



New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: September 6, 2007
TO: Council
FROM: Paul J. Howard, Executive Director
SUBJECT: Summary of September 4, 2007 Executive Committee Meeting

The Executive Committee met September 4, 2007 in Newburyport, MA. John Pappalardo, David Pierce, Rip Cunningham, Jim Odlin and Sally McGee participated in the meeting. Staff members Paul Howard, Chris Kellogg, Phil Haring, Pat Fiorelli and Tom Nies also attended all or part of the meeting. The Committee discussed the following agenda items.

- 1. Draft Operations Handbook for Council** – The Executive Committee reviewed the draft handbook and recommended several revisions to clarify the role of the SSC. The Handbook will be distributed to members so that the Council can formally consider approving the revisions at the November 16-18 Council meeting [*see Enclosure 1*].
- 2. Priorities and new monkfish action** – Staff informed the Committee that the Council may need to prepare another framework action to be implemented in May 2008 to address new management reference points resulting from the most recent monkfish assessment. The assessment, which will be presented at the September Council meeting, concluded that both monkfish stocks are rebuilt and that overfishing is no longer occurring. The framework may also include measures to resolve several operational and administrative problems. The issues to be addressed in the framework will be discussed at the September Council meeting. The Chairman has reconstituted the Monkfish Committee and requested that they meet in October 2007.
- 3. SSC membership** – To meet the new Magnuson-Stevens Act (MSA) requirements for the Science and Statistical Committee (SSC), the Executive Committee recommended combining the Social Sciences Advisory Committee (SSAC) with the SSC and to include at least three scientists with expertise in marine ecology, three social scientists and nine fisheries population biologists. Combining the SSC and SSAC would be consistent with how most other Councils structure their SSCs. The Committee also noted that if the Council is to use the SSC on a more regular basis, as called for in the draft revised SSC procedures, it would not be practical to have an SSC larger than 15 members. Details of the proposed changes to the SSC are in the Draft Operations Handbook

4. **Scallop Survey Advisory Panel** – The Executive Committee agreed to implement the Northeast Region Coordinating Council (NRCC) recommendation to structure and operate the Scallop Survey Advisory Panel in the same way as the Trawl Survey Advisory Panel (AP). The NEFSC has provided the funding. Use of the same structure as the Trawl Survey AP will allow more Council member participation and leadership on the Committee. Council members should indicate their interest in serving on the committee after elections.
5. **Public input, advisory panel and other operational issues** – The Committee agreed that speakers from the audience who represent organizations should provide brief background information to the Council either ahead of time or when they speak. The information should include the number of active members they represent, whether the representative is speaking on behalf of the organization or as an individual, and whether his/her comments represent a position that was formally adopted by their organization. Staff will communicate with such organizations to keep this information on file. The Committee also reviewed recommendations from Dave Preble on how to improve the effectiveness of our APs. The Executive Committee agreed not to make any changes at this time.
6. **US/Canada issues** – The Executive Director explained that the Council needs to pay closer attention to US/Canada issues. After some discussion, the committee recommended that including a staff member as part of the TMCg would improve how the committee functions from the Council's perspective.
7. **Groundfish FMP Amendment 16 goals and timelines** – Paul Howard relayed input from the Regional Administrator (RA) on this agenda indicating her concern that the Council was falling behind in developing Amendment 16 in time to be implemented on May 1, 2009. More specifically, the RA is concerned that the Council needs to make progress on developing days-at-sea (DAS) adjustment alternatives. She is concerned that the efforts to date are on developing sectors and many Council decisions are yet to be made. Staff explained that it will be very difficult to meet the schedule even if the Council dropped sectors from the Amendment. It was also noted that sectors could not be simply implemented using Amendment 13 rules because they were inadequate. The Committee made no specific recommendations but Rip Cunningham, the Groundfish Committee Chairman, indicated that he was aware of the problem and the timelines. The Executive Committee recommended that the Groundfish Committee establish a timeline and specifically identify when actions and decisions must be made to stay on schedule.

The Executive Director also brought up the Council-approved goals included in Amendment 13 which address maintaining the historical make-up of the fleet. He noted that there may be several measures currently under consideration that may need to be reexamined in the context of the Amendment 13 goals. Examples include transferability between different size vessels, allowing limited access scallop vessels to purchase multispecies permits and also not capping the number of multispecies permits that an individual can own.

8. **Timelines for implementing MSA provisions** – The Executive Director briefed the Executive Committee on the timelines for anticipated Council actions and for implementing new MSA requirements for annual catch limits (ACLs), accountability measures (AMs). He prepared a 3-year management action schedule to be considered by the full Council at the November Council meeting when priorities are approved. He stated that the staff could at most support a maximum of six Council actions per year. The proposed actions and timelines indicate that the Council will be able to meet the deadlines for implementation of ACLs and AMs. Staff also explained that NMFS has not yet published proposed guidelines for revised NEPA requirements, annual catch limits (ACLs), accountability measures (AMs) and LAPPs. The RA will be asked about when guidelines were likely to be published [*see Enclosure 2*].
9. **New gears for the Eastern Georges Bank US/Canada Special Area Access Program (SAP)** – The Executive Committee agreed it would consider new gear configurations as voted on by the full Council. Because of concerns that approval of these gears is an operational, vice administrative issue, they may forward such proposals to the full Council for review. But they may also approve them and forward them to NMFS if they feel a specific proposal is not controversial. The Executive Committee also noted that NMFS will publish a proposed rule for the criteria and process for determining whether a new gear could be used in the SAP and asked the staff to check on the timing of the rule.
10. **Availability of data for analyses used by the PDTs and Council** – The Executive Committee agreed that the Council's PDTs need to have access to the relevant data used to support specific management decisions. If the data used to support decision-making is not available to the Council's PDTs, those groups will not review the research in question, nor will the Council consider the study or related analyses. Consistent with the policy adopted by the Council for cooperative research, if data is to be used by the Council for management purposes, it must be accessible to the Council staff and its PDTs in a readily usable format and accompanied by the relevant analyses and results prior to use in the development of a management action.
11. **Funding ICCAT** – NEFMC will continue to fund our member's attendance at the ICCAT annual meeting when it is our Council's turn in the rotation. Funding attendance at other advisory committee meetings will be on a case-by-case basis pending the availability of funds.

**NEW ENGLAND
FISHERY MANAGEMENT
COUNCIL**

**DRAFT Operations
Handbook**

Practices & Policies

ENCLOSURE (/)

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1. Advisory Panels

Purpose

Council Advisory Panels (APs), which meet the requirements for a fishing industry advisory committee (FIAC) are charged with carrying out the objectives and duties listed below for a specific fishery management plan (FMP) or management problem. The Council may establish or abolish its Advisory Panels as necessary.

General

New England Council APs shall be appointed by and serve at the pleasure of the Council.

When a Council oversight committee determines that an Advisory Panel will facilitate its work in preparing or amending a fishery management plan (FMP) or provide assistance in addressing a special issue or problem, the Council will appoint an AP.

Every fall, each oversight committee reviews its existing advisory panel membership and recommends any changes to the Council's Executive Committee. A maximum of 15 individuals may be appointed to any Advisory Panel.

The Executive Committee provides final approval for membership on all NEFMC Advisory Panels. The three-year term of advisors begins on October 1st or as soon thereafter as possible.

All decisions and recommendations made by an Advisory Panel are consid-

ered to be advisory in nature and are not binding on the Council.

Membership

The Advisory Panels shall be composed of individuals who are either actively engaged in some aspect of the region's commercial or recreational fisheries, or are knowledgeable and interested in the conservation and management of a fishery or group of fisheries that are managed by the Council. Panel membership shall also reflect as broad a cross-section as possible of interests and expertise from the standpoint of geographical distribution, user group representation, and social and economic diversity that generally may be found within the Council's geographical area of concern.

Other Councils may be invited to name advisors to serve as members of a New England Council's Advisory Panel if the FMP, amendment or, problem under consideration extends into the management area of the other Council.

The New England Council will reimburse advisors from the New England region for travel expenses. Advisors from outside New England may be reimbursed by either the New England Council or other Council(s) whom the advisor(s) may represent.

Appointments

At the end of each year of a three-year term, advisors performance and attendance will be reviewed by the

oversight committees and if needed new members will be solicited to fill any vacancies.

Additional advisors could be appointed in response to the creation of a new panel, the addition of members to an existing panel, resignation, or Council action that removes a member.

The Executive Director will solicit applicants through the news media, Council mailing lists, and/or other means deemed appropriate.

The Executive Director will send each candidate a questionnaire to complete and return to the Council or require the candidate to submit a resume to the Council, depending on the nature of the Advisory Panel.

The relevant oversight committee will review the qualifications of the nominees and recommend appointments to the Council Chairman.

Prior to selection, nominees may be subject to an additional level of review by NOAA's Office of Law Enforcement. Advisory Panel membership may be declined if applicants have had a marine resource violation within the last three years.

Terminations

An Advisory Panel member will be replaced at the Council's discretion if he or she:

- Transfers employment or moves to a different location.
- Is absent from two consecutive meetings without giving adequate

notification or reason to the Council Executive Director.

- Appears unable or unwilling to fulfill their obligation as an Advisory Panel member.
- Their area of expertise is no longer required.
- The Chairman, in consultation with the Executive Committee, determines whether an Advisory Panel member should be removed for just cause (e.g., violation of marine resource regulation or felony, conviction, etc.; these examples are not all inclusive.)

Operation

Organization: A chairman for each Advisory Panel will be designated by the oversight committee chairman (with the advice of committee members), reviewed by the Executive Committee and approved by the Council Chairman.

If an oversight committee determines it is necessary, the Advisory Panel may also designate a vice-chairman who will be selected in the same manner as the AP Chairman.

Meetings: Advisory Panels will meet as directed by their oversight committee chairman. They may meet in conjunction with their oversight committee or independently.

Advisory Panel meetings shall be scheduled by the Executive Director, as often as necessary to fulfill the panel's responsibilities, taking into consideration time and budget constraints. Generally, meetings will be

scheduled for one day. Meetings of more than one day must have prior approval from the Council Chairman.

The Advisory Panel Chairman will be given explicit directions and guidance from the Oversight Committee Chairman concerning committee tasks (i.e. prepare comments on draft public hearing document, prepare comments on the scoping document, prepare comments and advise on a specific measure, etc.) Each Advisory Panel meeting shall be open to the public and the conduct of business will be in accordance with the guidelines found on page 66, Committees and Advisory Panels, of the Magnuson-Stevens Fishery Conservation and Management Act (Blue Book).

The chairman of the oversight committee may attend meetings of the Advisory Panel at his or her discretion and will be reimbursed for expenses. Other members of the oversight committee or Council may attend, but will not be reimbursed for expenses.

The Executive Director may provide support as necessary for panel activities within budget limitations and staff availability.

Travel Authorization and Reimbursement

Members of Advisory Panels shall serve with compensation, provided funding is available. Advisors are eligible for reimbursement of travel expenses incurred while attending authorized meetings scheduled by the Executive Director and subject to availability of funds. Instructions for reimbursement can be found in the Council's Policy on ***"Travel Authorization and Reimbursement"***.

2. Authority of the Chairman

General

At the first regularly scheduled Council meeting after new Council appointments become effective each year, the Council will elect a Chairman and Vice-Chairman from among the voting members of the Council. These officers are elected for one year and may be reelected.

Responsibilities

The Chairman, or in his absence the Vice Chairman, shall convene and preside over Council meetings.

The Chairman, subject to the authority of the Council, is responsible for the operations of the Council, for committee appointments, authorization of meetings of the Council and its committees and for the financial affairs of the Council. The Chairman may designate Council members to officiate at public hearings.

The Chairman, as delegated by the Council, functions as the Chief Executive Officer with general charge and supervision over and responsibility for the business affairs of the Council. In the name of the Council, the Chairman may enter into and execute contracts and other instruments in the regular course of business. The Chairman may delegate these matters to the Executive Director at his discretion.

The Executive Director is directly responsible to the Chairman for the work of the staff and the day-to-day operations of the Council office.

The Executive Committee advises and assists the Chairman in all his responsibilities.

3. Community Participation

Purpose

The Council's mandate is to conserve and manage fisheries for the greatest overall benefit of the nation by relying on scientific information and data, as well as the input and participation of fishing communities and the public. To improve community participation in this process, the Council has established the following:

Definition

A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on fishing (commercial, recreational, subsistence), or on fishery-related services and industries, such as boatyards, tackle shops, ice suppliers, etc. Fishing communities include fishing vessels, owners, operators, crew and fish processors that are based in or dependent on those communities.

Effective Participation

The Council believes that trust, honesty, competence and credibility are the keys to developing effective community participation.

The Council will make every effort to support and encourage community participation in the Council process.

Whenever possible, the Council will use community expertise to complement available scientific information in the development of its FMPs.

The Council will:

- Establish and maintain a consistent process.
- Clearly explain its process to all affected parties.
- Clearly define and explain any legal constraints.
- Involve communities from the outset.
- Enlist the help of credible community organizations.
- Seek public input to the extent practicable.
- Consider the interests of all groups equally and fairly.

4. Conservation and Management

Purpose

Fishery conservation and management is evolving to include the application of ecosystem-based fishery management principles. To ensure the Council has effective conservation and management programs in place and adheres to sound management practices as it considers and includes ecosystem-based principles in its FMPs, the Council adopted the following policy:

As stewards of New England's valuable fishery resources, we will be judged by both the biological health of our fisheries and by how fair and equitable we are in our allocation decisions.

