

22 And the briefing book included a
23 spreadsheet, a small table that kind of describes kind
24 of a little matrix of how it could potentially be used.

1 And this is kind of staff working with Chris to kind of
2 flush the issue out a little bit.

3 And I'm just going to kind of summarize
4 that. So, under directed fishing mortality, whether
5 Amendment 14 is there or not the states control a lot
6 of the directed mortality and the Commission is moving
7 forward pretty aggressively on that. That same thing
8 holds whether or not the Council pursued an FMP. So
9 that's kind of the first issue. The second issue,
10 incidental catch control, it seemed that through
11 Amendment 14 or Amendment 5, the fisheries, the ocean
12 intercept fisheries that account for most incidental
13 catch according to preliminary analysis can be
14 addressed. And Amendment 14 can also consider adding
15 river herrings and shads as stock in the fishery.

16 And one thing that kind of been some
17 discussion with it with the region is that adding a
18 species as a stock in the fishery is essentially the same
19 as having a new FMP for that species, status
20 determination criteria, ACLs and EFH.

21 It would essentially become instead of
22 the Mackerel, Squid, Butterfish Plan, it would be the
23 Mackerel, Squid, Butterfish, River Herring and Shad
24 Plan. So I'll keep moving on. So essentially whether

1 it's a stock in the fishery or an FMP it has a similar
2 impact in terms of the requirements.

3 Even within an FMP, however, some of the
4 incidental catch things through, say, Squid, Mackerel,
5 Butterfish may end up being addressed through the Squid,
6 Mackerel, Butterfish Plan anyway. So that kind of
7 summarizes the incidental catch control.

8 On habitat conservation, if it was a
9 stock in the fishery or as a separate FMP, it triggers
10 EFH designation requirements. And then kind of this is
11 our first other. There are a couple things that
12 potentially could be explored, possibly -- you know,
13 within either Squid, Mackerel, Butterfish or River
14 Herring, Shad or the Habitat Committee. There's a
15 potential link to saying that these anadromous species
16 are under Council authority since they are prey species
17 for council managed species; and therefore, the Council
18 can comment on things. That's very tenuous, but it
19 could be something to be explored.

20 Another one would just be for the
21 Council just to become more involved. I just need to
22 zoom out a little bit so everyone can see this tab.
23 Whatever committee it might be -- again, it could be
24 Habitat Committee -- to encourage NMFS to use some of

1 the authorities it already has to become more engaged
2 in habitat issues.

3 And then the last kind of issue was the
4 science resources identifying shad and river herring as
5 stock in the fishery would probably get NMFS more
6 involved in assessments; although, it's still likely a
7 zero sum game in terms of resources.

8 It just may mean some other council
9 species doesn't get assessed as often. And kind of in
10 lieu of going that route, the Council could just
11 encourage NMFS, the Science Center to become more
12 involved in, say, the commission assessment. So that's
13 kind of some of the -- and some of this is kind of along
14 the lines of brainstorming. Some of these things may
15 not be feasible. But kind of as a way to kind of
16 initially scope out some of the different ways to
17 approach the problem. That's kind of what we thought
18 at least would be a useful structure, to think about the
19 problem and some of the possible ways to go about it.
20 And I'll turn it back to Chris.

21 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
22 Thank you. And it's right. We had our first meeting
23 in December at the last Council meeting, and that was
24 really our introductory meeting. And what we have here

1 is really just sort of an outline of some of the concepts
2 that were raised during that committee meeting.

3 And at that committee meeting, Jason and
4 I were discussing a plan of coming back to the Council
5 with a final recommendation, and we originally thought
6 that April would be the best time to do that. We'd have
7 our work done.

8 There's a possibility we could probably
9 come back to the Council with the recommendations in
10 February, but nine storms later and 50 inches of snow
11 only limited our ability to get our recommendations to
12 Council at this time, and April is definitely the more
13 appropriate time. Also, since then the FMAT also is
14 still going to provide us some recommendations that we
15 still do not have. They were going to evaluate the
16 North Pacific and the Pacific plans, the SAM plans to
17 look at those plans. There was also the issue like what
18 triggers an FMP. And then also they were going to
19 provide a cost benefit of an FMP. That was based on
20 notes.

21 The Commission, they did provide their
22 summary of existing measures in place for habitat. I
23 just got that today. So the Committee hasn't really
24 seen that yet. I'm going to distribute that, and we'll

1 have a chance for the Committee to review that by the
2 next Council meeting in April.

3 But the two things that I think that are
4 key points that would happen between now and April that
5 I want to sort of look further into and evaluate is: One
6 is is there a potential here for an ACL/AM exemption due
7 to the status or the unique characteristics of these
8 anadromous species?

9 That's been a question because the
10 FMP -- this is a situation where the states by the nature
11 -- by the biological nature of these anadromous fish the
12 states should really be the lead on those overfishing
13 standards, the statement.

14 It's really their -- they're the primary
15 people, the primary bodies that should be managing for
16 that. And then our role, the Council's role could be
17 -- you know, to incorporate that data. So up to now I
18 haven't received anything from the FMAT, but based on
19 just our review of the North Pacific and the Pacific,
20 the Pacific actually has -- is actually using that
21 exemption at this time. They have very specific -- they
22 have different ACLAMs, different SMY requirements for
23 different rivers based on the characteristics of that
24 river, based on whether or not there's major

1 interactions with commercial fisheries in that run, and
2 also if historically damming is the real cause of the
3 decline.

4 I think a lot of those rationales may
5 apply to this, but that's something I want to look into
6 and get back to by April. The North Pacific is
7 presently asking for exemption from the ACL/AM
8 requirements for North Pacific salmon because they
9 believe that the Alaska ADFMG measures for salmon are
10 an appropriate equivalent to the NSM guidelines.
11 That's one thing I want to look into and get back to.

12 The second point I see that I want to
13 come back with in terms of a recommendation is we're
14 dealing with anadromous species. Their
15 characteristics really create a -- I think it's more
16 complicated because you have so many different habitats
17 involved, and you have so many different regulatory
18 bodies.

19 It really ends up becoming a situation
20 of governance and coordination. And what's been
21 difficult in this situation is that we don't really have
22 a hammer over our heads. We don't have the ESA. We
23 don't have overfishing requirements. We're really
24 here in a proactive way to see how we can better

1 coordinate with the various bodies involved in
2 anadromous fisheries like river herring and shad and
3 find the best way to really assess gaps, resource
4 allocation, and a long-term commitment to a recovery
5 goal.

6 It's been hard to sort of find an example
7 of that, but recently I did see some interesting
8 examples of something like that. And so what I want to
9 do for the April Council meeting is to basically take
10 some of the key concepts of that sort of governance
11 approach and try to make a recommendation to this
12 council.

13 PAT AUGUSTINE: Thank you, Mr.
14 Chairman. I have to take a deep breath on this one.
15 I'm looking at the effort that Jason put into this
16 particular meeting and how he has clearly defined and
17 delineated whose responsibility it is and what the
18 overlapping responsibilities are, and I'll list them:
19 ASMFC, Amendment 14, what the FMG would be, other, and
20 so on on the second page.

21 And I look at the actual control, if you
22 will, in regard to catch reporting, fishery evaluation,
23 where did the scientific evaluation come from, what
24 ASMFC is doing, what the interaction with New England

1 Fishery Management Council could be, what our
2 interaction might be; and at the end of the day for all
3 the checks and balances here, I quite frankly don't see
4 the added value to continue to reach deeper and farther.

5 And, God, I hate to use this expression,
6 but it's almost like beating a dead horse. I think it's
7 important what has been uncovered here and that there
8 is an existing check and balance system that I believe
9 we, the Mid-Atlantic, should participate in in a
10 coordinated basis with ASMFC that by and large has the
11 point on this working in conjunction with the New
12 England Fishery Management Council.

13 I will not speak for ASMFC. I'll speak
14 for me. Mr. O'Shea can speak on behalf of ASMFC. But
15 we as board members in this particular group have been
16 extremely concerned for the last four or five years in
17 particular with the emphasis being put on this species
18 and what appeared to be the inadequate attention to what
19 was happening.

20 As you know, ASMFC is controlled by
21 state waters with state responsibility, what gets
22 landed in state waters. And my understanding is we can
23 have an impact on what the New England Fishery Council
24 does with fishermen bringing those fish into port.

1 And so far the only thing -- what we have
2 been doing is we have been saying we need more data
3 coming in from those catches. My question would be:
4 What more can the Mid-Atlantic do? One, we don't have
5 resources. We could possibly identify some.
6 According to an item here, allocation and other would
7 be a NMFS funding for RH&S is discretionary. Currently
8 played a minor role in research set aside assessment.
9 The frequency of success and/or failure of ASMFC stock
10 assessment hinges on the availability, participation of
11 state biologists.

12 So, my point, Chris, would be there lies
13 maybe our involvement as a council, maybe we should fund
14 some of the state biologists. That's where the hurt is,
15 in my humble opinion. They're doing the heavy lifting.

16 But to go further and look at the
17 possibility of developing an FMP with all the checks and
18 balances plus what the Habitat Committee has done for
19 ASMFC and our involvement. I just -- and I don't want
20 to beat a dead horse.

21 I think you've been very noble in your
22 effort to identify what has to be done, what should be
23 done, and what is being done. But I think somewhere in
24 time and space here we might want to consider how much

1 effort will staff have to do to continue on with
2 developing more or reviewing more and more efforts on
3 Pacific salmon and so on, those things, which are also
4 very noble, but is that effort going to really add to
5 the base we have right now? I'm walking on thin ice,
6 Mr. Chairman. But I am concerned that we use that
7 valuable staff time, particularly Jason has spent the
8 time doing this. He loves this stuff. He absolutely
9 loves it, and he does a great job; but he also has an
10 agenda, a list of things, he has to do that I think would
11 rise to a higher level.

12 So, in my humble opinion, that's what I
13 think. I think maybe we should either identify
14 something else within the context that may prove to be
15 more fruitful, as Mr. O'Shea says, the lower hanging
16 fruit.

17 I think Jason got all the lower hanging
18 fruit. I may be corrected, but that's my humble
19 opinion. Peter, I'm watching you. Thank you, Mr.
20 Chairman.

21 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
22 Yeah. All great comments. And, yeah, those are
23 definitely concerns that we should be working on.
24 Because at the end of the day, we want an alternative

1 that's workable. That's using our sources. And
2 without sort of the long-term plan or coordination, what
3 you usually see in these situations with multiple
4 agencies working together, it is confusion, is sort of
5 issues with jurisdiction. You're not really
6 maximizing your resources. I would not recommend that
7 the Council sort of take on the responsibility of state
8 biologists. What I would recommend, if there's a
9 workable solution here, to coordinate with those state
10 biologists, set up a process, set up long-term goals,
11 try to achieve those goals working together where those
12 state biologists are on the sort of the population
13 dynamics team of river herring and shad and they
14 basically give us the information, and we work -- we
15 combine our resources and allocate them appropriately
16 to achieve the goals that we all agree on.

17 That would be a great working situation
18 that would ensure the recovery of river herring and
19 shad. It's all new. This is something that we're
20 doing proactively. And so that's kind of like my sort
21 of goal here is to make that recommendation in April.
22 In April we'll be off more in a better situation to
23 really see if that's feasible or not. Peter.

24 PETER HIMCHAK: I had a question for

1 Jason. But I have to make a comment in lieu of what Mr.
2 Augustine brought up. The sad reality of this is that
3 -- I'll speak for New Jersey, but we're typical of
4 probably 13 of the 15 states on the Atlantic coast.

5 On January 1st, 2012, we will have a
6 moratorium on river herring. It's a foregone
7 conclusion with us. We don't have the data. We don't
8 have a sustainability plan. There have only been a
9 couple approved through the ASMFC. So don't count on
10 the states for getting more data. Just the opposite,
11 it's going to be less because we have so little now, and
12 then we're not going to invest monitoring a fishery
13 that's under a moratorium. It's unfortunate that we
14 are so poor in resources.

15 So, yeah, don't look for the states to
16 come up big with coming up with monitoring data in the
17 future. So that being said, I had a question for Jason.
18 Now, when you talk about -- and we didn't get to this
19 on Amendment 14 -- Alternative Set 5, stocks in the
20 fishery, river herring and shad.

21 Jason, I don't understand that
22 entirely. So, if you're saying that in Amendment 14
23 that we include river herring and shad as stocks in the
24 fishery, that a lot of the requirements that a separate

1 FMP would require we would be able to accomplish it under
2 Amendment 14. Can you explain -- elaborate a little
3 more on this concept of stocks in the fishery because
4 I've been -- you know, on this Council too long?

5 JASON DIDDEN: Given my current
6 understanding of things, if the Council decided to, as
7 is currently proposed to be considered in the amendment,
8 adding these as stocks in the fishery is essentially the
9 same thing as creating a new FMP in terms of the
10 requirements of NMFS and the Council, rebuilding,
11 status determination, EFH, things like that. On the
12 point of -- I think Chris Zeman and Chris Moore and I
13 had a conference call on that cost benefit analysis of
14 an FMP or not, and FMAT concluded that that's kind of
15 beyond the scope of the Amendment 14 FMAT especially in
16 terms of this time range as we go through the Amendment
17 14.

18 If those alternatives stay in the
19 document, then the FMAT will kind of get into that issue.
20 But given kind of the current suite of folks on the FMAT,
21 in terms of a rapid time line, the cost benefit analysis,
22 the FMP it's just a very big project. What will occur
23 to some extent as part of Amendment 14 if it's in there,
24 but in terms of April I don't think that's kind of within

1 the scope of the FMAT.

2 And some of the Pacific stuff may be, but
3 not a big cost benefit. So these are quite complex. So
4 I think in terms of those requirements, a lot of them
5 could be -- might be covered under -- you know, if it
6 was added to a stock in the fishery.

7 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
8 Peter.

9 PETER deFUR: Thank you, Mr. Chairman.
10 A couple of points. First I want to acknowledge the
11 wisdom of my colleagues to the North and share your
12 concern over the status of the fishery. Further to the
13 south end of the Mid-Atlantic range, we have an easier
14 time because both of the river herring in each river can
15 be counted and named individually as they head on stream
16 back towards the sea. The fisheries biologists at the
17 state level I'm sure are already listening to your words
18 and would love to have whatever resources, but there are
19 no river herring.

20 A couple of the biologists that I've
21 spoken with have said, well, we used to be able to catch
22 some; we used to have some data. But that's wherein
23 lies the problem.

24 And I think you're right, and I agree

1 with you that we should think carefully about what we
2 do so that we are targeting not only our efforts but
3 making most efficient and wise use of the resources that
4 we have available.

5 I'm curious, though, about one of the
6 resources that we do have and we've heard from before,
7 and that's U.S. Fish and Wildlife Service with regards
8 to the species. Because I know they have some data, and
9 I know I've spoken with Wilson Laney from whom we heard
10 before.

11 And I think they can provide us with some
12 technical information and maybe more than just that.
13 But I think they're another entity, aren't they, that
14 we can add to the matrix in terms of people to add in?
15 I was also curious to hear more and perhaps from Council,
16 so Joel might be the one who can enlighten us on this
17 business about exemptions from ACL and AMs because I
18 hadn't heard that before, and it was a curiosity to me.
19 It's not that I'm doubting it. I'm a little nervous
20 about waiting to see what happens with AM 14 because
21 we're in progress there, and there's going to be
22 substantial flux.

23 So, while we may be able to accomplish
24 these things, and we might not only be able to, but we

1 might actually accomplish them through AM 14, it's also
2 equally as likely that we won't do them.

3 And then I had the same question about
4 the stocks in the fishery that my namesake did, so that
5 question's already been answered. But is there
6 something about U.S. Fish and Wildlife Service that we
7 could do in terms of adding to this?

8 Because at the very least while we have
9 formal liaison with New England and the South Atlantic
10 in some capacity before entities that are participating
11 in this grand river herring/shad problem need to have
12 formal liaison amongst themselves -- New England, South
13 Atlantic, Mid-Atlantic Commission -- I guess five -- and
14 the Fish and Wildlife Service. Maybe Mr. O'Shea can
15 enlighten us about whether or not the Commission is the
16 place to go for the central coordination of all the
17 efforts.

18 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
19 Jason.

20 JASON DIDDEN: Quickly on the Fish and
21 Wildlife Service. We've definitely been keeping them
22 in the loop. I just checked. Larry Miller with Fish
23 and Wildlife is listening to us right now. They do a
24 lot of kind of habitat issues, consultations within

1 their permitting authorities.

2 But it's a little -- in terms of -- you
3 know, catch controls and bycatch controls, they're not
4 so involved there, but they are very involved in habitat
5 issues. And we have been -- and they're definitely in
6 the loop on what the councils are doing, and staff
7 communicates with them pretty regularly.

8 And certainly if the Council in some
9 form, especially if it's within the Habitat Committee
10 or something like that, that definitely would make sense
11 to continue to kind of seek and secure their
12 participation.

13 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
14 Rick.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thank you. I just wanted to follow up on the question
17 of NACLA exemption, and I wanted to ask Joel if there
18 were any statutory exemptions for anadromous species if
19 the river herring were classified as a stock in the
20 fishery. I'm not aware of any such exemption.

21 JOEL MACDONALD: I'm not aware of any.
22 I just looked at 3 or 3A. There was no exception there,
23 but I don't have the National Standard One Guidelines
24 here in front of me.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Well, I appreciate the analysis that Jason's put
3 together here, and I think he's gone very thoroughly
4 through different range of alternatives and some of the
5 pros and cons of those.

6 I think ultimately we'll be well served
7 by trying to focus on how we might get the most out of
8 coordinated management between the Council and New
9 England with Amendment 5 and looking carefully at
10 Amendment 14 relative to Amendment 5 as we go through
11 the development process, but also with the Commission
12 on the question of habitat and how can the Council be
13 more effective in helping to work on those efforts.

14 So I think management coordination is
15 going to be an ongoing question. And as Amendment 14
16 plays out and develops, that coordination will be
17 important. So, for example, if we were to consider a
18 catch cap, which is one option, how would that relate
19 back to the ASMFC; would the ASMFC have a complimentary
20 measure in state waters or not?

21 I think there are a lot of questions
22 about coordination that are going to be ongoing and that
23 we'll have to consider as we continue to go through this
24 process in developing Amendment 14. I think that we

1 from a resource standpoint are probably looking at it
2 as what Jason described as a zero sum gain. That is,
3 if we initiate an FMP, the resources for that for the
4 sciences, would have to come from somewhere else, and
5 that is a concern.

6 CHRISTOPHER ZEMAN: Just in
7 response, the flexibility in NS1 guidelines is that
8 Section 600-310 H(3) where it specifically says the
9 limited circumstances that may not fit the standard
10 approach as to specification of reference points and
11 management measures set forth these guidelines, these
12 include stocks with unusual life history
13 characteristics. The example is Pacific salmon,
14 anadromous species.

15 The second point in terms of the
16 resources, I kind of tend to be a little more optimistic
17 on this is not a zero sum gain just because of all the
18 stakeholders involved in this process. There's a lot
19 of attention on river herring and shad, individual
20 groups working on individual rivers and runs.

21 I think if they get coordinated and they
22 have something to champion around, I think we could
23 definitely get -- they can make that request for
24 additional appropriations so it will not be a zero sum

1 gain. Red.

2 RED MUNDEN: Thank you, Mr. Chairman.
3 A couple of comments relative to adding shad and river
4 herring to Amendment 14. Some of you may recall several
5 years ago after discussions at the Spiny Dogfish
6 Committee both with this council and the New England
7 Council a request was made by this Council with support
8 of New England and also the South Atlantic Council for
9 the Mid-Atlantic to be the lead agency for smooth
10 dogfish.

11 We received a letter back from NMFS
12 signed by Alan Risenhower? that said basically if a
13 stock is found within the jurisdiction of more than one
14 council, it will be under the jurisdiction of HMS. And
15 the last thing we want shad and river herring to do is
16 be in HMS. But I think our track record would indicate
17 that we would not have much success in adding these
18 stocks to Amendment 14.

19 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
20 Gene.

21 EUGENE KRAY: I just wanted to add to
22 what Pete Himchak indicated before about the
23 moratorium. Pennsylvania has also instituted a
24 moratorium on river herring, and I believe that's in

1 effect now. It might be 2012, but I thought it was for
2 2011.

3 Also, Mr. Chairman, I wanted to ask --
4 and you and I had this conversation before the meeting
5 -- how comfortable are you that by the April meeting or
6 when we meet in April to discuss this further, how
7 comfortable are you that you would have enough of the
8 -- at least an outline of a long-range plan, an action
9 that we could take to recommend to the entire Council?

10 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
11 On your first point regarding moratorium, it's
12 unfortunate that you're already under moratorium as
13 well as New Jersey is looking toward moratorium. My
14 view regarding moratorium is that moratorium should be
15 imposed for the least amount of time as an emergency
16 measure and mitigate the (inaudible). We can't.

17 So the last thing I want to see happen
18 with moratorium imposed is that you may just throw your
19 hands up in the air and say we're done. We want to do
20 whatever we can. It's like habitat restoration,
21 whatever we can do -- escapement.

22 We want to take every other step we can
23 to minimize that moratorium. That would be my goal.
24 That would be the goal. I don't see a moratorium as the

1 end result. It's just unfortunate that we're already
2 at that point.

3 I also see this as the Council's chance
4 to really get more involved in this process before we
5 get to that ESA level that we've seen happen on the West
6 Coast, the North Pacific with salmon runs -- in New
7 England. I see those as perfect examples of what
8 happens when we're not involved. And so I see this
9 approach as an alternative to what can be a much more
10 restrictive approach that may happen in years to come.
11 I don't know. It may be easier to propose this whole
12 approach now if we had that over our heads, but we really
13 don't. But that's because we're being proactive.

14 Just, on your second point, I am very
15 confident that we should be able to address those two
16 remaining issues that I mentioned. It's really down to
17 those two issues that I really want to develop further.
18 So I think that what we would just need to have is a
19 working committee meet before the April council meeting
20 and then we should have a recommendation. Gene.

21 EUGENE KRAY: Yeah. Just one more
22 comment on the moratorium. The biologists for the
23 state that dealt with shad and river herring is a fellow
24 by the name of Mike Hendrickson. Mike was chairman of

1 the ASMFC Technical Committee for quite a number of
2 years, so he should have his hands on what's happening.
3 We're not unlike any other state in terms of resources,
4 and that's the decision that the Pennsylvania Fishing
5 Boat Commission made.

6 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
7 You're absolutely right. I'm not being critical in any
8 way. I'm just saying: Yeah, definitely, reality is
9 budgets are cut, and there's very little resources; and
10 that's one of the reasons why I originally looked at this
11 opportunity of getting more federal involvement in
12 this. Mary Beth.

13 MARY BETH TOOLEY: Thank you, Mr.
14 Chairman. I come from the state of Maine, and we do have
15 river herring landings in the state sustainability
16 plans. And I forget the exact number of rivers that now
17 have been approved by the commission process.

18 And my understanding, the one thing to
19 me is that there is an FMP for river herring; it is
20 through the states, and the states have a considerable
21 amount of interest in that all along the eastern
22 seaboard and that the moratoriums results from that
23 plan.

24 There's nothing that a plan here would

1 do to effect the outcome of that. If you can't have
2 sustainability plans that you submit to the Commission
3 for approval, then those river systems are closed.

4 But I am struggling with the utility of
5 some of this exercise in that you're to initiate an FMP
6 when there is an FMP. I absolutely agree with your
7 thoughts on coordination. I think that that is key, and
8 I think that this council and the New England Council
9 can achieve that without an FMP. I have a lot of
10 concerns about thinking in terms of trying to add these
11 species as stocks in the fishery under an existing FMP.
12 I don't see where this is going to meet any exception
13 for ACLs and AMs, and it would require stock
14 determination status and all of these other things that
15 are listed in this information that Jason provided,
16 which is very thorough.

17 So I'm struggling with what you would
18 envision would be a feasible option here. All of these
19 different ways to move as far as amendments and FMPs are
20 very complicated and would create a lot of issues, not
21 only for this council, but for the range of the species
22 which is beyond this council's jurisdiction, as was
23 already pointed out, and also for the Science Center,
24 which is not currently assessing river herring stocks.

1 So I participated in the last meeting.
2 And I think some of the concerns about can we do anything
3 to help with habitat and some of those things are
4 valuable, but I really have not seen an outcome here
5 that's feasible.

6 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
7 Thank you for your comments. As I mentioned earlier,
8 this ends up the issue with these anadromous species is
9 it really ends up dealing with sort of working with
10 multiple groups on an issue and sort of focusing and
11 governing and coordinating resources. And this is not
12 something that we can do if there is a buy in. And so
13 we had one committee meeting, and it was really an
14 introductory meeting. I wasn't really asking people
15 for a long-term commitment. It seemed more like the
16 first date. And I thought that was a really good
17 meeting. But I think that this is going to sort of --
18 before we can add some sort of commitment, I think we
19 have to sort of flush out an approach.

20 I've been personally struggling with
21 that approach because it's a complicated situation.
22 And so I will have a template for our next working
23 committee to work on. And I'm really trying to -- this
24 is a situation where it's like one person cannot drive

1 this approach. This is not a council, one, and the
2 council is only one voice in this process.

3 So at our next committee meeting what
4 I'll be trying to see is what can these different bodies
5 work with and what are they willing to sort of commit
6 to?

7 And if there is no commitment, then our
8 recommendation is very clear at the April council
9 meeting. But that's really the next question. So I
10 think you'll have an answer to your question after our
11 next working committee meeting.

12 MARY BETH TOOLEY: Just one quick
13 follow-up. Thank you for that. I will say that in New
14 England we've been discussing these issues with river
15 herring for a couple years now, and we do -- are trying
16 to coordinate as best as we can with the commission
17 process. We have five state commissioners on the
18 Council, as you have state commissioners here who are
19 participating both at the commission level or the
20 council level. That's extremely helpful. And we also
21 have state biologists who participate on the herring PDT
22 as well. So there are avenues to create -- to ensure
23 some coordination, and I think that that can be
24 achieved, so.

1 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
2 We have five minutes left. I'd like to get some public
3 comment. Okay. Pat.

4 PAT AUGUSTINE: Thank you. I just want
5 to follow up. I think you know where I stand on this
6 issue. I think we've aired it. And I do think that
7 when we stop and think about our responsibility and our
8 authority at the council level, we're responsible from
9 3 miles to 200 miles out. We interact on a
10 interjurisdictional basis within the state.

11 We can work with them, but to overlay a
12 level of control, if you will, or management over them,
13 I think we're outreaching our bounds. And I do believe
14 that ASMFC has as good a handle on river herring as they
15 possibly can at this point in time.

16 Most states will be in the total
17 moratorium status by 2012. I agree with you, Chris,
18 that we really want to get those fish back as soon as
19 possible. There are efforts going on with most of the
20 states to remove dams and impediments for these animals
21 to head up stream. New York has been very successful
22 on a couple of their projects, very, very successful
23 where they went from a few fish to thousands of fish in
24 a matter of a couple of years by installing a ladder and

1 very successful. It's one of the most successful
2 programs around.

3 But other states are doing exactly the
4 same thing. I agree we should stay in tight
5 coordination with ASMFC, but as Mary Beth pointed out,
6 there is a tight group working on this effort right now;
7 and again, to try to use this group to force another
8 layer of overseeing management, if you will, just remind
9 ourselves we took an oath for 13 species of fish,
10 Mid-Atlantic 140,000 square miles. Had nothing to do
11 with one inch of soil within three miles. And that's
12 state waters.

13 So, again, I'm being very hard. I'm
14 trying to soften myself because you guys know how black
15 and white I am. My sense would be to table this whole
16 damn thing, but I would rather wait and see what you want
17 to have done for the next meeting and whether or not it's
18 worth investing more staff time to come up with a
19 different twist on the same idea of we need to overlay
20 something on ASMFC and the state. And I'm not sure
21 that's where we need to go.

22 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
23 Just a quick response. This is not an overlay on the
24 ASMFC, and I would oppose that. That's why I want to

1 look at this option of ACL/AM exceptions. I don't want
2 that to be the case. This is a coordinated effort where
3 everyone has to buy in. And I would like to go to the
4 public.

5 ERICA ROBINS: Hello. My name is Erica
6 Robins. I was a former employee of ASMFC, and I worked
7 on the most recent river herring assessment and the shad
8 assessment. And I would like to encourage the Council
9 if they want to look into this issue, they start with
10 work that's already been done.

11 Years and years and years of time have
12 been put into these assessments, and recommendations
13 have been made from the Commission, and the members of
14 the Commission's River Herring Committee and Shad
15 Committee on what the Councils can do to help them out.

16 So rather than starting from the
17 beginning, take the work that's already been done, save
18 our taxpayers money and your staff's time instead of
19 reinventing the wheel. Start with what's already been
20 done and what the state has put in and go from that.
21 Thank you.

22 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
23 Thank you for your comment. And just a quick response.
24 I see we have Commission members on our committee.

1 They've been very helpful in providing us that
2 understanding of what's been done to date. Because I
3 for one do not have time or resources to recreate the
4 wheel.

5 JASON DIDDEN: And just on that point,
6 I don't know that the River Herring/Shad Board has had
7 time to meet and consider the issue, but in staff
8 discussions, it seems likely that there will be
9 regardless of any other activities and
10 institutionalization of a process where the Commission
11 provides feedback to the Council on things that the
12 Council could be useful probably around the specs
13 process, and then going back to the Commission the
14 Council would provide a report on things that the
15 Council had done relative to shad and river herring.

16 So that communication and back and forth
17 will be kind of further institutionalized, I think, as
18 long as the Shad/River Herring Board is kind of
19 interested in it, which indications are that they are,
20 that is going to happen.

21 CHARLES ROBINS: Thank you. My name is
22 Charles Robins. I don't think we're related. But I'm
23 from Wilmington sort of representing Cape Fear River
24 Watch today where the river keeper Camp Pernettt couldn't

1 be here. But the shad/herring situation that we're
2 concerned with and even -- this is the founding fish as
3 we think about. And to lose a fishery like this would
4 be so devastating. And the work of the Council is
5 greatly appreciated. We're talking about our food
6 source for the United States in general. You know, we
7 just had some money allocated to have a rock ramp
8 installed in front of Lock and Dam 1 on the Cape Fear
9 River. I guess it's going to be a test at this point.
10 But the river alliance, the river keepers' alliance
11 nationwide and worldwide as a resource for the Council
12 to tap into. We all talk about no funding, and there
13 is no funding. So we're all nonprofit.

14 But it is a place to tap into, the river
15 keeper's alliance maybe to talk about the shad, the
16 fisheries. And we are starting to monitor with the Fish
17 and Wildlife Commission here I think next month at the
18 Lock and Dam 1, 2 and 3 to talk to the fishing public.

19 So we're getting back to grassroots.
20 And that's basically -- I have to bring you down to
21 grassroots, that's where I am, to talk to the general
22 public about the shad fishery. The local people are
23 scared, as we are.

24 And we have an executive board with

1 River Watch to restore the fisheries in the Cape Fear
2 River, the striped bass and the shad herring, all the
3 anadromous fish.

4 But we are an organization that's large
5 that could be tapped into maybe for help in any fishery
6 in gathering data or watching over. That's all we do
7 is funding. We're beggars. But we're here to help and
8 need to catch up on whatever information we can get from
9 Mr. Didden. But River Watch is a river keeper's
10 alliance is a place to probably get some help, and we'll
11 be glad to help in any way we possibly can.

12 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
13 Thank you for the offer. And I work closely with
14 Hackensack River Keeper in my area up in New Jersey.
15 Thank you.

16 JAMES FLETCHER: James Fletcher,
17 United National Fishermen's Association. The Council
18 should look at shad and river herring as an example of
19 failure to recognize what material problem or situation
20 is, and that's the chemicals that are in the water.

21 If you agree that shad and river herring
22 are roughly in the same case as the Atlantic salmon,
23 there's public documentation that states research
24 points to unexpected tolls of the near extinction of

1 Atlantic salmon. Monothenoryl was viewed as a factor
2 and 1.8B insecticide used aggressively to combat the
3 Swedish bed worm.

4 Now, what does that have to do with North
5 Carolina? Go back and look what was sprayed statewide
6 to eliminate the boll weevil so that we could have a
7 cotton crop. It is clear that the chemicals in the
8 water are the cause of the problem, and there is no
9 reason for the Mid-Atlantic Council who manages 3 miles
10 to 200 miles to consider this as long as the states in
11 ASMFC turn a blind eye to the true problem. And if you
12 do not believe me and want to find the amount of the
13 chemicals that are in the water, APA has published a
14 document with the conditions of our -- called the
15 *Conditions of our Nation's Waters*, which will show you
16 the major river basins in North Carolina and the exact
17 amount in parts per million and parts per billion of
18 these chemicals.

19 So the only thing the scientists have to
20 do is say, hey, these chemicals in this percentage we
21 would expect this decline in river herring and shad.
22 And the Council doesn't need to be doing it. The ASMFC
23 or EPA. But the Council has no real reason to take this
24 one up. Thank you.

1 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:

2 Thanks.

3 PATRICK PAQUETTE: Thank you, Mr.
4 Chairman. Once again, Patrick Paquette. I would like
5 to see or ask that if this committee can live through
6 April because I attended the last committee meeting or
7 the one committee meeting, and I've sort of been closely
8 paying attention to both the Amendment 14, and I don't
9 think I've missed a meeting on one of the FMAT calls or
10 whatnot. And I'd like to see this committee actually
11 -- because I believe there is a difference. I'm not
12 prepared with a lawyer to give you the lesson, but I
13 think actually these things are already in the work.
14 But I'd love to see the committee, at least the
15 committee, and if not, the full Council have a little
16 bit more of a presentation and an understanding about
17 the difference between stocks in a fishery and an FMP
18 because I think there are significant differences.

19 I think there are significant
20 similarities, but I think there are significant
21 differences. The reason I think that is because as a
22 founding member of a group called CHOIR, which for those
23 you who have had anything to do with New England, was
24 the Coalition for Herring Orderly and Responsible

1 Management that we started about 12 years ago in a bar
2 in Portland, Maine, as a matter of fact.

3 We had a meeting at the Science Center
4 during just before Amendment 4 split to be Amendment 4
5 and 5, and it was a Mr. Paul Rago from the Science Center
6 who told us that river herring and the Atlantic herring
7 and in the Atlantic mackerel fishery, which I'll just
8 remind those who sat here yesterday heard the AP saying
9 we don't even know which fishery it is when we leave the
10 dock. Sometimes not until you start pulling the net do
11 they know which fishery they're in.

12 Paul Rego's words -- and I won't quote
13 him, but I will very closely paraphrase him -- was that
14 this is exactly what that scenario was built for, was
15 put in Magnuson for. Now, Paul Rego told me that
16 sitting there. I could give you the exact date. I can
17 you tell where we had coffee in Woods Hole before we did
18 it. There was another gentleman there too, but I don't
19 want to use his name.

20 So I'd like to just make sure that the
21 Committee got a little bit more than, hey, wait a minute,
22 this is the same as the generic going over it here. I
23 thought that may be an agenda item that the Committee
24 could take up prior to April.

1 Another thing is is in sitting in the
2 back of the room listening, of course this is the
3 Mid-Atlantic Council; of course you can't affect
4 habitat. And to be honest with you, while river herring
5 numbers have continued to decline, river herring
6 investment shore side has gone up exponentially,
7 something by like 10,000 orders of magnitude in the last
8 two decades.

9 In the last 10 years when most of the 90
10 percent decline has happened, it's over 50 million
11 dollars put into New England alone. I think we want to
12 solve the whole problem. We can't do it. It's a multi.
13 Absolutely, you've heard all the reasons today and then
14 some.

15 What you can do is you can help
16 discourage the selling in the bycatch of river herring
17 in the fisheries that you manage. That you can do.
18 There is tangible action that this council can do that
19 may or may not have been what was referred to you by the
20 ex staff member of ASMFC. There have been
21 recommendations. In the shad plan it says the catching
22 them and selling them in federal waters is illegal. In
23 the river herring plan it does not state that. The
24 Atlantic States Marine Fisheries Commission's plans on

1 both of those species, one it bans it; one it doesn't.

2 There is observed numbers of river
3 herring that are larger than the runs in Massachusetts
4 are observed caught in the mackerel fishery and not
5 discarded as bycatch, which means that they get mixed
6 into that bait market and sold. That's a fact. We
7 can't argue that.

8 So you have fish, river herring, coming
9 through fisheries you manage being sold in the bait
10 market. This is a fact. There's no denying it. So,
11 please, you have some ability to help in the solution.
12 If not we can play ping pong and wait for the -- no one's
13 going to fix the whole problem, but if you get 25 percent
14 of it, and they get 15 percent of it and the Commission
15 -- all of a sudden we might get some.

16 But moratorium is an ugly word. We're
17 in moratorium -- the recreational community, the
18 community, the citizens who harvest and eat these fish
19 are in moratorium. When they're allowed to be landed
20 in Massachusetts, in Rhode Island and sold in the bait
21 market, that's not a moratorium. The Atlantic states
22 does allow that. This is happening today while they've
23 been taken away from one. That's not fair. That's
24 against national standards we believe. This is a

1 fishery you manage.

2 So, please, there is absolute action
3 that can be taken. Don't take this off. This
4 committee's purpose truly should be to help Amendment
5 14 develop. Take the lessons we learn. But you guys
6 manage a fishery that is selling river herring. That's
7 a fact.

8 I don't want ESA to take this over. I
9 really don't. I want my children to fish river herring
10 again. We are absolutely staring this thing in the
11 face. I want to stop that. Thank you.

12 COMMITTEE CHAIRMAN CHRISTOPHER ZEMAN:
13 Okay. Thank you for all these comments. I'm going to
14 close public comment. It's now 3:40. We're actually
15 behind schedule. Rick.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks, Chris. I think we'll look forward to the April
18 meeting and having your committee report back to the
19 full council with any specific recommendations. I
20 think the key questions relative to the FMP and whether
21 or not to recommend this as a stock in the fishery I think
22 those are key questions that we would need to hear back
23 from your committee on at the April meeting. I think
24 the question of coordination is going to be an ongoing

1 issue that we'll have to be engaged in as a council, but
2 we'll look forward to that in April. Vince.

3 VINCE O'SHEA: Thank you, Mr. Chairman.
4 We're in a venue that we're not normally in, and there's
5 folks in the audience here that expressed an interest
6 in being kept informed. So just to put in a plug for
7 www.ASMFC.org.

8 Those folks in the audience that want to
9 get plugged into the Commission information system we
10 can put them on newsletters. We can keep them informed
11 on press releases on river herring and all that, Mr.
12 Chairman. So thank you very much.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Thank you, Vince. Jason.

15 JASON DIDDEN: Same for the Council.
16 If you go to the council website and to squid, mackerel,
17 butterfish, there's a information distribution list
18 that our staff manages related to that, and we
19 distribute a fair bit of at least of late shad/river
20 herring information on council activities through that
21 list.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Thank you, Jason. Our next order of business is SARC
24 51, but before I got to Dr. Weinberg, I have the

1 opportunity to present an award. I'm going to go around
2 to the other microphone.

3

4 RICK E. SAVAGE AWARD

5 COUNCIL CHAIRMAN RICHARD ROBINS: So
6 once a year the Council has an opportunity to recognize
7 individuals that make extraordinary contributions to
8 the management process, and in today's case we have the
9 opportunity to present the Council's highest award,
10 that is the Rick E. Savage Award.

11 And before I acknowledge and call up
12 this year's recipient, I'd like to take a little step
13 back in time to a historically significant date, and
14 that would be August 15, 1969. Many of you remember it
15 well. It was the first day of Woodstock. Perhaps the
16 details are a little fuzzy.

17 But it was also historically
18 significant for another reason. That's the first day
19 that Dennis Spitsbergen came to work at the North
20 Carolina Division of Marine Fisheries.

21 And some of us have an opportunity to
22 serve here for a short while, and we all hope to have
23 a positive impact on the conservation of marine
24 resources, but Dennis Spitsbergen began in the council

1 process back in 1986 and served for over 20 years in the
2 council process.

3 Dennis leaves behind a very durable
4 legacy. I'd like to invite Dennis Spitsbergen to come
5 on up. So, again, Dennis leaves behind a very
6 substantial and durable legacy in fisheries management.
7 Dennis served on the New England Scallop Committee, and
8 in doing that he was there during some of the most
9 critical informative years when decisions had to be made
10 that weren't simply hard decisions but very forward
11 looking decisions, decisions that were transformative.

12 He was there for the development of
13 Amendment 4 and others that really changed the shape of
14 the fishery and provided for a very bright and
15 economically viable future for that fishery. I think
16 the health of it today is that much better off for
17 Dennis's very meaningful contributions.

18 Dennis also served for many years on
19 this council and on our committees. He was a steady
20 voice of support for marine conservation and
21 management. At the state level, Dennis was a champion
22 of conserving nursery areas, key habitat areas in the
23 estuary environment that contributed significantly to
24 the conservation and productivity of North Carolina's

1 marine resources here in state waters.

2 And, Dennis, it's my pleasure and
3 privilege on behalf of the Mid-Atlantic Council today
4 to present you with the Rick E. Savage Award, which we
5 present with gratitude and appreciation for your
6 positive influence on and contributions to the
7 conservation and management of Mid-Atlantic fisheries.
8 Your leadership, service, and dedication contributed
9 significantly to the successful stewardship of our
10 marine resources and dependant fishing community.
11 Congratulations.

12 DENNIS SPITSBERGEN: I'd give a little
13 speech, but this kind of leaves me speechless. I just
14 came up here to see a bunch of old friends. I had no
15 idea that this was coming. I really, really appreciate
16 it. A lot of other people deserve it more than I do.
17 But thanks anyhow.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Dr. Weinberg.

20

21 51ST STOCK ASSESSMENT REVIEW

22 JAMES WEINBERG: Thank you. My name is
23 Jim Weinberg, and I'm the chairman of the SAW/SARC
24 process at the Northeast Fishery Science Center. And

1 after each of the SAW/SARCs, I give a short public
2 presentation to the councils on the results of the stock
3 assessment.

4 So today I'll be spending about a half
5 an hour focused primarily on loligo squid because that's
6 managed by your council. The SAW/SARC process is
7 described on this slide. So this is in general.

8 Number one, we have SAW working groups,
9 which consist of people from the Science Center as well
10 as people from academia and state biologists and
11 fishermen who participate who all contribute to these
12 benchmark stock assessments. Then once the
13 assessments are done, there is an external peer review
14 that takes place by independent experts that are brought
15 in to review the work. Number three is there are
16 products, written reports that come out of these
17 assessments and reviews. There are not only science
18 reports, which have all the details of the assessment,
19 but also there are written reports by each of the
20 individual reviewers as well as a consensus report that
21 reflects the final summary by the review panel.

22 And in the science reports and in the
23 reviewer reports, there's some of the information that
24 should provide the basis for making ABC recommendations

1 and that sort of leaning in towards providing management
2 advice, but without actually providing any
3 recommendations on what the management should be, but
4 trying to lay the science groundwork for those
5 decisions.

6 So, specifically at the 51st SARC which
7 took place at the end of November in 2010, the peer
8 review panel -- the members on the peer review panel are
9 listed on the left. The chairman of the SARC for the
10 last two or three SARCs has been an SSC member from
11 either the New England Council or the Mid-Atlantic
12 Council, and then the panelists are all brought in from
13 the Center of Independent Experts.

14 And the Center and the working groups
15 have no say whatsoever in who the panelists are as well
16 as the chairman. These are all folks who are chosen by
17 the Council for the chairman and by the CIE based on
18 their areas of expertise. So often the CIE people come
19 from other than North America. So having a chairman
20 from the New England SSC or the
21 Mid-Atlantic SSC is helpful because they provide some
22 local knowledge that the CIE panelists often don't have.

23 The stocks that were reviewed at this
24 SARC are listed on the right: silver hake, loligo

1 squid, red hake, and offshore hake. And for both silver
2 and red hake, there are two stocks. So this was a very
3 busy week where we were essentially reviewing six
4 benchmark stock assessments.

5 Now, I've been asked to spend most of my
6 time speaking about loligo squid, so I'm going to skip
7 very quickly through the hakes and go right to the squid.
8 These slides are in your briefing book behind Tab 7.
9 And I'm skipping to slide 31. Okay. I have about eight
10 slides on loligo squid.

11

12 LOLIGO SQUID

13 JAMES WEINBERG: So the terms of
14 reference for this stock assessment were fairly
15 extensive, as they often are for benchmark assessments
16 at the SARC. And I'll just review them very quickly.

17 The first one has to do with
18 characterizing the commercial catch and everything
19 related to catch including LPUE, discards, landings,
20 and so forth. Number two characterized the survey
21 data, and that includes anything that's known about
22 regional induces of abundance, recruitment, age, length
23 data, etcetera. And as well in many of these terms of
24 reference the working group is asked to describe the

1 uncertainty in these sources of data.

2 And just this doesn't take many words to
3 say describe the uncertainty, but when you're asking a
4 scientist to provide that, that implies a lot of extra
5 work. For those of you who took statistics or calculus
6 when you were in school, this gets into those areas. So
7 anytime we're asked to describe uncertainty, there's a
8 lot of extra work in the assessment.

9 Number three gets down to estimating the
10 real status, what allows us to determine the status of
11 the stock, the fishing mortality rate, recruitment, and
12 stock biomass.

13 Number four, in the SARCs for the last
14 couple of years for many of these benchmark assessments
15 a term of reference has been to quantify the consumptive
16 removals of the species by predators in the system and
17 if possible then to take the estimates of consumption
18 and relate that back to the stock status.

19 Now, as you'll see for the case of
20 loligo, it wasn't possible to do an analytical model;
21 but nevertheless, we have estimates of consumption by
22 major predators of loligo that are in our food web
23 database. Then No. 5 is a determination of stock
24 status. Number six -- oh, okay. Number five is to

1 review the stock status definitions. Number six, stock
2 status. And then develop approaches for ABCs, and then
3 finally review research recommendations and recommend
4 new ones.

5 So I've just chosen some of the major
6 figures that are in the assessment, and I'd refer you
7 to the reports if you want to see more. But this is
8 basically just a summary of some of the major results.

9 So, in this slide, this shows the
10 landings and discards and catch through time. In the
11 late '60s and '70s, catches were high, and a lot of those
12 catches were by the foreign fishery. Landings have
13 been fairly stable since the early 1980s.

14 And this is primarily from the data, the
15 landings are here, and the discards are the dark line
16 near the bottom. From our database it appears that
17 there is really a low level of discarding compared to
18 the very large proportion of what's captured is kept.

19 Now, this next slide is a summary of --
20 in the previous slide I showed you what the levels of
21 catch were, and they were around 10 to 20,000 metric tons
22 per year. In this slide, this shows the consumption by
23 predators of loligo that we have data on in our food web
24 database. And Jason Link took the lead on this. I

1 should give credit to Lisa Hendrickson and Larry
2 Jacobson who also worked on this and did a lot of the
3 other work not on consumption. But the interesting
4 result in this slide is that consumption, which is the
5 upper line here -- I don't know why it's doing that.

6 Okay. The consumption is anywhere from
7 1 to 11 times the catch by the fishery. The catch is
8 shown here. Now, since this is on a new scale, the catch
9 is this dark line at the bottom that's fairly stable at
10 around 10 to 20,000 metric tons.

11 And using models for estimating
12 consumption by predators, the consumption by these
13 predators that are out there with loligo can range up
14 to a hundred thousand metric tons. So squid are a very
15 important part of the ecosystem and are prey to a lot
16 of predators.

17 Now, from this we can get some estimate
18 of the mortality imposed on squid by predators. But,
19 as I've said, it wasn't possible for the assessment
20 scientists to use that information in an analytical
21 model.

22 But if this were the kind of benchmark
23 assessment where an analytical model had been developed
24 and accepted, this information could have been used to

1 inform the estimate of natural mortality rate. Now,
2 getting on towards what they concluded about the biomass
3 of this stock and how it relates to stock status. The
4 panel on the left has to do with the total biomass of
5 loligo. I believe that's for 2008 and '9. But this
6 frequency distribution which is shown here, shows the
7 probability distribution of the biomass.

8 And you can come down the vertical here
9 to the median of this point, and that's the estimate of
10 the current biomass. I believe it's around 50,000
11 metric tons. And it is greater than these dotted lines
12 which are -- this dotted line that's vertical in blue,
13 that's the new biomass target for this stock.

14 So the estimate of current biomass is
15 slightly greater than the biomass target, and it's well
16 above the biomass threshold. And I'll be explaining on
17 the next slide where the new estimates of these biomass
18 reference points come from.

19 But the important message here is that
20 from this assessment the conclusion is that the stock
21 is not overfished and that it's very close to the biomass
22 target.

23 Now, the panel on the right is what we
24 know about the exploitation rate for fishing mortality.

1 In this case, this is an exploitation rate, and I think
2 the value is about 17 percent. So roughly 17 percent
3 of the biomass is being removed by fishing per year.
4 And you'll notice that in this slide, there are no other
5 lines which correspond to the overfishing threshold,
6 and that's because the SARC review panel was unable to
7 recommend an overfishing threshold. And I'll explain
8 that in a moment.

9 In addition to the fact that they
10 couldn't recommend an appropriate overfishing
11 threshold now, they rejected the approach that had been
12 accepted by the previous panel. So in this case, for
13 loligo we're left after this peer review where the stock
14 is declared to be not overfished and the overfishing
15 status is unknown.

16 Now, it's curious. We often hear about
17 the value of peer review, and I'd like to point out here
18 that we have a real change from what the previous peer
19 review panel concluded. In the past we had -- we now
20 have a -- whether the stock is overfished or not this
21 panel was able to come up with a biomass target and
22 threshold, whereas the previous panel was unable to
23 derive that.

24 But for the overfishing status, the

1 reverse is true. In the past they've had an overfishing
2 threshold, and this panel concluded that it was
3 inappropriate and that they couldn't replace it with
4 anything. So we have a real change here in the
5 overfishing definitions and in the status. So this is
6 the nature of peer review and bringing in experts. I
7 mean the goal is always to move forward and hopefully
8 do a better job. But this does happen. And I want to
9 be frank about it and be very clear. Now, this slide
10 has to do with the biomass through time and how it
11 relates to the biomass threshold or biomass target.
12 Oops. I'm pushing the wrong button.

13 The wiggly line that goes through time
14 that's from 1974 to the current year. The wiggly line
15 is the ratio of the biomass of the population relative
16 to the biomass target. And if the value were close to
17 one on this axis, that would indicate that it was right
18 at the biomass target.

19 But the fact that it is slightly above
20 that line through time indicates that for this stock the
21 review panel concluded that loligo has
22 generally -- it's varied through time but has been above
23 its biomass target. In other words, it hasn't been
24 overfished throughout the whole time series. That's a

1 conclusion of this slide.

2 Now, assessing loligo is difficult, as
3 you can imagine, because it has a life span that is less
4 than a year, and there are two cohorts at least that
5 appear within the year. So this caused a lot of trouble
6 for the assessment team and for the review panel to try
7 to basically come up with a biomass target. As I said,
8 they were unable to develop an analytical model for this
9 stock, and it's actually a fairly simple approach that
10 they took where they just interpreted the survey
11 indices, looked at the size of the net, the area that
12 was towed, a reasonable estimate of gear efficiency and
13 day/night differences in the capture of squid. And
14 from that they were able to estimate a reasonable value
15 of the biomass.

16 And then they also for the exploitation
17 rate they used the survey index and compared that to the
18 catch that was removed through time. And so it's based
19 on an exploitation index. So this assessment does not
20 involve a lot of modeling. It's fairly simple. And
21 it's probably appropriate to the kind of data that you
22 get with loligo.

23 Since this is a stock that lives less
24 than a year, it falls into that category where it doesn't

1 require annual catch limits. The text at the bottom of
2 this slide describes how they came up with this new
3 biomass threshold.

4 And I'll explain it here. The top line
5 is that they assume that the biomass threshold is equal
6 to -- it's related to the biomass target. It's half of
7 the target. And then they said, well, the biomass
8 target is approximately half of the carrying capacity
9 of the population in an unfished condition.

10 And then they said, well, from 1976 to
11 2008, the stock has been fished, but it's been fairly
12 lightly fished. That was their perception. So they
13 said let's assume that the size of the stock during the
14 whole time series was about 90 percent of its carrying
15 capacity, that it had been fished down slightly through
16 time. So that was how they came up with an estimate of
17 carrying capacity. So the estimate here that they
18 have, they have an estimate of the average biomass
19 annually through that time period.

20 And once they estimated that, they were
21 able to work backwards to come up with the biomass target
22 and the biomass threshold. And this is all based on the
23 assumption that the stock has been lightly exploited
24 through time.

1 Now, a little bit about why they
2 rejected the old FMSY proxy and couldn't replace it with
3 anything new. I'll just read the slide. The current
4 FMSY proxy, that is the one from the previous stock
5 assessment, was calculated in the last assessment as the
6 75th percentile of quarterly exploitation indices
7 during 1987 to 2000; (b) they said that the current
8 fishing mortality reference point approach is not
9 appropriate for the lightly exploited loligo stock.

10 And they felt that -- on the right -- a
11 new threshold reference point for fishing mortality was
12 not recommended in the 2010 assessment because there was
13 no clear statistical relationship between loligo catch
14 and annual biomass estimates during 1975 to 2009. In
15 other words, there was no strong evidence from the data
16 that they had available that there was a relationship
17 between the amount of fishing that had taken place each
18 year and the size of the population. And given that
19 there was no evidence of a relationship between fishing
20 and stock size, they were unable to come up with an
21 estimate of what an overfishing threshold is.

22 So, given that the old approach that was
23 used was kind of saying, well, it looked like the stock
24 had survived under whatever fishing had gone on, so

1 let's just use the sort of the average of that and use
2 that as the proxy for FMSY.

3 But this panel wasn't willing to make
4 that assumption, and they said in the absence of a
5 relationship, we don't know what it is, and they left
6 it at that.

7 So then there are some comments that the
8 SARC panel -- in their reports they have a lot of
9 comments, but I've just picked out a few. A majority
10 of the panel considers the data and the assessment for
11 loligo to provide a basis for developing annual
12 management advice for this stock as long as the
13 exploitation rate is kept low.

14 What they were saying here is that
15 they're a little uncertain about this stock assessment,
16 and the word majority of the panel here indicates that
17 they were able to tell you that this assessment can be
18 used for providing management advice, but it was not a
19 unanimous decision, and they felt that as long as the
20 exploitation rate is low you're on fairly safe ground
21 I think. What their concern was that if there's a major
22 change in the exploitation rate, they'd have to
23 reconsider their decision to accept this.

24 Annual estimates and assessments and

1 annual management are not optimal. Shorter periods of
2 time would be better to take into account the size of
3 cohorts within years. And this was kind of the driving
4 issue that one of the reviewers had.

5 He kept saying if you have multiple
6 cohorts coming in during the year and they only live for
7 half a year to eight months, it doesn't provide a very
8 strong result if we're only going to be looking at annual
9 estimates and trying to get management advice from
10 annual estimate.

11 And this is not really surprising news.
12 It was well known to all the people doing the assessment
13 as well and pretty well agreed to. Number three, the
14 stock is probably lightly exploited based on the biomass
15 estimates relative to the threshold, and the catch is
16 relative to estimates of minimum consumption. So they
17 weren't considering the consumption estimates when they
18 were kind of giving a general qualitative conclusion
19 about this assessment. And it was the relation between
20 the relative scaling between the consumption estimates
21 which were high and the exploitation rates by the
22 fishery which were low. That's what led them to
23 conclude that the fishery is lightly exploited.

24 And the last one, the survey trawl

1 efficiency estimates between seasons are not robust and
2 require further analysis. This had to do with real
3 differences in the scale of the survey index between the
4 fall and the spring surveys.

5 And my last slide, these are just some
6 recommendations from the SARC panel to estimate survey
7 catch efficiency for the spring and fall surveys. This
8 is a key parameter in the assessment and stock status
9 determination.

10 Number two, conduct additional studies
11 and modeling on seasonal cohort life history
12 characteristics. And, finally, consider within season
13 and within your management. And, again, this is
14 something that you have all talked about before. I
15 think a lot of this is well known to us. But the panel
16 came up with the same comments. That concludes my
17 presentation, and I'd be happy to try to answer
18 questions. Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Jim,
20 thank you. If the SARC was unable to deliver reference
21 points for FMSY, did they have any discussion about
22 alternative approaches to developing reference points?

23 JAMES WEINBERG: Well, I think that
24 they were thinking that that's where you'd have to be

1 able to take into account the seasonal cohorts and to
2 have a management system that can respond within
3 seasons. And as long as we're locked into annual
4 management, they didn't feel that they could -- so I
5 think that's the direction that they were kind of moving
6 towards.

7 But it is an appropriate estimate of
8 FMSY, for a stock like this could not be based on an
9 annual estimate. It would have to be something based
10 on things that happen seasonally within the year. And
11 so that's the direction.

12 And, as I said, they were not willing to
13 just come up with something like saying, well, this is
14 roughly what -- you know, the average exploitation rate
15 through time, so therefore that must be okay. They
16 weren't willing to use that as a proxy for FMSY.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Well, Jim, if that was the direction of the SARC, is
19 there any possibility of trying to have more frequent
20 indicators that we could utilize? I mean it seems like
21 we're lucky to get an annual update.

22 JAMES WEINBERG: Yeah. Well, I know
23 that from talking with Lisa Hendrickson and other people
24 that work on the invertebrates and squid, this is a

1 discussion that the Center has had for years about
2 realtime management of squid fisheries. And I don't
3 know all the details about what progress has been made
4 -- you know, or why it hasn't occurred, but this seems
5 to be basically where we're at, that until there is a
6 -- like, I think it would take a very devoted effort on
7 the part of the people collecting all the data, lots of
8 resources and so forth to get information on each cohort
9 of squid coming in, knowing how big it is and that sort
10 of thing.

11 But one point that the SARC panel made
12 is that the squid grow so quickly that it's really hard
13 to even get an estimate of recruitment because the
14 little squid quickly grow to the size of an adult squid.

15 So they didn't feel like they could
16 divvy up the size data into a recruit index and an adult
17 index. They said let's just treat the whole thing as
18 a biomass moving into the population. And there was one
19 other point, but it just skipped my mind.

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Well, I guess the good news is that the stock's not
22 overfished, and it appears to be lightly exploited, but
23 the lack of a reference point is problematic. John
24 Boreman.

1 JOHN BOREMAN: Yeah. I apologize.
2 This is my first time I've really examined this. I mean
3 hearing it really helps. A couple of questions.
4 First, a comment on recommendations for additional
5 studies and so on. I think one recommendation that
6 should be added is to look at this setting the biomass
7 threshold equal to half of the biomass target because
8 this is a short-lived species.

9 That half, I'm sure, was chosen because
10 it's the going value for all the fisheries basically
11 that were managed choose one half. But I think some
12 simulation modeling to see if that's really an
13 appropriate value would be useful.

14 Second, this term lightly exploited
15 really bothers me, and it's probably because of my
16 ignorance. But to me it seems like it's a teleological
17 argument that's being built here.

18 It's lightly exploited, so we don't know
19 what the fishing rate is, but it's lightly exploited.
20 And they're comparing the deaths caused by fishing to
21 the deaths caused by being eaten.

22 And I always like to look at it the other
23 way around. It's the squid that survive being eaten
24 during the year that are the ones that could be caught

1 and what's the impact on the survivors from those being
2 eaten. Fishing could be light relative to consumption,
3 but relative to the total number of squid that survive
4 the risk of being eaten. It may be a significant impact
5 on the squid that are left to be spawning or adding to
6 future generations. So I got to do some more thinking
7 about that.

8 But, offhand, it just struck me as a
9 little backwards in terms of saying it's lightly
10 exploited because it's relative to the ones that are
11 already dead, but not relative to the ones that are not
12 dead.

13 JAMES WEINBERG: Yeah. You made me
14 remember the point I was going to make. Another comment
15 that the SARC panel emphasized was that an important
16 thing is to even though you can't really quantify a lot
17 of what's going on, an important thing is to make sure
18 there are enough squid left in the population to make
19 babies and be recruiting the following year. So that
20 was like their major qualitative point.

21 But the issue that John raised about one
22 half, that's true for a lot of stocks. That's chosen
23 based on some theory, but often we don't do the
24 additional analysis to fine tune that, whether it's one

1 half or some other value. So that's a good point.

2 And I agree with the points that you
3 made, and I guess -- I think the fact that the fishery
4 has gone on fairly consistently for 20 or 30 years also
5 made them feel that their notion that it was lightly
6 exploited. In a sense they were thinking that whatever
7 fishing has gone on it either hasn't impacted the
8 biomass or it's undetectable.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 John.

11 JOHN MCMURRAY: Thank you,
12 Mr. Chairman. Can we take a look at page 35, the chart
13 on 35? It's the landings chart. Is that the right one?
14 No. It looks like there was a pretty precipitous
15 decline from 2005 to 2010.

16 And, actually, when you look back,
17 there's declines across the board. And that seems odd
18 to me, given that we've been at target biomass or over
19 target biomass pretty consistently. Is there a theory
20 behind why that happens?

21 JAMES WEINBERG: Well, I think maybe
22 Jason could answer this better than I can 'cause what
23 we're talking about here are total landings through
24 time. And they have different causes. I know that

1 Lisa put into this graph that vertical, dotted line
2 which talks about quarterly or trimester quotas.

3 So I don't know enough about the loligo
4 assessment to really explain this. But I know that in
5 a lot of cases the catch that you see is related to
6 regulatory changes. So perhaps someone from the staff
7 could help me answer that.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Greg, to that point.

10 GREG DIDOMENICO: Thank you,
11 Mr. Chairman. This is a frequent occurrence in squids
12 and several other of the fisheries that we manage.
13 John, what has happened here is this is the typical case
14 of fishery performance.

15 And I wanted to comment on the
16 chairman's desire to actually have these type of issues
17 looked at closely in this fishery performance reviews
18 because what we have here and what we certainly notice
19 over the same time period that you've picked up on is
20 the precipitous decline in landings is a precipitous
21 decline in vessels and effort and the health of the
22 fleet. That's what's occurred. That's what's caused
23 these landings to go down. Thank you.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Other questions? Rich.

2 RICHARD SEAGRAVES: The only thing I
3 would add -- Jason might want to jump in -- but on that
4 dotted line, basically the fishery was unrestrained
5 prior to 2000, so the big change there is that we
6 actively began to -- we've reduced the quotas; we put
7 in seasonal management measures first quarterly; then
8 now we're in a trimester thing. But what happens in
9 some years in the restrained landings is that if there's
10 an abundance of squid, there's an allocation during that
11 period. The fishery goes out, exploits them, and the
12 fishery was closed. And then by the time it reopens
13 when they go back out, they can't find them. So the
14 landings may have been much higher had we not
15 constrained the fishery during those closure periods.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks, Rich. Other questions for Dr. Weinberg or
18 comments? Jason.

19 JASON DIDDEN: Earlier it was asked
20 about the in-season management aspects. I've had quite
21 a few discussions with Lisa Hendrickson on this: The
22 significant increase in resources to do something like
23 that, possibly one or two extra staffers, possibly one
24 or two extra surveys, fishery on-the-water surveys.

1 But, Jason, there's no evidence that the stock is
2 paralleling that decline in catch, right, that those are
3 independently changing? Is that right? Or Jim. I
4 mean the stock doesn't seem to be -- the catch doesn't
5 seem to be following the stock, in this particular case
6 for this fishery.

7 JAMES WEINBERG: Yeah. If you go to
8 this slide, this shows you that the biomass relative to
9 a constant value has fluctuated a lot without trend over
10 time.

11 PETER deFUR: And the biomass estimates
12 are all based on the trawl surveys? Is there anything
13 that's in the works for using a different method of
14 estimating biomass or population density or anything
15 for squid?

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Jason.

18 JASON DIDDEN: I think given the
19 information that's available, this is kind of what --
20 there are additional things, but they require a lot more
21 data was my recollection. I'd have to kind of touch
22 base back with Lisa.

23 Throughout the assessment lots of ideas
24 came up: Oh, you could look at this, look at this. But

1 do you have the data for it? And those additional data
2 needs can be quite intensive for that kind of more
3 detailed analysis. It looks like Jim has that point,
4 too.