The New England Fishery Management Council recognizes that allocation is an integral part of its management responsibilities, and that measures which have allocative effects should be open and transparent.

The Council will develop conservation measures and controls that have a high level of certainty that insures they will prevent overfishing, end overfishing and rebuild stocks.

The Council also recognizes that we manage fishermen, not fish, and that allocation measures and controls must have a high level of certainty that insures our conservation requirements are met in a fair and equitable manner.

5. Council Member Compensation

Purpose

To define the Council's policy on compensation for Council members, experts and consultants as outlined in the Magnuson-Stevens Fisheries Conservation and Management Act, as amended through October 11, 1996.

General

Voting Council members who are not state, local or federal employees are entitled to receive compensation at the daily rate for GS-15, step 7 of the General Schedule, while actually engaged in the performance of Council duties including travel as assigned by the Council Chairman.

Compensation is paid on a full day basis. The time is compensatory because the individual member is required to expend a significant amount of personal effort that substantially disrupts his/her daily routine to the extent that a work day is lost to the member. Members will not receive compensation unless present at a meeting for at least ½ day.

Homework time in preparation for formal Council meetings is not compensatory.

Authorization

The Executive Director is extended blanket authority to compensate Council members for attendance at regular meeting of the Council and at meetings of committees of which they are members.

Compensation will not be paid for attendance at regular committee meetings of which the Council member is not assigned. Compensation will not be paid to members attending public hearings.

Compensation is authorized if an eligible Council member chairs a public hearing, and when a committee chairman attends an authorized PDT or Advisory Panel meeting. Compensation is also authorized for the designated liaison to Mid-Atlantic Council to attend Mid-Atlantic Council and committee meetings.

Eligible Council members may be authorized for compensation for other activities such as working group sessions of species-oversight and other regular committees of the Council, ad hoc committee meetings, and participation in meetings or Council-related work when members are assigned by the Council Chairman to such activities.

Consultants

Compensation for experts and consultants retained by the Council shall be at the same rate as that paid to Council members unless a different rate is specifically negotiated.

The Council Chairman must authorize the use of experts or consultants. Approval authority in this category may be delegated to the Executive Director at the Chairman's discretion. Requests for authorization of compensation for outside experts may be submitted directly to the Chairman or through the Executive Director.

Limitations

Any requests for compensation for activities that were not properly authorized in advance will be referred to the Executive Committee for consideration before the Chairman makes a decision regarding payments.

Council members are paid under a contractual arrangement; therefore, social security and federal and state income taxes are not withheld from the payment of compensation for services.

Certification

Authorization for compensation will be indicated on the *Travel Authorization* issued for each meeting by placing an asterisk after the name of each person who is entitled to be compensated.

To be eligible for compensation, authorized members must sign the "attendance sheet" which is available at each meeting.

To be paid, members must submit a "Meeting Reimbursement Voucher" which covers claims for both travel and compensation.

6. Election of Council Officers

Purpose

Officers of the Council are Chairman, Vice chairman, past Chairman (*if appropriate*) and two or three Executive Committee members. Elections are held at the first regularly scheduled Council meeting after new Council appointments become effective each year. The Council elects officers from among the voting members of the Council. Officers are elected for one year and may be reelected.

Executive Committee

The five members of the Executive Committee will consist of:

- Chairman
- Vice chairman
- Past chairman (for 1 year after service as Chairman)
- 2 or 3 at-large elected members (depending on whether a past chairman is on the committee)

Past Chairman

The past Chairman of the Council will serve as an "*automatic*" member of the Executive Committee for **one year** following his last term as Council Chairman. Thereafter he may be nominated and elected, as are other members of the Committee.

Voting Procedures

A non-voting member of the Council designated by the past Chairman will conduct the election with assistance from other non-voting members. Nominations will not be closed until all who wish to

nominate have done so. A nominee may decline a nomination.

Write-in votes are not permitted.

Offices will be filled in the order of Chairman, Vice chairman and successively, each of the (two or three) Executive Committee members.

Voting will be by secret ballot. The non-voting members will distribute, collect and count ballots. Ballots will be retained by the staff for 30 days before destruction and will be available for examination by voting Council members during that period.

Offices will be filled by a majority of votes for nominated candidates. Write-in votes and abstentions will not be counted in determining a majority.

If three candidates are nominated and none has a majority, the candidate receiving the fewest votes will be dropped from the ballot.

If three candidates are nominated and the low two are tied, all three will be kept on the ballot.

If four or more candidates are nominated and no one has a majority, the person receiving the fewest votes will be dropped; and if the low two are tied, **both** will be dropped from the ballot. If the low three are tied, all four will stay on the ballot.

Repeated Tie Vote

In the event of a repeated tie vote between two candidates, motions from the floor will be accepted for resolving the issue.

7. Enforcement Policy

General

During development of a fishery management plan, the Council and its oversight committees are encouraged to be cognizant of the following guidelines to enhance the likelihood of approving effective fishery management programs that accomplish the goals and objectives associated with the action.

Management Measures

FMP Process Development of management measures should include NOAA Enforcement and Coast Guard input at critical junctures, including assisting species committees in the development of Enforcement Assessments for all FMPs. Assessments should include the cost of enforcing management measures, the additional enforcement resources required for new or expanded management measures, and a prioritized listing of any alternatives based on enforceability.

Simple and easy to understand

Complicated management measures are more likely to contain loopholes as the result of confusion over interpretation, and are less likely to withstand legal challenge. Straight-forward requirements that are clear and contain few if any exceptions make it more difficult for intentional violators to evade enforcement. Additionally, frequent changes to rules create confusion among fishermen and enforcement agencies alike. Individuals may successfully avoid prosecution, even after admitting to breaking a rule, because the rule recently changed.

To the extent possible, consideration should be given to consistently similar management measures among the FMP's.

Effort control (i.e., DAS or quotas) versus restricted quantities (trip limits) The groundfish trip limits of the 1970's provided a valuable lesson for fisheries managers. Trip limits created an incentive for some fishermen and dealers to break the law. Fraudulently reported overages skewed fish prices downward, resulting in black market activities and a compromised statistical database. Nighttime landings in a number of New England ports precluded effective patrolling and monitoring by a handful of agents stationed in the major ports.

With the use of effort controls as primary measures to reduce fishing mortality beginning in 1994, the Office of Law Enforcement has maintained high levels of compliance, coupled with successful prosecutions of offenders.

Effective Tools

Closed areas that are clearly defined in large, plain shapes for reasonably long periods with minimal exceptions, exemptions or transiting provisions (except for compelling safety reasons), can provide a sufficient buffer between boundaries and the area to be protected to deter incursions.

Vessel Monitoring Systems (VMS)

The use of VMS in fisheries is an asset to enforcement for monitoring days-at-sea and closed areas. VMS requirements should be considered when developing new plans, with discussions to include the availability of resources to support the proposed programs.

Systems to account for and trace fish throughout the wholesale process

The ability to trace fish enables enforcement to intercept unlawful seafood at various funnel points such as interstate highways, airports and secondary dealers. Required documentation and labeling protects markets, prevents downward price trends, enhances enforcement and protects the consumer.

Appropriate penalties, including permit revocation

for the most egregious offenses. NOAA General Counsel's penalty schedule has been upgraded to effectively address violations; however chronic repeat offenders who can not pay penalties and those who commit egregious crimes should be penalized. In these cases, permit revocation may be appropriate. Illegal activity should preclude them from participating in controlled fisheries or receiving performance-based allocations when that participation or performance was based on illegal activity

Mandatory reporting should remain a requirement in all FMPs. More efficient methods for collection are in use, including electronic catch and dealer reporting, although improvements to these systems are still ongoing.

Enforceability

Staff intensive rules such as trip limits, catch percentages or meat counts or regulations that require monitoring of offloads make effective enforcement difficult. Manpower intensive regulations result in less effective and less consistent enforcement coverage.

Complex or convoluted measures

Multiple gears, exemptions, exceptions, and running clocks are examples of measures that could result in non-compliance. Simplified management programs reduce opportunities for abuse.

Lack of accountability Marine resources appear in the marketplace as "legal" product -- the result of falsified records, mixing legal and illegal fish or high grading. Traceable products enhance enforcement; protect the resource, the market and consumers.

8. Executive Committee

General

The Council's five-member Executive Committee consists of the Chairman and Vice-Chairman, the past-year Chairman (if still on the Council) and, as necessary, either two or three members who are elected in the same manner as the Chairman and Vice-Chairman. Officers of the Council are elected for one year terms and may be reelected.

Purpose

The Executive Committee advises and assists the Chairman in all his responsibilities.

In an emergency situation (which does not permit convening the full Council), the Executive Committee may act of behalf of the Council.

Meetings of the Executive Committee may be held at the request of the Chairman between regular Council meetings as necessary.

Responsibilities

The responsibilities of the Executive Committee are to develop policy for

Council consideration and provide guidance on administrative, financial and personnel matters. The Council may delegate specific policy development to the Executive Committee.

The Executive Committee provides the following:

- Assists the Chairman in planning and managing the Council budget; reviews and approves budgets and grant applications; and reviews on a regular basis all Council expenditures.
- Oversees the administration of the Council's employment practices.
- Considers and approves the personnel policy.
- Reviews Standard Operating Policies and Procedures and makes recommendations concerning any changes necessary to facilitate the operation of the Council.
- Provides advice to the Chairman on the appointment of members to the Council's Advisory Panels and Scientific and Statistical Committee.

9. FMP Development Process

Purpose

To allow for the most efficient use of time, budget and skills of the Council, staff, SSC and PDTs the Council has adopted this procedure to be used in the development of Fishery Management Plans.

Goals

The Council has developed the following goals for improving FMPs:

- Improve the quality of FMPs.
- Improve the clarity of FMPs so members' vote with a clear understanding of the plan and its biological, economic and social impacts.
- Reduce the likelihood of disapproval.
- Enhance the probability of successful implementation of plans.
- Improve public participation and understanding.

Council and Committee Roles

The Council and committees will focus on developing goals, management strategies, providing direction to committees and tracking progress and approving options

PDT Role

The PDT's will be responsible for developing options, doing technical analyses and writing plans based on

the Council's explicit direction, policies and strategies

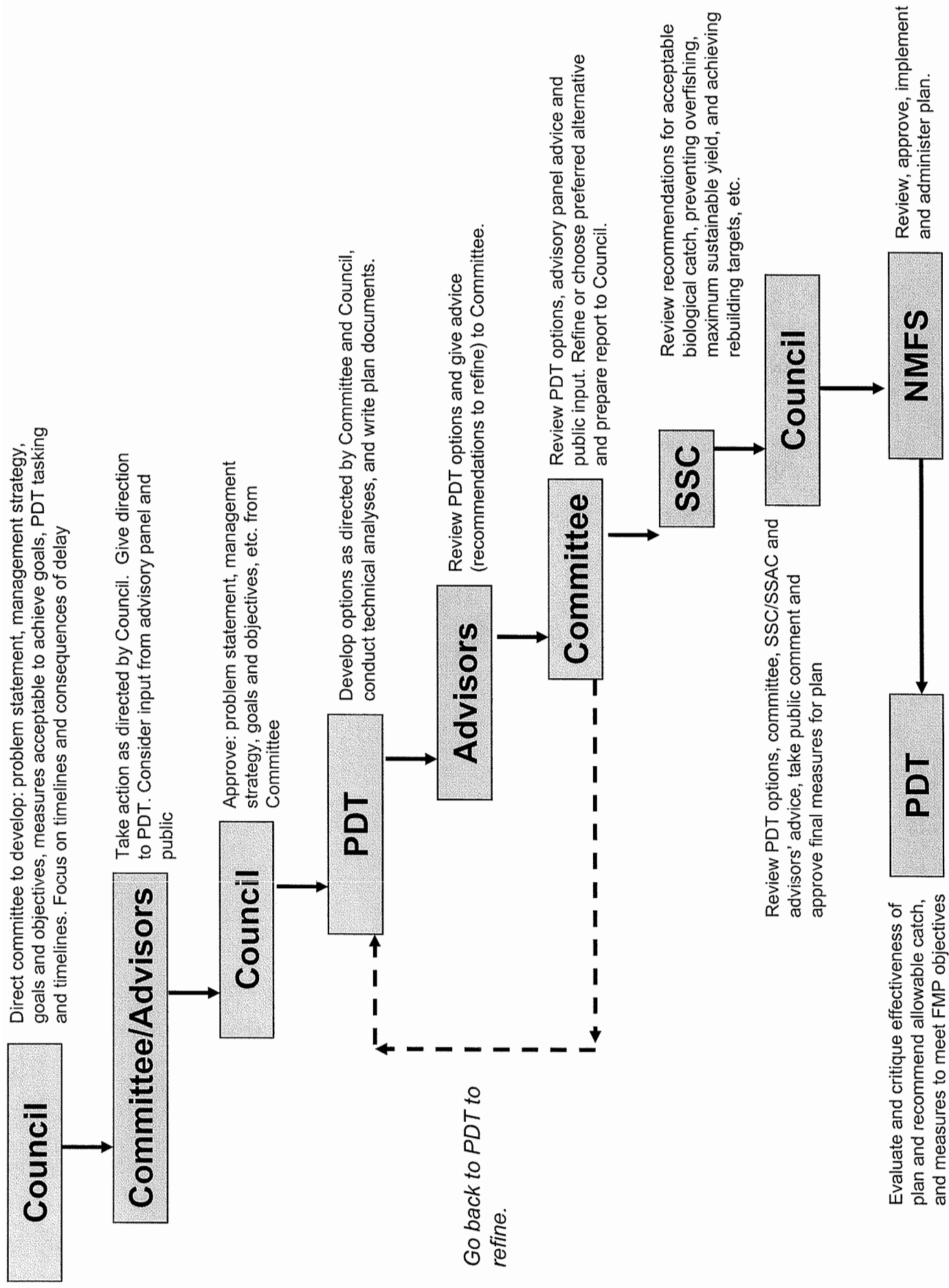
The PDTs are not independent, but will work with the oversight committees refining options to satisfy Council strategies and achieve management objectives

SSC Role

The SSC will:

Assist the Council it in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information relevant to the development and amendment of fishery management plans.

Provide the Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.



10. Habitat

Purpose

Recognizing that all species are dependent on the quantity and quality of their habitat, it is the policy of the New England Fishery Management Council to promote and encourage the conservation, restoration and enhancement of the habitat upon which living marine resources depend.

Objectives

This policy shall be supported by four policy objectives:

1. Maintain and enhance the current quantity and quality of habitats supporting harvested species, including their prey base.

2. Restore and rehabilitate fish habitats which have already been degraded.
3. Create and develop fish habitats where increased availability of fishery resources will benefit society.
4. Modify fishing methods and create incentives to reduce the impacts on habitat associated with fishing.

These objectives are based on ensuring the sustainability of harvested species and optimizing the societal benefits of our marine resources. The Council shall assume an active role in the protection and enhancement of habitats important to marine and anadromous fish.

11. Herring Joint Ventures and Foreign Fishing Permits

General

The Council annually sets specifications for optimum yield (OY) from the Atlantic herring fishery under the FMP. It also specifies an amount of herring that could be available to joint ventures (JV) and directed foreign fishing (TALFF).

In 2000, while reviewing the first applications for foreign fishing permits, the Council also developed a list of conditions and restrictions that such permits must meet.

forwarded to the Council by the Department of State. If the applications are consistent with the specifications, conditions and restrictions set by the Council, the Executive Director will reply with a standard letter without further consultation with the Council. If the application is not consistent with our FMP, the Executive Director will inform the State Department accordingly.

The NMFS will address any allocation issues among applicants.

Procedure

The Executive Director will review future applications when they are

12. MAFMC on Voting on NEFMC Oversight Committees

Appointments

Members of the Mid-Atlantic Fishery Management Council (MAFMC) may, in certain cases, be appointed to and vote as members of a New England Fishery Management Council oversight committee. When a significant portion of a stock or stocks of NEFMC-managed species occurs in Mid-Atlantic waters, or when there is a high degree of Mid-Atlantic participation in an NEFMC-managed fishery, the MAFMC may appoint one or more voting members of their Council to serve on and vote as a member of the New England Council's committee for that species, stock or fishery.

The MAFMC also may appoint members to New England Council non-species or ad-hoc committees, with the exception of the Executive Committee.

Alternates

An alternate voting member may be designated for each MAFMC member appointed to an NEFMC committee. If neither the appointed member nor the designated alternate is able to attend a particular committee meeting, the MAFMC may appoint another voting Council member to serve as its representative at that meeting, provided the MAFMC notifies the NEFMC Chairman or Executive Director in writing of this change.

Travel and Compensation

The MAFMC is responsible for reimbursement of all expenses associated with travel and compensation for its members when attending NEFMC meetings.

13. Meeting Agenda

Purpose

To provide explanation of the Council's procedures concerning preparation of Council meeting agendas, the ability to take action at meetings and public notification requirements.

General

The Council is involved in a public process and therefore makes every effort to keep all affected parties informed about Council activities. To that end, the Council provides as much detail as possible on agendas and is specific when taking action or in addressing highly controversial issues.

The *Federal Register* (FR) serves as the Council's notice of record. Notices must be published for oversight committee, Advisory Panel and Council meetings at least 14 days prior to the meeting date. The Council meeting agenda is also sent to the Council's mailing list. Most of the points discussed below relate only to the Council meeting notice.

Timing

In order to publish the *Federal Register* notice 14 days in advance of meetings, NOAA must receive the agenda at least 23 days before the meeting date. NOAA, prior to publishing the *Federal Register* notice, reviews the document to ensure proper formatting or to address substantive concerns.

Changing FR Notices

The Magnuson-Stevens Act makes reference to the possibility of modifying a Council meeting agenda up to 14 days in advance of the meeting. However, given the length of

time it takes to publish a notice in the *Federal Register*, there is no practical way to make a change in the FR notice once it has been submitted, with the possible exception of making a correction within 24 to 48 hours of submission. Therefore, the 23-day timeframe for *Federal Register* notices is a firm deadline. Changes made this period could delay the meeting notice publication date jeopardize the Council's ability to comply with the 14-day requirement. Council actions then taken at that particular meeting could be subject to legal challenge.

Agenda

The Council may not take action, except in an emergency, if that action is not listed on the published agenda.

The Council's Executive Committee is responsible for developing detailed Council meeting agendas. To ensure that issues or recommendations discussed at committee meetings will in turn be addressed at the next scheduled Council meeting, oversight committee chairmen should schedule committee meetings appropriately.

If an oversight committee has recommendations to be considered by the Council at its next meeting, the committee is advised to meet more than 23 days before the scheduled Council meeting. This will enable the staff to develop an agenda that includes the committee action items. If the committee cannot meet this timetable, the committee chairman is advised to discuss the proposed Council meeting agenda items with Council staff, who will provide advice on the best approach.

14. Minority Reports

General

Council members may register official dissent about any decision of the Council on approved Council actions submitted to the Secretary of Commerce. This policy does not foreclose the expression by Council members of personal opinions or viewpoints on any subject under consideration by the Council.

Any Council member expressing his personal opinion should make it clear that these opinions are those of the individual only. To do otherwise subverts the Council process and conflicts with statutory process prescribed by the Magnuson-Stevenson Act.

Procedure

At the conclusion of the vote on an action to be submitted for Secretarial review, any Council member(s) intending to file a minority report should advise the Chairman.

When a Council member(s) decides that he (they) will file a minority report, he (they) shall advise the Executive Director in writing of this intent. Notice shall be given to the Executive Director no later than thirty (30) days after the Council meeting

during which the decision that is the subject of the dissent was made.

Upon completion and signature of the minority report, a copy will be provided to each Council member. The Executive Committee may comment on the report.

After review and any Executive Committee comment, the minority report will be forwarded to the Secretary of Commerce by the Executive Director. It will be included as part of the administrative record, along with the decision documents approved by the Council.

Staff Support

The Executive Director will not provide staff assistance and facilities for the preparation of a minority report.

15. Plan Development Teams

General

The Plan Development Teams (PDTs) provide an expanded pool of expertise for the analysis of data and the provision of information to the Council.

The PDTs also help ensure that Council FMPs, amendments and framework adjustments meet scientific, legal and technical requirements for review and approval.

The responsibilities of the PDTs are:

- To evaluate management proposals with respect to achieving FMP objectives;
- To provide guidance and assistance, as appropriate, to the Council staff in the development and preparation of FMP and amendment submission documents; and
- To provide plan monitoring, scientific and technical expertise to the Council and its committees and, if appropriate, to the Stock Assessment Workshops.

Process

The PDT will provide options to meet FMP objectives, analysis and relevant data for use by the appropriate oversight committee or Council. The individual members of the PDT will carry out their usual responsibilities to their parent agencies, but as a group the PDT is responsible to the Council.

Terms of Reference

The oversight committee chairs will provide detailed guidance (terms of reference) to the PDTs. Committees may ask PDTs to evaluate management proposals, develop options to meet FMP objectives, or to provide guidance on a variety of scientific, technical or FMP implementation issues. The terms of reference should clearly identify the management objectives against which management proposals should be evaluated and options developed.

The goal is to direct the PDTs to develop and/or analyze a variety of options consistent with FMP objectives. (See sample format for terms of reference)

PDT chairs will attend meetings of their parent committees to facilitate accurate preparation of written terms of reference, and subsequently will present PDT reports and analyses to the committees or the Council. PDT chairs may designate other PDT members to make special presentations to the committees as appropriate.

In meeting the management objectives specified by the committees, PDTs should consider as broad range of options as possible.

PDT Reports

PDTs will provide reports to the committees in response to the terms of reference.

The PDT reports will provide the committees with options and analyses of options that meet specified objectives.

PDT conclusions and recommendations will reflect the consensus of its members. PDT members must have the chance to review and comment on PDT reports prior to their distribution.

Responsibilities and conduct of work

The PDT Chair will schedule meetings (as far in advance as possible) and coordinate assignments of specific tasks to individuals or subgroups of the PDT. The Chair will distribute all terms of reference prior to PDT meetings.

The PDT Chairs will keep PDT members informed of all Council actions affecting a PDT's area of responsibility. The PDTs may determine whether a particular issue or proposed action warrants their involvement, or whether it is better handled solely by the Council staff.

PDTs are working groups and therefore PDT members are expected to contribute to analyses and documents under development. PDT members are chosen for their scientific and technical capabilities and it is important for them to be as impartial as possible in evaluating management alternatives. To maintain the credibility of the PDT as an impartial body, PDT members should be careful not to become advocates for a particular management approach or a particular interest group.

All FMPs, amendments or major framework adjustments should be developed with the involvement of the PDTs unless delegated to a committee established for a specific purpose, such as the Multispecies Monitoring Committee.

The PDTs should review major components of submission documents, such as draft and final environmental impact statements, economic, social and Regulatory Flexibility Analyses for all FMPs, and major amendments or framework adjustments.

To ensure the most efficient use of PDT resources, as much work as possible will be done before or outside of PDT meetings by circulating and reviewing analyses and documents by mail or electronically.

PDT members should have the full agreement of their agency/employer to allow them to make the appropriate commitment to the PDT process. Expected time commitments should be explicit so that PDTs can depend on members for some minimum amount of contribution.

Conduct of meetings

The purpose of PDT meetings is to direct and review analyses and provide guidance to the Council and its committees.

Committee chairs may attend PDT meetings to provide guidance and clarification when needed. Council members, industry advisors and members of the public also may attend PDT meetings, but may participate in the discussion only at the invitation of the PDT chair.

The purpose of PDTs is to perform analytical and other technical work for the Council; therefore, although the meetings are open to the public, they may not always be given public notice.

Composition

Each plan development team should consist of the following:

- A Chair designated by the Council's Executive Director.
- Up to two members from the NMFS Regional Office, one of whom is responsible for keeping the Regional Administrator and other appropriate NMFS personnel informed of work undertaken, progress, problems encountered, and time tables.
- Up to two members from the NMFS Northeast Fisheries Science Center (NEFSC). Other scientists from the NEFSC may participate in technical sessions or working subgroups of the PDT. Their involvement would be coordinated by the appropriate NEFSC member.
- A designated staff member of the Mid-Atlantic Fishery Management Council.
- A designated representative of the Atlantic States Marine Fisheries Commission.
- Economists, statisticians, anthropologists, sociologists, marine biologists or other scientists from state fisheries agencies and academic institutions. Subject to the availability of funds, expenses for these PDT members will be reimbursed by the Council.
- Other Council staff as appropriate.
- Representation from different organizations does not need to be proportional. However, an effort should be made to include personnel from the states.
- Members of Council committees that task a particular PDT may not also serve or stand-in for other members on that PDT.

16. Public Testimony

Oral Comments

Public comments will be allowed at Council meetings on all agenda items requiring final action and on all agenda items at Scientific and Statistical Committee and Advisory Panel meetings.

The Chairman or presiding officer will schedule public comments at an appropriate time during the meeting that is consistent with the orderly conduct business. During the time allocated for each major Council meeting agenda item, the Council Chairman will seek comments from the public. Generally, this opportunity will occur after the Council has discussed the action items and once motions have been made and are under consideration.

Individuals offering oral comments must provide their name and affiliation, and identify the subject of the discussion. Council members may ask questions of individuals addressing the Council.

Limits on comments

The Chairman may defer or limit public comment on Council meeting agenda items on which no final action is being taken to future oversight committee meetings, public hearings and/or to the Council meeting at which final action will be taken. Where constrained by available time, the Chairman or the presiding officer may limit public testimony in a reasonable manner by: a) requesting that individuals avoid duplication of prior testimony; b) requiring persons with similar concerns to

select a spokesman; and/or; c) setting a time limit on individual comments.

Written materials

Written comments received at the Council office 72 hours (three working days) before the Council meeting date will be copied and distributed to the Council prior to the meeting. Anyone unable to provide written comments 72 hours prior to the meeting and wishing Council members to have copies of the written comments or information should provide 35 copies to staff for distribution to members. If distribution to the Council is not essential, submission of a single copy is sufficient for the record.

All written information submitted to the Council must include a statement of the source and date of such information. Any oral or written statement must also include a brief description of the background and interests of the person in the subject of the oral or written statement.

Public input at other meetings

At meetings of the Council's oversight committees or other working groups, the extent of public comment taken will be at the discretion of the Chairman or presiding officer.

17. Research Steering Committee

Policy for Incorporation of Research Results into the NEFMC Management Process

Introduction

The Research Steering Committee (RSC), at the request of the New England Fishery Management Council's Executive Committee, developed a policy for the review and incorporation of new research results into the management arena. The Executive Committee's request was based on concerns that various cooperative research programs have funded a large number of projects that have relevance to management. Additionally, other types of external reports may also lack sufficient technical review prior to use in the management process. If results are to be used by managers in decision-making, the Executive Committee determined there should be some mechanism to evaluate the efficacy of the results and direct final reports to appropriate end users.