5 JAMES WEINBERG: Yeah. One advance
6 that was made by this working group was to consider in
7 the survey data the difference in catch of squid between
8 day tows and night tows and the amount of light in the
9 water column. And when they did that, they took that
10 into account to derive this biomass estimate.

11 So there's actually a lot less variation
12 in these estimates than what would have been produced
13 previously without considering the day/night
14 differences. It was the first time -- it wasn't used
15 in the previous stock assessment, too. Although, this
16 was not unknown. They knew that there were --

17 PETER deFUR: They've known for
18 decades.

19 JAMES WEINBERG: Yes. I know. But I
20 think this was the first assessment where it was
21 actually used in the estimate.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Jason.

24 JASON DIDDEN: There may have been die/

1 yield correction factors applied to the end of season,
2 last one. But since this kind of took a novel approach
3 of looking at kind of the angle of the sun essentially
4 and using the trawl surveys that were within a certain
5 cone, had a much higher average catch rate, and those
6 were the ones that were used to determine the index that
7 was used in this estimate. But there may have been
8 die/yield correction factors in the last assessment,
9 but I'd have to double-check.

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Thanks, Jason. Are there any other questions for
12 Dr. Weinberg? Jim, did you have another one?

13 JAMES WEINBERG: Well, yeah. I would
14 go with Jason on that. I'm not sure exactly what was
15 used in the previous assessment. But I just know that
16 it was an advance in this one to really do a mathematical
17 treatment of day/night differences, and they really
18 went to town as well on the tow path and the net size
19 and all of that. That was a big part of this analysis.

20 COUNCIL CHAIRMAN RICHARD ROBINS:

21 Thanks, Jim. Mr. Fletcher.

22 JAMES FLETCHER: Dr. Weinberg, is there
23 any chance that the SARC are the sole factor being the
24 effects of the North Atlantic oscillation, the solar

1 cycles or any of the other known cycles in when they were
2 doing this?

3 And the second more serious question --
4 and I'm bringing two SARCs together. Since it has been
5 found that dogfish move offshore two to three hundred
6 miles in an east-west migration, is there any
7 possibility that the loligo squid exist off 200 to 300
8 miles and would make up a major food component of those
9 dogfish when they're two to three hundred miles off
10 shore? Is there any possibility that loligo would be
11 part of the food source two to three hundred miles off
12 shore?

13 JAMES WEINBERG: I can't answer your
14 question 'cause I'm not the analyst that did this, and
15 I'm not that familiar with the data. So that question
16 could be answered, but I don't have the answer.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Greg.

19 GREG DIDOMENICO: I forgot to also
20 stress before the issue and the importance of the
21 fishery performance reports. This is a perfect example
22 of the fishery performance reports should definitely be
23 provided to the CIE reviewers because I can tell you that
24 there are both in butterfish and in the loligo squid

1 assessment the unfamiliarity of the CIE reviewers to our
2 fisheries, how they're managed and the historical
3 management prior to the stock assessment absolutely had
4 an impact on their decision making and their knowledge
5 of certain aspects of each one of those stock
6 assessments.

7 So I really applaud you, Rick, for
8 noticing that when you've sat through several SSC
9 committees. And I can tell you that they're going to
10 be very helpful and should be provided to the CIE
11 reviewers. Thank you.

12 COUNCIL CHAIRMAN GREG DIDOMENICO:
13 Thanks, Greg. And we will have an update on the AP
14 performance report tomorrow morning during Executive
15 Committee. Thanks. Jason.

16 JASON DIDDEN: I just had once answer to
17 John perhaps. I was looking at just from the assessment
18 summary figure annual biomass, and it's a mean of the
19 spring and fall survey biomass. And as you look from
20 -- it bounces around a lot. Now, the last two or three
21 years it was definitely kind of down but not down any
22 more than the typical kind of variation you see through
23 the time series.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Thank you. Our next agenda item is going to be
2 Framework 7 for monkfish. Rich, how long do you
3 estimate that will take?

4 RICHARD SEAGRAVES: About fifteen.

5 COUNCIL CHAIRMAN RICHARD ROBINS: All
6 right. Why don't we go ahead and take that. Then we'll
7 take a short break and start the scoping session, if
8 you're ready.

9

10 FRAMEWORK ADJUSTMENT 7 TO THE MONKFISH FMP

11 RICHARD SEAGRAVES: Thank you,
12 Mr. Chairman. This is a management action for the
13 Monkfish FMP which is Framework 7. The New England
14 Fishery Management Council has already taken action
15 that involved proposed measures for consideration
16 relative to the revised biomass reference points for
17 monkfish and the northern management area ACT and
18 specifications that correspond to that ACT.

19 A little bit of background.
20 Amendment 5 to the Monkfish FMP, the decisions made
21 there were based on the best available science at the
22 time which was SARC 40 and data through 2006. And
23 Amendment 5 adopted ACLs, ACTs for 2011 through '13 as
24 well as days-at-sea and trip limit specifications that

1 121,000 currently and the threshold about 99,000. The
2 stock status is that the stock is not overfished, and
3 that does not change the preferred alternative. Under
4 the preferred alternative, the target for the northern
5 management area would be 52,000 metric tons, and the
6 southern management area 74,000. The threshold I think
7 it's one-half of the target, so you get 26,000 for the
8 northern and 37,000 for the southern. The current
9 biomass estimates from the last SARC for both the
10 northern and southern management areas exceed both the
11 target and the threshold.

12 So for the ACT alternatives, again, the
13 New England Council has already taken action on this.
14 In the document there are several alternatives to adjust
15 the ACT in the northern management area.

16 Alternative 1 is no action, which would
17 be retain the current landings target of 5,000 metric
18 tons. But the staff and Council has determined that
19 it's not an ACT; therefore, it's not compliant with the
20 guidelines.

21 Alternative 2 would use Amendment 5
22 proposed ACT of 10,750 metric tons. This would exceed
23 the SSC's revised ABC calculation of about 7600 metric
24 tons, so it would not be compliant with Magnuson Act.

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Alternative 3 there are three options for revised ACT. ACT Option 1 is 5500 metric tons or 73 percent of ABC. Option 2 is 80 percent of the ABC or about 6,000 metric tons. And the preferred option for the ACT northern management area is 65, 67 or 86.5 percent of the ABC. So the ACT is buffered off of the ABC by it would 14 1/2 percent -- or 13 1/2 percent. So that's the preferred alternative that was put forth to the Council, and New England adopted that. You'll see in the motion that they passed. To go along with that, there has to be days-at-sea and trip limit specifications. Alternative 1 was no action on the current situation. You can read that. So many days-at-sea and then their trip limits depending on the permit categories.

The same thing with Alternative 2 was what was proposed in Amendment 5. And then Alternative 3 is preferred alternative. And there are three specification options for each of the three ACT options.

So you have the ACT Option 1, which was a 55/50, and then there are three options for each of those, 1-A, 1-B, 1-C basically an AC permit category daily landing of 1250. These are pounds.

1 The B and D daily landings would vary by
2 option and the days-at-sea but very slightly by
3 Option 1-A through C for one. Option 2, which was the
4 6,000 metric ton option, there are three basically the
5 same in terms of the daily landing limit and then
6 different numbers that correspond to the higher --
7 allowed to land the higher target under that option.

8 And then Option 3, which is the
9 preferred alternative to the ACT, the Northern
10 Management Area 65, 67, there's 3-A, 3-B, 3-C, same ACT,
11 A and C daily landing limit of 1250 pounds, but the B
12 and D limits would vary. And the preferred alternative
13 is the one on the bottom, 3-C, 1250 pounds for the A and
14 C category and 600 pound daily limit for the B and D and
15 40 days-at-sea. There'll be a motion. So this is the
16 same information provided to the New England Council,
17 and they took action recently at their January meeting,
18 and so in kind we need action by the Council today on
19 the preferred alternative. That's us there February
20 2011.

21 Then New England Council staff would
22 complete and submit the final EA sometime in February
23 or March, and this would become effective in the summer
24 of 2011. So at this time I believe Howard is prepared

1 to -- we need the motion, Jan, that New England pass --
2 the convention is to at least put forward the motion to
3 pass the New England Council. And I think Howard is
4 prepared to make that.

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 Thank you, Rich, for the presentation. And I'll look
7 to Howard when this comes up. I'm waiting for it to que
8 up now.

9 HOWARD KING: Thank you, Jan. I move
10 that the Mid-Atlantic Council submit monkfish Framework
11 Adjustment 7 with preferred alternatives for biomass
12 reference points. That's Alternative 2. Northern
13 Management Area ACT -- that should all be
14 capitalized -- but that is for annual catch target.
15 Thank you. Alternative 3, Option 3; 6,567 metric tons
16 and specifications Alternative 3, Option 3-C; 40
17 days-at-sea, 1250 pounds and 600 pounds tail weight per
18 days-at-sea for Permit Categories A and C, and B and D
19 respectively. And I would add that this would be in
20 place through the fishing year 2013.

21 COUNCIL CHAIRMAN RICHARD ROBINS: We do
22 need a second. Is there a second to the motion? Second
23 by Pat Augustine. And these modifications are just to
24 the northern management area, Howard?

1 HOWARD KING: Yes. The biological
2 reference points pertain to all, but the rest of it
3 pertains only to the northern management area.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 Okay. Discussion on the motion? Rich, does that
6 capture everything we need to include? Okay. Is
7 Council ready for the question?

8 (Motion as voted.)

9 {Move to submit Framework Adjustment 7 with the
10 preferred alternatives for biomass reference
11 points. (Alternative 2), Northern Management Area
12 ACT (Alternative 3, Option 3, 6,567 mt), and
13 specifications (Alternative 3, Option 3C, 40 DAS,
14 1250 lbs. and 600 lbs tail weight per DAS for
15 permit categories A and C, and B and D
16 respectively).}

17 COUNCIL CHAIR RICK ROBINS: All those
18 in favor please raise your hand.

19 (Response.)

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

22 (No response.)

23 COUNCIL CHAIR RICK ROBINS:
24 Abstentions like sign.

1 (Response.)

2 COUNCIL CHAIR RICK ROBINS: One
3 abstention. The motion carries. Thank you, Howard.
4 Are there any other action items or motions that are
5 necessary to submit the framework? Thank you, Rich and
6 Howard.

7 Is there any other business on this item
8 to come before us before we adjourn and prepare for the
9 scoping session? Okay. Let's take a 10-minute break,
10 and when we come back, we'll start the scoping hearing.
11 And Howard King, who serves as vice chair of the
12 committee, will serve as our hearing officer tonight.
13 Thank you.

14 (Break: 4:39 p.m. to 4:58 p.m.)

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thank you. At this point, I'm going to turn it over to
17 Howard King. Howard serves as vice chair of the
18 Monkfish Committee, and he'll be our hearing officer for
19 the scoping hearing for Amendment 6 to the monkfish FMP.

20

21 MONKFISH SCOPING MEETING

22 COMMITTEE CHAIRMAN HOWARD KING: Thank
23 you, Chairman Rick. This is the 10th and last scheduled
24 public hearing on Amendment 6 for the joint monkfish

1 FMP. Amendment 6 merely sets out a discussion process
2 for the possibility of catch shares in the monkfish
3 fishery.

4 And in going up and down the coast, we've
5 had a lot of comments pro and con for potential changes
6 in the monkfish fishery. So this is another
7 opportunity for individuals to put forth their
8 comments.

9 This is a joint committee of the
10 New England and the Mid-Atlantic Fisheries Management
11 Council, and ordinarily the New England contingent
12 would be here, but lately the southern weather has kept
13 their northern members from getting down here and
14 attending these hearings. So with that, I'm going to
15 turn it over to Rich, and he'll go through the
16 presentation, and then we'll take public comment.
17 Thank you.

18 RICHARD SEAGRAVES: Thanks, Howard.
19 I'll be giving a fairly brief presentation. It's the
20 same one that's been given at all 10 hearings. Again,
21 the purpose of the scoping process is to get early in
22 the process input from the public about the potential
23 use of catch share management in the monkfish fishery.

24 As Howard has already alluded to, there

1 have been 10 hearings held. This is the last one. And
2 you see they're listed there. Do you need to run the
3 thing, Jan? Next slide.

4 So basically this talk will go through
5 basically the purpose of the hearings, why the councils
6 are considering catch share management, describe some
7 of the catch share approaches that are being considered
8 if catch shares were adopted in this fishery, what the
9 necessary elements and alternative might be and then
10 open it to questions that the Council would like you to
11 consider. Next slide.

12 So really the primary purpose is to
13 provide interested parties an initial and early
14 opportunity for input into the development of this
15 amendment, Amendment 6, explain what catch shares
16 management approaches are, and there are some of their
17 various components, to hear views of the public, their
18 concerns and any questions that they would like
19 addressed by the councils during the development of this
20 amendment. And I think first and foremost the
21 Council's interested in a bottom-up process so that --
22 you know, we can hear from the fishermen about their
23 views on the potential use of catch shares in the
24 monkfish fishery. Next slide.

1 So the first question is: Well, why are
2 the councils considering catch shares? And I think
3 it's generally acknowledged that in a number of
4 fisheries around the U.S. and also around the world that
5 catch shares management has proven effective to address
6 a number of problems.

7 And so the Council seeks to (1) improve
8 economic performance of the fishery and to achieve
9 optimal yield; another advantage in some cases it gives
10 the businesses more flexibility when they're in some
11 sort of catch share or tradeable fishing property right.

12 In many cases it can reduce the
13 regulatory burden on the operators themselves. In
14 general it promotes safety. It gives you the option of
15 hopefully going out and catching the fish when it best
16 suits you, not necessarily -- so a lot of the things
17 relative to the race to fish in short seasons or quota
18 management under many systems have improved. It also
19 has shown to be effective to keep catch within specified
20 limits. And also the councils seeks to coordinate
21 management with the Northeast Multispecies Sector
22 Program as another consideration. Next slide.

23 So what's a catch share? Well, it's a
24 fishery management program that allocates a specific

1 portion of the TAC to individuals, communities or other
2 cooperatives including sectors.

3 So it's basically we're giving a share
4 to individual corporations or groups. The allocation
5 may be to an individual group or may be area based or
6 community based. And it's important to note that the
7 catch share is a harvesting privilege, not a property
8 right per se.

9 But you are vested that privilege, so
10 it's up to you to exercise that privilege when you see
11 fit. So that's generally the No. 1 advantage of the
12 catch share. Next slide.

13 So what types are there? Individuals
14 -- catch share programs include allocation to
15 individuals, businesses or vessels. And this includes
16 ITQs, which are individual transferrable quotas, so you
17 introduce the element of transferability or trading of
18 the share that you're given or simply an IFQ, which has
19 been used in the North Pacific where there are
20 limitations or no tradability and you just get your
21 quota. It could be to a group, and there could be
22 allocations to communities -- Community CDQ stands for
23 community development quota -- or to harvest
24 cooperatives which could include sectors. And then

1 there are other types of allocation shares that include
2 by area or to other nonvessel entities, for example, to
3 dealers or processors. In other parts of the country,
4 there have been some allocations to those groups. Next
5 slide.

6 In the case of New England, the
7 reauthorization of the Magnuson-Stevens Act requires
8 the New England Council to hold a referendum for any IFQ
9 program; however this does not apply to the sector
10 management system that they're currently developing.

11 To do this the program must be fully
12 developed prior to the referendum, and it would require
13 two-thirds of passage, positive vote from two-thirds of
14 eligible voters. If it failed, it could be revised and
15 resubmitted.

16 And the eligibility of who gets to vote
17 in that New England referendum is determined by the
18 councils. And it could include crew or captains in
19 addition to the permit holders themselves. Next slide.

20 So what are some of the ways that the
21 councils have traditionally allocated shares?
22 Historical landings is usually one of the first
23 considerations and some permit qualification period
24 that those levels of landings, historical landings,

1 would apply to. Other considerations are the level of
2 investment that the vessels based on their size or cost
3 of operation. Another option would be equal
4 allocations where you just take the number of pounds
5 total or shares and split it up equally or some hybrid
6 formula where it's some portion of it's equal allocation
7 and then some based on your past catch history
8 performance. Next slide.

9 Some of the important elements that need
10 to be considered in the catch share program are
11 reporting, with that generally hand-in-hand are log
12 books, VTR dealer reports or group reports from sectors.

13 There's an element of monitoring and
14 would require perhaps vessel monitoring systems, some
15 at-sea or dockside observing or could include
16 electronic monitoring. Another element might be some
17 quota trading mechanism would have to be defined if
18 there were shares allocated and the councils decided
19 they want to take advantage of the economic efficiencies
20 of allowing tradability amongst shares. There has to
21 be some definition of that mechanism.

22 And a major component is the enforcement
23 capability including the interaction between the catch
24 monitoring and enforcement quota transfers and

1 ownership cap. So it can get fairly complicated in
2 tracking. If it's transferrable or tradeable,
3 tracking quota through time amongst the various players
4 could be an issue. Next slide. So what are the
5 questions that the councils have at this time? This has
6 been distributed, and some of the folks that are here
7 have heard these. And really what they're honing in on
8 is: What problems do you see with the current system
9 of management of monkfish that could be addressed by
10 catch shares; what concerns do you have about catch
11 share management; and what benefits and costs do you see
12 with catch shares? Next slide.

13 Other questions that I think the
14 councils really want to hear about is: Who should be
15 eligible to hold an allocation; how should the initial
16 allocation be made; should there be limits on
17 accumulation of quota; if so, what limits and how could
18 they be monitored and enforced; should there be some
19 mechanism to allow new entrance into the fishery, and
20 if so, what are those.

21 And really an overall question is:
22 What questions do you have that the councils need to
23 address during the plan development process? Next
24 slide. Other issues. The catch monitoring program.

1 In addition to the directed fishery, there's an
2 incidental catch of monkfish in other fisheries that
3 must be allocated and monitored, particularly in the
4 case of monkfish 'cause they are taken by a lot of
5 different bottom tending gears, scallop dredges and so
6 forth and other bottom trawl gears directed at other
7 species. So the bycatch incidental catch is a big
8 issue. Cost recovery. The Magnuson Act requires that
9 the monitoring administration enforcement costs which
10 are likely to be substantial need to be recovered and
11 additional costs to the administration for the program
12 would have to be born in some fashion by the stakeholders
13 that got the quota shares.

14 And so one question is: How should the
15 program cost be shared? And the proposals need a range
16 of cost recovery alternatives. Another consideration
17 is the impact on cooperative research program in
18 monkfish. In the case of monkfish, the RSA is based on
19 days-at-sea.

20 So, if we went to a quota-based,
21 catch-share system, there would have to be some
22 modifications to the monkfish research program because
23 the set-aside are days-at-sea rather than pounds. Next
24 slide.

1 So what are the next steps? In the
2 initial scoping process, the Monkfish Committee and the
3 AP will meet to review the comments from these 10
4 hearings and begin to develop initial recommendations
5 to the councils.

6 Following that the councils would begin
7 to hone in on a range of alternatives through
8 development and analysis. And of course, this is the
9 first, but beyond that then there's as the councils
10 start to make decisions about what alternatives they
11 want to put into the document, it would go to public
12 hearing and come back to the Council a number of times
13 over a fairly lengthy period, especially given any
14 allocation issues that we'd be dealing with. And so we
15 would follow the normal plan development process, and
16 there would be numerous additional opportunities for
17 the public to comment. Next slide.

18 I think, yeah, that was it. So that's
19 the presentation. It's, I guess, given the tenth time.
20 And I'll turn it back to Howard. And, of course, I think
21 the emphasis here is trying to go out to the public early
22 on to get the views and concerns of the fishermen as well
23 as any other interested parties and the public about
24 this proposed consideration of catch shares in this

1 fishery.

2 COMMITTEE CHAIRMAN HOWARD KING: Thank
3 you. I would like to take the opportunity to recognize
4 Jimmy Ruhle who is here today hiding behind Jim
5 Fletcher. Jimmy Ruhle is a former Mid-Atlantic Council
6 member of long standing and has been instrumental in
7 assisting the monkfish fishery in the southern region
8 in past years. So, Jimmy, welcome.

9 I'm also glad to see some familiar
10 faces. I think a couple of you were at the Virginia
11 Beach public hearing, and so we welcome you again as
12 well. If those of you who wish to make a comment could
13 raise your hand so I know how many we would be dealing
14 with. Okay. All right. Well, we will start then, and
15 I'll start from the left. Chris Walker, please.

16 CHRIS WALKER: Thank you for this
17 opportunity to speak. My name is Chris Walker. I'm a
18 commercial fisherman from Chincoteague, Virginia. I
19 have an H category permit. It's six of them been
20 issued, and five of us are here that have those permits.

21 I guess to make it short, if we're going
22 to be forced to move away from the days-at-sea into
23 something new -- sectors, ITQs, catch shares -- we may
24 have a proactive way that the six of us have come into

1 agreement upon with ITQs, that maybe we could do
2 something on a trial basis, maybe three years to get some
3 information to see how well that would work for us with
4 the option to carry on if it's working well or maybe to
5 change that if it doesn't work. Maybe just a size
6 project there to see how well it would work for us.

7 The main reasons being: to tend our
8 gear without having time restraints or weight
9 restraints, to make it more economically feasible for
10 us, cut down on expenses to better our profits, not to
11 waste anything, to be in and out to get our fishing done
12 to catch our weight, to be done earlier in the season
13 to avoid any environmental threats. It's a lot of good
14 things that I think could come out of this moving forward
15 the proactive way. For six people to be in agreement
16 I think it's a pretty good thing for things to move
17 forward. I'd like to answer any questions. Anybody
18 have any?

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Chris, what concerns do you have relative to approaches
21 to the question of allocation and how that might be done?

22 CHRIS WALKER: Well, I thought pretty
23 hard about that. Maybe some rate that was compared to
24 what we're fishing at now with the weight times

1 days-at-sea would be about the only way I could come up
2 with to give us a weight to work with to start off with.

3 Other concerns would be a minimal amount
4 of carryover that would entice you to catch your whole
5 weight, which would be bringing money back to your
6 community. You wouldn't be holding on to it. You'd be
7 not really use it or lose it, but a minimal amount of
8 carryover. That's pretty much my concerns.

9 HOWARD KING: Mary Beth. I'd like to
10 mention that Mary Beth is a member of the New England
11 Fishery Management Council. It's my pleasure.

12 MARY BETH TOOLEY: Just one quick
13 question on that history issue. You said number of
14 days-at-sea by the trip limit?

15 CHRIS WALKER: Yes, ma'am.

16 MARY BETH TOOLEY: Do you think that
17 that's a better calculation to make for everyone versus
18 history of landings weight?

19 CHRIS WALKER: Well, ma'am, the whole
20 question came about with the H category permit in 1997
21 when we were relieved of that permit due to a
22 geographical line change. We had a permit. We weren't
23 required to have federal reports, so we weren't
24 recognized as monkfish fishermen.

1 Mr. Ruhle after a long battle got our
2 permits back for us. So we don't have history for some
3 of the years. We weren't fishing. So to use those
4 years, we would have to come up with some average of what
5 other fishermen did to make it fair in the aspect of we
6 got our permit back and we wouldn't have the landings
7 because we weren't allowed to fish.

8 So how else would we come up with what
9 we would be allocated? Just based on what fishing we had
10 done I suppose. But that was the question about how we
11 got to where we're at now on whether we would use the
12 current rate, which is the days-at-sea times the weight,
13 or make up some -- if used the years that we didn't fish,
14 how could we use those years? That's how I arrived at
15 that solution or equation.

16 MARY BETH TOOLEY: Well, thank you very
17 much for that 'cause it clearly is an important
18 distinction for your category.

19 CHRIS WALKER: Yeah. We got a lot of
20 other restraints, too. We have a northern boundary,
21 which is if you're familiar with the coast, just above
22 Ocean City. That's our line. We can't go above that.
23 It's the 38-40. We can't go above that. As of April
24 15th, we have to be above the 37-56. We got about 30

1 miles to fish, 20 miles to fish.

2 In North Carolina we have a one-mile
3 strip inside of three miles and outside of two miles to
4 fish. So we really don't have the chance to even max
5 out on that permit through all the restraints we have.

6 Now starting the 15th, we have a harbor
7 porpoise closure from the 15th of February to the 15th
8 of March, so that's a month, another area of time that
9 we could be fishing set aside for marine mammals.

10 So we don't have the opportunity to fish
11 all year. We only have a few months to do what we can
12 do. And I thought maybe if all the weight, however you
13 come to the amount of weight that we would be allocated,
14 we could fish it up, get them caught, and be done with
15 it.

16 UNIDENTIFIED: (Inaudible.)

17 CHRIS WALKER: Yes. You're welcome.

18 HOWARD KING: Any further questions
19 from Council members? Okay. Go ahead.

20 RED MUNDEN: Thank you, Mr. Chairman.
21 I don't have a question for Chris, but I would just like
22 to elaborate a little bit on why they were not allowed
23 to fish during a certain time period and don't have the
24 catch history. When the monkfish FMP was being

1 developed, public hearings were held throughout, up and
2 down the East Coast, and there was a public hearing held
3 either in Virginia or North Carolina; and at that time,
4 the public hearing document specified that the southern
5 boundary would end at the North Carolina-Virginia
6 border.

7 And the question was raised during one
8 of the public hearings as to whether or not the FMP would
9 apply to North Carolina fishermen. The response from
10 a New England Council staff member was it will not apply
11 to your area, so they continued fishing.

12 At some point in time later, the
13 southern boundary was moved down to Cape Hatteras. And
14 then when the final FMP was approved, the southern
15 boundary is the North Carolina-South Carolina border.

16 So there was a time period where these
17 fishermen were fishing, but they were under the
18 impression that they would not be required to fish under
19 the provisions of the monkfish FMP.

20 And as Chris pointed out, one of the
21 first things that Jimmy Ruhle did when he came on the
22 Council, he started working on behalf of these fishermen
23 to try to get them grandfathered in or some type of
24 provision to allow them to participate in the fishery,

1 and that's where they ended up with Category H permits
2 which are much more restrictive than the other permits
3 that fishermen may hold.

4 HOWARD KING: Thank you, Red. Peter.

5 PETER HIMCHAK: Yes. Is it
6 appropriate for me to make a comment on the subject? I
7 talked to Mr. Walker, and, yes, we did hear about the
8 unique aspects of the Category H permit and discussed
9 -- tried to come up with a mechanism in the initial
10 allocation scheme for the H permits recognizing the
11 spacial and area restrictions, the spacial and temporal
12 restrictions.

13 And, yeah, I think you need some kind of
14 scaling mechanism or some kind of equalizer to bring the
15 H permits up to a level -- I don't know how you would
16 compare it. You could compare it CPUE and then do a
17 proportion of throughout the southern area. But they
18 certainly have a unique situation, and there would have
19 to be some type of scaling mechanism in the initial
20 allocation scheme.

21 HOWARD KING: Thank you. Other
22 questions? I have one more, Chris. Since you've been
23 the holder of a Category H permit, have you been able
24 to utilize all of your days-at-sea?

1 CHRIS WALKER: Pretty much so. The
2 general method of things are that you try to save a few
3 days for the month of April, try to carry over until you
4 get your new days in May. So, not knowing just what the
5 weather's going to be like throughout the year, you try
6 to get as close as you can. And that's pretty much what
7 the function of the carryover days are is somebody's
8 really trying to get the most out of it without wasting
9 any days. So, yes, we've been pretty well able to use
10 our days up, yeah.

11 HOWARD KING: Thank you. Anybody
12 else?

13 PAT AUGUSTINE: No. I'm all set,
14 Mr. Chairman. I was going to suggest that is there some
15 way that we, not on this subject, but on that subject
16 of the situation of the H permits, whether or not the
17 Council could put that on as a topic item in the regular
18 next committee meeting for monkfish?

19 I don't think it's appropriate to
20 discuss it now and try to carry it forward with this.
21 Again, that may be a dead issue. But they do bring an
22 issue to the table.

23 PETER HIMCHAK: I would think at the
24 time the Councils decide to go forward with this or not

1 and we develop options and strategies, Category H would
2 be in a position to receive some recognition. And we're
3 thinking about it already.

4 CHRIS WALKER: Okay. Thank you very
5 much.

6 HOWARD KING: Further comments from the
7 audience on the left side? Jim.

8 JAMES FLETCHER: Earlier today I
9 explained the situation that happened to the trawl boats
10 in New England in multispecies days. We're back to the
11 same situation again. Now, Red remembers it one way,
12 but I have a tape from Portland, Maine that in 1995 where
13 the question was asked does this stop at the
14 Carolina-Virginia line by me, and the answer was yes.

15 Now, Captain Ruhle and all of us have
16 done everything we can to help these men, but there's
17 another problem that exist. Starting in 1989 and '90,
18 this Council managed summer flounders.

19 By 1995 we were at a limit for a
20 quota-based system that only allowed the boats to fish
21 two or three times a month. The boats then because of
22 environmental concerns were forced to tow TEDS.

23 Well, if you know anything about a
24 monkfish, he has a hard time going through a TED. So

1 what has happened to these boats is they have been
2 limited by the permit category to 400 pounds a trip.
3 And then because of flounder regulations, they only get
4 one or two trips in Carolina or Virginia. Because
5 that's where most of the ones that I represent hold
6 permits.

7 So, if you base their allocation on one
8 being constrained by the permit category to 400 pounds
9 per trip and two being constrained by flounder
10 regulations to only landing one or two trips per week,
11 they are going to be extremely disadvantaged. And
12 something must be done. Somebody has got to get outside
13 the box and take these cookie-cutter plans and open them
14 up to bring in equity and fairness to this group of
15 people. This group of people has paid me since 1995 to
16 be at the meetings, every meeting. I don't always
17 attend, but most of the time I do.

18 And yet it seems like continually
19 through management this particular group of people are
20 being disadvantaged. And I ask you before you even
21 think about it, basing it on historical landings to put
22 an exemption in for the people that you constrain with
23 flounder regulations or sea bass landings or something
24 else that will put in trawl boat -- I mean trawl nets,

1 because trawl net is the most efficient way to do it.

2 But jumping subjects and going back, the
3 New England Council allowed these boats monkfish days,
4 but they allowed it in such a way that they either had
5 to use a scallop day or a day-at-sea for groundfish.

6 So, basically, they could not use it.
7 It's always been a joke if you got monkfish days, but
8 because of the other constraints. And now we come in
9 and hear this council, and you just voted on Option 3
10 before that to set a given amount of fish because of the
11 landings for a given number of people in a given area.
12 Part of that landings is going to be from the trawl
13 boats, but those trawl boats, as I explained earlier,
14 were constrained by flounder regulations; they were
15 constrained by sea turtle regulations of what type of
16 gear that would have excluded monkfish. And you ask a
17 man, well, why don't you have monkfish on your trip
18 report from the last two years? If you're pulling a TED
19 and fishing responsibly, the odds are you're not going
20 to catch a big monkfish or any monkfish.

21 So, before this process goes down the
22 road -- and I intend to be at the New England Council
23 meeting -- something for fairness has got to come in for
24 the 140 boats that hold the Carolina flounder permit and

1 the 145 or 148 boats that hold the Virginia permit.
2 And I think if I'm not wrong there's 87 or 88 vessels
3 in Jersey. Now, the only one I've left out is Maryland,
4 and I do not know.

5 But there has got to be some justice for
6 the trawl boats in the system. And if you base it on
7 historical landings, and if you base it on a qualifying
8 period, you're going to have to go back before the
9 flounder regulations.

10 But I ask you: Do not carry this one in
11 and penalize these people any more. I have lost -- and
12 one region that makes me so mad. In the last year I have
13 lost six members simply because not that they're not
14 good fishermen, but the way they got caught in the
15 regulatory system, economically they could not exist.
16 And those six boats -- you ask why the groundfish permits
17 left and cut down so much? Those six boats held them.
18 But there again, as I pointed out earlier, they lost.
19 So before this goes through, somebody needs to get
20 outside the box and do it. And NMFS, the National
21 Marine Fisheries needs to be held accountable to think
22 and explain why they have let it happen. Thank you.

23 HOWARD KING: Do Council members have
24 any questions for Jim Fletcher? Thank you, Jim. Jimmy

1 Ruhle.

2 JAMES RUHLE: Thank you, Mr. Chairman.
3 You're not going to hear me speak in favor of catch
4 shares very damn often. And if they're shoved down my
5 throat, I don't want nothing to do with them. This is
6 a perfect opposite. This is a catch share that's being
7 suggested by the industry.

8 Category H permit holders are coming to
9 you suggesting that they have some form of catch share,
10 and they're not even asking what the title should be.
11 I'm not sure either. I was just reviewing the data, and
12 the category of other may apply to these guys better than
13 anything else.

14 But the reason that I went to bat for
15 these guys was several reasons; (1) it just didn't seem
16 fair and equitable to me the way this come down, and
17 somebody made a statement that we can't change the law
18 for six people; and that just didn't set well with me.
19 But besides that, we've resolved it. But these are a
20 respectable bunch of fishermen, and they're
21 professionals. And right now they're coming to you
22 with this suggestion because they're sick of the
23 discards that the management program they're fishing
24 under has created.

1 They're dealing with issues and
2 obstacles that no other monkfisherman deals with unless
3 he happens to come down to fish in these same waters,
4 that is the warming of the water and the invasion of the
5 marine mammals, particularly sea turtles which can be
6 a big problem.

7 These guys are not going to be able to
8 base, Mary Beth, historical landings because they are
9 respectable fishermen, and they quit fishing when they
10 know that the sea turtles are very close. So,
11 therefore, they forfeited days in landings that would
12 have been considered historical landings to do the right
13 thing.

14 And if you don't give this special group
15 consideration when it comes to the allocation and take
16 in the fact that they played by not only the rules but
17 went beyond that. They applied a precautionary
18 approach on their own to say the charts show the water
19 is two days away; we can't afford to make the mistake.
20 They take their gear up. They lose two days; some days
21 it's five; some days it's seven out of a year of
22 allocation days. That's very significant. This
23 monkfish fishery to some of these guys represents a
24 third of their year earnings, a third. It's not just

1 a little fishery to a handful of guys. It means an awful
2 lot to them. And I'll stand here and tell you that
3 they're as good a group to work with as I've ever worked
4 with. I respect them.

5 And they're suggesting now that the trip
6 limits are creating discards because of sand fleas.
7 Sand fleas are bottom tending little varmints that will
8 eat anything up from the inside out in a matter of hours.

9 And if they've got a trip limit and
10 they're fishing to that with the number of nets that they
11 want out and they get an influx of fish and all of a
12 sudden they got twice the trip limit, those fish are
13 wasted.

14 What they're suggesting to you now is
15 remove the trip limit, give them an allocation on an ITQ
16 or whatever the hell you want to call it basis. They
17 will land the amount of fish that's allocated to them
18 by the formula that varies every year on so many days/so
19 many pounds. Boom. Done.

20 That's what you allocate to them on a
21 trial basis of three years and design it so that you
22 don't have to revisit the entire program in three years.
23 If it's succeeding, you just go boom, goes forward. If
24 it's failing, failing everybody involved, then you have

1 the option to revisit it. But they've fished under very
2 significant restraints, and they've fished
3 professionally. Make sure in your minds and in
4 everybody's minds they get the recognition of doing the
5 right thing.

6 I've watched people in the fisheries for
7 years. The scallopers created more damage to monkfish
8 than any other industry. Back in about the late --
9 mostly in the '90s when scalloping was really down --
10 I mean down -- scallop boats were monkfishing and
11 shacking the monkfish.

12 There's more captains got fired during
13 that timeframe than has ever been. And I mean trips of
14 eight and ten thousand dollars they go into a port that
15 wasn't traditional, shack the monkfish, and then go back
16 out and say, oh, we had two bags of scallops. Afraid
17 not.

18 Some of you should remember that. Some
19 of you involved with the fishery should remember that.
20 So there's been players in the monkfish fishery that did
21 the right thing. There's been players that did the
22 wrong thing.

23 These guys did the right thing from day
24 one. You can't base their allocation on historical

1 performance because they were cut out of it. But just
2 recognize that they're professionals and they're asking
3 you to give them the advantage to do the right thing.
4 That's all they're asking for, and I fully support their
5 approach. Thank you very much.

6 HOWARD KING: Thank you. Are there any
7 Council members' questions for Jimmy Ruhle? Thank you
8 for your comments. That's the first I've heard of the
9 sand fleas. On the right side, Greg, please.

10 GREG DIDOMENICO: I want to make my
11 comments very brief. I'm just speaking on behalf of the
12 Monkfish Defense Fund just to say that I know that
13 they've provided extensive comments both in New York and
14 New Jersey.

15 And specifically I wanted to deliver a
16 message to you, Howard. One of my members, Kevin who
17 spoke to you at New Jersey really thought it was a very,
18 very well run meeting and had a lot of good things to
19 say about the back and forth and about the cooperative
20 nature of that public hearing.

21 So we want to make sure that you realize
22 that that was very -- that we were real happy to
23 participate. And I know that they provided extensive
24 comments, and I'm not going to go through those.

1 The one thing I did want to add which was
2 a recommendation for the Monkfish Defense Fund which I
3 think works very well for the Category H permit guys is
4 that this is a perfect example where the visioning
5 process that's going to be taken by the Mid-Atlantic to
6 really consider their situation. It's unique. It's a
7 discrete fishery. They've got extenuating
8 circumstances. And I think this is an excellent
9 opportunity for the visioning process to consider this
10 fishery. Thank you.

11 HOWARD KING: Thank you, Greg. Any
12 questions from the Council? Further comments from the
13 audience? You, sir.

14 CHRIS HICKMAN: My name is Chris
15 Hickman. I'm a monk fisherman from Hatteras, North
16 Carolina. I fish from Barnegat Inlet to the Gulf of
17 Maine on a given year. But these guys in this H permit
18 they really need you all support. They kind of got hung
19 up in the wheels of bureaucracy.

20 But as far as my feelings, I worry more
21 about my community than I do myself because I see
22 infrastructure falling away every day. And my
23 community I feel that stretches from Hatteras to Point
24 Pleasant, New Jersey for the most part.

1 And a lot of places have almost less than
2 one fish ice. And in the Virginia, North Carolina,
3 particularly the Virginia we have one fish ice in
4 Chincoteague, and that's a major port for us in the
5 spring.

6 And Point Pleasant's a little better.
7 It's two there. But the way fishing is going with that
8 dragger fleet there, I wouldn't be surprised to see that
9 be doing something different, a condo or something.
10 But my basic concerns are: is controlling of the quota
11 by a small group of people and how that affects -- I'd
12 like to keep this a small boat fishery. The
13 Mid-Atlantic's based on gill nets, boats anywhere from
14 35 to 50 foot.

15 To give an example why I want to keep it
16 smaller, the fish ice just past the Croakers two nights
17 ago there were 14 people working it. And when you take
18 that out of a community that I really come from in the
19 wintertime that's a lot of jobs.

20 And if we don't keep this to the small
21 boat, I think we lose jobs with consolidation, and I
22 don't think we really need consolidation. I think the
23 fleet needs to be able to fish without the hand-tying
24 situation we're in with days-at-sea.

1 And there are some parts of days of sea
2 that's all right, and then there's some parts of catch
3 shares that's very appealing to a man that just turned
4 62 years old. But I don't have anybody standing behind
5 me, nobody to take my place.

6 Are we going to out-source our seafood
7 production to the Chinese, too? And I mean that's the
8 things that's really important is that we hold the
9 communities together. This fishery's pretty
10 consistent to me every year. I've had basically one bad
11 year out of 11, and I call that more due to weather than
12 the availability of fish. This winter's not been very
13 work conducive to fishing. The other thing I wanted to
14 ask or mention: Does not the Mid-Atlantic Council or
15 the Mid-Atlantic area, are they not able to come up with
16 their own plan excluding New England? I understood
17 that we would be able to -- the Mid-Atlantic would be
18 able to come up with what kind of deal they want.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Chris, I think the Council does have the ability to
21 develop separate management measures for the southern
22 management area, but it would still have to be approved
23 in the context of the joint plan, and so it would require
24 approval by both this Council and New England.

1 But we have two management areas. It's
2 conceivable that we could have two different management
3 regimes covering those different management areas, but
4 it would have to be approved by both councils. And if
5 it represents a LAPP, it's considered a limited access
6 privilege program and an ITQ, it would be subject to a
7 referendum.

8 CHRIS HICKMAN: Well, would it be a
9 separate referendum in both areas?

10 COUNCIL CHAIRMAN RICHARD ROBINS: I'd
11 say that's a question that I think we'll have to review
12 with general counsel and get back to you.

13 CHRIS HICKMAN: Well, I mean if you
14 know, we can have something different than they have,
15 then I would assume that in order for our area to have
16 it -- because it seems like to me you're separating the
17 fisheries to me, really separating them at this point
18 the northern to the southern. And if you don't have the
19 referendum in the size -- in other words, we could
20 influence what happens up there as well as they could
21 influence what happens here.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Chris, the referendum has to be designed by the Council
24 and proposed by the Council and then approved before

1 moving forward. So that's a question really specific
2 to a design, I think, of the referendum. And we'll
3 review that with our attorneys and try to have an answer
4 for you.

5 CHRIS HICKMAN: Well, you know, to me
6 that's we're staying out of their backyard if they'll
7 stay out of ours. But I'm on the advisory panel and
8 everything. I still have a lot of reservations about
9 the catch share deal because I grew up in Eastern Shore
10 Virginia, and I know what happened to the clam fleet.
11 And I really don't want to see anything like that happen
12 to this fishery. It's too important to too many people.
13 Thank you all.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Thanks for your input.

16 HOWARD KING: Thank you. That's the
17 advantage of this type of public process. You won't be
18 faced with this council or either council coming back
19 with a specific proposal and say take it or leave it.
20 I mean you all are part of a bottom-up process at this
21 point, so we'll take note of what you're saying. From
22 the Council, Steve.

23 STEVEN SCHAFER: Thank you, Mr.
24 Chairman. Thank you, Howard. I have a question for

1 Chris. First of all, Chris, thank you very much for
2 coming out today because your participation is vital in
3 effective fisheries management.

4 (Inaudible.)

5 STEVEN SCHAFER: That's all right.
6 Can you describe what doesn't work currently under
7 days-at-sea?

8 CHRIS HICKMAN: The biggest thing is
9 waste to us. You set enough net to hopefully to get your
10 limit, and you'll set another piece to make sure you do,
11 and then invariably you have a shift of mother nature's
12 mind, and the next thing you know you're catching twice
13 or three times as many fish as you've been consistently
14 catching for a couple weeks and they toss back the fleas.
15 They're vicious. That's what happened to Jimmy Hoffer
16 in a New York deli.

17 I'll give you an example. We set a net
18 away from where we were looking for another little place
19 to fish in, and for some reason the fleas liked it better
20 because we fed them that night. We had a hundred fish
21 out of 15 bundles of net, and they were all racks,
22 skeletons, and that was overnight. And typically it's
23 not quite that bad, but if you go more than one or --
24 three days is what I like to fish on. And by that time,

1 I can save 95 percent of my fish easily. If I go any
2 farther than that, then I'm picking, feeding fish.

3 I can't control what goes in my net.
4 Then I have to adjust, take stuff out of the water. And
5 then the next week I don't have enough. So if we could
6 harvest what we have caught instead of wasting it.

7 You know this word discard has always
8 bothered me. I feel like it's manmade. We used not to
9 have much discard 'cause we brought it to the dock and
10 sold it. Am I answering your question or rambling on?

11 STEVE SCHAFFER: No. Absolutely you
12 are. And what you're describing is that unique to the
13 monkfish fishery --

14 CHRIS HICKMAN: Yes.

15 STEVE SCHAFFER: -- given your 62
16 years?

17 CHRIS HICKMAN: It's better than a
18 third of my yearly income, and it's probably closer to
19 half. But we don't need to waste a resource either.
20 And we do have a wasteful system. I don't know how
21 anybody else feels, but we have a problem with the idea
22 that you can surgically remove fish from the ocean, and
23 you can't do it. The idea of catching something -- we
24 have a targeted species, yes, but the stuff on the

1 fringes a lot of times is as important to us as the major
2 target, and if you don't throw it overboard, you don't
3 waste it. Somebody gets to eat it.

4 STEVE SCHAFER: Thank you very much.

5 CHRIS HICKMAN: You're welcome.

6 HOWARD KING: Don't go away. Pete, do
7 you have a question?

8 PETER HIMCHAK: Yes. I just had a
9 comment. Now, you realize, yeah, this very issue about
10 trip limit and we did address that in Amendment 3, which
11 I guess gets implemented May 1st of this year the
12 beginning of the fishing year where you can trade time
13 for fish if you exceed the trip limit, and you don't have
14 to front load the clock.

15 If you're out there and you take more
16 than the daily trip limit, you can land and then be
17 assessed time against more than one day at sea. That's
18 going into effect this year to reduce a lot of this
19 bycatch or discard mortality. So you'll see that. I
20 mean that should help you out like on your particular
21 issue this year.

22 CHRIS HICKMAN: I remember suggesting
23 that. Or I didn't. The AP did. And I thought we got
24 shot down. So apparently we didn't.

1 PETER HIMCHAK: No. It was passed
2 because that was one of the central issues for the
3 southern management area with the gill netters was time
4 for fish, and that went forward.

5 CHRIS HICKMAN: That means I don't have
6 to sleep in the tugboat lane now. I have --

7 PETER HIMCHAK: That's exactly right.
8 You don't have to spend time bobbing around waiting to
9 come in.

10 HOWARD KING: All righty then.
11 Anybody else? Yes, Chris. Mary Beth.

12 MARY BETH TOOLEY: Yeah. Just one
13 question. The councils will look at analysis that
14 describes the characteristics of the fleets and the
15 differences between the southern zone and the northern
16 zone. But I was just curious from your perspective when
17 you say you want to preserve a small boat fishery what
18 do you think a small boat is? What size do you mean?

19 CHRIS HICKMAN: I fish a lot in this
20 territory. But would you say 50 foot and under? And
21 they're not draggers. It's predominantly gill net.
22 What I understand is caught in the draggers in that part
23 of the world was a very incidental catch. It wasn't
24 like I know guys out of Kittery and Boston all the direct

1 monkfish.

2 But we don't have that in the
3 Mid-Atlantic in the southern management area. I
4 believe everything that's caught through a trawl boat
5 or scalloper is incidental. It's not a targeted
6 species. But I do remember what Jimmy was talking
7 about, too, and it wasn't in the scallops. I think
8 that's why we had bad information in the South. There
9 was a lot of little fish caught. But that's the main
10 difference that I see was just that it's a predominant
11 gill net fishery. And they're (inaudible) like I said,
12 North Carolina to New Jersey every year.

13 HOWARD KING: Thank you. Yes, sir.
14 Come up, please.

15 TOM DANCHISE: My name is Tommy
16 Danchise, and I'm a gill netter out of Wanchese, and I'd
17 like to thank the Council for the time putting up with
18 us and listening, but mostly I got to say that in 1995
19 we came in this same exact room -- Mr. Munden, Mr. Ruhle,
20 Mr. Fletcher, and I think Ms. Kurkul was here, and we
21 almost begged for a permit that we got six years later.
22 And we really, really hope that this time we don't fall
23 on a deaf ear. Thank you.

24 HOWARD KING: Thank you. Any further

1 comments from the audience? Any further -- all right,
2 Jim, one more bite at the apple.

3 JAMES FLETCHER: No. This is
4 clarification. We are not at this management talking
5 about black fin monkfish. We're talking about the one
6 that starts with an L. Two species of monkfish. We're
7 only talking about one. Clarification. Correct?
8 Somebody speak louder so it's on the tape.

9 HOWARD KING: Yes.

10 JAMES FLETCHER: Thank you.

11 HOWARD KING: Any further questions or
12 comments from Council members? All right. Then I
13 would just like to remind everyone written comments are
14 encouraged. This is taped, so we have your verbal
15 comments. And comments that are written -- and you can
16 find the addresses on the handouts on the back of the
17 table -- but the comments go directly to the National
18 Marine Fishery Service.

19 It can be either e-mail or fax. The
20 deadline, however, is 5 p.m. February 15th. So not far
21 in the future. So, if you feel you have additional
22 comments or want to emphasize what you've said tonight,
23 feel free to submit those in writing. And with that,
24 if there's no further comment, the hearing is concluded.

1 Thank you.

2

3 WHEREUPON:

4

5 THE MEETING WAS SUSPENDED AT 5:49 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 23rd, day of March, 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

9-10 FEBRUARY 2011

at

Hilton New Bern
100 Middle Street
New Bern, NC 28560

THURSDAY, FEBRUARY 10, 2011

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PETER HIMCHAK

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1 [8:55 a.m.]

2

3

INTRODUCTIONS AND ANNOUNCEMENTS

4

COUNCIL CHAIRMAN RICHARD ROBINS:

5

We'll take up the minutes from the December meeting.

6

You've had an opportunity to review the minutes? Go

7

ahead, Gene.

8

EUGENE KRAY: Excuse me, Mr. Chairman.

9

Do you want to talk about MCORA in the Executive

10

Committee, or do you want to hold off until the full

11

meeting?

12

COUNCIL CHAIRMAN RICHARD ROBINS: We

13

can take that up in your report.

14

EUGENE KRAY: Okay.

15

COUNCIL CHAIRMAN RICHARD ROBINS: When

16

you report out is fine.

17

18

APPROVAL OF DECEMBER 2010 MINUTES

19

COUNCIL CHAIRMAN RICHARD ROBINS: So

20

you've had an opportunity to review the minutes as

21

distributed for the December meeting? Are there any

22

comments on the minutes? Any changes? Gene.

23

EUGENE KRAY: I move for approval.

24

COUNCIL CHAIRMAN RICHARD ROBINS:

1 Okay. We can do it by consent. Without objection, the
2 minutes are approved as distributed. All right. Our
3 next item is going to be a presentation from Paul Rego.
4 Paul will be speaking, I think, remotely or through the
5 webinar for us on the SBRM. Jason, is he linked up?

6 JASON DIDDEN: Paul, can you test the
7 audio?

8 PAUL REGO: Yes. Testing, one, two,
9 three.

10 JASON DIDDEN: Okay. That's good.
11 You have control of the webinar, so you can just go
12 ahead.

13

14 BYCATCH REPORTING METHODOLOGY (SBRM)

15 PAUL REGO: And get started? Okay.
16 Good morning, everybody. It's a pleasure to be here.
17 I think I'd rather be there than here, given the weather
18 conditions, but I do appreciate the opportunity to talk
19 with you this morning.

20 I want this opportunity to try to orient
21 you to the standard bycatch reporting methodology or
22 SBRM report. I want to deliver the information related
23 to the annual discard report and talk about the process
24 for 2011.

1 Also, I wanted to acknowledge the
2 underlying work and support that Susan Rigley and
3 Jessica (inaudible) in preparing this report, the
4 presentation. And I realize that this can be kind of
5 a dry topic here, but I think it should be emphasized
6 that this is a very synthetic and whole system approach
7 to the management of fisheries in the Northeast.

8 It incorporates a huge amount of
9 information. The SBRM is a combination of a sample and
10 design sample of collection procedures and analysis,
11 and it estimates bycatch in multiple species. So it is
12 a multispecies, ecosystem-based approach to looking at
13 the overall landings and discards of species across all
14 fisheries. You know, we use a structured approach for
15 determining the efficacy of validating observer days,
16 how well we monitor these resources. And it addresses
17 52 separate fleet and species or species groups and 14
18 different FMPs, and it includes turtles. If you do the
19 math there, there's 780 combinations of information
20 estimates that have been analyzed.

21 These constitute 3000 trips -- 3400
22 trips by observers or more than 10,000 days of observed
23 trips. And there's over 99,000 trip reports analyzed
24 as part of this report. So it's a huge amount of

1 information processing that's used to derive
2 (inaudible) allocation.

3 One of the things I think that -- a
4 distinguishing feature of this approach is that it's
5 integrated, and it looks for both observer coverage to
6 address a relative precision target and relative
7 importance of those discard fish stock by mammals.

8 And in particular, I want to emphasize
9 that the methods are used to ensure that (inaudible)
10 allocations are not driven by imprecise estimates of
11 small quantities, that is, you're not chasing ghosts;
12 you're not trying to resolve precision of catching
13 scallops in the gill net fisheries because those are
14 very rare events, and so you don't focus your effort on
15 the unimportant things. You, in fact, focus on those
16 quantities which are most important. Another feature
17 of this is that the process identifies new fleets,
18 includes new fleets as they emerge, the Ruhle trawl in
19 2010. It had a separator trawl in 2011. And the
20 allocation -- by regulation the allocations are based
21 on the fishery management species, that is, those
22 species which are included in the 14 fishery management
23 plans, but all species are monitored in this process.

24 So sometimes it's thought, no, we don't

1 consider striped bass, we don't consider sturgeon or
2 something. These species are, in fact, covered, but
3 they are not part of the allocation process in the way
4 it's presently structured.

5 And another thing is that it does have
6 the ability, as a result of this monitoring approach,
7 it does have the ability to respond to meet demands as
8 they arise, for example, the river herring issues.

9 On the next slide here I just wanted to
10 give you an indication of where the SBRM documents are
11 available. They are available at the website listed
12 there, and you can go to the Center's website and then
13 search under the site index using S, and you'll find the
14 SBRM documents there. So you'll have not only the
15 documents for this year, but also previous years as
16 well.

17 So today's presentation has three
18 basic components to it. The first is the annual discard
19 report for 2011. This is a very, very large report. It
20 provides an overall summary of the discard information
21 by species group and by individual species. You've got
22 a discard rate for each fishery, but they are not the
23 discard totals. The second report, which is the one
24 that we'd like to focus on today is the sea day analysis

1 and prioritization. It is designed to meet the SBRM
2 standard which includes the days needed to achieve a 30
3 percent CV of the discard total in each of the fisheries.

4 Now, a 30 percent CV of that discard
5 total means that you have a total plus or minus 50
6 percent if you're thinking of sort of a normal
7 distribution of population estimates. But it is an
8 important point, and it is the standard that was
9 established early on in this regulatory process.

10 So one of the things that we do then is
11 compare these standardized days with the prioritized
12 days. And this is where the Council comes in in terms
13 of take a look at our initial prioritized days and
14 providing some feedback on that.

15 It's important that we receive these
16 comments back by March 4th. The reason is that the
17 observer coverage year, much like a fishing year, begins
18 April 1st, continues through March of 2012.

19 And then finally the other thing of this
20 presentation is to provide an update on plans for the
21 -- there's a three-year evaluation that's required this
22 year. A three-year evaluation has several components,
23 parts of which will be delivered in later this spring
24 and then another larger report in the fall of 2011. So

1 the SBRM annual discard report summarizes the data from
2 July 2009 through 2010. As I said before, it has
3 discards rates by species group, by individual species.

4 And I will not be going through the
5 details of this report, but it is available, and it can
6 be used as your own basis for feedback. More important
7 reports for concerns of providing the Council's
8 perspective on issuance of the allocation of sea days
9 is the prioritization report. You do have a copy of
10 that, I believe, in your briefing booklet.

11 And it has five different, six different
12 primary tables. The first is just a species group.
13 There's a summary of the activity for that period that
14 is July of 2009 through June of 2010 for the numbers of
15 trips taken by the observer program as well as the
16 numbers of trips reported through the vessel trip
17 reporting system and then secondarily on Table 3 the
18 numbers of days by observers and the number of days by
19 the vessel trip reports. So this is kind of a report
20 card that was done in 2009 and '10 and so forth.

21 And then Table 4 is an analytical table
22 that provides the basic numbers of days needed by
23 species group and fleet. We talked about that. And
24 then we also talk about the key table to focus on is Table

1 5, that is, what are the standard sea days that we expect
2 and the portion of allocated sea days and how if we
3 simply ignored sort of priorities and proportional
4 allocated them and then made an initial cut of the sea
5 days. Since this is the third year in which we've been
6 doing this process, we have been building and taking
7 into account the priorities as they're requested by both
8 councils here. So this is getting pretty close to what
9 everybody else receives.

10 And then Table 6 is important as well.
11 And that includes the expected CV given the prioritized
12 base. So it's important to recognize that although the
13 shortfall in days results in a failure to meet the 30
14 percent standard, it may mean that it fails to meet it
15 in a very small fashion, and I'll give you an example
16 of that a little bit later.

17 So April 4 this is an illustration of how
18 the process works. And essentially, when you have a
19 number of sea days required to achieve a target biomass,
20 it's the maximum one in any given fishery, that is, each
21 one of those rows represents the definition of a fleet
22 that we allocate observer days to.

23 And then an example, in Row 2 spiny
24 dogfish, this is an longline fishery for vessels

1 originating in New England dogfish. And in order to
2 achieve the days, you'd need 184 days. But all the
3 other days in this example are sort of zeroed out.

4 And then when we do have instances where we have
5 no activity with having covered that fleet before, we
6 use pilot coverage, which is based on a percentage
7 standard for a fleet.

8 In terms of the sea day allocation, here
9 is just kind of a quick summary of what's gone on in the
10 three reports thus far. For 2007 and '08, which was in
11 the 2009 SBRM report, there were 44 fleets covered --
12 at the upper left-hand corner of the graph -- and that
13 has grown to the 52 fleets in 2011.

14 The numbers of sea days, if you were to
15 achieve the 30 percent standard across all species
16 groups and all fleets, is shown in the sort of what we
17 call the baseline sea days is 54,000 to 52,651 days in
18 2011. So that would be if everything was important, you
19 would need that many days.

20 What we call the standard of filtered
21 sea days are the numbers of observed days necessary to
22 include 95 percent of the discards, that is, if there's
23 only 5 percent of the discard mark sort of being
24 addressed, 98 percent of the total mortality, that is,

1 the combination of discards and landings.

2 So the difference between the 52,651 and
3 19,507 days represents the additional days, more than
4 30,000 days necessary to address only 5 percent of the
5 discards and 2 percent of the total fishing related
6 mortality. So it's basically showing that to get that
7 last small increment there addressed you need an
8 enormous amount of days. And these standards, this 95
9 percent and 98 percent, seemed reasonable, and they
10 were, in fact, the basis under the original amendment
11 approved by the councils.

12 This kind of gives you the days now that
13 there's an increase in the number of the standard days
14 required in 2011, and it goes from yesterday -- it would
15 be 14,647 days last year to about 19,507 days this year.
16 And we'll talk about that in the coming slides here.

17 But the New England autumn trawl, large
18 mesh fishery had the largest increase in SBRM standard
19 sea days, and that was related to red crab. Okay.
20 There's sort of a breakdown here of the days. 15,943
21 days will be coming from agency funded fleet, and only
22 664 days from industry-funded fleets. These are all
23 scallop fleets. And so these are giving you that total
24 of 19,507.

1 To illustrate what is available, this
2 slide here basically gives a preliminary estimate of
3 what we anticipate being able to fund for the 2011 to
4 2012 SBRM year. There's 10,650 days from agency
5 sources. The huge largest fraction of those are
6 oriented towards fleets that take New England
7 groundfish. There is an Atlantic Coast fleet, a
8 funding source that allows for 544 days and about 3,000
9 days from industry-funded scallop fisheries. So that
10 gives a total of 13,904 days, which is 5,603 days less
11 than the 19,000 days required under the SBRM. So the
12 process then is one of trying to reduce that coverage
13 or to allocate it in various ways.

14 And I would draw your attention to
15 Table 5. And this presentation has some very -- mostly
16 just to orient you to what's in that table and provide
17 a basis for either questions or your comments
18 subsequently.

19 But the Column 1 here is the standard
20 days required to achieve these performance standards,
21 and that gives you that 19,507 days. If you were to
22 simply allocate what was available, that is the 13,904
23 days, proportionately across all those fisheries,
24 that's what's in Column 2. That's assuming you're

1 going to take those and not consider any other
2 constraints.

3 Column 3. This is a step wise process.
4 Column 3 represents if you were to acknowledge the
5 funding constraints -- as I indicated earlier, there is
6 a huge orientation towards fisheries or fleets that
7 catch New England groundfish.

8 Now, that doesn't mean that all those
9 fleets originate in New England, but, again, many of
10 them do come from the Mid-Atlantic, but (inaudible) some
11 capability of actually New England groundfish fishery.
12 So that provides some supplement there. If you
13 consider those constraints, you get a total allocation
14 there. And then the next one which is important is this
15 Column 4 which provides an initial coverage level
16 related to the expectations based on what we think is
17 going to happen in terms of fleet activity and also what
18 we anticipate through the pretrip notification system.

19 The pretrip notification system is an
20 important component of several different fleets, most
21 notably the New England groundfish and more recently
22 beginning in January for the vessels that intend to
23 catch more than 2500 pounds of loligo and the butterfish
24 cap.

1 Table 5 is just the rationale of the
2 recommendations. So, again, it's just a way of giving
3 you some idea of what the expectations are. Now, if
4 you're older than 50, you'll have a hard time reading
5 some of those tables there, but they are designed to try
6 to get everything oriented for one page here.

7 Table 6, this is an important table,
8 too, because it does give you some idea of what the
9 expectations are under the reduced numbers of sea days.
10 So it gives you the expected precision given that you
11 have only 13,907 days to work with. And it shows, for
12 example, in this case that in the New England otter trawl
13 and large mesh fishery, Row 8, that you would need 5,183
14 days. If you only allocate 4,235 days, so there's a 948
15 day difference, you achieve a very high degree of
16 precision for monkfish, for large mesh groundfish.
17 It's like 4 percent CV. Nine percent -- 8.6 percent for
18 small mesh groundfish. All these are defined in the --
19 dogfish even 4.6 percent. The ability to achieve the
20 necessary precision is for red crab, that value has a
21 CV of 34.6 percent.

22 So, essentially, what this is
23 illustrating is that 948 days would be necessary to
24 achieve 30 percent CV across the board, and it

1 represents only a 5 percent improvement in the precision
2 for red crab.

3 So it's essentially saying spending a
4 lot of extra days in order to achieve very little in
5 terms of precision. So this is one of the attributes
6 or one of the nice features of the SBRM approach is that
7 it does allow for an overall consideration of the
8 trade-off between effort and then precision. So this
9 seems appropriate in terms of the prioritization.

10 There are several fleets that are of
11 particular interest to the Mid-Atlantic Fishery
12 Council, and we've taken those out just to highlight
13 them to some extent. And these three fleets are in Rows
14 5, 6, and 7 in all the tables that you have there.

15 But the one that's the Mid-Atlantic
16 small mesh trawl fleet, the Mid-Atlantic large mesh
17 trawl, and then the New England small mesh otter trawl
18 fleet. And the numbers of sea days there are both
19 pretrip notification days and nonpretrip notification
20 system days. And by that I mean there's two systems;
21 one is kind of an allocation based on an overall
22 stratified random design, and then within that we expect
23 to have a certain amount of activity associated with the
24 call-in programs, so then a good chunk of those days.

1 Three hundred seventy-one call-in days
2 in the small mesh Mid-Atlantic trawl fleet is that which
3 is covered by -- these are what we're expecting to occur
4 for butterfish. And the same thing for the New England
5 small mesh trawl, there's 379 days there. These are the
6 days that we would anticipate being allocated to vessels
7 that are part of the call-in program.

8 The remaining days, the other ones, are
9 for those vessels that are in that fleet category, but
10 may not be targeting loligo and others. A comparison
11 between 2010 and 2011 is given here. It's basically
12 showing that for the prioritized days for the small mesh
13 otter trawl fleet in 2010, we had 553 days, and we're
14 recommending 616 days in the New England small mesh
15 otter trawl fleet. There was 954 days last year. This
16 year it's recommending 539 days. The biggest
17 difference is in the Mid-Atlantic large mesh trawl
18 fleet. Most of these do not catch butterfish, for
19 example, but they do catch other groundfish species.
20 That one has been reduced from 1582 down to 120 days.
21 So it's kind of giving you a highlight of some of the
22 differences.

23 And then there's a couple of caveats
24 here. One is that the -- I'm sure -- I can't see your

1 faces, but I'm sure you're well aware of the problems
2 with the funding constraints. The Mid-Atlantic fleet
3 for the small mesh fleets remain under funded relative
4 to the Northeast fisheries is just a statement of fact.

5 There's a high level of coverage in the
6 fisheries. Much of this is supplemental coverage
7 associated with the implementation of sectors. The
8 fleet coverage, as I said earlier, relies on this
9 combination of a stratified random and systematic
10 sampling.