The Council reviewed and approved an initial draft of this document at its September 2003 meeting, but asked the RSC to provide more detail about the process as well as criteria for channeling projects to end users. They also asked the RSC to expand its discussions to include *all* new research projects that are to be used in making management decisions, not only those generated through cooperative research programs. This iteration of the policy includes those details.

In developing this process, it was the stated intent of the Research Steering Committee to be as constructive as possible in its review of research results and the preparation of advice to the Council as well as researchers. The RSC

also proposes to implement the steps below as a pilot effort in order to address any unforeseen considerations or to further refine the process if necessary.

General

The Council's Research Steering Committee will review final reports for projects funded through the National Marine Fisheries Service's Northeast Cooperative Research Partners Program (NCRPP), the Total Allowable Catch research set-aside programs provided for in the Council's Fishery Management Plans, and the Northeast Consortium, as well as other new research outside of the cooperative programs that may become available to the Council and its Plan Development Teams.

The RSC will provide a review of final reports prior to the use of results in the Council decision-making process. The RSC will identify the applicability of results to management and the appropriate end user of the information in the report. As part of its review, the committee will comment on whether a project has had an adequate technical review, and if not, recommend that one be undertaken. Technical reviews from other institutions may be acceptable.

Technical and contractual reviews of final project reports funded through the NCRPP will remain the responsibility of NOAA Fisheries as required by its grants program. Both NOAA Fisheries and the RSC, however, will communicate the RSC protocols outlined below to potential

applicants for NCRPP funding and to other institutions that fund cooperative and other types of research. This will create an awareness of the Council's need for the RSC management review, as well as a technical review of project results.

A potentially critical element in the management process, the RSC will ensure that an appropriate review of new research results is undertaken before those results and associated conclusions are used in a management action. This could involve several different pathways, depending on the nature of the project. All completed projects will be required to go through a sufficient technical review before results are used in the New England Council's management process.

Project Completed/Final Report Submitted

It is expected that most projects are likely to fall within this category. In these cases, the RSC will review a package consisting of the project abstract (or possibly the full proposal) along with the final report, and either a summary of the technical reviews or the actual text of the review(s).

Based on the committee's discussion and a review of these materials, the RSC will develop comments and/or recommendations on whether the technical review is adequate, project results are applicable to management, whether further work needs to be undertaken to validate results and the likely end user(s). Comments could include recommendations for immediate or future use by the Council and its committees, PDTs, or SSC, suggestions for further investigations, broader field-testing in the form of an experimental fishery, or other course of action.

The RSC also could advise that the information is not appropriate for use in a management context based on the summary of technical reviews, comments by

RSC members, or other rationale related to the efficacy or appropriateness of the project. The committee could elect to forgo the development of comments if it did not feel they are warranted or because of time constraints.

If a project does not have a technical review, or the RSC determines the technical review is not sufficiently rigorous, the RSC will recommend that a technical review take place or channel the completed report to its SSC or other technical group for the review. The RSC will consider projects that have received technical reviews completed by other groups.

A package (including the summary of technical reviews, the RSC comments and a final report) will be prepared by the Council staff and forwarded to the Council and its appropriate oversight committees for use in the management process. The Council and its oversight committees will coordinate any further use of project information. This would include, but is not limited to forwarding a report to its Advisory Panels, Plan Development Teams or other groups.

Example – *Typical projects would be the University of New Hampshire's cod end mesh selectivity study in the Gulf of Maine multispecies trawl fishery or the F/V Kathleen A. Mirarchi's observations of the effects of trawl gear on soft bottom habitats.*

SARC/Peer Review

Projects that fall within this category are generally long-term or unique and would be integrated into the databases used for management. This would include the results of long-term projects such as industry-based resource surveys, study fleet initiatives, the cod tagging program and possibly other projects.

Example – *The Northeast Fisheries Science Center Science, the Massachusetts Division of Marine Fisheries, the School of Marine Science and Technology and Rhode Island Fish and Wildlife, along with fishermen throughout New England are engaged in a project to tag yellowtail flounder in an on-going collaboration to better understand yellowtail movements, mortality and aging. Data will augment Center assessments of this species.*

Responsibilities of Principal Investigators

To ensure the use of the research results for management purposes, PIs will be required to identify project objectives, expected impact on or use in the management process and the end users of their results. Typically this should be stated at the proposal stage, but minimally should be detailed in a final report.

Recognizing that researchers have a proprietary interest in protecting data until publication, at some point yet to be established, all PIs will be asked to provide the raw data on which their research conclusions are based. If these data are intended to be used in a publication, data access should be provided following the publication of research papers. Agreements can be reached to ensure data will be used only in the development of a fishery management plan and not by Council staff or its PDT members for publication purposes.

In all cases if research is to be used by the Council for management purposes, raw data must be accessible to the Council staff and its Plan Development Teams in a readily usable format and accompanied by the relevant analyses and results prior to use in the development of a management action.

Technical Review Criteria

Approved by the NEFMC, September 2004

General

The following was developed by the Council's Research Steering Committee concerning criteria for the technical review of cooperative and other research results that are to be considered in management decision-making. Based on discussion of the issue at the September 14-16, 2004 Council meeting, this list will append this document to its final policy to incorporate research results into fisheries management decision-making.

Levels of technical review that could be deemed sufficient for Council decision-making purposes:

- Publication in a peer-review journal
- Publication in a Federal/State Agency or academic technical report series in which papers are subject to internal peer review
- Review by a peer-review forum such as a SARC, TRAC, SEDAR (Southeast Data, Assessment and Review - SEFSC' stock assessment review process), SSC, SSAC, NRC, etc
- Expedited review by NMFS and/or other appropriately qualified scientists
- Review of the research paper by two or more independent experts, unaffiliated with the PIs (with proof that any review comments provided by the reviewers were subsequently addressed by the PIs). This might pertain to the Center reviews of final reports of state/federal grants and contracts, or to reviews specifically solicited by the PIs themselves from independent scientists.
- Academic dissertations and theses (presuming that the research in these reports have been reviewed for techni-

cal sufficiency and rigor by faculty members).

- A peer-review forum (perhaps a workshop) developed specifically to review/vet draft research reports (this might be something that could be convened under the auspices of the Cooperative Partners Research Initiative or the Northeast Consortium).
- Review by scientists familiar with the research topic area (this is the PDT model in which PDT members assess the technical merits of unvetted research results). The PDT may also recommend an outside review by additional scientists.

Some approaches that would NOT qualify as sufficient to consider a research document as having had a valid technical review might include:

Oral presentation of the research results at a scientific meeting (AFS, ICES, etc).
Publication of an Abstract

Preparation/submission of a Working Paper/Research Document to a Meeting/Working Group at which peer review is not the main objective of the Group (e.g., ICES Working Papers; NAFO Research Documents, ICES ASC Documents; etc) or in which the review is likely to be perfunctory

Additional Comments

There are still gray areas concerning whether analyses generated at PDT meetings or reviews undertaken by those groups receive adequate vetting. Pending experience with this process and further discussion, the committee may modify this document.

Management Review Checklist

The RSC policy concerning the committee's review of final reports for applicability to the management process states that it will develop comments and/or recommendations on whether a technical review is adequate, project results are applicable to management, whether further work needs to be undertaken to validate results and the likely end user(s). Comments could include recommendations for immediate or future use by the Council and its committees, PDTs, or SSC, suggestions for further investigations, broader field-testing in the form of an experimental fishery, or other course of action.

The RSC may advise that the information contained in a given final report is not appropriate for use in a management context based on the summary of technical reviews, comments by RSC members, or other rationale related to the efficacy or appropriateness of the project. The committee also could elect to forgo the development of comments if it does not feel they are warranted or because of time constraints.

If a project does not have a technical review, or the RSC determines the technical review is not sufficiently rigorous, the RSC will recommend that a technical review take place or channel the completed report to its SSC or other technical group for the review. The RSC will consider projects that have received technical reviews completed by other groups and subsequently undertake its own review.

The RSC review may include a presentation by the principal investigators.

Following the RSC review, a package (including the summary of technical reviews, the RSC comments and a final report) will be prepared by the Council staff and forwarded to the Council and its appropriate oversight committees for use in the management process. The Council and its oversight committees will coordi-

nate any further use of project information. This would include, but is not limited to forwarding a report to its Advisory Panels, Plan Development Teams or other groups.

Suggestions for Specific Comments

1. Has there been a sufficient technical review of the project results and, if so, is that information available to the Research Steering Committee?
2. Did the project accomplish all of its stated goals and objectives?
3. Are project deliverables available and formatted for use by the Council and its technical committees?
4. Does the project address an immediate management need or contribute to a long-term strategy to rebuild and sustain stocks?
5. Does the project support past work and/or provide new information?
6. Does it point to a management action not in place now, or offer an innovative solution to a problem?
7. Did the project elucidate other information not specifically stated in the goals and objectives?
8. Is there a need for further work or follow-on research such as wider field-testing?
9. Who is the appropriate end-user and are there recommendations/caveats about how this information should be used?
10. Overall rating based on the above criteria: excellent, very good, good, fair, or poor.
11. Additional comments.

18. Sector Policy

Definition of “Sector”

A *sector* means a group of persons holding limited access vessel permits who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and which has been granted a TAC(s) in order to achieve objectives consistent with applicable FMP goals and objectives.

Formation of Sectors

Each FMP may adopt a sector program through a plan amendment to enable limited access permit holders in the respective fishery to form sectors. In developing a sector program, the responsible species committees should adhere to the policy described in this document. Each committee should also review the Multispecies FMP sector program provisions as a basis for such a program, making modifications as needed to suit the specific fisheries.

In developing a sector program, each species committee should state the objectives of such programs specific to the FMP, and such objectives will be the context for the periodic evaluation of specific sector programs.

Each FMP must identify a single, fixed and permanent baseline for the purpose of sector allocation, but the Council recognizes that there may be reasons for exceptions. In such a situation, the respective species committee should provide the Council with the rationale for adopting multiple, movable or temporary baselines.

Individual species committees should address the question of sector size limitations in the development of their own sector programs but each FMP, with the exception of red crab, should define a minimum sector size by specifying a minimum number of participants, expressed as a number of individuals or percent of permits, in order to ensure accountability among sector members, and not complicate administration or enforcement.

Individual species committees should address the geographic limitations on sectors in development of their sector programs.

Species committees should state which management measures within their respective FMPs could be eligible for exemption under sector programs, and such blanket exemptions would be subject to Council approval in the adoption of the FMP sector program.

Allocation

Individual species committees, in considering sector proposals, must consider bycatch in other fisheries, effort displacement and the impact on common pool (non-sector) vessels and any other relevant factors when allocating TAC.

Sectors will adopt Annual Catch Limits (ACLs) and Accountability Measures (AMs) for species managed under the Sector's FMP(s) and sector shares will be allocated as a percentage of the ACL of the applicable FMP. Species committees should consider stock condition in determining allocation eligibility in a manner consistent with the applicable FMPs. Sectors will adopt measures consistent with ACLs and AMS for each FMP for incidentally caught species.

Discards will not count toward a sector's allocation but discards will count against a sector's shares, unless a sector can provide other accountability for the discards and obtain an exemption. In other words, the calculation of a sector allocation, as a percentage of the total landings, would be based on historic landings only (not discards), but when the TAC is calculated each year, and a sector's catch is monitored against the TAC, both landings and discards will be counted.

Mortality Controls

Any allocation of TAC applied to a sector, when reached, would result in the sector fishery closing. Based on provisions in Multispecies Amendment 13 regarding overages by sector and non-sector vessels: if the sector does

not exceed its assigned share or percentage in a given fishing year, but other sectors or the common pool do, the sector's allocation will not be reduced, if the sector exceeds its annual allocation but others do not, then the sector share will be reduced in the following year, and if all sector and open pool vessels stay within their shares, but the resource condition requires a reduction in catch, then all groups will take reductions. Individual

species committees should address the regulatory response to the situation where both sector and non-sector groups exceed their portion of the total TAC in the FMPs Accountability Measures. Overages of a sector's allocation would be addressed in the annual evaluation and reauthorization process, and that individual species committees should establish the appropriate response for repeated overages, which may include disapproval of an operations plan.

In terms of mortality controls in fisheries not directly impacted by the sector fishery, each FMP sector program should require that sector applicants identify potential redirection of effort as a result of sector operations and propose limitations ("side-boards") if necessary to eliminate any adverse effects of effort redirection.

Administrative, monitoring and other policies

Sectors will be required to report their catch annually consistent with the Multispecies FMP sector reporting requirements, and any additional monitoring requirements should be stated in each sector's Operations Plan and reviewed annually.

Each FMP may allow proposals that request authorization for multi-year operations. If a multi-year sector program is allowed, and if the range of possible changes (e.g., membership and quota) is analyzed in the Environmental Assessment (EA), then a new EA would not need to be prepared each year.

Each FMP may allow transfers of quota among sectors contingent on evaluation of proposals. If any transfers of

TAC between sectors is allowed within an FMPs sector program, those transfers would be on an annual basis, and the sector TACs would be reset each year based on the membership (which might change from year to year). The FMP may also authorize sector managers to request a quota transfer between themselves, and that they may do so any time after the TAC(s) for the fishing year have been finalized. The species committees should develop FMP specific criteria for the approval or disapproval of TAC transfers. If a sector transfers a portion of its TAC to another sector, and then exceeds its remaining portion, the transferred portion would not be affected, but the sector would have its TAC reduced proportionally the following year by the amount of the overage.

Each FMP should state that vessels can only be in one sector within that FMP in any fishing year. Furthermore, a vessel cannot be in more than one sector in different FMPs in the same year.