11 The systematic sampling is the pretrip
12 notification or the call-in program. One of the
13 advantages of that is that it does help with the dynamic
14 nature of fleet activity and the fact that vessels and
15 fishery regulations often reduce changes in activity,
16 timing, and so forth. And some of that stuff is
17 predictable, but there's that which occurs in the
18 scallop fleet, and some of it is less predictable, as
19 we see in other states where the management measures
20 have been implemented. So the adaptive nature of this
21 is important. And then finally, just a final caveat is
22 that the scallop fleet -- this is based on a preliminary
23 compensation rate analysis that is designed in
24 collaboration with the Council, the New England

1 Council, and the regional office to say what was an
2 appropriate level of compensation for vessels and
3 funding in that program.

4 So the last point then is that there is
5 a three-year evaluation in 2011, and SBRM language in
6 the Federal Register that says that every three years
7 the regional administrator and the science and research
8 director will appoint the appropriate staff to work with
9 the executive directors of the council to obtain and
10 review available information on discards and prepare a
11 report reflecting the effectiveness of the SBRM in the
12 Northeast.

13 So we will be preparing and delivering
14 that information in two parts. The first part will be
15 next April or May. There's a data summary. This will
16 have discard estimates across all fleets for three
17 years.

18 And then there will be an evaluation.
19 This will be a more synthetic review of basically how
20 well are we doing with respect to this allocation
21 process, what are some of the pitfalls and what are some
22 of the things that we need to address. So I think that's
23 the main issues I wanted to cover. I think I'm under
24 about 35 minutes here. So, having put everybody to

1 sleep by now, I would like to entertain questions.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Thank you, Paul. Questions for Paul. Mary Beth.

4 MARY BETH TOOLEY: Thank you, Paul, for
5 that report. The one question that I have -- and we had
6 a discussion at the New England Council about this as
7 well -- is that you're asking for some prioritization
8 recommendations from both councils, and the dates that
9 you referenced I believe was March 3rd perhaps?
10 Fourth. And neither council is going to be meeting
11 again before that timeframe. How would you envision
12 that the councils would be providing that information
13 to you?

14 PAUL REGO: (Inaudible.)

15 JASON DIDDEN: Yeah. Paul, you just
16 need to mute the computer when you respond and then just
17 turn your speakers back on to listen to questions.

18 PAUL REGO: Okay. Will do that. The
19 preferred method for response would be to have the
20 councils send us a letter that represents input from the
21 various committees and staff related to their
22 priorities.

23 Of course, anyone can provide us with
24 direct comments as part of this process, and we'll be

1 happy to consider them. They should be addressed to the
2 center director and to the regional office
3 administrator to sort of ensure that they are part of
4 the formal record. We will be having a webinar on March
5 2nd that has been scheduled, and we will provide a
6 presentation very similar to this in order to build --
7 sort of orient everybody to the process.

8 The New England Council has a document
9 that is in your briefing book and also access to the very
10 large report on the website. So I hope I've answered
11 the question. Now I'll go back to feedback mode here
12 and turn this off for a second. Thanks.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Other questions for Paul? Paul, the shortcomings or
15 the shortages in coverages on the small mesh fleet has
16 been a recurring concern, I think, in the Mid-Atlantic
17 as well as New England, and so I would anticipate that
18 we'll go through the process of developing our council
19 letter as we do every year that speaks to some of the
20 shortcomings.

21 But in the long run, we're obviously
22 going to eventually need more funding to really meet the
23 needs in the Mid-Atlantic. The existing constraints
24 that direct resources to the New England groundfish

1 coverage I think really hamper our ability to
2 effectively monitor our fisheries. And that's a
3 chronic problem. It's a structural problem. But
4 that's something we're going to have to keep working on.
5 But we will submit a comment letter and plan to do that.
6 Are there any other questions right now for Paul? Jim
7 and then Jason.

8 JAMES FLETCHER: Good morning, Paul.
9 James Fletcher. Can you tell us the total number of
10 tonnage of product that is discarded from this that
11 could be sold but because of regulations?

12 I don't think anybody realizes the
13 tonnage of discards that are caused by regulations.
14 And could that be teased out of this? Maybe not now
15 because I know you can't do the calculations. But could
16 it be teased out and presented to the Council? We're
17 discarding at least half of what we're catching, and it
18 needs to be pointed out. Thank you.

19 PAUL REGO: Yeah, thank you Jim. You
20 bring up a very good point, and it's a good segway to
21 the three-year report. One of the things that will be
22 addressed in that report is sort of a summary of the
23 total tonnage across all fleets for all species.

24 So there will be, I think, a much

1 anticipated report that will provide that information
2 on an SBRM year basis, that is that April 1st through
3 March 31st sort of SBRM year. So these will be the
4 information that is the basis for the report, the
5 allocations we've been making. In addition, which is
6 I think germane to your question, there is a discard
7 reason associated with each of the discard and trips.
8 And so that information will be available and summarized
9 in that three-year report, but it is also in that Report
10 No. 1, the overall in the report. It's Appendix Table
11 1A. And that report on page 1A and 1B it kind of gives
12 you the reasons for discard, and so you can get some
13 indication there.

14 These are raw discard rates. They're
15 not expanded. There's a total. But they do represent
16 the total numbers that were observed and the reasons by
17 which they were discarded. So thank you.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Jason.

20 JASON DIDDEN: Just one thing that
21 staff likes to know when the discussion of CV come up.
22 The performance standard is often quoted as a CV of .3,
23 and just keep in mind that generally means that you have
24 a 95 percent confidence interval is plus or minus 60

1 percent.

2 So, when you hear those CVs, if you
3 double that, that gives you your confidence interval.
4 And that there are a lot of sources of uncertainty that
5 go into that CV estimate. So they're actually wider
6 than they appear to be on paper.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Thanks, Jason. Any other questions for Paul? Paul,
9 thanks again for your time this morning and for your
10 presentation. We'll be following up with our letter in
11 short order. Thank you. With that we'll move on to the
12 organizational reports. The first one is the Northeast
13 Regional Administrator's Report. And George Darcy
14 will be giving that for us.

15

16 NMFS REGIONAL ADMINISTRATOR REPORT

17 GEORGE DARCY: Thank you, Mr. Chairman.
18 I just wanted to note how far we've come in this SBRM
19 from where we used to be in terms of the information that
20 we all get and the input that the councils can have in
21 this process. So I'm really pleased that it's worked
22 out as well as it has so far.

23 In terms of announcements, the summer
24 flounder, scup, and black sea bass 2011 specifications

1 January 29th, so that access area was closed on that date
2 to all limited access general category IFQ vessels, and
3 they'll have access to that area again March 1st with
4 the start of the new fishing year.

5 Monkfish Amendment 5, which you had some
6 discussion of yesterday, the notice of availability for
7 that amendment, which is basically the ACLAM amendment
8 for monkfish, was published on February 1st, starting
9 comment period on the amendment. Public comments on
10 that will be accepted through April 4, 2011.

11 And finally, I've been asked to make an
12 announcement that the Department of Commerce and NOAA
13 just released draft aquaculture policies for public
14 comment. They were released yesterday I believe.

15 The two policies, Department of NOAA
16 policies, are complimentary and together provide a
17 national approach for: supporting and enabling
18 aquaculture with the goals of increasing the U.S. supply
19 of healthy seafood, creating jobs in coastal and other
20 communities, spurring innovation and technology, and
21 helping to restore depleted species and marine
22 habitats. As NOAA continues to rebuild wild fish
23 populations, we recognize that the world's demand for
24 seafood will continue to grow, and our vision for

1 sustainable seafood includes aquaculture as a
2 complement to wild caught fisheries in meeting that
3 demand.

4 The draft policies are available now on
5 our aquaculture website, which is
6 <http://aquaculture.noaa.gov>. And there will be a
7 60-day comment period which will close on April 11th.
8 NOAA will also be hosting national call-ins on February
9 16th and February 23rd to brief the public on the
10 policies.

11 Information on those calls is also
12 available on the website I just provided to you. And
13 if you have any questions regarding any of this, you may
14 call Susan Bunsick, B-u-n-s-i-c-k, NOAA's Aquaculture
15 Program, and her e-mail is Susan.Bunsick --
16 B-u-n-s-i-c-k -- @noaa.gov, and her phone number is
17 301-713-9079. Thank you.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Thank you, George. The U.S. just negotiated higher
20 yellowtail allocations with the Canadians. At what
21 point will that translate into potential quota
22 modifications?

23 GEORGE DARCY: The TMGC decided that
24 they would recommend a higher quota -- you're

1 correct -- as a result of the new legislation that was
2 passed in January I believe. So there's still a final
3 approval process as part of the U.S.-Canada
4 arrangements, but assuming that that goes forward as
5 proposed by the TMGC, we would probably be implementing
6 that through the final role for Framework 45. I think
7 that's the plan. It will be for fishing year 2011
8 starting May 1st.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thanks, George. Other questions for George? Okay.
11 Thanks for the report. We'll move on to the Science
12 Center director, and we'll look to Jim Weinberg to
13 deliver that. Thanks.

14

15 NMFS NEFSC DIRECTOR REPORT

16 JAMES WEINBERG: Thank you. I will
17 give a summary of survey-related activities and then
18 mention stock assessments. The 2010 autumn bottom
19 trawl survey was completed awhile ago. And I wanted to
20 mention that the auditing process of the survey data was
21 expedited based on requests that we had from managers.
22 The data for all of the skates and butterfish were
23 audited well before the other stocks and provided for
24 use.

1 There is also one thing I'd like to note
2 about a catch during the survey in the fall. Out on
3 Georges Bank there was a large catch of zero year class
4 haddock. Now, these haddock won't recruit -- they
5 potentially will recruit to the fishery in a few years,
6 but I just wanted to mention that this was an exceptional
7 catch and that this is something that may appear in the
8 fishery down the road. Of course, it depends on their
9 survival. But I just wanted to mention that.

10 Then there are some tentative surveys
11 that will take place in 2011. Here's our tentative
12 schedule. For the spring bottom trawl survey, it will
13 begin on February the 28th and end on May 12th. The sea
14 scallop dredge survey will begin on May 11th and end on
15 July 1st. And that will be done on the Sharp.

16 The clam dredge survey is scheduled for
17 July the 5th through August the 12th, and a northern
18 shrimp survey from July the 18th to August the 13th. We
19 also have a couple of optical survey pilot projects that
20 are ongoing. One is with an autonomous underwater
21 vehicle, and that work is being done in April with the
22 Gloria Michelle.

23 And then there's work being done on the
24 RV Hugh Sharp with the stereo habcam system, and that

1 will be done in June. Moving on to a slightly different
2 topic that was mentioned on the first day of this
3 meeting, the excessive shares peer review. There will
4 be -- that's a process that's been ongoing for about a
5 year, and the -- John Walden
6 at the Science Center is the point of contact for this.
7 Lee Anderson has also been very involved here from the
8 Council. But the way the process is playing out there
9 are a few dates to keep in mind. In March, March the
10 4th, I believe, there will be a webinar in which they'll
11 be discussing the report that they've gotten from a
12 contractor (inaudible) in terms of reference that they
13 were supposed to address regarding excessive shares.

14 Then I think they'll have until about
15 April the 8th for the experts to modify their report and
16 submit it. And then down the road in late June, there
17 will be a CIE review of that report. So those are just
18 things that are coming up in the next few months
19 regarding the excessive shares peer review.

20 Moving on to stock assessments. I gave
21 a report yesterday on the SARC 51 and spoke in particular
22 about loligo. And just mention that hakes were also
23 reviewed during that SARC 51. The next SARC will take
24 place the week of June the 6th, and that will be SARC

1 52. And on the schedule for review are three benchmark
2 assessments of the winter flounder stocks, the Gulf of
3 Maine, Georges Bank, and Southern New England.

4 The Center is also going to be doing the
5 spring analyses on all of the New England groundfish
6 because in their amendment there's a requirement for a
7 biennial review of the status of all of those stocks.
8 So the Center will be doing analyses to look at the
9 survey data and review catch information and so forth
10 for the 19 GARM stocks. The TRAC is also scheduled for
11 the Eastern Georges Bank cod, Eastern Georges Bank
12 haddock, and Georges Bank yellowtail flounder. And
13 then we're also going to be doing updates for many of
14 the Mid-Atlantic stocks that are typically done.

15 And you may recall that these were off
16 the schedule at one point, but they've been returned to
17 the schedule because we had a request to do that, and
18 the Council and the Center sees that as something we can
19 do and provide.

20 It's more a matter of us scheduling
21 this, given all of the other things that are also in the
22 queue. But we're trying to provide the information that
23 the councils definitely need. For SARC 53 which will
24 be in December of 2011 two stocks are on the schedule,

1 black sea bass and Gulf of Maine cod.

2 Then I just wanted to spend a minute or
3 less talking about the ACL working group which Rich
4 Seagraves mentioned during the Executive Committee
5 meeting this morning. And this is just a heads-up that
6 we have a large working group of about 20 people that
7 has membership -- this working group has oversight from
8 the NRCC, and we have membership, staff from the Science
9 Center, both of the councils, the regional office and
10 the ASMFC. And the purpose of the working group is to
11 develop a new framework for how we do and produce and
12 report stock assessments in our region. It includes
13 both of our councils. There are four primary tasks that
14 we're working on. The first has to do with the
15 scheduling and frequency of stock assessments. Then
16 there are two other tasks that are after that. Talking
17 about an operational TRAC which will be largely like the
18 kind of updates that you've heard about before for stock
19 assessments and the new word, that that will sort of
20 translate from -- update into operational assessments.
21 And these will be assessments that use methods that have
22 been previously peer reviewed and accepted.

23 Then there will be a separate TRAC which
24 operates largely like the SAW/SARC process does now

1 where new research assessment methods will be developed
2 and peer reviewed, but they won't be the ones -- those
3 meetings will not give you stock status determinations.
4 It will be the operational TRAC that is providing
5 frequent stock status for the managers.

6 And our group has -- we attempted to meet
7 several times. The weather hasn't helped us. But our
8 group has actually existed for about two years, if not
9 more, and we do have a meeting, a face-to-face meeting
10 scheduled at the end of -- I guess February the 24th --
11 so it's coming up -- the 24th and 25th.

12 And then we'll be writing a white paper,
13 which is basically a proposal of how things will be done
14 after some appropriate transition phase, and presenting
15 that proposal to the NRCC this spring. The
16 chairmanship of this group has varied through time, but
17 at the moment I'm the chairman of one of the tasks along
18 with Richard Merrick. So you'll probably be hearing
19 more about the ACL working group during the coming year.

20 That concludes my -- oh, one other
21 thing. Paul Rego just presented to you the
22 prioritization proposal for observer sea days. And a
23 webinar is also going to be set up for March the 2nd,
24 and Paul will be presenting the same report during the

1 webinar.

2 And there will be a notice for this
3 webinar in the Federal Register, and also we'll have
4 information posted on our SAW/SARC website, and the
5 New England Council will also have the call-in
6 information so that the public can call in to this
7 teleconference webinar. Thank you.

8 COUNCIL CHAIRMAN RICHARD ROBINS:

9 Thank you, Jim. So, again, we will still count on
10 updates for our annual updates this year in 2011 for
11 summer flounder, scup, black sea bass, etcetera; and
12 then in December we'll have a benchmark assessment on
13 black sea bass. Will that benchmark assessment get
14 into the question of stock structure? Is that not one
15 of the terms of reference in there?

16 JAMES WEINBERG: We haven't actually
17 set the terms of reference for that SARC yet, but it's
18 something that I have to start working on. But it can
19 be. I mean the way our terms of reference are set we
20 have a set of core terms of reference, and then we seek
21 recommendations from both of our councils. So you'll
22 have opportunities to provide input to that.

23 COUNCIL CHAIRMAN RICHARD ROBINS:

24 Okay. Well, again, I think given that Council and

1 Commission's management interest in that specific issue
2 and some of the technical writings that we saw perhaps
3 a year ago on that, that will be an area of interest for
4 us as those TRs are developed. Questions for Jim?
5 Peter.

6 PETER deFUR: Thank you, Mr. Chairman.
7 Jim, is there a report available on that prioritization?

8 JAMES WEINBERG: Yeah. In the very
9 back of your briefing book. The report that Paul was
10 walking you through is in the very back of your briefing
11 book. But there are also in the physical book that I
12 have that -- I don't know if it's on your computer. But
13 the information is also available. I think I have a
14 sheet that has that in another folder, and I can get you
15 websites and links to all the reports.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 John.

18 JOHN BOREMAN: Jim, I'm hearing from
19 several sources through NMFS headquarters and the
20 Center that the days-at-sea this year for the vessels
21 are in jeopardy. They've been cut way back from
22 previous years. I think the number I heard, which may
23 or may not be true, is the total number of days-at-sea
24 allocated to the Center is less than a hundred. Do you

1 want to comment on that and how that might affect surveys
2 for this coming year?

3 JAMES WEINBERG: No. I answered the
4 question. I think that this -- I know -- I don't know
5 a lot about our budget, and that's generally something
6 I -- people don't even ask me to go to those meetings.

7 But I know that the news about the budget
8 for the coming year isn't good. But I still think that
9 it's kind of playing out, and they're seeing how much
10 money is actually allocated. So I don't really know the
11 details, but I don't think we're in a panic mode yet.
12 So that's about all I can say.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Well, John, if I can follow up. Are you aware if this
15 is simply a regional constraint, or is this a national
16 constraint; and if it's a national shortfall, perhaps
17 we could have an all-council engagement on the issue.
18 But go ahead.

19 JOHN BOREMAN: Yeah. It's a national
20 constraint on the NOAA fleet. They're facing a serious
21 budget short -- they do every year, but this year from
22 what I'm hearing it's more serious than in other years.
23 And my follow-up to Jim is that is there anything that
24 we as a council can do to facilitate getting our

1 days-at-sea, like sending letters of support or
2 encouragement, especially for the bottom trawl surveys
3 for the Mid-Atlantic. At least the interest would be
4 that as opposed to a northern shrimp survey. But at
5 least try to preserve our bottom trawl surveys for this
6 year.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Jim.

8 JAMES WEINBERG: It sounds like a good
9 idea, but I don't want to give you the go-ahead on that.
10 I think it would be best to consult with Nancy Thompson
11 about it because there may be people having discussions.
12 The timing of requests, as you know, is often important
13 and who it's coming from.

14 I did want to mention that right in the
15 SAW/SARC process we've been having SSC members chair the
16 SARC recently, and that's been something we've been able
17 to do because both of our councils have received funds
18 during the last two years for that purpose.

19 And when I contacted Paul Howard for a
20 SAW/SARC chairman from his SSC for this upcoming SARC,
21 for the first time in two years he notified me that they
22 don't have the money yet, and so at this point he
23 couldn't commit to being able to provide an SSC member
24 to chair the SARC. So that's another thing that we're

1 hoping the money will appear for. So along with the
2 survey, I guess that's something -- if you do end up
3 dealing with issues, that's another thing to support.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Jim,
5 hopefully, the budget matters will be resolved the first
6 week of March. So we'll see how that plays out. And
7 the CCC's been following that and briefed on the budget
8 also.

9 I would suggest that we will follow up
10 with Nancy Thompson, and if there's anything the Council
11 can do to support that issue, we'll do it. If we need
12 to work through the CCC and request an
13 all-council letter, we'll do that. But we will
14 continue to interact with her on it.

15 I would also add that following up on
16 Tuesday's butterflyfish discussion that we will be
17 requesting after working with staff, staff to staff in
18 the SSC, some additional analyses to the extent
19 practical from the Science Center to support the next
20 butterflyfish decision making -- Pat.

21 PAT AUGUSTINE: Yeah. Thank you, Mr.
22 Chairman. To that point, I assume then that we as a
23 council are looking at contingency plans in case money
24 doesn't come forward to satisfy our needs for 2011 but

1 into 2012? I know we have a work plan. It's a work
2 plan. And we talked about -- Dr. Moore said we are going
3 to go forward with our position that we were trying to
4 fill. But I'm just wondering. I would assume they're
5 doing the same thing there, developing some kind of
6 contingency plan. But when John dropped the bomb -- it
7 wasn't a sandbag; it was a sledge hammer.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
9 again, we'll be looking at the budget in the first week
10 of March. At that point we should have resolution of
11 what to expect at least for this year. And as Chris
12 pointed out, we have put off that one decision until
13 then. Erling.

14 ERLING BERG: Thank you Mr. Chairman.
15 A question for Jim. If my memory serves me correct --
16 and it's getting a little fuzzy here --

17 PAT AUGUSTINE: You're getting old.

18 ERLING BERG: Getting old. Over in the
19 geriatrics section here. But I thought I heard you at
20 the New England Council meeting mentioning a clam survey
21 this year, and if so, does that also include ocean
22 quahogs or just surf clam? Thank you.

23 JAMES WEINBERG: Yeah. This survey
24 will be the last Delaware survey that has been done in

1 the way it's traditionally been done, and it will
2 include surfclams and ocean quahogs.

3 But after this one, the plan is to
4 transition to using a commercial platform to do the
5 survey. And I think at least the last I heard was they
6 were going to do one-third of the resource
7 geographically each year so that at the end of three
8 years they'd have the data from the whole region and then
9 do a stock assessment using that.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Any
11 other questions for Jim? Jim, thanks again. And
12 again, we will follow up with Nancy Thompson on some of
13 these issues. Thank you. Okay. Moving on. The
14 general council report. Joel.

15

16 NOAA OFFICE OF GENERAL COUNSEL REPORT

17 JOEL MACDONALD: Thank you,
18 Mr. Chairman. One of the items I did not report
19 yesterday relative to the information I provided you on
20 the City of New Bedford versus Locke case, a challenge
21 to Amendment 16, was that Judge Zobel also denied the
22 plaintiff's motion for discovery in this case, and that
23 involved a request to depose five individuals: John
24 Pappalardo, Sally McGee, Monica Medina, Jane Lubchenco,

1 and Pat Kurkul.

2 Typically, discovery is not allowed in
3 an administrative record case. The decision the court
4 must make is based upon the record that was before the
5 agency when the decision being challenged was made.

6 I also have a couple of cases in which
7 there was a voluntary stipulation of dismissal. The
8 first of those is a case called Madeline Green versus
9 Locke. That was a case involving the agency's denial
10 of two tilefish IFQ permits to the plaintiff's vessel.
11 And they have withdrawn that case. You may recall I
12 reported in the last six months that the first complaint
13 filed by the plaintiff's attorney was dismissed by the
14 court based upon a motion that we filed. He filed an
15 amended complaint. We filed a motion to dismiss, and
16 I think he just lowered his flag after that juncture.
17 So that's gone away.

18 The other case is a case entitled Taylor
19 V. Locke. That's a case involving a challenge to an
20 exemption from the hundred percent observer coverage in
21 the mid-water herring trawl fishery. It was an
22 exemption that allowed the net to be let go after the
23 pumping operation was concluded even though there were
24 small amounts of fish still in the net, which were

1 unobserved.

2 And we entered into it sort of a
3 settlement with the plaintiffs wherein we agreed to
4 repromulgate the rule. The issue in the case -- I
5 should back up a step -- is that we had not included this
6 exemption in the proposed rule when we initially went
7 out because we sat down, and we thought it was a logical
8 outgrowth, if you will, of the proposed rule.

9 Well -- you know, we published the final
10 rule with this exemption in it. We were challenged.
11 The court was looking at this, and I think we saw the
12 handwriting on the wall. I don't think the court issued
13 a decision, but I'm not sure of that. But we agreed with
14 the plaintiffs that we would put the rule out for public
15 comment. As a consequence of that process, we agreed
16 to take the exemption out because the situation is
17 really covered by another existing exemption that
18 allows -- puts the decision making authority in the
19 hands of the captain that if bringing a net aboard
20 represents an unsafe situation for the vessel or the
21 crew, then it will not be done.

22 So there's still a means of addressing
23 that situation, particularly if you're looking at an
24 unsafe condition. In that case, actually, the

1 withdrawal was without a claim for attorneys fees. So
2 that's pretty interesting. And I think the same is true
3 for the Green versus Locke case. And that's it, Mr.
4 Chairman.

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 Thank you, Joel. Does that then conclude all of the
7 tilefish cases?

8 JOEL MACDONALD: That does. We only
9 had one of them, as I recall. It was this case.

10 COUNCIL CHAIRMAN RICHARD ROBINS: And
11 it came back?

12 JOEL MACDONALD: Yeah. And so we
13 didn't get much in the way of people challenging the
14 amendment. In fact, I don't think there were many
15 permit denials at all, as I recall.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thank you, Joel. Other questions for Joel of his
18 report? All right. Thank you. We'll move on now to
19 the law enforcement reports, and I'll look to Kevin
20 Saunders.

21

22 U.S. COAST GUARD REPORT

23

KEVIN SAUNDERS: Thank you,

24

Mr. Chairman. Over the past two months, we've taken

1 advantage of the lower numbers for the SAR season, and
2 we stepped up our enforcement efforts.

3 We've had four simultaneous operations
4 two of which were Alimar. One of which was a marine
5 protected species operation. And the other was a
6 commercial fishing vessel safety operation.

7 So, looking at our statistics for the
8 last two months, we have a 11.6 percent violation rate.
9 Typically, we see about a two or three percent violation
10 rate, but during these last two months, we see a sharp
11 increase.

12 That's not completely unusual. Last
13 year in the same reporting period, we had higher than
14 a 2 or 3 percent as well. But this year has more than
15 doubled what we even expect to see during this hard time.

16 Mostly I can attribute it to the striped
17 bass fishery. During this last reporting period, we
18 had five recreational striped bass cases that resulted
19 in summary settlements. We also had two commercial
20 cases. But we're not exclusively putting our effort
21 towards that. We've also had five spiny dogfish cases
22 where vessels were operating without permits. In two
23 cases that would include the other category that had
24 several aspects to the violation. We're also putting

1 some effort into working with our port partners. We're
2 using the same assets that we've always had, but we're
3 using them more creatively, and I think that might be
4 resulting in some additional violations.

5 I can say with some confidence that
6 despite the high violation rate you see right there,
7 there's vessels out there that we're not having a
8 significant deterrent effect on, particularly in the
9 recreational category for striper right now. And
10 that's just 'cause we don't have the resources to get
11 out there and capture the number of people that are
12 violating these regulations.

13 Moving along to the commercial fishing
14 vessel safety. Right now we have an 8.6 percent rate
15 of vessels that are boarded are terminated. That's
16 fairly standard throughout the year. Unusually, we've
17 had a fairly low number of commercial fishing vessel
18 casualties this reporting period. We were down to
19 three. But we've had still a number of -- we had seven
20 terminations resulting from our boardings.

21 So, at the end of the document that I
22 handed out, there is some additional information. I
23 know I've been talking about this for a long time. But
24 a Coast Guard appropriations bill has some additional

1 measures in it to help promote commercial fishing vessel
2 safety. So what we can expect to see is dockside exams
3 will be required for vessels operating in federal
4 waters. Instead of getting the fishing vessels decal
5 what you'll get in the future is get an inspection, which
6 will be the same thing you'd expect to see on an
7 inspected commercial fishing vessel or head boat.

8 And I would hope that you'd get the
9 message out to the communities that there's probably
10 going to be a waiting list because we're not increasing
11 right now the number of examiners that we have out in
12 the field. So, if you hope to continue operating in the
13 future, get a hold of that website right there and
14 coordinate your dockside exams, so that way there won't
15 be a lag in your operations for the commercial vessels
16 in your communities that operate in federal waters.
17 And that's all I have. Thank you.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Thank you, Kevin, for the report. Obviously, the
20 Council doesn't manage striped bass, but we're all
21 interested in their welfare. What do you think the
22 management community can do to try to deter some of the
23 illegal harvesting in federal water?

24 KEVIN SAUNDERS: I'd say,

1 Mr. Chairman -- this is Kevin talking, not the Coast
2 Guard officer, but -- you know, there's really two
3 things. There's an attitude of complacency, I would
4 say, in the commercial fishing -- not the commercial
5 fishing industry, but the striped bass fishery
6 altogether but recreationally and commercial. And
7 hopefully, that's something we can change.

8 I know there's good players out there,
9 and hopefully they can keep their voices louder and just
10 create an attitude of compliance with the regulations
11 which helps everybody.

12 And the second thing is maybe additional
13 resources would be great for us, but also an additional,
14 the higher level of -- (inaudible) -- fines --
15 (inaudible) -- vessels. So those would be the three
16 things. Thank you.

17 COUNCIL CHAIRMAN RICHARD ROBINS:

18 Thank you, Kevin. Mary Beth.

19 MARY BETH TOOLEY: Yeah. Just one
20 question. You mentioned the new legislation, the Coast
21 Guard Bill, and the vessel safety rules will be
22 changing. And is it correct that the vessels are now
23 a requirement to have the inspection?

24 KEVIN SAUNDERS: For vessels operating

1 in federal waters, there'll be a requirement to have an
2 inspection, yes. If you're in state waters, it's still
3 a voluntary effort.

4 MARY BETH TOOLEY: So you said there
5 would be a requirement for vessels to now have the
6 inspection, but you're not going to increase the
7 inspectors, and you said that people should coordinate
8 so there's not a lag in their businesses. So I'm
9 interpreting that to mean that if you don't have the
10 inspection, you can't go fishing. That's pretty
11 significant.

12 And if that is a right interpretation,
13 I would just wonder what the Coast Guard is doing to
14 reach out to vessel owners so that people are aware of
15 the change.

16 KEVIN SAUNDERS: That's great
17 comments. I'd say a couple of things. First of all,
18 our budget has not been approved for this year, like
19 everybody's budget, so that's one reason why we haven't
20 seen an increase in examiners.

21 I think in the future, you'd expect to
22 see that because it is going to be something that has
23 to be increased eventually. But just right now we don't
24 have the funding to do that.

1 So secondly, there is a major public
2 affairs effort to try to get this out there, this
3 information out there. And I guess I might have
4 misspoke, but we want people to be more proactive and
5 not wait until a couple days before their fishing trip
6 because if you're waiting until the last minute to try
7 to schedule your exam, you're less likely to get the exam
8 done. So, if you're proactive, then everything should
9 hopefully work out. Thank you.

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Thank you, Kevin. Vince.

12 VINCE O'SHEA: Thank you, Mr. Chairman,
13 and thank you, Commander. Congratulations on your
14 promotion. I just wanted to publicly thank the Coast
15 Guard and the commander of the fifth Coast Guard
16 district for what they've been doing on striped bass.

17 The Commission wrote two letters to the
18 Coast Guard last year. The most recent one was back in
19 September asking them to target this area of January and
20 February and to plan for it. I've been getting regular
21 updates and e-mails from both the Commander and his
22 boss, Commander Strong.

23 They've got a really tough job out there
24 between cell phones and number of people and the

1 connectivity that's going on. You got a really tough
2 job, and I was delighted to see the cases that you had
3 made. I think that's a lot of hard work to do that. So
4 thank you very much.

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 Thank you, Vince. Other questions for Kevin? Jim.

7 JAMES FLETCHER: What is the advantage
8 of having a yearly inspection over the previous use of
9 the two-year inspection? What percentage of
10 violations are you finding? From the commercial
11 standpoint, we run the risk of being boarded during that
12 two-year period of time, but it's a little more time
13 consuming. Previously, you had a two-year inspection
14 dockside, voluntary dockside inspection. Percentage
15 wise what advantage did going from a two year to a one
16 year have?

17 KEVIN SAUNDERS: Mr. Fletcher, I can't
18 answer your questions, but I can say from a commercial
19 fishing vessel manager point of view, if we go to the
20 one year when your boarding is conducted, you're spot
21 checked basically on or two items; and as long as those
22 are in compliance, then we don't look any further.

23 With two years we look at the big eight,
24 and if you don't even have the commercial fishing vessel

1 selectee will serve as the agency representative to
2 improve communication with the fishing industry and to
3 work proactively with fishermen to assist them in
4 complying with the fishery regulations.

5 One of the key functions will be to help
6 trouble-shoot industry issues and problems so that they
7 can comply with the regulations and work with the
8 enforcement staff itself.