Each sector is responsible for ensuring that their eligibility criteria are implemented in a fair and uniform manner.

Species committees should adhere to the policy and guidelines described above, and wherever they deviate from these, should provide substantial rationale for such variance to the Council for its consideration and approval.

19. Scientific and Statistical Committee

General

The purpose of the Scientific and Statistical Committee (SSC) is to assist the Council in the development, collection and evaluation of statistical, biological and other scientific information relevant to the development and amendment of any fishery management plan (§302).

The SSC will:

- Assist the Council in the development, collection, evaluation, and peer review of statistical, biological, economic, social, and other scientific information relevant to the development and amendment of fishery management plans.
- Provide the Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, by-catch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.
- Provide guidance to ensure that FMPs, amendments and framework adjustments are based on the best scientific information available (National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act);
- Review stock assessment updates as requested through the Stock Assessment Workshop. One or more SSC members will be assigned by the Council to serve on or Chair SAW/SARC committees;
- Upon request, advise the Council on the preparation of comments for any FMP or amendments prepared by the Secretary

or other bodies which are transmitted to the Council pursuant to the Magnuson-Stevens Act;

- Perform other appropriate tasks as may be required by the Council.

Organization

The Executive Director will announce SSC vacancies through the news media, the mail and in other ways he determines appropriate. Interested persons will be required to submit their resumes and other information requested by the Executive Director.

The Executive Director will prepare a list of nominees. The five voting members of the Executive Committee will appoint SSC members on the basis of their expertise in fisheries science, ecology and social sciences.

The SSC will have no less than 15 members with at least nine members with expertise in fisheries stock assessments, three in fisheries ecology and three in social sciences related to fisheries management. The SSC may call upon additional expertise with the approval of the Executive Director. SSC members will serve for renewable three-year terms.

The SSC will nominate from its members a Chair and Vice Chair who both will be confirmed by the Executive Committee for one-year, renewable terms.

Members may be compensated when funding is available and will be paid for travel expenses in accordance with Council travel policy.

The Executive Committee may appoint additional SSC members on ad hoc basis if

needed to provide the Council additional expertise on a particular issue or question.

The Executive Director will provide staff and other support as necessary.

Procedures

To the extent practicable, the SSC will meet regularly before Council meetings and the SSC chair (or appropriate representative) will attend Council meetings.

The Committee also will meet as a whole, or in part, at the direction of Executive Director with the approval of the Council Chair whenever necessary to fulfill its responsibilities.

20. Travel

Authorization and Reimbursement

Purpose

To define the travel reimbursement guidelines outlined in the Magnuson-Stevens Fisheries Conservation and Management Act, as amended through January 12, 2007 as they relate to processing Council travel claims.

General

All voting and non-voting members of the Council, members of the Scientific and Statistical Committee (SSC), Social Science Advisory Committee (SSAC), Council staff, experts and consultants retained by the Council, and members of the Council's Advisory Panels (APs) and Plan Development Teams (PDTs) are eligible to be reimbursed for travel expenses incurred while engaged in authorized Council business.

Employees of the federal government are not eligible for travel reimbursement.

Authorization

Prior authorization is necessary to establish eligibility for reimbursement. Either the Council Chairman or the Executive Director may authorize travel and reimbursement for expenses incurred. A numbered Travel Authorization (TA) form will be prepared by the Council staff and mailed to all authorized individuals prior to each Council meeting, oversight committee meeting, SSC, PDT or Advisory Panel meeting or other approved activity. The authorization will indicate those persons entitled to receive reimbursement. TA's will be routinely issued for the various types of meetings indicated below:

Council Meetings: Voting and non-voting members designated Council staff. SSC

and PDT members and the Chairman of an Advisory Panel will be authorized as needed.

Oversight or Other Regular Committee Meetings:

The Council Chairman, committee members, designated Council staff, and the advisory panel chairman. PDT members may be authorized to receive reimbursement for travel expenses for a specific committee meeting, as needed.

Mid-Atlantic Meetings: The designated liaison to the Mid-Atlantic Council or other Council members designated by the Council Chairman.

Advisory Panel Meetings: Advisory Panel members, designated Council staff and the oversight committee chairman, if necessary.

SSC Meetings: SSC members Council Chairman, Council staff.

Plan Development Team Meetings: PDT members, the oversight committee chairman and Council staff will be authorized to attend PDT meetings.

Additional persons may be authorized reimbursement for expenses according to the guidelines below:

Expert members of working groups that are established with the approval of the Council Chairman may be authorized travel and reimbursement for specific Council, oversight committee or working group meetings.

Consultants: Consultants may be authorized for travel and reimbursement

by the Council Chairman or the Executive Director. Requests for consultant services should be made to either of them.

Public Hearings: A Council member who chairs a public hearing and the Council staff member assigned to attend the hearing will each be authorized for travel reimbursement for attending the hearing(s).

Other Travel: May include seminars, conferences or other meetings if prior authorization by the Chairman or Executive Director is granted.

All Council, committee and working group meetings are open to the public, but only individuals identified on the TA will be reimbursed for travel expense.

General Limitations

Reimbursements are limited to amounts reasonably necessary for the conduct of travel in connection with Council business. Travel must be undertaken using the least expensive means of transportation practicable and appropriate to the nature and purpose of the travel. If an individual elects to use a more expensive mode of transportation, reimbursement will be limited to the least expensive transportation available and the traveler will be responsible for the difference.

If unsure about the lowest cost to travel to a meeting, contact the Council Office for a determination prior to traveling.

The Chairman or the Executive Director will determine applicable limitations in approving each Travel Authorization. Generally this amount will be the cost of lodging, which cannot exceed 150% of the maximum amount allowed by the federal government for the area, plus a maximum of \$40 per day for meals.

Advisors are authorized for up to \$30 per day for meals. *(approved via email from Chairman 6/1/06)*

Reimbursement for meals while on travel to cities outside the contiguous states, including Hawaii, Alaska, Puerto Rico, the U.S. Virgin Islands and Canada will be at the federal level authorized for each area.

Air Travel

Air travel reimbursement is limited to the lowest rate that is appropriate for the specific travel. To obtain the lowest possible fare, individuals traveling under Council authorization are encouraged to allow the Council staff to make their air travel reservations and purchase the tickets. Individuals making their own travel reservations will be reimbursed for only the rate that could have been obtained through the staff.

Foreign Travel

The Chairman or Executive Director shall approve travel across the United States border to Canada or Mexico. All other foreign travel must be approved in advance by the NOAA Regional Office.

Identification: Proper identification is the responsibility of the individual. The Council does not pay for passports or other forms of identification.

A passport is considered the best document for identification. Individuals traveling to Mexico or Canada are encouraged to obtain a passport. Effective 12/3/07, all travel outside the United States will require a Passport. Passport applications or renewal forms can be obtained online at:

<http://travel.state.gov/passport/>

Expenses in a 50-mile radius

Lodging expenses are not authorized within a 50-mile radius unless official business requires the individual be available before 6 a.m. or after 8 p.m.

Voucher Preparation

To receive payment, authorized individuals must prepare and submit a *Meeting*

Reimbursement Voucher. This form is used to verify meeting attendance, request reimbursement for expenses incurred while attending an authorized meeting and for eligible members to claim compensation.

The Travel Authorization number for each meeting must be noted on the *Meeting Reimbursement Voucher*. A separate voucher must be submitted for each *Travel Authorization*.

Hotel receipts are required in all cases where lodging is claimed. Actual hotel costs are reimbursable within the limits of the total level of actual expense reimbursement set by federal travel regulations. Although receipts for meals, taxis, tolls, parking and other similar expenses are not required, such costs must be itemized. Actual cost of transportation by public carrier, or mileage at the rate of 44.5¢ per mile for use of personal auto, is also reimbursable, as are road tolls and parking fees. Airline, rail, bus or auto rental receipts must be submitted.

Telephone calls directly related to Council business are also reimbursable. Those included on hotel bills should be noted as business related. Claims for reimbursement for Council-related telephone calls placed from home phones must be supported by a copy of the bill.

Non-refundable Expenses: The Council is not responsible for charges resulting from the traveler's failure to cancel a confirmed reservation. Those costs are the responsibility of the individual.

Certification

All claims for reimbursement of travel expenses must be signed by the traveler and submitted to the Council office. Faxed copies of the claims are acceptable.

E-mailed vouchers are accepted; receipts also can be emailed, faxed or mailed to the office.

A voucher must be submitted within six weeks of the meeting date it covers. Forms received after the cut-off date will be reviewed by the Executive Committee and payment may be held until the end of the fiscal year.

Vouchers will be handled promptly. Reimbursement checks will generally be mailed within ten working days from the date received at the Council Office.

All claims are subject to review by the Executive Director for reasonableness and no claims will be approved that are not in accordance with the limitations noted on the Travel Authorization. Any claims considered excessive will be referred to the Executive Committee for disposition.

**Council policies that require updating or that are no longer
consistent with Council processes or practices**

Aquaculture – Recommend updating by the Habitat Committee

Aquaculture is encompassed within the Magnuson-Stevens Fishery Conservation and Management Act's broad definition of fishing which includes the catching or taking of fish, the harvesting of fish and any other activity or at-sea operations in support of such activity, and

The NEFMC has an obligation under the Magnuson-Stevens Act to make comment concerning aquaculture projects which may affect fishery habitat; and

Many activities associated with EEZ-based aquaculture cannot be undertaken without modification to certain elements of existing FMPs under the NEFMC's jurisdiction; and

Several federal agencies are involved in reviewing and permitting EEZ-based aquaculture projects although no agency has been delegated lead responsibility for management, and

The NEFMC has the necessary expertise, experience and statutory authority to effectively address the issues attendant to aquaculture development in the EEZ:

The NEFMC recognizes that it has a responsibility to develop management measures that will facilitate EEZ-based aquaculture development, and

It is the NEFMC's policy to encourage biologically and environmentally

sound aquaculture projects and to develop management strategies that maximize opportunities for the aquaculture industry's productive coexistence with the traditional commercial fisheries of the New England region.

Accordingly, the NEFMC will facilitate the aquaculture permitting process through the following policy objectives:

The NEFMC will address those issues that are clearly germane to the Council's fishery management role and will work with other federal agencies involved in aquaculture to identify and minimize or eliminate areas of potential overlap.

The NEFMC will position itself as a point of contact for aquaculture developers, to provide information and federal permit application materials, and to provide recommendations to developers which may help avoid projects or elements of those projects that would otherwise pose conflicts with the Council's management activity.

The NEFMC will seek advice and guidance from representatives of both the aquaculture and fishing industries, the conservation community and other resource management agencies in formulation of aquaculture management strategies so as to minimize or eliminate the potential for user conflicts.

Fail Safe Voting – inconsistent with current Council process

Purpose

The New England Fishery Management Council,

mindful of the extremely complex, social, economic, institutional and biological problems inherent in the management of living marine resources, and

mindful of the differing jurisdictional responsibilities (State, Council, Federal and international) involved and

mindful of its responsibility to deal fairly and competently with the needs of the resources and their several user-groups,

now, therefore, adopts the following operational procedures:

Voting Procedure

No major Council measure which might be considered to adversely affect one or more user-groups in a particular fishery or which might in

any major way impinge upon the jurisdictional responsibilities of other management authorities will be taken to a vote on the same date as that on which the substantive matter was taken under consideration by the Council.

To this end, all future meeting notices and agendas will provide for (1) discussion of inherently controversial matters on day #1 of the meeting, and (2) for the alternatives of (a) a Council vote or (b) continued discussion of the matter on day #2 of the meeting.

In the event that no vote is taken during day #2 of the meeting, the Chairman will appoint a special ad hoc committee to study the matter and to make a report and recommendation at the following Council meeting.

The above procedures may be waived by an assenting vote of 2/3 of the Council members present and voting

Multi-Species Management Policy

Inconsistent with current Council policy and process

Introduction

The policy for the management of the region's multi-species fisheries that emerged in August of 1983 included the following elements:

1. A statement of intent regarding the management of the multi-species fishery containing two basic goals for management:

allow the multi-species fishery to operate and evolve with minimum regulatory intervention, and

adopt initial measures to prevent stocks from reaching minimum abundance levels (or stock conditions).

2. The policy identifies what shall be considered in the management program

- a. minimum abundance levels (or stock conditions) based on an unacceptable risk of recruitment failure;
- b. minimum disruption of the normal behavior of the multi-species fishery;
- c. an emphasis on freedom of choice for participants in the various species fisheries;
- d. avoidance of abrupt economic dislocations;
- e. Acquisition of the best possible data upon which to base fishery management decisions.

3. The Policy defines how the FMP will operate:

- a. initial measures will be based on relevant biologic, social and economic factors and will be designed only to limit the risk of reaching minimum abundance levels (or stock conditions); stocks below their minimum abundance levels (or in an unacceptable condition) may be immediately subject to restorative measures that will be applied in the context of the fishery.
- b. modifications of initial measures are possible if changes (which unexpectedly contribute to a deterioration in stock condition) are demonstrated in the biologic, social or economic design factors;
- c. measures to "restore" a stock which has fallen below its minimum abundance level (or is in an unacceptable condition) will take into abundance level (or is in an unacceptable condition) will take into consideration impacts on other related fisheries.

The terms "stock condition" or "condition" have been purposefully inserted into the discussion to relate the reader more directly to the actual criterion used subsequently in the plan to identify species in need of active management action.

Multi-Species Management Policy

Last Revision:

The actual policy statement adopted by the New England Council in August, 1983 and subsequently concurred with by the Mid-Atlantic Council in April, 1984 is given below.

Major Policy

1. The Council shall attempt to provide an environment in which the multi-species fishery can operate and evolve with a minimum of regulatory intervention or restriction of fishery options. Initial management measures shall be designed to prevent stocks from reaching minimum abundance levels of individual species within species groups included in the management plan with due consideration for the overall multi-species fishery.
2. Initial management measures will be designed on the basis of biological, social and economic factors operating at the time and may be modified only if significant changes in these factors are demonstrated.
3. Minimum abundance level is defined as that level of abundance below which there is an unacceptably high risk of recruitment failure (stock collapse). The Council, in establishing minimum abundance levels, shall not consider economic criteria.
4. Minimum regulatory intervention is defined as the use of measures, which are only intended to limit the risk of reaching minimum abundance levels.

Other Considerations

1. The Council will seek the best possible data upon which to base its management decisions in fulfillment of this policy.

2. The Council shall place an emphasis on freedom of choice for fishermen participating in the various species fisheries so long as those species remain above their minimum abundance levels.

3. Consideration will be given to species not explicitly included in an FMP subject to this policy only if the required measures impact a fishery for those species.

4. If a species within a major group falls below its minimum abundance level, the impact on the fishery for other species within that species group, as well as on other species groups will be considered in efforts to restore the species to an appropriate abundance level.

5. The Council shall attempt to avoid or minimize abrupt economic dislocations in implementing this policy; however, in no event shall continued access by individual fleet sectors, net economic impacts individual fishermen, or impacts on the quality of life be considered in fearing management measures developed consistent with this policy.

Implications

Initial measures would be modified in response to major changes in the biological, social or economic factors operating within a fishery where those changes were judged to be contributory to abundance declining toward minimum abundance levels.

Initial freedom in the fishery might be restricted by adjustments in management measures dictated by a stock decline to the minimum abundance level.

Opening Closed Areas (for Non-Closure Species) now inconsistent with Council policy and practice

Special Conditions for Groundfish Closed Area - The following 2 conditions were established with regard to a closed area policy:

1. the closed area be defined for intent and specific purpose;
2. the closed area measure explicitly describe who is affected and who is excepted, and the duration of the closure.

Opening Closed Areas

The following guidelines are followed for opening closed areas for non-closure species.

Step 1

Industry requests an opening of a closed area. The industry must make the request of the appropriate Committee overseeing its fishery. The "appropriate committee" also may be a committee of the New England Fishery Management Council, MAFMC or ASMFC. *(A request by the scallop industry for access to one of the Georges closed areas will be used as an example after each step).*

Example: The scallop industry requests of the New England Fishery Management Council Scallop Oversight Committee that they be allowed to fish in Groundfish Closed Area #1.

That committee will review the request in the light of the biological and other aspects of the requesting species. *Is there some scallop reason for not considering this request?*

Step 2

If the Committee decides to continue with the request, it forwards it to the appropriate Committee overseeing the Closure species. *The Scallop Oversight Committee would forward the request to the Groundfish Committee.*

The Closure Species committee would review the proposal as brought forward from the requesting species committee. This review will consider the following:

1. The original purpose of the closure. *The committee would not consider opening the closed area during the traditional haddock spawning season.*
2. Potential impact on the closure species. If the proposal is expected to not substantially delay recovery, it should proceed to the next level. *For instance, if it was projected that the impact would be*

an additional 5 years on a 2-year recovery, or if it prevented the FMP for that fishery from meeting National Standard 1 and other Magnuson-Stevens Act requirements that might not be acceptable.

3. Measures to mitigate potential impacts. *Specialized gear, observers, alternate closures, etc.*

4. Economic Impact including potential economic and social benefits and impact across range of users and particular communities.

Step 3

If the closure species committee can adequately address all of the issues and concerns, it should forward its recommendation to the Council to implement through appropriate action.

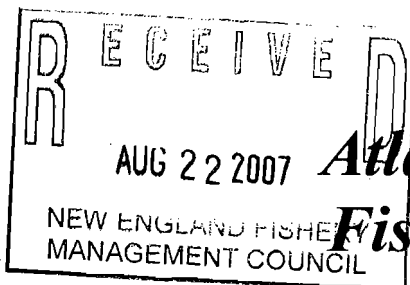
If the Closure Species committees cannot handle all the requests, the Interspecies Committee should address the issues brought forward by the requesting committees and between the requesting parties to maximize the potential benefits to all.

DRAFT Management Action Plan (August 28, 2007)
Priorities for Management

FMP/Species	2008	2009	2010	2011
Skates	Amendment 3 cont. including ACLs, AMs. Specs (ACLs) For 2009, 2010 and 2011			Skate SAFE Report to estab Specs for 2012, 2013, 2014
Multispecies	Amendment 16 cont. including ACLs, AMs . ACLs for 2009 and 2010	Amendment 17 including ACLs for 2011 and 2012	Amendment 17 cont.	
Scallops	Amendment 15 including ACLs, AMs, Capacity reduction/DAS leasing, transfer Programs, sectors for LA fleet, etc.	FW 21, specs for 2010 and 2011		Scallop SAFE Report to estab Specs for 2012 and 2013
Monkfish		Amendment 4 including ACLs, AMs. Specs for 2011, 2012 and 2013	Amendment 4 cont.	
Red Crab		Amendment 2 including ACLs, AMs. Specs for 2011, 2012, and 2013	Amendment 2 cont.	
Whiting	Amendment 15 cont. including ACLs, AMs. Specs for 2010, 2011, And 2012	Amendment 15 cont.		
Herring		Specs 2010, 2011 and 2012	Amendment 2 including ACLs, AMs. Specs for 2013, 2014, and 2015.	Amendment 2 cont.
Habitat	Omnibus Amendment cont.	New Ecosystem Plan	New Ecosystem Plan cont.	
Hagfish			New Hagfish FMP	

ENCLOSURE (2)

#5



Atlantic States Marine Fisheries Commission

Summer 2007 Meeting Summary

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

Summer 2007 Meeting
Alexandria, VA
August 13 - 16, 2007

For more information, please contact
the identified individual,
Robert Beal, ISFMP, or
Tina Berger, Public Affairs
202/289-6400

Meeting Summaries, Press Releases and Motions

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HABITAT COMMITTEE (August 13, 2007)

Meeting Summary

The Habitat Committee reviewed the timeline for developing the Draft Coastal Shark Fishery Management Plan and specifically discussed the development of the Habitat Section of the document. As part of the Commission's effort to strengthen the Habitat Program, the Committee is in the process of reviewing and revising its operational procedures, including the drafting of habitat sections of fishery management plans, developing source documents, revising the project/permit comment procedure, and reviewing the effectiveness of the Habitat Program. The Committee discussed the growing issue of working waterfronts and will refer the issue to the ISFMP Policy Board in recognition of the fact that the impacts may not be limited to coastal habitats. Wilson Laney was nominated as Vice-chair to the Habitat Committee. The nomination will be forwarded to the Commission's Chairman for consideration. To conclude the meeting, the Committee honored Bill Goldsborough for his 10-year tenure as Chair of the Habitat Committee. For more information, please contact Jessie Thomas, Habitat Coordinator, at (202)289-6400 or jthomas@asmfc.org.

AMERICAN LOBSTER MANAGEMENT BOARD (August 13, 2007)

Press Release

ASMFC Lobster Board Approves V-Notch Plan for Long Island Sound

Alexandria, VA – The Atlantic States Marine Fisheries Commission's American Lobster Management Board approved the implementation of a conservation-equivalent plan for Long Island Sound in Connecticut and New York (lobster conservation management area 6), instituting a v-notch-based lobster stock restoration program in place of the 1/16" minimum length increase approved in May 2007 through Addendum XI. Under the Commission's fishery management planning process, alternative measures can be adopted if they can be shown through technical review to be "conservation-equivalent" (having equivalent conservation value) to the initial plan.

"I appreciate the Board's support for this important plan. It provides a win-win scenario for both the Long Island Sound lobster industry and lobster resource," states Eric Smith of the Connecticut Department of Environmental Protection. "The state-funded plan involves a unique collaborative venture of the state's maritime high schools and lobstermen that will conserve and rebuild a depressed natural resource, aid a beleaguered maritime industry, and provide hands-on, on-the-water experiential learning for high school students."

The plan provides for the v-notching of approximately 60,000 legal-sized female lobsters (3-5/16") in each of the two years (July 1, 2007/June 30, 2008 and July 1, 2008/June 30, 2009) and establishes strategies to meet the plan's conservation goals in the event that the v-notch targets are not met.

For more information, please contact Toni Kerns, Senior Fisheries Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

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PR07-17

Motions

Move that the lobster conservation management area 6 proposal for conservation equivalency based on the options related to a natural mortality rate equal to 0.15 be adopted by the

Management Board as indicated in the document dated July 26, 2007 and submitted by the CT DEP and CT LRAC.

Motion made by Mr. Smith, second by Mr. Augustine. Motion passes (7 in favor, 1 opposed, 0 null, 1 abstention).

Move to amend Addendum XI, section 2.1.3.2.2 *Maximum Gauge Size*, to allow an exception for the recreational dive fishermen in LCMA 4 and 5 to possess one male lobster above the maximum size length (5 1/4") per trip.

Motion made by Mr. Himchak, second by Mr. Smith. Motion fails for lack of a 2/3 majority.

ATLANTIC HERRING SECTION (August 13, 2007)

Meeting Summary

The Atlantic Herring Section met to revisit the 2006 Fishery Management Plan (FMP) Review and discuss state compliance with the spawning closure provision of Technical Addendum 1 to Amendment II to the Interstate FMP for Atlantic Herring.

At the May meeting, the Section could not approve the FMP Review because Massachusetts had not submitted a compliance report. The revised 2006 FMP Review contained the Massachusetts compliance report and received approval from the Section.

The Section forwarded a recommendation to the ISFMP Policy Board to find the State of Maine out of compliance with the spawning closure provision of Technical Addendum I to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Herring. For more information, please see the press release under the Business Session on page 11.

For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at (202) 289-6400 or cvonderweidt@asmfc.org.

Motions

Move to approve the FMP Review.

Motion made by Mr. P. White, second by Mr. Augustine. Motion approved.

Move that the Atlantic Herring Section recommend to the ISFMP Policy Board that the State of Maine be found out of compliance effective September 24, 2007 for not fully and effectively implementing and enforcing Amendment 2 and Technical Addendum 1 to the Interstate Fishery Management Plan for Atlantic Herring. The State of Maine has not implemented the spawning restrictions (Section 4.3.2) contained in the Plan. The spawning restrictions are necessary to protect the spawning aggregations that are highly susceptible to fishing in order to ensure continued recruitment to the stock. In order to come back into compliance the State of Maine must implement the spawning restrictions as detailed in Amendment 2 and Technical Addendum 1.

Motion made by Mr. Nelson, second by Mr. Calomo. Motion carries (6 in favor, 1 opposed).

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (August 14, 2007)

Press Release

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Approves Addendum XIX

Alexandria, VA – The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board approved Addendum XIX to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The Addendum extends the current state-by-state black sea bass commercial management strategy indefinitely and maintains the current summer flounder recreational allocation strategy. It also redefines the stock status determination criteria for summer flounder, scup, and black sea bass.

Black Sea Bass Commercial Management Strategy

Since 2003, the black sea bass commercial fishery has been managed through a state-by-state allocation system, with each state allocated a percentage of the coastwide quota. Under this system, states are provided the flexibility to manage their quota for the greatest benefits of their commercial fishing industries. This management strategy was set to expire by December 31, 2007. Under Addendum XIX, the state-specific shares remain as follows: Maine and New Hampshire (0.05% each), Connecticut (1%), Delaware (5%), New York (7%), Rhode Island, North Carolina and Maryland (11% each), Massachusetts (13%), and New Jersey, and Virginia (20% each).

Summer Flounder Recreational Allocation Strategy

Currently, summer flounder state recreational allocations are based on the proportion of state landings to coastwide landings reported in 1998. This provides states the flexibility to develop state-specific conservation equivalent management measures to achieve the coastwide recreational harvest limit. Addendum XIX maintains the present summer flounder recreational state allocation strategy.

Stock Status Determination Criteria

Addendum XIX allows the Board to adjust biological reference points based on peer reviewed recommendations through Board action in lieu of the more protracted addendum/amendment process currently required.

Summer Flounder Reference Points

Following the recommendations of the Summer Flounder Assessment and Biological Reference Point Update for 2006, the Board adopted new biological reference points for determining whether summer flounder is overfished or experiencing overfishing. Spawning stock biomass (SSB) will now be used in place of biomass, with the SSB threshold and target limits set at 98.5 million pounds and 197 million pounds, respectively. The Board also approved a fishing mortality rate threshold of 0.28.

In other action, the 2007 black sea bass quota and the 2007 Scup Winter II quota and trip limit were revised based on the reinstatement of 18,142 pounds of unused research set-aside quota for the black sea bass fishery and the rollover of 644,155 pounds of scup quota from the Winter I period to the Winter II period, respectively. The new Scup Winter II trip limit is 3,500 pounds per trip.

The actions under Addendum XIX are effective immediately. Copies of Addendum XIX will be available by mid-September and can be obtained via the Commission's website at www.asmfc.org under Breaking News or by contacting the Commission at (202) 289-6400. For more information, please contact Toni Kerns, Senior Fisheries Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

PR07-18

Meeting Summary

After a thorough discussion, the Summer Flounder, Scup, and Black Sea Bass Management Board agreed to work jointly with the National Marine Fisheries Service to complete and evaluate a summer flounder stock assessment through the Northeast Regional Stock Assessment Workshop/Stock Assessment Review Committee (SAW/SARC) process. The Board's decision reflects its belief that the SAW/SARC process will provide a rigorous independent review that will meet the Board's needs. For more information, please contact Toni Kerns, Senior Fisheries Management Plan Coordinator for Management, at (202) 289-6400 or tkerns@asmfc.org.