9 One of the first projects the incumbent
10 will do is draw up a comprehensive communication
11 strategy to work with stakeholders and enforcement
12 staff. This is as a result of the IG review, and we're
13 all looking forward to this position.

14 I'll leave some vacancy announcements
15 in the back, but I've afforded it out to as many people
16 as I can, so if anybody's interested, please reach out
17 to me. The chairman has a copy of the link to the
18 announcement as well. That will close February 21.
19 The position will sit in Gloucester, but it will be a
20 regional outreach position covering both New England
21 and Mid-Atlantic. We have finished the selection of
22 the enforcement officers. Just waiting for Human
23 Resources to take care of the rest of the aspect, and
24 then will begin their training. And probably slowly

1 over the next few months, more into the spring/summer
2 they'll actually start showing up on the waterfront to
3 work.

4 And, again, it's one more avenue of
5 outreach compliance improvement. Actually, the agents
6 will still be working most of the cases. The other
7 activity as a result of the IG review and Secretary
8 Locke, he had appointed a special master to review cases
9 and to make recommendations for the secretary to modify
10 or omit penalties assessed in specific cases identified
11 by the IG review, and Special Master Judge Swortwood is
12 in the process of finishing up his review. So I would
13 expect some type of report going back to Secretary Locke
14 either later on this month or early next month.

15 The national priorities, the regional
16 priorities aspect, all the collection has been done, and
17 effective March 1st we should see the draft priorities
18 posted for public input. And I'll make sure the both
19 councils have the information to -- source of more
20 comment. On the VMS side, I know Bill Semreu had asked
21 me to cover a couple issues. The new vessel software
22 for VMS for the fishing year we'll be working out there.
23 Bill will submit his side of the process to make sure
24 it goes in effect so the owners have it in April.

1 Apparently, last year Skymate owners were concerned
2 that they received their software disks too late.

3 So, in hopes to avoid any of those
4 complications, Bill's been working with both the
5 vendors and our national strategy folks in Silver Spring
6 to make sure that the transition works well.

7 There are a couple dozen boatrac vessels
8 with old units that cannot support additional software
9 changes because they're at capacity, and they will be
10 working with those owners and the vendors to show them
11 replacement options. And that concludes my report,
12 sir.

13 COUNCIL CHAIRMAN RICHARD ROBINS:

14 Thank you, Tim. Questions for Tim? Mary Beth.

15 MARY BETH TOOLEY: Yeah. Just one VMS
16 question. I'm not sure if you can answer it or not.
17 But I know that we're talking about phasing out the RVR
18 system, which is calling in for herring on a weekly
19 basis. Other fisheries use the system as well, and it
20 has had its issues.

21 And switching to VMS, do you know if the
22 system is going to have any problems with increased --
23 you know, transmissions that might occur if all
24 fishermen are doing reports directly through VMS?

1 TIM DONOVAN: Unfortunately, Mary
2 Beth, I don't know that. I can get that answer for you.
3 I do know that Bill Semreu -- and George might be able
4 to weigh in, too; I don't know if you sat at some of
5 the meetings -- I do know that Bill has worked
6 consistently with the Center fishing staff as well as
7 the vendors and the contractors to make sure that they
8 can handle it.

9 And I think that was one of the big
10 issues with the boatracs. Their units themselves
11 couldn't do it, so they were trying to find
12 work-arounds. I believe that the system should handle
13 it. There's been some changes as far as what we had up
14 in the Northeast and then what Silver Spring has. But
15 I'll make sure I get that question sent to Bill and get
16 a response to you.

17 MARY BETH TOOLEY: Yeah. Just one
18 quick follow-up. I think the industry is quite
19 interested in having the VMS function. I think it's
20 helpful. And really, if we could have perhaps some
21 heads-up if there are any concerns in that area.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Any
23 other questions? Thanks again, Tim. We'll move on to
24 the ASMFC. Captain O'Shea.

1

2

ASMFC EXECUTIVE DIRECTOR REPORT

3

VINCE O'SHEA: Thank you, Mr. Chairman.

4

There is not a ASMFC report in your binder for this meeting because we haven't met since the last meeting.

5

6

Our next meeting is scheduled to be in Alexandria,

7

Virginia on the week of the 21st of March. I'd just

8

point out that normally we have a February meeting, but

9

this year we're only doing three meetings. Our first

10

meeting of the year will be on the week of the 21st of

11

March.

12

Last Thursday, Mr. Chairman, the Black

13

Sea Bass Board met by teleconference to discuss a

14

possible addendum regarding the regulations. They

15

discussed options for both regional, a suite of

16

regulations as well as state quotas, and they came to

17

agreement that this would only apply if it did go forward

18

to the 2011 fishery.

19

They gave guidance to the staff as to how

20

to modify the addendum that we had presented to them.

21

There's going to be a fax poll on the 17th of February

22

to approve that addendum to go out for public comment.

23

There will be a 30-day public comment period. And all

24

of the states from Maine to North Carolina indicated an

1 intention to hold public hearings on this addendum, and
2 the goal is for the Board to take final action on the
3 question at our March meeting. So that's an update on
4 the black sea bass situation.

5 On the conference call, we estimate we
6 had between 15 and 20 members of the public participate.
7 We had the capacity to go to a hundred, but it looked
8 like about 20 people participated. The second point,
9 Mr. Chairman, is there's been a lot of talk about striped
10 bass. I can't tell you how many e-mails I've gotten,
11 and I've only gotten a fraction of the e-mails the state
12 officials have gotten.

13 But this is regarding interactions by
14 the commercial fishermen in both North Carolina as well
15 as in Maryland. And certainly the North Carolina
16 incident is all over the Internet.

17 In Maryland there was issues of
18 unmarked, anchored and unauthorized striped bass gill
19 nets being set and marine police finding them. That
20 eventually led to not only the Marine Fisheries deciding
21 to take those fish off the commercial quota for
22 February, but eventually the Secretary of Natural
23 Resources for Maryland closed the commercial fishery to
24 striped bass in Maryland until they can determine the

1 extent of the illegal nets and violations.

2 One point, though, that I think is
3 significant is both the Maryland Watermen Association
4 and CCA Maryland have worked together to create a reward
5 fund for information leading to the illegal operatives,
6 if you will.

7 And I've just from the Commission's
8 standpoint just wanted to publicly commend the State of
9 Maryland for the aggressive way they've gone forward on
10 this and also how pleased we are to see that the industry
11 has come forward to help the State of Maryland police
12 the situations. Once again, a handful of bad actors,
13 and they're giving everybody a bad name, so. And the
14 North Carolina situation is a little bit different, and
15 we've gotten some words on that. I understand it may
16 come up as an issue with the state Commission tonight
17 and tomorrow --

18 That's all I have, Mr. Chairman. As
19 always, thank you very much for your hospitality. I'm
20 very happy to be here. If anybody has any questions,
21 happy to consider them. Thank you.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Thank you, Vince. And I recognize that the development
24 of that addendum for black sea bass represents a

1 significant imposition on your staff, and a lot of work
2 that has to be done in a very short period of time. But
3 we're very much indebted to them for their efforts that
4 are ongoing right now. So we appreciate that. Thank
5 you. Any questions for Vince? Michael.

6 MICHAEL LUISI: I should just take a
7 second, Vince. You mentioned the reward that has been
8 posted for the prosecution of someone in the illegal
9 gill net activity. And that reward was -- there were
10 contributions made by other interested parties as well
11 as CCA and the Department. I don't have a list, but
12 there are a number of other folks that contributed to
13 that.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Peter.

16 PETER HIMCHAK: Here's the thing,
17 Mr. Chairman. I just wanted to mention that, unlike
18 (inaudible) -- there will be an awful lot of public
19 hearings on spiny dogfish, tautog, and black sea bass
20 held throughout many of the Atlantic coastal states in
21 a very short time period here.

22 So, I mean, in New Jersey we have a
23 public hearing for all three issues, and they're all
24 designed to get comment in preparation for the March

1 meeting. So there's a lot going on.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Any
3 other questions for Vince? Comments on the ASMFC work?
4 Thank you, Vince. Okay. I'll move on to Erling Berg
5 with the liaison report for the New England meeting.

6

7 NEW ENGLAND COUNCIL LIAISON REPORT

8 ERLING BERG: Thank you, Mr. Chairman.
9 This is from the New England Council meeting on January
10 25th, 26th, and 27th in Portsmouth, New Hampshire. And
11 they had snow there just like we have here, but they have
12 a lot more of it.

13 There's also before that there was a
14 herring meeting on December 20th, a skate meeting on
15 January 18th, and groundfish on January 19th. I'm not
16 going to report on those because they kind of put it into
17 the Council.

18 The first issue or the item is the
19 skates. And the Council voted to increase the 500 pound
20 daily incidental possession limit to 1250
21 pounds -- this is wing weight -- and lower the possession
22 limit to the incidental level 85 percent of the skate
23 wing TAL that's harvested. This was requested by the
24 industry to minimize bycatch.

1 And then the skate wing possession limit
2 for the directed fishery was set at 2600 pounds from May
3 1st to August 31st and increasing to 4100 pounds on
4 September 1st. This was also requested by industry to
5 keep a steady supply to market. Apparently, the price
6 is better in the fall, so this is one of the reasons for
7 that.

8 On groundfish, these are options for
9 Framework Adjustment 46. The Council voted to
10 establish a haddock catch cap for the mid-water trawl
11 fleet. I think we heard about this the first day at the
12 squid, mackerel, butterfish meeting.

13 One percent of the Georges Bank haddock
14 ABC and one percent of the Gulf of Maine haddock ABC.
15 This is up from .2 percent for the whole area. There
16 was also a discussion on how fishing privileges have
17 accumulated for individual permit holders and that
18 there should be a cap on those privileges.

19 The Agency was asked to publish a
20 control date as soon as possible. And there was also
21 a discussion on the state permit bank. This is mainly
22 in Maine and Massachusetts; although, I think
23 New Hampshire is also involved in that. There is a
24 Groundfish Committee meeting on March 7th. I'm not

1 sure where. They didn't say where. But there is a
2 scheduled one for March 17th. I'm sorry. So, Howard,
3 you'll probably be going, too.

4 Herring. The Council approved a range
5 of alternatives for consideration and analysis and the
6 EIS associated with AM 5 to the herring FMP.
7 The most significant change is the elimination of a
8 federal portside sampling program and the addition of
9 a requirement for dealers to weight all their fish.
10 Again, we heard about this on Monday. And a range of
11 options to establish a river herring catch trigger in
12 the fishery was also approved.

13 Scallops: The Council initiated
14 Framework 23 to the sea scallop FMP. It will address
15 alternatives that were previously identified during the
16 Council's priority setting at the November meeting for
17 the New England Council. And they are a potential
18 requirement for a (inaudible) dredge. In relation to
19 the yellowtail flounder accountability measures
20 proposed in Amendment 15, I know you just heard George
21 speak about the Canadian agreement. So that may affect
22 the yellowtail bycatch for the scallop fleet.

23 Possible modification to the limited
24 access program for the Northern Gulf of Maine and

1 measures to modify the current VMS regulations.
2 There's a Scallop Committee meeting in Providence on
3 March 1st, and the Council meets in Mystic on
4 April 26th to the 28th. And that's the end of my report.
5 Mary Beth may have something else. You have a better
6 memory than I do. And that ends my report. Thank you.

7 COUNCIL CHAIRMAN RICHARD ROBINS:

8 Thank you, Erling. Mary Beth, would you like to add to
9 that?

10 MARY BETH TOOLEY: Just one thing. I
11 thought that Erling really did cover the issues quite
12 well, and his memories are not that bad. But one
13 discussion that came up at the Council meeting -- it came
14 up in November; it came up again at this past meeting,
15 and we'll be discussing it again in April -- is the
16 treatment of the groundfish mortality closures. I
17 think, as most people know, these are large closures
18 that were enacted to help the rebuilding of groundfish
19 stocks in the Northeast.

20 And with our omnibus habitat amendment,
21 there's been a recommendation that we review the need
22 to continue to have the closures and take a more holistic
23 view with the entire region from a habitat perspective
24 without the mortality closures.

1 participated in that. Also, Rick, Lee and I also
2 attended one day of that to go to the workshop.

3 There was a Technical Committee meeting
4 of the summer flounder, scup, and sea bass group in
5 Baltimore on the 19th to deal with issues related to the
6 (inaudible) for those particular species.

7 The ACL working group scheduled for
8 February 2nd through 3rd was cancelled, as Jim pointed
9 out. And I think, if I understood Jim correctly, that's
10 been rescheduled for the 24th and the 25th of February.

11 Next week we're helping to facilitate an
12 ACL science workshop that's going to be occurring in
13 Silver Spring. A number of people are going to be
14 attending that particular workshop as well. Triple AS
15 is meeting in D.C. if you're interested in that.

16 There's a number of activities that are
17 occurring in March including some of the things related
18 to our black sea bass amendment. We'll talk about those
19 in a second. Our next Council meeting is scheduled for
20 April in Annapolis, April 12th through 14th. One of the
21 issues that we're going to be looking at there is related
22 to the spiny dogfish amendment, Amendment 3. You can
23 look at the rest of the year when you get a chance. The
24 next item behind that tab is a memo to me from Jessica

1 discussing the issue that George talked about this
2 morning, the increase in the TAC for scup and how that
3 needs to be handled in the specification package.

4 That document should be submitted next
5 week, George, by the end of the week. So it will be
6 February 18th that we get that document to the service.
7 Basically, this deals with the issue of the increasing
8 TAC for scup as well as our handling that in the
9 recreational specification package.

10 The next issue or the next item behind
11 the tab is the draft action plan for the amendment that
12 deals with the black sea bass issue, the black sea bass
13 recreational fishery issue. And this is a template
14 that we use for amendments basically detailing who,
15 what, when, where and why. And it talks about how we're
16 going to proceed.

17 We've had a request in to the Northeast
18 Fishery Science Center for a member of the FMAT to
19 recommend someone for that FMAT. Jim, we haven't heard
20 back from Nancy on that, so we do need to get a response
21 on that. The effort from Pat in terms of the members
22 from the Northeast Regional Office is going to be on that
23 FMAT team. So, if you look at that in terms of the
24 schedule, you can see that on the last page of that

1 particular document it talks about how we're going to
2 proceed over the coming year in developing that
3 amendment.

4 The next item behind the tab is another
5 issue related to summer flounder, scup, and black sea
6 bass. It's a letter that I wrote to Dave Simpson
7 basically welcoming him to or congratulating becoming
8 the chair of the Commission Summer Flounder, Scup and
9 Black Sea Bass Board and updating him on all the things
10 that we've been doing as a council related to those
11 particular species.

12 So we talk about the scup allocation
13 analysis that's underway as well as our Amendment 17 for
14 black sea bass. The next item behind the tab is a draft
15 timeline for dogfish. So this is our
16 Amendment 3 timeline.

17 Take a look at that when you get a
18 chance, again. The first time that we're going to be
19 addressing this particular amendment in terms of this
20 schedule as the Council is going to be in April at the
21 Annapolis council meeting. We're looking at an
22 effective date at least at this point of May 1, 2012 for
23 that particular amendment.

24 The next issue or the next thing behind

1 the tab is a statement of work. This is something that
2 we talked about at the December council meeting. This
3 is our statement of work for examination of allocation
4 in the scup fishery. This is something we developed in
5 house. We sent it out to the SSC for review. We had
6 some comments on the draft. We actually also sent it
7 to ASMFC. Vince and folks at ASMFC looked at it
8 including Dave Simpson. We got some comments. We
9 reworked it.

10 This is out on the street. So we've
11 contacted a number of likely economists in firms that
12 might be interested in doing this work for us, and
13 hopefully we'll get someone good to actually do the
14 work. If you have any questions on that, certainly we
15 can talk about that.

16 The next item is an item that we've
17 already talked about at the Executive Committee meeting
18 this morning. This is our statement of work for the
19 strategic planning visioning road map. That's
20 underway. Actually, it's more than underway. Rick
21 and I have to make a decision on a contractor, and we'll
22 be doing that in the next week or so.

23 The next item behind the tab is the
24 Council Coordinating Committee agenda. And I wanted to

1 spend just a little bit of time on this just to update
2 you as to what exactly happened at that meeting and
3 discuss some other important points.

4 So, as you go through that agenda, on the
5 first page you're looking at what the presentations and
6 some of the things we talked about. One of the things
7 that's there is Managing our Nation's Fisheries III.
8 So remember we've had Managing our Nation's Fisheries
9 I and II. The Council's for a couple of years been
10 talking about A Managing our Nation's Fisheries III.
11 So the beginning planning of that particular event.

12 And it's unsure at this point, given the
13 budget, but there is a Council Committee -- Councils
14 Committee that I'm on, a subcommittee, that is starting
15 to work on that. So we'll see how that goes.

16 The next major issue and the reason that
17 we have the Council Coordination Committee in January
18 is budget. So we had these budget discussions. We had
19 Gary Risner do a presentation on the budget.

20 And there's really two issues there; and
21 that is, FY 11 budget and also the FY 12 budget. So,
22 in terms of the FY 11 budget, we're under a continuing
23 resolution. The federal government's under a
24 continuing resolution, and so are we. And we've

1 received I think 23 or 25 percent of our grant for this
2 year, but we haven't gotten it all yet. So we're going
3 to have to see how that works out.

4 That, as Rick indicated, we're going to
5 revisit the budget issue in March with the Service, and
6 we'll see what happens. The next thing as you move down
7 the page, I've already mentioned this National Science
8 ACL workshop for next week. There's also something
9 that we're working on, which is the national SSC
10 workshop that we're facilitating for October of 2011.
11 And we've already started planning on that particular
12 workshop. I think in terms of the other things, if you
13 flip the page, there are presentations on
14 communication, recreational fisheries engagement
15 strategy, MRIP, coastal marine spacial planning.

16 Some of these presentations we have on
17 disk, and certainly if anyone's interested, I can
18 provide those to you if you want. Another issue is not
19 in the briefing book. I think all of you know that we
20 have advertised for an assistant planning coordinator
21 position.

22 That advertisement went out in
23 December. We had a number of folks that actually
24 applied for the position. We did some initial

1 interviews. Rich and Jessica and I served on that as
2 an interview panel. We've narrowed it down to a couple
3 of candidates. I'm doing some follow-up interviews
4 this week. By next week we'll have hopefully an
5 assistant planning coordinator that's going to be
6 working for us. With that, Mr. Chairman, I'd be glad
7 to answer any questions.

8 COUNCIL CHAIRMAN RICHARD ROBINS:

9 Thank you, Chris. Questions for Chris? Peter.

10 PETER HIMCHAK: Yes. Thank you, Mr.
11 Chairman. I have a question for Dr. Moore. Since we
12 don't have a Protected Species Committee report and we
13 haven't met to discuss anything, but you will recall at
14 the December council meeting the issue of the potential
15 listing of the sturgeon population segments as
16 threatened and endangered was a very lengthy
17 discussion, and the comment period was extended through
18 early February.

19 We had -- the State of New Jersey had
20 provided our comments already by the first announced
21 date, and then we submitted -- we were requested to
22 submit all our comments to council staff to come out with
23 a comment from the Mid-Atlantic Fishery Management
24 Council on the issue.

1 So, I guess, has staff assimilated all
2 the comments and -- when might we see the response
3 letter?

4 CHRIS MOORE: I'll let Rich address
5 that 'cause he's the one that handled that particular
6 issue.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Yes.
8 We did receive comments from New Jersey, Maryland, and
9 North Carolina in time for the second, the extended
10 date, and the letter was sent under Rick's signature.
11 You should have gotten a copy. If you haven't, we'll
12 get it to you.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Pete, we basically synthesized the concerns that were
15 raised by the member states. The Council didn't take
16 a position per se, but rather synthesized those concerns
17 in the letter and forwarded those related to the
18 potential listing.

19 PETER HIMCHAK: I just hadn't seen the
20 letter, so I will look for that to inform the director
21 of what the Council had to say.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Chris.

24 CHRIS MOORE: Just as a follow-up,

1 Pete, that brings up an important point. The way that
2 I am handling some of the communications with the
3 Council is different than Dan did.

4 In other words, there's a number of
5 times where I'll send out a document via e-mail either
6 because it's timely or it's a follow-up sort of action
7 just to minimize the amount of paper that we bring to
8 the Council meetings.

9 If, in fact, there's an issue or
10 something that you get an e-mail that you do want to
11 bring up at the council meeting and you want copies
12 brought to the council meeting, certainly let me know.
13 But you should have gotten a copy of the sturgeon letter,
14 and, again, I'll make sure that we check and see what
15 happened with that.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Red.

17 RED MUNDEN: Thank you, Mr. Chairman.
18 I received a hard copy of the letter Monday. Very well
19 done.

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Thank you. Any other questions for Chris? Okay.
22 Seeing none, I'll go to Rich Seagraves with the status
23 update.

24

1 The next item is the press release from
2 the Council notifying the public that NMFS is soliciting
3 proposals for the Mid-Atlantic Council 2012 research
4 set-aside program. Behind that is a copy of the actual
5 Federal Register notice of the proposed rule for the
6 bluefish specifications for 2011 along with, of course,
7 requesting comments from the public on the proposed
8 rule.

9 And then finally, it's not in the
10 briefing book, but an update Jason has indicated that
11 Amendment 11, which is the limited access program
12 approved by the Council for Atlantic mackerel was
13 submitted to the regional office, and we'll be waiting
14 for their comments, technical comments; and as soon as
15 those comments are addressed, a proposed rule will be
16 published. And that concludes my report.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thank you, Rich. Any questions for Rich? Okay.
19 Seeing none, let's take a 10-minute break, and then
20 we'll come back and go through the committee reports.
21 We'll try to go through those with some economy. I know
22 the weather is expected to continue to be bad this
23 morning, so we'll try to get out of here as early as we
24 can. Thank you.

1 (Break: 10:38 a.m. to 10:55 a.m.)

2 COUNCIL CHAIRMAN RICHARD ROBINS: Why
3 don't we come back to our seats, so we can reconvene,
4 and we'll have the committee reports beginning with
5 Erling Berg with squid, mackerel, and butterfish
6 related to Amendment 14.

7

8 SQUID, MACKEREL, BUTTERFISH COMMITTEE REPORT

9 ERLING BERG: Thank you, Mr. Chairman.
10 We have some motions. This is a meeting that occurred
11 Monday, last Monday. And also motions coming up. And
12 just waiting for it to. Okay. The first motion:
13 Move to remove Purpose F from Amendment 14.

14 COUNCIL CHAIRMAN RICHARD ROBINS: So on
15 behalf of the committee doesn't require a second.
16 There's several motions that significantly modify the
17 draft amendment, and so we wanted to put those in front
18 of the Council, and this is one of them. Erling, can
19 you explain this? Is this the forage set-aside option?

20 ERLING BERG: I'm going to defer to
21 Jason. He's my main man here.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Jason.

24 JASON DIDDEN: Sure. And there are a

1 variety of motions, a variety of kind of non-motion
2 tasks, the FMAT, and kind of worked with Erling. There
3 were three things that kind of had a substantial effect
4 on the document that Erling thought it would be good to
5 get some additional Council feedback on. This is the
6 first.

7 In the specs last year, the Council did
8 consider, and staff queried, and the Council considered
9 if you want some kind of set-aside for forage and there
10 are provisions for that. It was done in kind an
11 unstructured way. This purpose would codify that and
12 kind of force some additional discussion of it. There
13 was a lot of discussion that maybe this should be done
14 in kind of a more holistic, kind of omnibus approach,
15 and that led to this motion to withdraw that purpose and
16 the related alternatives from the document at this time.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thank you, Jason. And I did want to have a little bit
19 broader discussion about this today. We touched on it
20 yesterday also during the Ecosystems Committee meeting.

21
22 But I followed up immediately after that
23 committee meeting with Jessica regarding the omnibus
24 and what language was in the omnibus related to this

1 because I do recall several times as we went through the
2 development of that document we were discussing optimum
3 yield.

4 We discussed the statutory elements of
5 optimum yield, the NS-1 guideline references to OYs that
6 relates to ecological considerations. And as we
7 developed the omnibus, we were clear that we wanted to
8 preserve the ability to account for those factors in
9 setting quotas.

10 And so looking at the language in the
11 omnibus, it does state that the Council could reduce
12 catch limits at the ACL or ACT to address scientific and
13 management uncertainty as well as other factors
14 relating to optimum yield for the managed resources.
15 The references in the previous paragraph to optimum
16 yield relate to the social, economic, and ecological
17 considerations that are reduced from MSY. So, I think
18 in the omnibus we've already preserved the ability to
19 make modifications to the quotas to reflect ecological
20 considerations.

21 And just taking a step back, we've
22 already engaged the subcommittee of the SSC on
23 ecosystems issues. We've given them terms of reference
24 that are specific to this issue. We've asked them to

1 help us, provide us with information that would allow
2 us to develop ecosystem level goals and objective and
3 policies.

4 Depending on the methods that we
5 ultimately develop, we may or may not need to do
6 additional amending of some of the FMPs to do that. If
7 it's simply modifying the quota to reflect ecological
8 considerations, I think we already have the ability to
9 do that, given what we've done in the omnibus.

10 If you wanted to reduce a quota by 10 or
11 20 percent to reflect those ecological considerations,
12 I think we have the ability to do that; however, if you
13 wanted to apply a different control rule that wasn't
14 contemplated in the omnibus, then perhaps we would have
15 to do an amendment or framework action. I'm not sure
16 which that would take. So some methods, I think, we
17 could bring to bear on the quota-setting process simply
18 through the terms of references we engage with the SSC.
19 Others may require more modifications of our FMPs in the
20 future. But I think that's sort of the state of affairs
21 with where we are after completing the omnibus once
22 that's in place. We will have the ability to do it.
23 But this would have made it more explicit perhaps in
24 Amendment 14.

1 But I think over the next six to nine
2 months, we'll probably have output from the SSC and
3 advice that can allow us more broadly as a Council to
4 engage in that discussion about what are our ecological
5 goals and objectives.

6 I think this type of approach to
7 providing for more forage as it relates to the
8 ecological consideration is probably a good way to go
9 as far as making incremental progress on ecosystems
10 issues, but I think we'll have to look toward the output
11 of the SSC as we continue to work with them over the next
12 year. Gene.

13 EUGENE KRAY: Thank you, Mr. Chairman.
14 You took the words out of mouth when you talked about
15 explicit. I think we need to be more explicit than
16 relying on the omnibus AOL -- ACLAM Committee. There
17 was some discussion after the meeting with a few other
18 members of the committee, and maybe we could work with
19 the ecosystems subcommittee and come up with almost a
20 definition of ecosystem-based management and then make
21 a recommendation that we put in a policy that allows us
22 to take into consideration ecological considerations.
23 And that would get it on the table and be more explicit
24 so that when we take a look at our fishery management

1 plans or even during the
2 specification-setting process, we could take into
3 account ecosystem considerations.

4 That doesn't necessarily mean that
5 we're going to have to give a fixed percentage or
6 anything like that. It just means that we have the
7 ability to do that.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Well, Gene, it's already a statutory requirement. But
10 I would agree it would benefit from some policy. I
11 think members pointed out that we would benefit from
12 more overarching policy on it. Erling.

13 ERLING BERG: I should have said this
14 earlier. This is behind Tab 1, page 26, you'll find
15 that. So in case somebody's looking for it.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks for that information. Pat.

18 PAT AUGUSTINE: Yeah. Thank you,
19 Mr. Chairman. But relative to the motion, in the
20 context that it was framed yesterday and the reason why
21 it was recommended to take it out, in addition to what
22 you described about the omnibus, though, I just think
23 there's a disconnect. If we're discussing why we took
24 it out, I think we'd have to go back and talk about what

1 the conversation was around the table and I think just
2 vote on whether we're going to have it in or not.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 John.

5 JOHN MCMURRAY: I agree with Gene that
6 we need to be more explicit. I think you said that as
7 well, Rick. And I think we need to note that this was
8 a very close vote here. And this very well may be taken
9 care of with the ecosystem subcommittee that we created
10 yesterday.

11 But I still am not convinced that we
12 shouldn't keep this in just for development purposes.
13 We could certainly take it out later if we decide that
14 we don't need it and the Ecosystem Committee is dealing
15 with it.

16 But I'd like you to leave it in
17 particularly to see what sort of public comment we get
18 back. Because, as I mentioned yesterday -- I'll use a
19 phrase that Pat likes to use of beating a dead horse or
20 opening a can of worms. Oh, jeez, I lost my train of
21 thought.

22 Well, the public has made it very
23 explicit that they want us to address this explicitly,
24 and I think this would make it very transparent; it would

1 institutionalize it. And if we don't do it in this
2 amendment, I'm just not sure what the timeline is and
3 where we would do it down the road. And, like I said,
4 we may not need this, but I just don't see a reason to
5 take it out now. Thanks.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Peter.

8 PETER deFUR: Thank you, Mr. Chairman.
9 And I will also risk opening the wormy horse, as our
10 colleague says. But I think John has stated it very
11 well. Our options are greater if we leave this in for
12 now and see how we can develop the purpose behind this
13 with our multiple activities that are going on now
14 including the subcommittee of the SSC.

15 So I think we're much better served by
16 keeping it in here. And, as John said, we can take it
17 out later. But putting it back in after we've removed
18 it is going to be harder.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Pat.
20 I'm sorry. Mary Beth.

21 MARY BETH TOOLEY: Yeah. Just to speak
22 to this motion. I made the motion, and certainly we had
23 a long discussion about it. And I think, as the
24 chairman described, there is an opportunity to address

1 it currently.

2 And I think that it is a science issue.
3 It is something that's more appropriate for the SSC to
4 weigh in on than to be making policy decisions on it.
5 And I think it is an important topic. What is the forage
6 base in the region? Do we have concerns? Do we not
7 have concerns? Do we need to make adjustments to the
8 plans or not? And I think that the holistic look at the
9 topic is more appropriate. When you just take it on a
10 species-by-species basis, then it ignores the fact that
11 we have other forage species out there and -- you know,
12 things just don't operate in a vacuum for one species
13 like this.

14 I think -- you know, as Dr. Boreman
15 indicated yesterday everything is eating something out
16 there; and everything is foraged to something at some
17 life stage. And so to the extent that this Council
18 wants to take the time to examine the issue it's
19 certainly very appropriate. It's just a manner in
20 which you choose to do it.

21 And to do it in one species in a single
22 amendment to me is just not the right path to go. And
23 so I don't argue against the discussion. I think the
24 discussion could be very informative for both the

1 Council and the public.

2 I've spent time at these stock
3 assessments for both herring and mackerel, and it is
4 discussed at length. So I think it's informative. I
5 just don't find this to be the appropriate place in which
6 to have the discussion.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Pam.

8 PAM LYONS GROMAN: Thank you, Mr.
9 Chairman. Pam Lyons Groman. I'm with the National
10 Coalition for Marine Conservation. I spoke against
11 this motion when we had the committee meeting because,
12 while I certainly agree with Ms. Tooley, there is a
13 strong role for science in stock assessments when we're
14 looking at forage and predator needs. The bottom line
15 is managing for forage needs goes beyond what the stock
16 assessments can really provide us.

17 When a stock assessment is delivered, it
18 doesn't tell you, well, yeah, certainly all the
19 predators in the ecosystem are getting this amount of
20 mackerel, and we know that they are going to meet their
21 needs; they're going to be able to recover from this
22 assessment. It doesn't give you that kind of advice.

23 So, ultimately, forage needs comes down
24 to a policy that the Council has to set. And when you

1 set policy, you need to hear from stakeholders. And
2 what this purpose does, it basically would put out
3 another notice of intent to hear from stakeholders to
4 inform a policy, a potential policy, that this council
5 can adopt.

6 Without that information coming from
7 stakeholders, I just think this process will be blocked.
8 So I would urge the Council to reconsider this motion
9 because I think it is very important to hear from
10 stakeholders on this. Thank you very much.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Thank you. Patrick.

13 PATRICK PAQUETTE: Thank you,
14 Mr. Chairman. Just a comment on process. I would just
15 suggest to the full council that the record was
16 yesterday that it was 6-6 tie split decision by the
17 chairman. I respect that authority to break the tie,
18 but I would say that at this point in the process this
19 early that that's not in any way that the committee came
20 to a discussion that was there to debate.

21 I think the debate should continue. I
22 think the issue warrants it. And I would just leave you
23 with, like my grandmother used to tell me: Don't tell
24 me what you're going to do; tell me what you've done.