Motions

Move to adopt black sea bass commercial management Option 5 (Extension of state-by-state management program with no expiration date).

Motion made by Dr. Pierce, second by Mr. McCloy. Motion carries (9 in favor, 0 opposed, 2 abstentions).

Move to adopt Summer Flounder Recreational Allocation Option 1 (Status quo).

Motion made by Dr. Pierce, second by Mr. McCloy. Motion carries (8 in favor, 1 opposed, 2 abstentions, 1 null).

Move to adopt Stock Status Determination Criteria Option 2 (Redefine the status determination criteria).

Motion made by Dr. Pierce, second by Mr. Smith. Motion carries (7 in favor, 2 opposed).

Move to adopt Addendum XIX as amended today.

Motion made by Mr. Adler, second by Mr. McCloy. Motion carries.

Move to adopt the 2006 Recommendations: $F_{\text{threshold}} = 0.28$, $SSB_{\text{threshold}} = 98.6$ mlbs., $SSB_{\text{target}} = 197$ mlbs.

Motion made by Mr. Augustine, second by Mr. Smith. Motion carries (10 in favor, 1 opposed).

Move to support a summer flounder SAW/SARC peer review of the benchmark assessment provided the Board-adjusted Technical Committee 2008 Terms of Reference are included in that review. If not, then we should proceed with an ASMFC external peer review.

Motion made by Dr. Pierce, second by Mr. Gibson. Motion carries (10 in favor, 1 opposed, 1 abstention).

Move to nominate A.C. Carpenter for Vice Chair.

Motion made by Dr. Daniel, second by Mr. Augustine. Motion passes.

AMERICAN EEL MANAGEMENT BOARD (August 14, 2007)

Meeting Summary

At its Summer August Meeting, the American Eel Management Board was updated on the development of Draft Addendum II. The Draft Addendum has been presented to the Technical Committee and Advisory Panel for comment. The Committee and Panel have reserved comment until further information is available to better inform their decisions. The Stock Assessment Subcommittee (SASC) brought forward a proposal for developing information on productivity and escapement, which would better inform the Technical Committee, Advisory Panel, and Management Board when they make decisions on size limits in Draft Addendum II. The SASC's proposal, which was presented to the Board at this meeting, involves using the SLYME model developed by David Cairns from Canada DFO. The Technical Committee supports using this life history-based model to explore the effects of different management

scenarios on egg production and escapement of larger eels. The Board has endorsed using this model and supports the SASC in moving forward with its investigation.

The American Eel Management Board was also presented with an update on the development of a Memorandum of Agreement (MOA) with the Great Lakes Fishery Commission. At this time, both Commissions have approved the development of the MOA; staff from both Commissions as well as a representative from US Fish and Wildlife Service will draft the MOA. Staff anticipates that a draft of the MOA will be available for Board review at the Annual Meeting. For more information, please contact Erika Robbins, Fisheries management Plan Coordinator, at (202) 289-6400 or erobbins@asmfc.org.

Motions

No motions made.

STURGEON MANAGEMENT BOARD (August 14, 2007)

Meeting Summary

At its Summer Meeting, the Sturgeon Management Board was presented with the findings of the 2007 Atlantic Sturgeon Bycatch Workshop. The report from the workshop identified anchored gillnets and the monkfish fishery as primary sources of Atlantic sturgeon bycatch and bycatch mortality. The report will be available online at www.asmfc.org under Breaking News. The Sturgeon Management Board also received a report from the July Sturgeon Technical Committee meeting.

Under other business, the National Marine Fisheries Service (NMFS) provided an update on the NMFS Status Review Team's recommendation to list as threatened Atlantic sturgeon in the New York Bight, Mid-Atlantic, and Carolina Distinct Population Segments. Any proposal of listing would be made by mid-2008.

There is a US Fish and Wildlife Service and NMFS controlled propagation policy for recovery of species listed under the Endangered Species Act. As a candidate species, this controlled propagation policy is applicable to the Atlantic sturgeon. The Sturgeon Management Board requests that staff examine and compare the USFWS-NMFS controlled propagation policy with the ASMFC Stocking Protocol for Atlantic sturgeon. A report on the findings will be presented at the Annual Meeting. For more information, please contact Erika Robbins, Fisheries management Plan Coordinator, at (202) 289-6400 or erobbins@asmfc.org.

Motions

No motions made.

SPINY DOGFISH & COASTAL SHARKS MANAGEMENT BOARD (August 14, 2007)

Meeting Summary

The Spiny Dogfish & Coastal Sharks Management Board met to review state compliance for the 2006-2007 fishing season and give input on the Draft Interstate Fishery Management Plan for Coastal Sharks.

The Board found all states to be in compliance with all elements of the Fishery Management Plan for Spiny Dogfish and granted Delaware, South Carolina, Georgia, and Florida *de minimis* status for the 2007/2008 fishing season.

The Board also gave input to the Plan Development Team (PDT) on the Draft Interstate Fishery Management Plan for Coastal Sharks. The Plan Development Team will incorporate the changes and is hopeful to have the Draft for Public Comment completed by the Annual Meeting in October.

Following the PDT presentation, the National Marine Fisheries Service Office of Sustainable Fisheries Highly Migratory Species Division (HMS) presented their proposed rule for sharks in federal waters. Preferred alternatives of the rule include reduced quotas for all complexes, making sandbar sharks a research fishery, dissolving management units, and restricting the species of sharks that recreational fishermen can retain.

Motions

Move to approve *de minimis* status in the spiny dogfish fishery to DE, SC, GA, and FL.

Motion made by Mr. Augustine, second by Mr. P White. Motion carries

Move to accept the 2007 FMP Review for Spiny Dogfish.

Motion made by Mr. Augustine, second by Mr. P White. Motion carries.

Move to remove option C from section 4.2.5 Recreational Fishing License of the Draft Shark FMP.

Motion made by Mr. Calomo, second by Mr. Johnson. Motion carries.

TAUTOG MANAGEMENT BOARD (August 15, 2007)

Press Release

ASMFC Tautog Board Approves Addendum V to the FMP *State Reduction Plans Approved*

Alexandria, VA – The Commission's Tautog Management Board approved Addendum V to the Interstate Fishery Management Plan for Tautog. The Addendum modifies the management program contained in Addendum IV by allowing states flexibility to achieve the necessary 25.6 percent reduction in exploitation through adjustments to their recreational and/or commercial fisheries.

Addendum IV, approved in January 2007, required a 25.6 percent reduction in exploitation rate to be taken exclusively from the states' recreational fisheries. While the recreational sector accounts for approximately 90 percent of tautog harvest coastwide, some states have significant commercial fisheries. Addendum V allows states to apply the necessary reductions to their recreational fisheries, commercial fisheries, or a combination of both according to each state's needs.

The Board declined North Carolina's request to be removed from the management unit based on concern that undersized tautog caught in Virginia could legally be landed in North Carolina if no minimum size law existed. North Carolina concurred and agreed to maintain its 14" minimum size limit and remain in the management program as a *de minimis* state.

In order to implement the required management measures by January 1, 2008, states submitted reduction proposals for Technical Committee review in July. The Board reviewed the Committee's recommendations and approved proposals for all states within the tautog management unit (Massachusetts through North Carolina). The Board deferred action on a proposal by New Jersey as well as a joint proposal by Massachusetts and Rhode Island requesting a 12% reduction in their harvest versus the Addendum's reduction requirement of 25.6 percent. The Board will revisit these proposals in October at the Commission's Annual Meeting.

Copies of Addendum V will be available by September 1 and can be obtained via the Commission's website at www.asmf.org under Breaking News. For more information, please contact Christopher Vonderweidt, Fisheries Management Plan Coordinator, at 202/289-6400 or cvonderweidt@asmfc.org.

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PR07-19

Motions

Move to approve the 2007 FMP Review for Tautog.

Motion made by Mr. Augustine, second by Mr. Smith. Motion passes unanimously.

Move that for Section 3.1 option 2 be selected for Draft Addendum V.

Motion made by Mr. Augustine, second by Mr. Gibson. Motion passes.

Move that North Carolina remain part of the management plan and maintains *de minimis* status.

Motion made by Mr. Augustine, second by Mr. Smith. Motion carries unanimously.

Move that all state proposals that use the standards in Addendum V to meet the requirements be approved.

Motion made by Mr. Augustine, second by Mr. Smith. Motion passes (10 in favor, 0 opposed, 1 abstention, 0 null).

Move that the Board approve the MA/RI request to take a 12% reduction in the 2008 harvest.

Motion made by Dr. Pierce, second by Mr. Pope.

Move to postpone this motion to the Annual Meeting.

Motion made by Mr. Augustine, second by Mr. Himchak. Motion carries (8 in favor, 3 opposed).

Move to approve Addendum V with the options selected by the Board.

Motion made by Mr. Augustine, second by Mr. Adler. Motion carries (10 in favor, 0 opposed, 1 abstention, 0 null).

ISFMP POLICY BOARD (August 15 & 16, 2007)

Meeting Summary

The Interstate Fisheries Management Program Policy Board met to address a number of issues. The Policy Board discussed the national recreational fishery registration program being developed as required in the newly reauthorized Magnuson-Stevens Fishery Conservation Management Act. The Policy Board received an update from the National Marine Fisheries Service (NMFS) on the progress and timeline for development of the registry. The Board agreed that this issue should be discussed again at the Annual Meeting to determine the appropriate Commission involvement.

The Policy Board was presented with an update on the President's Ocean Action Plan. Presenters from the Joint Ocean Commission Initiative and the White House Office of Science and Technology Policy provided the update to the Board.

An update on Chesapeake Bay non-native oyster activities was presented to the Policy Board. The Project Delivery Team (PDT) continues to develop an EIS on oyster restoration options for the Chesapeake Bay. The Commission's Interstate Shellfish Transport Committee will be meeting in September to review the work to date and provide feedback to the PDT.

The Policy Board discussed the use of FAX ballots in making Commission decisions. The Board agreed that the Management Boards should decide on a case-by-case basis if the use of a FAX poll is appropriate to make a decision. The Management Board should consider the need for public input and the level of controversy associated with a pending decision when making a decision on the use of a FAX poll.

The Policy Board reviewed a noncompliance recommendation from the Atlantic Herring Section regarding Maine's failure to implement the spawning closure provisions included in the Atlantic Herring FMP. This action is fully described on page 11 under the Business Session heading in this document.

The Policy Board reviewed the use of *de minimis* provisions in interstate FMPs. The Board agreed to consider developing a level of standardization across FMPs at the Annual Meeting. Specifically, the Policy Board will consider if states can request *de minimis* status for commercial or recreational fisheries independently.

A schedule to develop the next ASMFC Strategic Plan was developed. This Plan will be approved at the Annual Meeting in 2008 for implementation from 2009-2013.

The Policy Board was presented with a summary of the Habitat Committee meeting that was held this week. Updates were provided on the various source documents that the Habitat Program has been working on recently. The Board also heard a report on the new Habitat Committee membership structure, and progress on the Habitat Program Operational Procedures Manual. The new Chair of the Habitat Committee is Karen Chytalo, and the nominated Vice-Chair is Wilson Laney. Bill Goldsborough received a formal acknowledgement of his ten-year commitment as Chair of the Habitat Committee.

The Board was provided an overview of the coastwide workshop for the Atlantic Coastal Fish Habitat Partnership held this past May. The report noted the preliminary list of species and habitat targets for the Partnership, and the current working groups. The first Interim Steering Committee meeting for the Partnership was held, and George Schuler of The Nature Conservancy was elected Chair. Updates on funding, presentations, and Partnership needs were also given.

The Policy Board approved the membership of the Fishing Gear Technology Workgroup. The Board also approved a letter to be sent to the Gulf States Marine Fisheries Commission to notify them that the ASMFC is developing a coastal shark FMP and request that similar action is taken in the Gulf of Mexico.

The ASMFC and the Regional Fishery Management Councils have about seven joint or complementary fishery management plans. Recently the states and the federal government have not been in alignment regarding management measures for many of those plans. At the Annual Meeting, the Policy Board will consider options to improve the alignment. For more information, please contact Robert Beal, ISFMP Director, at (202) 289-6400 or rbeal@asmfc.org.

Motions

On behalf of the Atlantic Herring Section, I move that ISFMP Policy Board recommend to the Full Commission that the State of Maine be found out of compliance effective September 24, 2007 for not fully and effectively implementing and enforcing Amendment 2 and Technical Addendum 1 to the Interstate Fishery Management Plan for Atlantic Herring. The State of Maine has not implemented the spawning restrictions (Section 4.3.2) contained in the Plan. The spawning restrictions are necessary to protect the spawning aggregations that are highly susceptible to fishing in order to ensure continued recruitment to the stock. In order to come back into compliance the State of Maine must implement the spawning restrictions as detailed in Amendment 2 and Technical Addendum 1.

Motion made by Eric Smith on behalf of the Atlantic Herring Section. Motion carries (15 in favor, 0 opposed, 3 abstentions).

Move to approve the membership of individuals listed on the Fishing Gear Technology Work Group memo as presented.

Motion made by Mr. Augustine, second by Mr. Boyles. Motion carries without objection.