1 There are other opportunities to
2 address this same issue that are just at their infancy.
3 Well, if they take off, then it would be time later on
4 in this process to take it out. But for the time being,
5 without something with teeth in process somewhere else,
6 why would you take it out of this now and limit your own
7 options? It just seems that a 6-6 tie, no consensus;
8 why do it now? It just seems early in the process.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thank you. Greg. I'll come back to the Council. I
11 had a couple more comments.

12 GREG DIDOMENICO: I supported removal
13 of this purpose from Amendment 14 yesterday, and I'm
14 supporting it again today because it is a science issue.
15 It's a science issue that has been discussed at length
16 not only around this table, but in every stock
17 assessment that I've sat through. And sat through 90
18 percent of the mackerel TRAC, 100 percent of the loligo
19 SARC and 100 percent of the butterfish SARC; and the
20 discussion about natural mortality, forage,
21 predator-prey relationships belongs in Woods Hole at
22 the SSC where the body of knowledge is and where it
23 belongs and where the decisions, the informed
24 decisions, that natural mortality has on each and every

1 stock you manage really belongs. That's where the
2 expertise is.

3 And I can tell you right now that the
4 issue of forage every time it's come up for the three
5 species I just mentioned, there is a body of work there.
6 It warrants further debate, but it warrants further
7 debate in Woods Hole by the Science Center.

8 And I can tell you that the issue of
9 forage and what eats what is extremely dependant upon
10 availability, extremely dependant upon temperature.
11 You all have heard Jason Link discuss this at length on
12 several issues.

13 It is interesting, and it's going to
14 have a real impact, but the people who understand this
15 the best are in Woods Hole. They do a great job.
16 That's where it needs to belong, not politicized by a
17 number of comments you receive from keeping this in the
18 amendment. So, again, we ask you to take this from the
19 amendment and keep it where it belongs, at the Science
20 Center. Thank you.

21 COUNCIL CHAIRMAN RICHARD ROBINS:

22 Thank you. Jeff.

23 (Inaudible.)

24 COUNCIL CHAIRMAN RICHARD ROBINS: Back

1 to the Council now. Gene.

2 GENE KRAY: Thank you, Mr. Chairman. I
3 was leaning toward agreeing to take this out, but with
4 the discussion that John and Peter had, if there is no
5 harm, it at least gives the opportunity for discussion
6 at public hearings. We have time to take it out later.

7 And I would disagree with Greg that it
8 belongs in the SSC; it's a science issue. But the fact
9 of the matter is whether to include it here and
10 explicitly spell it out, that's a policy issue. That's
11 not a science issue. So we're not debating whether it's
12 science, because I agree that it is a science issue.

13 But the fact that we want to be very
14 explicit in terms of our interest in using the science
15 and using the ecosystem characteristic, so I see no harm
16 in leaving it in right now, and I'm going to vote against
17 this motion.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Peter.

20 PETER HIMCHAK: Yes. Thank you,
21 Mr. Chairman. I voted in favor of the motion yesterday,
22 and I think that the Council has enough public comment
23 at this point to develop a comprehensive policy to guide
24 the Council in making decisions in separate FMPs, and

1 I can only reiterate what I went through with our
2 favorite topic, the horseshoe crab/red knot situation
3 in New Jersey.

4 We had no guidance on where the emphasis
5 and who gets the benefit and who pays the price, and it
6 became eventually it was a value decision, and we ended
7 up shutting down a fishery for the sake of the red knot.

8 And, again, the repercussions of
9 closing down the fishery were kind of like lost in all
10 the analysis, but there were rippling effects. And to
11 do this without an umbrella of action, reaction and what
12 price you're willing to pay on certain segments, I think
13 we ought to support the motion.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Thanks, Peter. And I will just add that the subsequent
16 ASMFC process has actually gone much further to develop
17 ecological reference points in a much broader context.
18 Howard.

19 HOWARD KING: Yesterday I voted to keep
20 this section in, and then, of course, we had the close
21 vote. During our conversations yesterday, I'm
22 especially reminded of the advice or comments of the
23 science director that current science did provide an
24 ecological background so that the four species aren't

1 necessarily at risk by us not doing this. But
2 especially I'm reminded what John Boreman said about the
3 SSC is going to need a definition or develop a definition
4 of forage.

5 So right now if we went out to public
6 comment with this section still in, one group might be
7 thinking one aspect of forage, the Council may be
8 thinking another; and it would be so disparate, I think,
9 that we might end up in a worse situation with it in than
10 with it not being in there.

11 I mean I'm certainly supportive of a
12 forage concept and protection for forage species, but
13 I have my own idea of what those four species are and
14 how they might be protected. So I think we'll vote for
15 this motion realizing that we will still address forage
16 species down the road.

17 COUNCIL CHAIRMAN RICHARD ROBINS: Lee.

18 LEE ANDERSON: I think I will vote
19 against this motion for a couple of reasons. One, I
20 think there's been an artificial distinction drawn
21 between science and policy here. I think there's
22 enough science that we can look at this in a very
23 particular way and add in what we have. I also think
24 this argument was made before about if we're going to

1 do something of this nature, we should look at all
2 species at the same time. I know that's one way to look
3 at. But I've heard Jason and Link and these guys talk
4 about when you look at the ecological approaches you
5 take one step at a time. You say let's just take one
6 little problem and see if we can arrange it there.

7

8 So I'm not sure it's the best idea, but
9 there is an argument to be made for it. Let's see what
10 can be done in the mackerel fishery, and if we can do
11 it there, it may be expandable outward. And I
12 especially say this at this point in time.

13 We can pull it out. And I tell you, if
14 something happens so that the work that is done is not
15 clear and we have a solid thing, I will vote to remove
16 it from the final thing. But right now I would like to
17 have more information, and I suggest we leave it in.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Pres.

20 PRESTON PATE: Mr. Chairman, I can't
21 add a lot more than what others have spoken their
22 rationale for taking this amendment out, so I'll keep
23 my comment short and just note that I seconded the motion
24 yesterday after I heard the arguments from Mary Beth

1 Tooley.

2 And my feelings have not changed about
3 the preference that I have in dealing with this in a more
4 holistic approach in developing some sound definitions
5 and policies and understanding of what the science is.
6 And all due respect to Dr. Anderson's comments, you
7 can't totally separate science from policy. Science
8 has to inform policy. And I'm not sure that we have the
9 science to go forward with a rational application of our
10 decisions to provide forage for the ecosystem. And
11 that is not to say that I am in any way opposed to doing
12 that provided that we have the opportunity to look at
13 it in a thorough, unrushed, unhurried way, which I think
14 will happen if we include this in Amendment 14.

15 We won't have the luxury of debating the
16 best science. We won't have the luxury of considering
17 what the policy implications are for other species that
18 we haven't considered yet. So I'll vote to keep -- I'll
19 vote to support this motion.

20 COUNCIL CHAIRMAN RICHARD ROBINS:

21 Thank you, Pres. John.

22 JOHN MCMURRAY: Thank you, Mr.
23 Chairman. I think it's important to note here for the
24 full council that if we were to move forward with Purpose

1 F, in no way does it bind us to making any sort of
2 decision on an ecosystem buffer. It just gives us the
3 discretion, and it puts a tool in place and makes it very
4 transparent that we can make that decision. Thanks.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Mary
6 Beth.

7 MARY BETH TOOLEY: Yeah. Just some
8 final thoughts based on some of the comments that I've
9 heard. There was mention of whether there's harm in
10 keeping it in or not. There was mention of this is a
11 small problem that we could fix in this action. I don't
12 know that there's been any problem that's been
13 identified here in the first place.

14 I mean forage has been considered in the
15 analysis in the assessment process. It's been pointed
16 out by a number of people. So it's very unclear to me
17 what the problem is. And then as far as harm goes, harm
18 of keeping it in, harm of taking it out; well, from an
19 industry perspective, there's harm in leaving it in.

20 There clearly is a very coordinated
21 public Internet process going on when we have a proposed
22 rule for herring and receive 6,000 comments from people
23 hitting the button on the Internet. Now, 6,000 people
24 who are commenting on the management of Atlantic herring

1 who have never seen a herring, never seen a herring boat,
2 never seen a herring, haven't sat through any of the
3 assessments; and it's very coordinated.

4 We will hear from the public. It's very
5 easy to anticipate what the outcome of something like
6 this might be. And it does take it out of the science
7 realm, and you all will get the response. And the
8 pressure is on do something. Well, do something for
9 what? that would be my question. What is the problem?
10 I really don't clearly understand it at all. The whole
11 discussion about forage, as I said earlier, very good
12 discussion for the Council to be having. You need to
13 have it in the correct way, though. And it needs to be
14 a science-based discussion. A term of reference for
15 the SSC would be very appropriate. And I find this to
16 not be appropriate.

17 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
18 going to go ahead and call the question. I don't know
19 that we're going to benefit from any additional debate.
20 I would point out: regardless of how this vote goes
21 that the forage issue is obviously an important one to
22 the Council.

23 I think you very clearly based on past
24 actions wanted to see us make progress on this issue.

1 To that end we've engaged the SSC. And I think
2 regardless, again, of how this goes, we will continue
3 to work on the forage question and trying to account
4 effectively in our management decisions for ecological
5 considerations.

6 So with that, I will call the question.

7 (Motion as voted.)

8 {Move to remove purpose F from Amendment 14.}

9 COUNCIL CHAIR RICK ROBINS: All those
10 in favor of the motion, please raise your hand.

11 (Response.)

12 COUNCIL CHAIRMAN RICHARD ROBINS: Ten.
13 Opposed like sign.

14 (Response.)

15 COUNCIL CHAIRMAN RICHARD ROBINS: Seven.
16 The motion carries. Erling.

17 UNIDENTIFIED: You've got one abstain
18 here.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Abstentions.

21 (Response.)

22 COUNCIL CHAIRMAN RICHARD ROBINS: Sorry.
23 One abstention. Thank you. Erling.

24 ERLING BERG: The next motion is: Move

1 to remove Alternate Set 4 - 3rd party/dockside reporting
2 and monitoring measures. This is similar to a motion
3 that was presented to the New England Council.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Thank you. Jason, do you have any additional
6 background you want to offer?

7 JASON DIDDEN: Just to clarify, I think
8 the intent of this is to remove from Alternative Set 4
9 the third-party dockside reporting and monitoring
10 measures. And New England did this and essentially
11 replaced this and several other alternatives with an
12 alternative in their Amendment 5 document to weigh
13 catch.

14 There are several provisions existing
15 within other alternatives in the document that
16 essentially get to that. And so there are pros and cons
17 to third-party dockside reporting. It's a major
18 resource constraint.

19 We've essentially been told that the
20 Center cannot -- you know, fund this kind of thing or
21 likely cannot even fund the management of it, which
22 would be a major stumbling block. And there's also a
23 lot of discussion that there are existing independently
24 funded dockside monitoring programs that are covering

1 a good bit of the relevant fisheries, and I think those
2 issues led to this motion.

3 COUNCIL CHAIRMAN RICHARD ROBINS: I
4 think one of the points, too, Jason was that this
5 happened -- the monitoring focus will be primarily on
6 the at-sea observer program, so. Are there any further
7 questions or discussion at the Council level on the
8 motion? Chris.

9 CHRISTOPHER ZEMAN: Between the
10 Committee meeting we heard that there's a question as
11 to the voracity of the dealer catch reports. And I
12 would like to see -- if this is removed, okay, at least
13 see some sort of alternate motion that we actually
14 examine what dealers are actually -- the process that
15 they're going forthwith in terms of reporting catch to
16 make sure that it is reliable because NOAA is primarily
17 relying on those dealer reports.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Jason, did we say that the FMAT would review what's being
20 done right now? Can you remind me?

21 JASON DIDDEN: Yes. I am going to have
22 to go pretty much back and listen to that whole meeting
23 'cause there were a lot of things to the FMAT. But I
24 think within the actual alternatives that are in there

1 now, there is both kind of general weighing of things
2 going through dealer and specific sorting and weighing,
3 and there are various feasibility issues. But I think
4 that issue will be addressed within the current set of
5 alternatives.

6 COUNCIL CHAIRMAN RICHARD ROBINS:
7 Thank you. Any further discussion. Is Council ready
8 for the question? Is there any objection to the motion?
9 Is there any objection to the motion? Seeing none, it's
10 approved by consent. Erling.

11 ERLING BERG: Move to request that the
12 ABC be increased to the level specified by the SSC on
13 February 7th, 2011, which would be 1,811 metric tons,
14 up from 1500 metric tons. The intent is for the
15 increase to be used for the loligo/butterfish cap to the
16 extent practicable.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thank you, Erling. And, again, this is an emergency
19 request to modify the specifications for butterfish.
20 It reflects the updated SSC advice. I appreciate
21 Dr. Boreman's efforts to work with staff and make that
22 meeting a possibility. There was a lot of work that
23 went into that. So we appreciate that opportunity.
24 Any further discussion on the motion? George.

1 GEORGE DARCY: Just a reminder that I
2 have to vote no on this to maintain the secretary's
3 discretion.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 Thank you for that clarification, George. Peter.

6 PETER HIMCHAK: I just wanted to offer
7 a perfection to the motion. After ABC could you specify
8 a butterfish? I mean it's not mentioned until later on
9 in the --

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Thank you. There's no objection to that, Erling?. All
12 right. That's without objection. Is the Council
13 ready for the question?

14 (Motion as voted.)
15 {Move to request the ABC of butterfish be increased
16 to the level specified by the SSC on February 7,
17 2011 (1811mt). The intent is for the increase to
18 be used for the loligo butterfish cap to the extent
19 practicable.}

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

22 (Response.)

23 COUNCIL CHAIR RICK ROBINS: One
24 objection. Okay. The motion carries. Thank you.

1 Erling, do you have any other business to come before
2 the Council?

3 ERLING BERG: No. That's all the
4 motions. I did want to inform the Council that when
5 we're talking about mackerel, there is no mackerel this
6 year. As of Monday there's been no landings. I think
7 they all went to Iceland or someplace else. But they're
8 not in this country.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thank you. Okay. I'll go to Lee Anderson for
11 surfclam/ocean quahog/tilefish. Before I do, though,
12 just to be clear: The FMAT will be working with the
13 draft document as amended by the committee's work and
14 by this council's motions today; the FMAT will continue
15 development of Amendment 14. Erling.

16 ERLING BERG: And there's also plans to
17 have another Squid/Mackerel/Butterfish Committee at
18 some near future date to deal with the alternatives that
19 we have discussed in the last few days.

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Thank you very much. Lee.

22

23

24

SURFCLAM/OCEAN QUAHOG/TILEFISH COMMITTEE REPORT

1 LEE ANDERSON: Thank you, Mr. Chairman.
2 I can be brief in interest of the time. The Surfclam
3 Committee talked about two issues; one, the excessive
4 share study that's going on, and second, the opening up
5 of Georges Bank. Dr. Weinberg has already discussed
6 the process of that study. I will not repeat that.
7 Anybody has any further questions, they can ask.

8 The second issue was the opening of
9 Georges Bank. And I'm going to use as my text for this
10 sermon the letter from Pat Kurkul to our chairman as of
11 December 6th where she reported that she's going to not
12 approve the proposed rule to open Georges Bank.

13 She did so because they were afraid of
14 public health. And I'm just going to read the last --
15 what I'm going to ask for is -- what the Committee asked
16 for is permission for the staff to make another addition
17 to the current amendment to the Surfclam Committee to
18 add a test for -- let me read this. But that's what I'm
19 going to ask for.

20 It said: NMFS agrees that a testing
21 protocol is necessary to ensure that clams harvested
22 from the area remain safe for human consumption;
23 however, under the existing regulations for surfclam
24 and ocean quahog fisheries, NMFS does not have that

1 authority to implement such a monitoring program;
2 therefore, based on the review of the public comments
3 and given the significant health risks with opening the
4 area without a testing protocol, NMFS has withdrawn the
5 proposed rule.

6 And here's the key thing for Council
7 action: Although NMFS does not have independent
8 authority to implement a formal testing protocol as a
9 condition of reopening a portion of Georges Bank closed
10 area, this could be done through a council action to
11 amend the Atlantic surfclam and ocean quahog FMP.

12 And what our committee proposes to the
13 Council as a whole is to add to our current work on
14 Atlantic surfclam and ocean quahog another section that
15 would amend it to grant independent authority to
16 implement a formal testing protocol as a condition of
17 reopening a portion of Georges Bank. And that was
18 passed without objection. Mr. Chairman, I would ask
19 that Council agree with that and move that thing on.

20 COUNCIL CHAIRMAN RICHARD ROBINS: So
21 that's the committee motion?

22 LEE ANDERSON: Yes.

23 COUNCIL CHAIRMAN RICHARD ROBINS: It
24 does not require a second. Discussion on the motion?

1 Peter.

2 PETER deFUR: Does the motion need to be
3 any more specific and indicate tissue sampling and
4 testing? I mean all this says is in order to protect
5 public health. And is that the best way to leave it?

6 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
7 sorry. I didn't hear part of your question.

8 PETER deFUR: The way in which this is
9 done currently is that we're taking tissue samples.
10 You catch clams, and you test them. That's the way in
11 which we're doing it now. Do we need to be that specific
12 in order to accomplish the purpose that we seek, or is
13 it better to leave it with the phrase: Due to presence
14 of PSP in order to protect public health?

15 Are there direct and indirect ways to
16 measure PSP? And what we've been doing for a long time
17 is direct measurements. You get clams. You get
18 shellfish. You sample them.

19 LEE ANDERSON: If I may?

20 COUNCIL CHAIRMAN RICHARD ROBINS: Go
21 ahead.

22 LEE ANDERSON: In the discussion the
23 issue is we are going to encourage the adoption of the
24 current protocol that is being used, and we will grant

1 the regional administrator the authority to use that to
2 open or not open the fishery. So it is a reference to
3 that.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 Peter, at this point, we're adding the item to the
6 amendment, so the details will continue to be developed.
7 I mean this action simply adds it to the --

8 PETER deFUR: Okay. We don't need
9 anything more specific than that?

10 COUNCIL CHAIRMAN RICHARD ROBINS: I
11 don't think we need anything else. But I saw George
12 with his hand up.

13 GEORGE DARCY: No. I agree with that.
14 You don't need anything more specific. In fact, we're
15 trying to be somewhat generic because if other areas
16 came along in the future or other protocols that were
17 acceptable -- were available, we'd want to be able to
18 use those, too. But the point is that we want to make
19 sure that if those areas are open, people are required
20 to land using those protocols.

21 PETER deFUR: Okay. That's good.
22 That's a clarification.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Thank you. Is the Council ready for the question? Is

1 there any objection to the motion from the committee?
2 Seeing none, it's approved by consent. Thank you.
3 Lee, is there anything else?

4 LEE ANDERSON: No. Thank you,
5 Mr. Chairman.

6 COMMITTEE CHAIRMAN RICHARD ROBINS:
7 Indeed. I'll look to Gene Kray for the Ecosystem
8 Committee report.

9

10 ECOSYSTEM COMMITTEE REPORT

11 EUGENE KRAY: Thank you, Mr. Chairman.
12 A couple of announcements. Since the committee met
13 yesterday, I received an e-mail from Karen Green, who
14 is at the NMFS lab at Sandy Hook. New Jersey's governor
15 has notified MARAD that he is vetoing the Liberty
16 National Gas Project. The Deep Water Ports Act allows
17 the governors of the adjacent coastal states to veto or
18 disapprove the license for deep water ports offshore of
19 their coast. So for now the project has died. It seems
20 that the applicant may make some changes and try again,
21 but for now the project is done. I'll keep you posted
22 when I have more news.

23 We also received an e-mail from John
24 Williamson, who's obviously here, that it was in the

1 Federal Register yesterday that BOEMRE, which is the
2 Bureau of Energy Management Regulation and Enforcement,
3 published a notice of intent to prepare an environmental
4 assessment for the Mid-Atlantic wind energy areas off
5 New Jersey, Delaware, Maryland and Virginia.

6 And the Federal Register notice goes on
7 to discuss where the sites are, how far off shore, how
8 far in-shore. So Brian Hooker, who some of you may
9 know, he used to be with another division of NMFS is now
10 with BOEMRE, and he will be at our April Ecosystems Ocean
11 Planning Committee meeting telling us more about the
12 process, what we can do.

13 And hopefully, we'll want to get into
14 the loop so that as early as possible we can take into
15 consideration what these things may have on and where
16 they are and habitat issues as well as possible blockage
17 for commercial and recreational fishing in those areas.
18 So we'll have more on that in April. Back to the
19 meeting, Mr. Chairman, we talked a little bit about
20 MACOORA, and that's M-A-C-O-O-R-A. That's the
21 Mid-Atlantic Ocean Observing Regional Association. By
22 consensus the committee agreed that we should continue
23 to pursue a leadership role on that organization, which
24 itself is undergoing reorganization.

1 And if the Council approves, I will
2 draft a letter for the chairman's signature to go to Dr.
3 Carolyn Thurber who's the chairperson of the MACOORA
4 board. And basically what we are seeking is a seat on
5 the board to move into a more prominent fisheries in
6 their various objectives and user groups. So I don't
7 know if you need a motion on that, Mr. Chairman?

8 COUNCIL CHAIRMAN RICHARD ROBINS: I
9 think we can do that by consent without objection. But
10 I will ask if there's any further discussion on it. I
11 think this engagement is certainly going to be more
12 limited than our engagement with Mark over at the
13 regional planning body in terms of the scope of
14 resources we need to fill the position.

15 Is there any objection to moving forward
16 with that request? Seeing none, we'll do that by
17 consent. Thank you, Gene.

18 EUGENE KRAY: And the other item deals
19 with the next step from the workshop we had in December
20 in Virginia Beach. We have formed a subcommittee of the
21 Ecosystems and Ocean Planning Committee to review the
22 draft priorities from the recommendations coming out of
23 the December workshop.

24 The members of that committee are:

1 myself and John McMurray as the vice chair of the
2 committee, Peter deFur, Pat Augustine, and Tom Huff will
3 be there as staff. And Tom Bickford from NMFS and Jason
4 Link, the chairman of the SSC ecosystem subcommittee,
5 also asked to be on this.

6 So we will meet sometime. We're
7 looking at the first two weeks in March, and we'll
8 hopefully have a report for the April Council meeting
9 on what we think the steps should be and how long a period
10 of time we will have to operate. We'll do the easy ones
11 first and then the tougher ones later on. But we'll put
12 them into some kind of a time sequence. That's my
13 report, Mr. Chairman.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Thank you, Gene. Any questions for Gene? Okay.
16 Seeing none, Dr. Boreman.

17

18 SSC COMMITTEE REPORT

19 JOHN BOREMAN: Yes. Thank you,
20 Mr. Chair. I'll try to be short as well. A lot of our
21 SSC activities have been discussed over the past three
22 days. For example, the SSC did meet by a webinar on
23 February 6th to discuss the latest information on
24 butterflyfish abundance indices that are coming out of the

1 Northeast Center. Unfortunately, I was called for jury
2 duty two weeks before that webinar. And if you're a
3 resident of North Carolina, you realize that even if
4 you're dead, you have to appear in front of a judge to
5 explain why you can't make the date. So I figured I'd
6 get it over with, and it turned out just to be a half
7 day commitment, but that half day wiped me out of the
8 webinar.

9 Rob LeTour was acting chair, and he did
10 an excellent job, and the advice came forward, and the
11 rest is history, as they say. We talked about the
12 social and economic subcommittee moving well along with
13 a process for incorporating advisory panel information
14 into the SSC decision making process.

15 And, as Rich said, there's a workshop
16 now set up for early March somewhere in the Baltimore
17 Washington International Airport area where the
18 subcommittee members can meet with the advisory panel
19 and work on a way forward.

20 Our ecosystem subcommittee we talked
21 about that during the Ecosystems Committee meeting.
22 Yesterday or the day prior to that they had the meeting,
23 and we did have one meeting of the subcommittee to review
24 the terms of reference that were given to the

1 subcommittee by the Council just to make sure that
2 everybody on the subcommittee understood what the terms
3 of reference meant and what we were going to do and
4 select some next steps. And Jason Link, as has been
5 said, has stepped up and is chairing that subcommittee.
6 Our next SSC meeting's going to be in May. We're going
7 to be looking at developing specs for squid, mackerel,
8 butterfish, and clams, quahogs or? No. Just squid,
9 mackerel, butterfish I know for sure.

10 And we talked about for butterfish at least asking
11 the SSC to start looking at developing ABC
12 recommendations that take into account -- take
13 advantage of more recent information, just like we had
14 on the February 6th call.

15 Butterfish are short lived, not a short
16 as squid, but they are relatively short lived, very high
17 variability and stock. Even though the stock is down,
18 it still varies a bit from year to year, and having the
19 latest information about abundance would be useful.

20 So I think I'll be working with the
21 Council in developing terms of reference, but I think
22 the SSC should be asked to see if we can address
23 something that makes the ABC recommendation more timely
24 than working off of data that are a year and a half old.

1 And the final topic, if you recall -- and
2 I'm sure all of you have our standard operating
3 procedures memorized -- part of it allows the SSC to
4 bring on temporary members if we are in an area where
5 we need additional expertise or to expand our range of
6 expertise in a given scientific discipline. Well, that
7 opportunity had arisen with the excessive shares
8 project. The report has been prepared, and there's
9 going to be a CIE review panel.

10 The Council has been asked or the SSC has
11 been asked to provide a chair for that CIE review panel
12 session, and we have an opportunity here to bring on one
13 of the best, most renowned natural resource economists
14 in the country, who is willing to participate and come
15 on board to the SSC for one year.

16 He's Dr. James Wilen. He's a professor
17 at University of California, Davis. And I'm going to
18 let Lee Anderson talk about his qualifications. But
19 here is an opportunity to tap into somebody with
20 expertise in this area that would really benefit the
21 SSC.

22 So I think at this point, Lee is putting
23 his name forward for nomination, but just to note that
24 the social and economic subcommittee members on the SSC

1 do endorse this nomination. Go ahead, Lee.

2 LEE ANDERSON: Yeah. That's what the
3 point is, that we've cleared this name with our SSC with
4 the folks up at Woods Hole, and I've talked to
5 Dr. Wilen. He's agreed to do it. And his vitae is
6 under the tab for the new business. You look at his
7 vitae. He's written more articles, and he's a very
8 clever guy working on theoretical things. But
9 he's very clever at also getting into the real world of
10 fisheries management, and he does a lot of stuff with
11 ITQs, and I think he's just the guy to sit back and review
12 this panel.

13 Because the consultant who was doing it
14 was primarily an antitrust guy. He's a very smart
15 fellow that is respected highly in the economic
16 community. So, if we have that back there, and then we
17 have Dr. Wilen chairing the CIE to review that report,
18 I think we're going to get a good half panel. I heartily
19 recommend that we appoint Dr. Wilen to the SSC.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Lee,
21 do you want to make such a motion?

22 LEE ANDERSON: Yes. I move that we
23 appoint Dr. Wilen to the SSC under the stipulations made
24 by John Boreman. It's a temporary one-year thing. I'd

1 like to talk him into staying longer if we could.

2 COUNCIL CHAIRMAN RICHARD ROBINS: So
3 the motion is to appoint Dr. Wilen for a period of one
4 year on an interval appointment. Is there a second?
5 Peter deFur. Discussion? Is there any objection to
6 the motion? Is there any objection to the motion?
7 Seeing none, it's approved by consent. Thank you.
8 John, is there any other business?

9 JOHN BOREMAN: Yeah. I did have a
10 discussion, just a point. That if you look at his CV,
11 one of his Ph.D students was Marty Smith, who's on our
12 SSC. So it must be good because Marty is absolutely a
13 terrific addition to the SSC. That's the end of my
14 report, Mr. Chair. Thank you.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 John, thank you. And thanks again for the additional
17 effort to put that webinar together earlier this month.
18 I appreciate that. Okay. The Research Set-Aside
19 Committee. Pres.

20

21 RESEARCH SET-ASIDE COMMITTEE REPORT

22 PRESTON PATE: Thank you, Mr. Chairman.
23 We had no action items coming out of the committee, so
24 this report will be reasonably short. We did receive

1 an update on the progress of completing the task that
2 we initiated several meetings back, and that is to
3 review the performance history of the projects that have
4 been funded under RSA with the goal of evaluating what
5 contributions they have made to our management
6 decisions and based on that review if there's any need
7 to change our strategy for setting priorities every
8 year.

9 Rich Seagraves presented a very good
10 report on where he is with that analysis which is not
11 complete yet, but hopefully will be by the time that we
12 meet at the next meeting and has identified a part of
13 that analysis that will examine the administrative
14 process, which is the auction that generates the funds
15 for the set-aside awards and also the process internal
16 to the Northeast Region for issuing the special permits
17 and at the state level for issuing any necessary state
18 permits for prosecuting fisheries under the RSA
19 program.

20 We'll be putting together a small
21 subgroup of the RSA to assist Rich in making that
22 analysis. And I was really pleased with the progress
23 that we've made, and I think we are on the right track
24 for helping us to logically and completely evaluate

1 where we are and where we need to be in the future with
2 that program.

3 It's undergoing some evolution
4 considering the way that the fisheries have changed
5 since the RSA program has been set up and with the
6 funding cuts that are happening all around us from
7 various traditional forces.

8 I think it's a good time for us to take
9 advantage of this review and see if we can't more
10 efficiently and effectively direct some of that money
11 that's available through the set-aside program.

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Pres, thanks for the report and thanks again for your
14 efforts and the committee and staff working on this
15 issue. I know this is going to be a very thorough review
16 of the program itself and looking at ways to improve its
17 effectiveness. So I think we'll be very well served by
18 the review. Any questions for Pres about the RSA
19 report? Okay. Seeing none, we'll go to Chris Zeman
20 for river herring.

21

22 SHAD/RIVER HERRING COMMITTEE REPORT

23

24 CHRISTOPHER ZEMAN: Thank you. The
River Herring and Shad Committee met as a -- well, the

1 Council met as a committee of the whole yesterday, and
2 so there were no action items, so my summary will be
3 brief.

4 Basically, the committee did provide an
5 update to the Council as to the status of its review of
6 alternatives to improve coordination between the
7 various groups that are working on river herring and
8 shad conservation, as well as looking at options for
9 more involvement by the Council in the conservation of
10 those species.

11 At this time we're still awaiting
12 several FMAT reviews, and we have received a summary
13 from the Commission regarding its measures which we'll
14 provide to the committee during our working meeting to
15 be scheduled between now and the April council meeting
16 and for me to report to the Council that it will give
17 its recommendations at the April council meeting.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Any
19 questions for Chris? Okay.

20

21 EXECUTIVE COMMITTEE REPORT

22 COUNCIL CHAIRMAN RICHARD ROBINS: The
23 Executive Committee met this morning, and many of you
24 were here. In case you weren't, I'll just quickly

1 summarize. Rich Seagraves presented an update on the
2 AP fishery performance report. The SSC has formed a
3 subcommittee of social scientists that have been
4 supporting that project, and there have been several
5 meetings and calls at this point, and quite a bit's gone
6 into that.

7 They've come up with recommendations
8 related to the AP performance report. They've also
9 come up with the proposal to have what they're
10 generically terming right now as a safe report. That
11 would involve additional support from the Science
12 Center and from the regional office and from staff to
13 put together a more complete package and set of
14 recommendations that go to the SSC.

15 That safe report would be presented to
16 the AP prior to going to the SSC. In the course of doing
17 that, they would develop -- prior to that they would
18 develop methods to elicit the AP's input to characterize
19 factors that influence catch in a given year. And that
20 would be a structured method to bring their perspective
21 into the process.

22 So we are looking right now at a meeting
23 that I think Rich is scheduling for March the 8th with
24 the advisors and with us. And Bonnie McKay would be

1 involved in that as an SSC lead person.

2 And so they'll be discussing the ways
3 that they would solicit the information from the AP and
4 setting them up for this next specification cycle so
5 they would be participating in the process prior to the
6 May meeting of the SSC. We also had an update on MRIP.
7 You recall we previously agreed to develop an MRIP
8 Mid-Atlantic project subject to the availability of
9 funding. We haven't secured that funding yet.
10 There's some uncertainty regarding the budget that
11 should be resolved by early March, but we're trying to
12 move forward with that.

13 John Williamson and Mary Beth Tooley
14 both gave us an update on that program and how effective
15 it's been in New England. It's been a tremendous
16 success at trying to bridge the gap between fisheries
17 managers, the Council, and the fishing community.

18 So it really presents us, I think, with
19 an excellent opportunity. But, again, it's going to be
20 subject to funding, so we'll continue to work on that.
21 We also had an update on the visioning project. Dr.
22 Moore gave us a quick review of the proposed contract.
23 We received seven proposals. We've narrowed that down
24 to a couple and would expect to confirm that contract

1 next week.

2 We also had an update on the
3 communications plan for the Council. And at our last
4 meeting, we had agreed to move forward with hiring
5 somebody as a full-time communications person, but
6 given the current budget uncertainty, we've postponed
7 that. But Chris did point out several other
8 communications-related initiatives. We also
9 discussed the fact that at the next meeting we'll
10 propose to have a listening session where the public can
11 more informally have access to us and perhaps do that
12 after the first day of business. That's in the same
13 model that the South Atlantic Council's been using quite
14 effectively.

15 They've been dealing with some very
16 difficult issues down there, red snapper and related
17 management measures, and so it's afforded them, I think,
18 a very good opportunity to make themselves more
19 available to the public and have an informal setting
20 where people can come in and ask questions of the council
21 leadership and staff in the regional office. And so we
22 will work with the regional office on trying to format
23 that prior to the next meeting.

24 And yesterday, of course, we awarded the

1 Ricks E. Savage Award to Dennis Spitsbergen, a
2 long-time Mid-Atlantic Council member. And that's all
3 I have under the Executive Committee. Are there any
4 questions on the Executive Committee report or
5 initiatives? Okay. Seeing none, HMS. Pat, do you
6 have a report?

7

8 HMS REPORT

9 PAT AUGUSTINE: I do. It will be very
10 short, Mr. Chairman. Thank you. Behind Tab 14 are two
11 pages that were SSC report followed by commercial
12 landing of bluefin tuna year end data. A lot more fish
13 this year than last year, smaller. Actually, the
14 average weight was almost a hundred pounds less than
15 they were last year. Very large body of fish in the Gulf
16 of Maine in that area. But the U.S. did stay under their
17 quota.

18 The next two or three pages are a summary
19 of the ICAT annual report broken out by species of fish.
20 If you have any questions on any of those, I'd be more
21 than happy to announce them.

22 About four pages over you have the
23 Atlantic swordfish landings update, a similar report.
24 We're nowhere near going over the quota, but we've had

1 a very active buoy fishery develop down in the South.
2 There have been some interesting pelagic long-liners
3 getting back into it.

4 Concern of the cost of sending out those
5 vessels. So it's just talk now. But it looks like the
6 buoy fishery is alive and well and developing. Another
7 report following that, North Atlantic swordfish broke
8 out by north and south. And a NOAA report that talks
9 about how NOAA will work to identify nations to address
10 illegal, unreported, and unregulated fishing.
11 Excellent report.

12 And the direction the U.S. is going is
13 basically taking countries under wing and showing them
14 how we do it. And they're developing that across all
15 of the ICAT countries. Following that is a Federal
16 Register listing on the Atlantic highly migratory
17 species bluefin tuna bycatch reduction in the Gulf.
18 I'm happy to report that we had a telephone conference
19 call on Tuesday at two o'clock in the afternoon. I
20 stepped out for about an hour and a half. And the
21 Advisory Panel Committee talked about supporting the
22 implementation of what's called the weak hook. And
23 it's a study that's been going on for a couple of years
24 now.

1 And what's happened now is they find
2 that using these weak hooks that they reduce the number
3 and incident of large bluefin tuna being caught in the
4 Mexican pelagic longline fishery. Incidental to all of
5 this, in the fall season, the report that we had was a
6 greater number of yellowfin tuna are now being caught
7 on those weak hooks, and the scientists are trying to
8 figure out what that causes event from.

9 But by and large this proves to be very
10 successful. ICAT countries were introduced to the
11 weak-hook technology two years ago when I was fortunate
12 enough to represent the Council in Morocco. And that's
13 taken off also.

14 And the final one, which is really a
15 recap of the major activities that the U.S. Department
16 of State put together an executive summary. If you took
17 time to read that, you'll find that some countries are
18 under the gun with this IUU, illegal unidentified,
19 unreported fishing, what's being done by the U.S., which
20 countries may be looking at sanctions. And, again,
21 there are some identification of what adoptions were
22 made and taking place, recommendations by the various
23 committee groups and so on.

24 If you took time to read it, you would

1 find that the U.S., although we don't get a lot of credit
2 for it, is doing a very commendable job, and the total
3 effort the U.S. has put in for us having such a small
4 part in terms of quota is just astronomical. The U.S.
5 is constantly looked up for what they're doing and
6 bringing it to the table. And that's the end of my
7 report, Mr. Chairman.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Thank you, Pat. Any questions on HMS for Pat? All
10 right. Seeing none, Jason, do you have an MRIP update
11 for us?

12
13 MRIP UPDATE

14 JASON DIDDEN: Yes. Okay. In an
15 ongoing effort to have staff to try to keep the Council
16 updated on what's going on with MRIP, we thought it could
17 be good for a brief presentation. Just remind folks Dr.
18 Boreman is on the Executive Steering Committee for MRIP.
19 They kind of make final decisions about funding.

20 Pres is the chairman of the operations
21 team, which kind of drives a lot of the organization of
22 those projects. Priorities, approvals, projects they
23 get afforded to the Executive Steering Committee for
24 final approval. I'm on that operations team, and some

1 of the work groups as well. So, if folks every have
2 questions about MRIP, there's good resources close in
3 hand, and never hesitate to talk to any of us about it.

4 So I just wanted to kind of remind people
5 of the timeline. In '06 we had the NRC review, and that
6 started NMFS discussions going on. In '06 and '07,
7 Magnuson was underway and then adopted or enacted at the
8 beginning of '07. NMFS also kind of got the first money
9 into the planning pipeline.

10 '07 and '08 was really when MRIP started
11 kind of kicked off of driving the process. And in the
12 first part of that process was really pilot projects,
13 investigating improvements to the methodology of the
14 surveys and ensure they're national in scope.

15 2010 and 2011 we're getting kind of the
16 results of some of the major pilot projects. And this
17 is kind of where the rubber will now hit the road, as
18 these results are used to change the surveys.

19 'Cause really this system of surveys is
20 essentially being conducted very similarly to how
21 they've been done. But as these major projects come in,
22 we'll start to see changes. In 2011, 2012 the pilot
23 project results will be used to change how things are
24 actually conducted. While we're getting into these

1 major pilot projects, the operations team thought that
2 this could be kind of a good place to pause on these major
3 methodological issues and look at some more regional
4 projects. And operation team members had
5 opportunities to submit regional projects. And I'll
6 describe that a little bit.

7 Just wanted to mention if you look on the
8 Internet chatter or different news letters, you'll
9 often see kind of two conflicting things of some people
10 say that the Service is kind of in violation of Magnuson
11 in terms of implementation schedules; other people will
12 say it is.

13 There's a discontinuity within
14 Magnuson, that Magnuson said by January 12th, 2009, you
15 should establish the program; and it said by
16 January 1st, 2009, you should implement the program and
17 essentially be finished.

18 And so it's like this implementation
19 deadline was before the establishment of the program
20 deadline. And so it creates kind of a lot of confusion
21 about what Magnuson said was supposed to be done when.
22 But just kind of for background information 'cause this
23 topic comes up with some frequency.

24 So right now we're getting some of these

1 major project results, a new estimation methodology
2 that uses how the surveys were actually done more
3 properly to come out with the estimates. They are going
4 back several years, not way far back because of how the
5 survey has changed over time; but they will be
6 calculating I forget how far back exactly. Pres, do you
7 know?

8 PRESTON PATE: 2002.

9 JASON DIDDEN: Back to 2002 there will
10 be new estimates for the different species. And going
11 forward, that new estimation methodology will be used.
12 And there was a big review of that. It was accepted a
13 new way to do it. The operations team is essentially
14 saying use this.

15 There is an intercept redesign that's
16 ongoing. There's been a lot of projects of using the
17 licenses for effort either by themselves or as part of
18 a dual frame or mail survey, different ways to use the
19 licenses.

20 I think almost all the East Coast states
21 are essentially exempt from the registry. I know New
22 Jersey is kind of working on things. I'm not exactly
23 sure of the state of New Jersey, but otherwise, I think
24 all the states are either at or very close to being

1 exempted from the federal registry.

2 There are also major projects trying to
3 look at how for-hire logbooks can be used and how they
4 can be validated. The big thing has been the monk waves
5 and recall issues. There's a project on that. And
6 also looking at public and private sites and how
7 under-coverage of private sites may be impacting. So
8 all of these are kind of major projects that will have
9 results coming very soon down the line that will have
10 implications for how the survey is done. So, like I
11 said, those are all kind of coming in and then will be
12 implemented into the surveys. The operations team
13 said, well, let's maybe take a step back and think about
14 are there some regional needs that could be addressed?

15 And I submitted some projects, and some
16 other folks submitted some Mid-Atlantic projects.
17 And just to highlight some, the Maryland state folks --
18 and I've been involved with this to some degree -- want
19 to stratify out the coastal bays, the ocean. That has
20 potential implications for other areas where these kind
21 of stratifications are important.

22 We submitted one to look at Wave 1
23 effort. There was a small effort survey done as part
24 of MRIP for Wave 1 of 2010. It was just a random digit

1 dial on the telephone survey. It found generally very
2 low rates, but we did propose to try to generate --
3 there's no report from that yet -- to get a report out
4 of that and also some ideas of how to kind of look at
5 it in a few additional ways.

6 There are several states in the
7 Mid-Atlantic that have these volunteer angler surveys.
8 Internet portals for these are different mechanisms. I
9 think the summer flounder length records have gone from
10 like 4,000 to about 1,000 over the last few years, making
11 it very difficult to do bag size limit analysis. So
12 this will essentially be a workshop of the states and
13 try to think of, okay, how could those be better
14 coordinated to provide more length information to
15 facilitate that kind of analysis or other analyses, how
16 best to kind of use those that are popping up.

17 They're collecting data, but there's
18 problems with volunteering those surveys to try to get
19 folks together and think of how best to use that. There
20 are some areas -- I think primarily are in Hatteras, also
21 on the Cape -- where they're subcounting
22 stratifications. NMFS provides code for that. And so
23 that's going to need to be re-tweaked likely based on
24 the new estimation methodology.

1 There's a workshop proposed for
2 updating in the Mid-Atlantic area getting the states
3 together to help update the for-hire survey frame.
4 Also proposed, like, essentially a constituent workshop
5 for the for-hire fleet.

6 The NRC review recommended logbooks.
7 There was an independent for-hire review that got into
8 more detail that said, yes, logbooks, but surveys are
9 less burdensome, and if they're done correctly can still
10 provide valid information. So there's a variety of
11 logbook and surveys on the East Coast right now. The
12 idea was maybe get some of the for-hire folks on the
13 Mid-Atlantic and New England to kind of get some input
14 from constituents about now what are their thoughts on
15 kind of where they would like to move with for-hire data
16 collection. And then also this is one coming out of
17 SNT, but it could potentially be done in the New England
18 and Mid-Atlantic areas of nonresponse bias in the large
19 pelagic survey.

20 Essentially looking at people who are
21 not responding, do they have different catch rates?
22 Essentially, it involves a lot of follow up with the
23 people who don't reply initially. So now the
24 operations team will review these. Some of them will

1 fall into priorities that the operation team thinks is
2 more or less important, but staff -- I'll work with
3 Jessica and Jim, folks who do more recreational species
4 to kind of forward input to the operations team of which
5 one of these are kind of the highest priority from a
6 Mid-Atlantic staff perspective.

7 So, just for more details, if you google
8 count my fish, the first result should be the MRIP site.
9 It's easy to remember. And if you look under the latest
10 news section on that -- and I can just kind of show you
11 where it is -- there are two reports on this latest news
12 on the right here.

13 One is NOAA submitted an annual report
14 to Congress on what has happened so far. And then
15 underneath that is an implementation update that was
16 released in November. I mean I highlighted a few of the
17 major projects, but there are probably 20 or 30 that have
18 either been done or are in some phase of completion, and
19 that gets into a lot more of the details.

20 And if you're looking for kind of a good
21 kind of understanding of where MRIP stands, those two
22 documents as a whole kind of will provide you with pretty
23 good information. And that's what I have. Pres
24 obviously is the OT chair. He may have some additional

1 comments as well.

2 PRESTON PATE: You did an excellent job
3 in summarizing that, Jason, and thank you. We have
4 received I think 16 project proposals for funding this
5 year. I haven't seen them because they dumped them in
6 my mail box just over the last couple of days, which I
7 haven't had access to, as everyone knows, until this
8 morning. So I haven't had a chance to even get a good
9 feel for what type of projects that we're getting.

10 But I will highlight a couple that I
11 think are extremely important to improving the quality
12 of estimates that we're getting out of the surveys. One
13 has been completed, and one is near completion.

14 The one that's been completed is the
15 development of the new methodology for estimating catch
16 rates that are collected through the survey, the
17 intercept survey. We hired two consultants from I
18 think the University of Colorado to support the project
19 team in that effort. They presented the results of
20 their efforts to the operations team a couple of weeks
21 ago, and I will be sending that to the Executive Steering
22 Committee tomorrow for their consideration and the
23 ultimate submission to the
24 agency for the agency's use in the survey. The other

1 and very closely related project to the estimation
2 methodology is the redesign of the intercept survey
3 which is being developed through the pilot program in
4 North Carolina which will hopefully complete with the
5 final report sometime mid-summer.

6 And I won't go into any great detail
7 about how closely those two are linked, but they have
8 to be linked, and one depends very significantly on the
9 other. And those two being applied properly is
10 important in addressing the concerns that were raised
11 by the NRC review.

12 They are arcane in nature, and it's a
13 little bit difficult to understand some of the
14 statistical theory behind them, but we've gone to great
15 length to try and simplify the information that we are
16 putting out about the improvements that both projects
17 will make.

18 And for the estimation project, we've
19 created what we're referring to it as an observer team
20 to sit with us in a couple of sessions, the first one
21 in a webinar and the second one a face-to-face meeting,
22 to hear the explanation of how the estimation
23 methodology will improve the estimates. In an attempt
24 to try and get some feedback from that group about their

1 understanding and help us shape and improve our outreach
2 in communication with the stake holders, which are the
3 managers and the fishing public, will help I hope
4 presentation from the Council on that observer team,
5 which will be meeting in a couple weeks. We are making
6 progress, and some of the deliverables that people have
7 been expecting are very near now to the implementation
8 phase.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thank you, Pres. And, Jason, what's the timeline on the
11 approval of the projects that have been submitted for
12 consideration?

13 PRESTON PATE: It's going to take
14 probably a couple of weeks to thoroughly review the ones
15 that we have received then maybe another month for the
16 operations team -- the report's reviewed by me. Then
17 the operations team review will probably take another
18 month to six weeks.

19 So, hopefully, funding decisions on
20 those will be the end of April maybe, somewhere in that
21 neighborhood. We want to move -- I mean we're under
22 some budget considerations to make on the timing of our
23 decisions that we want to make sure we're sensitive to
24 and move this along as expediently as we can.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Thank you, Pres. I appreciate Jason's update. This
3 follows on previous discussions we've had as a council
4 about trying to become more proactive in contributing
5 to the improvement of recreational data collection here
6 in the region. So I think these proposals that Jason's
7 put together are helpful. John.

8 JOHN BOREMAN: Yes. Thank you,
9 Mr. Chair. Not to add too much more to the discussion,
10 I just wanted to point out that two experts that we hired
11 out of Colorado were both on the NRC panel, Jay Bright
12 and Gene Opsimer.

13 And they were the critics who said the
14 current method is not correct, so we put NOAA money where
15 their mouths are and hired them. So they are redoing
16 -- that's the first domino to fall in terms of the total
17 redesign of the marine recreational survey.

18 The other item I wanted to bring up is
19 coming up shortly down in St. Petersburg, Ron Saltz from
20 Office of Science and Technology is going to be chairing
21 a workshop on timeliness. And I know that's one issue
22 that this council raised from day one, and that's can
23 we improve the timeliness of data coming out of the
24 survey for use in fisheries management.

1 Right now there are two-month waves, and
2 there's about a six to eight week delay after the wave
3 before that data from that wave becomes available.
4 This workshop would be looking at the pros and cons of
5 reducing the waves to one month or less, and the cons
6 being the cost of doing that. So that workshop's coming
7 up. It's going to be a national workshop,
8 representatives from all over the country. So I just
9 wanted to add that. It's like the old Ed Sullivan Show,
10 the guy with all the plates spinning. MRIP is like
11 that. A lot of plates are now spinning.

12 And Pres and his operations team are
13 doing an excellent job making sure that none of them fall
14 off that little stick, but every once in a while we get
15 a little wobbly, but we got them going again.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thank you, John. Any further questions or discussions
18 on MRIP? Peter.

19 PETER HIMCHAK: I just, it would be
20 appropriate for me to bring the Council up to speed on
21 where New Jersey is in relation to the federal registry.
22 I had reported at the December meeting that a bill for
23 a free registry in New Jersey had passed through the
24 assembly and the Senate, and we anticipated the

1 governor's signature within a short period of time.

2 He still has not signed the bill on this.

3 He did it yesterday or this morning. And the New Jersey
4 Marine Fisheries Administration, we're essentially on
5 hold waiting for our marching orders to start setting
6 up some kind of a free registry and realizing that this
7 will take several months to do regulations and develop
8 an MOU with the National Marine Fishery Service. So,
9 if you plan to go sport recreational fishing in New
10 Jersey in the near term, you better have a license from
11 the state or the National Registry. So that's where we
12 are. We don't know where we are.

13 COUNCIL CHAIRMAN RICHARD ROBINS:

14 Thank you for that update, Peter. Is there anything
15 else to come before the Council? Red. Red. Peter.

16 SMOOTH DOGFISH

17 PETER HIMCHAK: Very quickly,
18 Mr. Chairman. I had asked for some time on the agenda
19 under new business to bring up a topic on smooth dogfish.
20 January 1, 2011, under HMS Amendment 3, there will be
21 a coastwide quota, and it is based on the mean of the
22 years 1998 to 2007 plus two standard deviations on that
23 mean.

24 What I have talked to the HMS folks about

1 and what our fisherman are concerned about is that we
2 need to anticipate -- well, we do anticipate a problem
3 right now, and we need to come up with
4 state-by-state allocations of the smooth dogfish quota
5 so that nobody gets shut out in the process. And I
6 introduced a motion at the annual meeting of the ASMFC
7 to begin the development of this addendum.

8 And we're still dealing with spiny
9 dogfish and shark issues, and it failed to get a second,
10 so I will be bringing this up at the March meeting, and
11 I will ask for time on the agenda to bring up this topic.
12 The HMS folks are very supportive of developing an
13 addendum. I don't think it's a very complicated issue
14 for the states to do. It's obvious that North Carolina,
15 Virginia would get substantial percentages of the
16 quota. But for other states they just want to be able
17 to be sure that throughout the fishing year, which
18 starts on January 1st, that they will be allowed some
19 portion of the quota that they typically have been
20 taking. That's it.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Peter, I don't have a copy of the recent legislation that
23 was passed federally regarding smooth dogfish, but I
24 know it was specific to the fin attached requirement,

1 and I thought it transferred management authority to the
2 ASMFC. At least it did in one of the drafts. So I
3 didn't see the final legislation, and maybe I need to
4 review that. Are you aware of what the final outcome
5 of that was?

6 PETER HIMCHAK: It did deal with the
7 fin -- the cleaning-at-sea issue, but it did not deal
8 with how the quota would be regionally distributed
9 throughout along the Atlantic coast. So now it's just
10 one quota and everybody -- you know, if the fish are
11 there, you get first shot at them, and you can take as
12 many as you want.

13 COUNCIL CHAIRMAN RICHARD ROBINS: But
14 it's your understanding that the quota and the
15 management of that quota would remain with HMS?

16 PETER HIMCHAK: Well, they -- no. They
17 are asking -- well, they will ask also at the Alexandria
18 meeting to get the states to agree amongst themselves
19 that there should be a percentage allocated to each
20 state.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Okay. Thank you. Pat.

23 PAT AUGUSTINE: Yeah. To that point,
24 it hasn't -- they are going to approach ASMFC to back

1 it up so that they can have coverage along the shoreline.
2 But there was a wrinkle put in the HMS plan about having
3 fins on the animals.

4 As you probably know the detail of that:
5 North Carolina went in for a variance of X amount of
6 pounds. So the details aren't clear yet. I haven't
7 seen a final come out in the Federal Register. You
8 probably wouldn't see that, would you?

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thanks, Pat. We can get a copy of that and distribute
11 it to the Council. That's not a problem. Peter on this
12 point and then Red. Okay. I had Red first then. Red.

13 RED MUNDEN: Thank you, Mr. Chairman.
14 I will try to make this very brief. I would like to give
15 an update on the North Carolina Atlantic Ocean striped
16 bass fishery to the Council members. Several people
17 have mentioned the events that have occurred over the
18 past couple weeks. And, Mr. Chairman, what I will do
19 is after I go through this information, I'll just stay
20 after the meeting if you have specific questions you'd
21 like to ask because I know a lot of people have travel
22 arrangements. But, basically, North Carolina receives
23 about 480,000 pounds of commercial striped bass quota
24 which is allocated through the Atlantic States Marine

1 Fisheries Commission FMP.

2 We allocate that quota to three
3 different fisheries based on historical landings. The
4 gill net fishery receives approximately 160,000 pounds.
5 The trawl fishery receives approximately 160,000. And
6 the beach seines fishery receives approximately
7 160,000.

8 To date the gill net fishery has already
9 harvested its share of the quota. The trawl fishery has
10 taken about two-thirds of its quota -- quota share,
11 rather, and the beach seines fishery has only landed
12 about 5,000 pounds.

13 Of course, the harvest of striped bass
14 in the EEZ is prohibited by federal law, so the fishery
15 is prosecuted in the Atlantic Ocean from the beach out
16 to three miles.

17 I think it's important to point out that
18 our Atlantic Ocean striped bass quota has not been
19 harvested in total in the past four or five years
20 primarily because the striped bass have remained in the
21 EEZ, and they haven't come to the beach. I don't think
22 the beach seine fishery has harvested the principal
23 share of its quota in the past five or six years. We
24 manage the striped bass fishery through proclamations

1 that are issued by the fishery director. Our fishery's
2 rules give the director the proclamation authority for
3 some species, striped bass being one.

4 And for quota-managed species. The
5 director can issue a proclamation that's effective
6 immediately. And this is primarily to allow us to shut
7 our fishery down if the quota has been achieved. Most
8 of our proclamations require a minimum of 48-hour public
9 advanced notice.

10 Several weeks ago, about three weeks ago
11 now, we opened the trawl fishery by proclamation, and
12 when that fishery was opened, we had at least one boat
13 that made a set also -- Kill Devil Hills, North Carolina.
14 That's the area basically where we normally stay at the
15 Ramada Inn when the Council meets up there. And they
16 made a set, and the vessel had in excess of the 100 fish
17 possession limit or trip limit that was allowed for the
18 trawl fishery.

19 Once the vessel had decided which
20 hundred fish they were going to keep, they had discards
21 because our proclamation did not allow the transfer of
22 striped bass at sea. Unfortunately, this set occurred
23 on a weekend I believe. There were a lot of
24 recreational boats fishing in the same area. It hit the

1 Internet. There were videos. Within a week Dr. Daniel
2 had received over a thousand e-mails complaining about
3 the waste of striped bass. The fishery was open for a
4 definite period of time. I can't remember if it was a
5 week or five days or something like that, but we opened
6 for a specific amount of time to see how the fishery
7 progressed.

8 After being closed for about five days,
9 we reopened the fishery for three days, but when the
10 fishery reopened, instead of having a 100 fish trip
11 limit, we set a 2,000 pound trip limit, and we allowed
12 the transfer at sea.

13 Some trawlers were fishing in that same
14 area. They caught more than their 2,000 pound trip
15 limit, and some fish were discarded. Again, it hit the
16 news media, the Internet. We had a local TV station
17 down checking it out, had a helicopter in the air.

18 And our marine patrol officers were well
19 aware of potential conflicts that might arise as a
20 result of harvesting more than the trip limit. And they
21 were able to charter a helicopter. They made three
22 flights parallel to the beach, and at the same time the
23 National Park Service had its rangers out checking the
24 beach, and we had our Division of Marine Fisheries

1 biological staff as well as marine patrol officers
2 checking the beach. And our best estimate was that
3 approximately 200 fish were found floating, whether it
4 be on the beach or floating out in the ocean.

5 The Division and the industry received
6 a tremendous amount of criticism for hygrading, and
7 after talking with several sources, primarily dealers,
8 they informed me that it was not practical to hygrade
9 striped bass because the strongest market is in New York
10 in the coastal fish market.

11 And I've talked to Steve Heins just to
12 verify this. The minimum size fish that can be marketed
13 in New York is 24 inches, and the maximum is 36 inches.
14 Our minimum size limit is 28 inches. So fishing under
15 the North Carolina regs and the maximum size you could
16 market in the New York market, they had like an
17 eight-inch slot limit.

18 So there might have been some hygrading,
19 but there was no incentive for the fishermen to pick out
20 40 or 50-pound fish. They had no strong market for
21 them. The striped bass season for the trawl fishery is
22 currently closed.

23 One other note relative to the hygrading
24 issue, how Division of Marine Fisheries supports

1 efforts to actually go into the fish houses, take a light
2 sample for the fish, and they weigh them, measure them.

3 Our port sample data indicate that the
4 average size range of the striped bass that were being
5 landed by the commercial sector range between 18 and 22
6 pounds, which would be right in line with the 28 to
7 36-inch size limit. I mean size range. A number of
8 people have suggested that we go to a hook-and-line
9 fishery for the striped bass trawl fishery, harvest of
10 the trawl allocation. Our current fishery's rules
11 prohibit the sale of hook-and-line caught striped bass.
12 That's the only fishery species for which our regs
13 prohibit the sale.

14 Even though that is something we're
15 currently looking at, Michelle Duval, who was here
16 yesterday, is our biologist and Louis's assistant that
17 deals with striped bass at the ASMFC level, has started
18 working on an issue paper that would allow the sale of
19 hook-and-line caught striped bass.

20 There are a lot of pitfalls. There are
21 a lot of people who have commercial fishing license that
22 they use for sale of, as an example, king mackerel. And
23 it doesn't take a whole lot of money to get into a
24 hook-and-line fishery for sale of species of fish. So

1 that's something we'll be looking at.

2 The take-home message is that tonight
3 the Marine Fisheries Commission will be meeting at Pine
4 Knoll Shores, which is on Atlantic Beach in North
5 Carolina, and they will have a public comment period
6 that begins at six o'clock. We expect a large
7 (inaudible) a lot of comments on the management of the
8 striped bass fishery. And then tomorrow the Marine
9 Fisheries Commission will meet at the same location,
10 Pine Knoll Shores over on Atlantic Beach, North
11 Carolina, and from nine o'clock until ten o'clock or so,
12 we'll have a public comment session, like a listening
13 session. And so I'm sure that they will receive an
14 earful of comments on Atlantic Ocean striped bass.

15 But the big issue is whether or not we
16 will reopen the trawl fishery. We'll have to get
17 guidance from the Marine Fisheries Commission because
18 Louis has that authority, but he's not going to make that
19 decision unilaterally.

20 And we've had requests from the gill net
21 fishery to allow them to harvest part of the beach seine
22 fishery quota, but the Division is not in favor of that
23 because the beach seine fishery, as I mentioned a few
24 minutes ago, has not harvested any large share of its

1 quota allocation in a number of years.

2 And one of the things that we were able
3 to accomplish through the bottle-nosed dolphin take
4 reduction team is to acquire gear in the beach seine
5 fishery that we think is more dolphin friendly.

6 They have to use a traditional seine
7 with either multifilament or multifiber webbing, which
8 basically is the old twisted nylon webbing. And we feel
9 like that this will be more dolphin-friendly gear
10 because the dolphin would pick up the profile of the
11 webbing diameter easier than they would some other
12 material. Because in the past they used monofilament
13 webbing in the gill nets. So that's been prohibited by
14 our regs based on recommendations from the bottle-nosed
15 dolphin take reduction team. So, Mr. Chairman, I will
16 be here after the meeting's over and be glad to discuss
17 Atlantic Ocean striped bass management with anyone
18 who's interested. Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Thank you, Red. And I've had countless phone calls on
21 that issue. I've had to tell people that the Council
22 doesn't manage the resources.

23 I do have a strong opinion about it, but
24 I look forward to whatever solution North Carolina's

1 Division is able to come up with and the Commission's
2 able to come up with. I know it will be a hot topic in
3 the ASMFC as well. There's a lot of finger pointing
4 going on right now.

5 But I think we have to be honest about
6 the fact that we have a couple of major problems in that
7 fishery both commercially and recreationally, so.
8 Questions? Pres.

9 PRESTON PATE: Can I share how happy I
10 am that I am where I am now?

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Yeah. I was going to say I put Louis Daniels' home phone
13 number on our Council website, so folks could stay in
14 touch with him.

15 PRESTON PATE: I've got to tell you a
16 funny story. When I was coming home the other day from
17 the gym, it's 5:30, pouring down rain. Louis lives
18 about a quarter of a mile from me. Well, I was going
19 down the road, and I looked in my rearview mirror and
20 side view mirror to make a left-hand turn, and I had to
21 change back because there was a truck there without his
22 lights on.

23 It's 5:30 at night now, pouring down
24 rain. In North Carolina you go to have your lights on

1 by law. This truck was going down the road beside me,
2 and I stayed right behind him. Folks were blinking
3 their lights on, like, turn your lights on, you idiot.
4 It was Louis making a left-hand turn going in -- I said
5 that boy is preoccupied. And I understand why.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Vince.

8 VINCE O'SHEA: Thank you, Mr. Chairman.
9 I'm going down to Moore Head City tonight to listen to
10 the public comment, and I also will be at the Commission
11 meeting tomorrow morning when this topic comes up.
12 Thanks.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Glad
14 to hear it, Vince. Pat.

15 PAT AUGUSTINE: Yeah, Mr. Chairman.
16 I'm still taking a beating for having made a motion in
17 April to increase the commercial quota for striped bass.
18 So all the websites in New York that don't like me
19 because I'm supposedly a recreational person. They're
20 beating up on me. So they're looking to see what I'm
21 going to do in April -- in March when we have our ASMFC
22 meeting whether I'm going to go ahead and say I made a
23 big mistake and we are doing this and this and this.

24 But I still stand by the decision

1 because the scientific information said that the stock
2 could handle it. So I'm saying that on the record so
3 when they read the record from here, they'll know I'm
4 still standing by my --

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 Jason.

7 JASON DIDDEN: Just very briefly, a
8 different issue. I did a catch share workshop at the
9 Maryland Trade Expo, and Jeff Dean was there. He said
10 to say hello and hoped folks were doing well.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Is
12 there any other business? Peter.

13 PETER deFUR: Yeah. Again, on another
14 subject, not a species we manage. But my lists on
15 crustacean biologists revealed that Maine lobster have
16 been picked up over in Europe. So I don't think that's
17 going to get onto the highly migratory species list.
18 But I forwarded that to Erling so the New England Council
19 could know it's interesting to note.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Red.

21 RED MUNDEN: Thank you, Mr. Chairman.
22 In defense of my boss, Dr. Daniels, he said he fully
23 intended to come up yesterday, and he made three
24 attempts to get up here and was side tracked by striped

1 bass issues the whole time. And it's only 40 miles form
2 here to Morgan City. But he did intend to come. He
3 apologizes to the full council.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 Thank you, Red. Any further business? Before we
6 adjourn, I would like to again welcome Jule Wheatly back
7 and say it's been good to have you with us, sir. Thank
8 you, Jule. All right. With that we adjourn. Safe
9 travels home. Thank you all.

10

11 WHEREUPON:

12

13 THE MEETING WAS CONCLUDED AT 12:30 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 23rd, day of March, 2011.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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