BUSINESS SESSION (August 15, 2007)

Press Release

ASMFC to Declare Maine Out of Compliance if Herring Spawning Closure Rule Fails Passage

Alexandria, VA – The Atlantic States Marine Fisheries Commission announces its intent to notify the Secretaries of Commerce and the Interior of its finding that the State of Maine is out of compliance with the required spawning closure provision contained in Technical Addendum 1 to Amendment 2 to the Interstate Fishery Management Plan (FMP) for Atlantic Herring. The notification will occur on September 24, 2007 if the State has failed to fully and effectively implement regulations that would bring it back into compliance. The spawning restrictions are necessary to protect the spawning aggregations that are highly susceptible to fishing so as to ensure continued recruitment to the stock. This action is taken pursuant to the provisions of the Atlantic Coastal Fisheries Cooperative Management Act of 1993.

At the Atlantic Herring Section meeting, the State of Maine reported that it has initiated its regulatory process to implement the spawning closure requirement. In the meantime, Maine's herring industry has declared its intention to voluntarily not fish in closed areas until the regulation has been approved. The herring industry has signed a Memorandum of Agreement (MOA) to this effect.

"The Atlantic Herring Section is very encouraged by the signing of a MOA between the Department of Marine Resources and its herring industry, affirming the industry's commitment to adhere to the spawning closure until the State formally promulgates and implements its regulation," stated Section Chair Eric Smith with the Connecticut Department of Environmental Protection. "Because of this, the Section has asked the Commission to give the State of Maine sufficient time to finalize its regulations and come into compliance with the required management measures."

Technical Addendum I, approved in August 2006, prohibited any directed herring fishing in closed spawning areas. Affected states were required to implement the required management measures by January 1, 2007. To date, the State of Maine has not implemented the spawning closure provision of Technical Addendum I. Its regulations allow commercial fishermen to target herring during a closure as long as the catch does not contain any spawn herring. The Maine Department of Resources twice proposed regulations that would have brought Maine into compliance with the spawning closure requirement but were not supported by the Maine Department of Marine Resources Advisory Council. Maine law requires the Advisory Council to approve fisheries regulations before they can be adopted.

Upon notification by the Commission, the Secretary of Commerce has 30 days to review the recommendation and determine appropriate action, which may include a federal moratorium on fishing for the affected species. For more information, please contact Robert Beal, Director, Interstate Fisheries Management Program, at (202) 289-6400.

Motions

On behalf of the ISFMP Policy Board, I move that the Full Commission find the State of Maine out of compliance effective September 24, 2007 for not fully and effectively implementing and enforcing Amendment 2 and Technical Addendum 1 to the Interstate Fishery Management Plan for Atlantic Herring. The State of Maine has not implemented the spawning restrictions (Section 4.3.2)

contained in the Plan. The spawning restrictions are necessary to protect the spawning aggregations that are highly susceptible to fishing in order to ensure continued recruitment to the stock. In order to come back into compliance the State of Maine must implement the spawning restrictions as detailed in Amendment 2 and Technical Addendum 1.

Motion made by Robert Boyles on behalf of the ISFMP Policy Board. Motion carries (14 favor, 0 against, 0 null, 2 abstentions).

ATLANTIC STRIPED BASS MANAGEMENT BOARD (August 15, 2007)

Press Release

ASMFC Striped Bass Board Approves RI and MD Proposals

Alexandria, VA – The Commission’s Atlantic Striped Bass Management Board approved proposals from Rhode Island and Maryland for alternative management. The Rhode Island proposal alters the minimum size limit and quota for the state’s commercial floating fish trap sector. The Maryland proposal opens a two-week recreational fishery in the Susquehanna Flats, a small area in the upper Chesapeake Bay.

Unable to attain their allocation of the state’s coastal commercial quota, Rhode Island’s commercial floating fish trap fishermen asked the Rhode Island Division of Environmental Management to propose a reduction in the minimum size limit from 28 inches to 26 inches for that fishery. A state may request a change to its regulations if it can demonstrate that the proposed management program is conservationally equivalent to the standards included in Amendment 6. The analysis for the proposal found that the lower minimum size limit would require a reduction in the trap fishery’s quota by 3.8 percent to be equivalent to the original size limit and quota. This resulted in quota for the trap fishery of 93,788 pounds, down from 97,450 pounds. Rhode Island hopes to implement the new size limit and quota for the remainder of 2007.

The Maryland Department of Natural Resources proposed a recreational fishery in the Susquehanna Flats to provide a local fishing opportunity for anglers. The Susquehanna Flats has been limited to a catch and release fishery in the spring since the statewide moratorium ending in 1990. The fishery will operate under a one fish creel limit and an 18-26 inch slot limit from May 16-31, 2008. Given the regulations, the fishery is expected to harvest a limited number of resident fish. The harvest will be monitored and counted towards the bay-wide quota for resident striped bass. Maryland will report back to the Board on the 2008 fishery and may propose continuation of the fishery for additional years.

The Board also approved the 2007 Fishery Management Plan Review. The FMP Review will be available on the Commission’s website at <http://www.asmfc.org/breakingNews.htm>. Doug Grout, Chair of the Technical Committee, provided the Board with an update on the Stock Assessment and Tagging Subcommittees’ workshops for the 2007 stock assessment. This assessment will undergo a peer review through the Northeast Regional Stock Assessment Workshop in November. The Board also approved the nominations of John McMurray (New York) and Kyle Schick (Potomac River Fisheries Commission) to the Striped Bass Advisory Panel.

For more information on any of the Board’s actions, please contact Nichola Meserve, Striped Bass Fishery Management Plan Coordinator, at (202)289-6400 or nmeserve@asmfc.org.

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PR07-20

Motions

Move to approve the RI conservation equivalency proposal for the commercial floating trap fishery. If the proposal is implemented in the 2007, RI will fish to the reduced 26" quota.

Motion made by Mr. Gibson, second by Mr. Smith. Motion passes.

Move to approve Maryland Susquehanna Flats proposal for 2008 as presented on August 15, 2007.

Motion made by Mr. King, second by Mr. Carpenter. Motion passes.

Move to approve John McMurray from NY and Kyle Schick from PRFC to the advisory panel.

Motion made by Mr. Augustine, second by Mr. Carpenter. Motion passes without objection.

SHAD & RIVER HERRING MANAGEMENT BOARD (August 16, 2007)

Press Release

ASMFC American Shad Stock Assessment Passes Peer Review *Findings Indicate that Most Shad Stocks Are Not Recovering*

Alexandria, VA – An independent panel of fisheries science experts has endorsed the 2007 benchmark stock assessment and provided recommendations for the improvement of future assessments. These findings were reported to the ASMFC Shad and River Herring Management Board for consideration in future management decisions.

Once one of the most important exploited fish species in North America, American shad stocks are currently at all-time lows and do not appear to be recovering. Recent declines of American shad were reported for Maine, New Hampshire, Rhode Island, and Georgia stocks, and for the Hudson (NY), Susquehanna (PA), James (VA), and Edisto (SC) Rivers. Low and stable stock abundance was indicated for Massachusetts, Connecticut, Delaware, the Chesapeake Bay, the Rappahannock River (VA), and some South Carolina and Florida stocks. Stocks in the Potomac and York Rivers (VA) have shown some signs of rebounding in recent years. Data limitations and conflicting data precluded the report from indicating much about the current status or trend of many of the stocks from North or South Carolina.

The report identified primary causes for stock decline as a combination of overfishing, pollution, and habitat loss due to dam construction. In recent years, coastwide harvests have been on the order of 500-900 metric tons, nearly two orders of magnitude lower than in the late 19th century. Given these findings, the panel recommended that current restoration actions need to be reviewed and new ones need to be identified and applied. The panel suggested considering a reduction of fishing mortality, enhancement of dam passage and mitigation of dam-related fish mortality, stocking, and habitat restoration.

Overall, the stock assessment report and its authors, the ASMFC Shad Stock Assessment Subcommittee, received high praise from the peer review panel who characterized the report, "as one of the most comprehensive collections of fisheries related data ever assembled for [American shad]." The 2007 benchmark assessment, which was four years in the making, contains an extensive compilation of data from many sources and examines status at the river-stock level for some 30 different stocks. The stock assessment included information from all local, regional, and federal management agencies, as well as independently funded academic studies. Copies of the stock assessment and peer review panel reports will be available by the end of September and can be found on the Commission's website under Breaking News at www.asmfc.org or by contacting the Commission at 202/289-6400. For more information, please contact Megan Caldwell, Science Director, at 202/289-6400 or mcaldwell@asmfc.org.

Meeting Summary

At its Summer Meeting, the Shad and River Herring Board received presentations on the American shad stock assessment and the peer review reports. The peer review panel approved the benchmark stock assessment for American shad and agreed with the conclusions and recommendations in the report. The Board tasked staff with preparing a summary of the reports' findings and recommendations for potential management actions for consideration at the next Board meeting.

The Board discussed a future assessment of river herring populations. The Board asked the Technical Committee to provide it with an estimate of how much time the Committee would need to complete an assessment of Atlantic coast river herring stocks. The Committee's response will be prepared for the Board's next meeting.

At a previous meeting, the Board exempted states from completing the recreational monitoring compliance requirement in anticipation of the development of a model upriver creel survey template. The Executive Committee has decided to no longer pursue the development of this template and as a result the Shad and River Herring Board revisited its decision to postpone the compliance requirement. The Board has asked the Technical Committee to review the requirement to monitor recreational fisheries and recommend to the Board whether this compliance requirement should be maintained or revised.

North Carolina proposed that the Board consider taking immediate action to develop an Amendment to reduce mortality of river herring. The Board voted to move forward with the development of a Public Information Document that contains management options to reduce river herring mortality. In the meantime, the Board has chosen to send a letter to the National Marine Fisheries Service and State Department asking these agencies to assess and address shad and river herring bycatch in federal and Canadian fisheries. For more information, please contact Erika Robbins, Fisheries management Plan Coordinator, at (202) 289-6400 or erobbins@asmfc.org.

Motions

Move to accept the 2007 Benchmark American Shad Stock Assessment Report and Peer Review Report.

Motion made by Mr. P. White, second by Mr. Augustine. Motion carries without objection.

Move to proceed immediately with an Amendment for River Herring that include options among which are a moratorium on fishing and other means to control mortality.

Motion made by Dr. Daniel, second by Mr. Gibson. Motion passes without objection.

Karen Roy

From: Bryan, Jan [jbryan@mafmc.org]
Sent: Tuesday, August 14, 2007 1:13 PM
To: Dan Furlong
Cc: erlingberg99@yahoo.com; yellowfin@mindspring.com
Subject: PR 07-13 MAFMC August Council Summary

#2

Good News, Bad News

For the first time in the past three years the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup and Black Sea Bass and Bluefish Boards (Board) achieved consensus on their recommendations regarding proposed fishing regulations for those species for the upcoming fishing year - that's the good news. Now the bad news, for the third year in a row the Council and the Board recommended decreases in the total allowable landing levels (TAL) for summer flounder, scup, and black sea bass. Bluefish was again the single bright spot as its quota was increased by about a half a million pounds.

The table below summarizes the recommended fishery management measures for 2008:

	Total Allowable Landings (millions of pounds)	Commercial Quota	Minimum Fish Size (TL)	Mesh Size	Recreational Harvest Limit	Research Set-Aside Quota (in pounds)
Summer Flounder	15.77	9.46	14"	5.5"	6.31	up to 3%
Scup	7.34	5.46	9"	5.0"	1.88	up to 3%
Black Sea Bass	4.22	2.07	11"	4.5"	2.15	up to 3%
Bluefish	28.16	8.88	---	---	19.28	up to 3%

The situation presented to the Council at its August meeting was that it has only five years to double the spawning stock biomass of summer flounder. Despite the greatest abundance of summer flounder in the past twenty five years, the requirements of law (rebuild the stock by 2013) and best science (achieve a yet to be realized target that will produce the maximum sustainable yield) compelled the Council to recommend the lowest quota level in the history of its summer flounder management program. Supreme Court Justice Louis D. Brandeis once commented that "The logic of words should yield to the logic of realities". Faced with the dual realities of an abundant resource and a very recently peer-reviewed model that indicates the stock can double if fishing mortality is aggressively controlled over the next five years, the Council (and Commission) recommended a reduction of 1.34 million pounds from the current year quota for summer flounder to 15.77 million pounds for 2008.

For the scup fishery both the Council and the Board recommended a TAL of 7.34 million pounds. This is nearly a 40% reduction from the current year federal TAL of 12.00 million pounds. Amendment 14 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) will take effect later this month and initiate a seven-year rebuilding plan for scup effective January 1, 2008. Hence, to achieve the scup target associated with the rebuilding schedule to be implemented through Amendment 14, the Council recommended a quota level consistent with the FMP's rebuilding design. Moreover, as scup continues to suffer from the lack of a current assessment both management authorities elected to take a risk-adverse approach in establishing the 2008 TAL for scup.

For black sea bass it was recommended that TAL be reduced from the 5.0 million pound quota currently in effect for the federal sector to 4.22 million pounds in 2008. This equates to about a 16% reduction for 2008.

The Council and Board adopted a TAL of 28.16 million pounds for bluefish of which 8.875 million pounds would be allocated to the commercial fishery and 19.281 million pounds would be allocated to the recreational sector. Possession limits would not change in the recreational sector, i.e. the bag limit would remain at 15 fish. In recent years recreational landings have increased, but the overall TAL for the fishery has not been exceeded. For bluefish, as well as the other three

9/17/2007

species addressed during this meeting, a research set-aside quota of up to 3% was approved for 2008.

Amendment 9 to the Atlantic Mackerel, Squid and Butterfish FMP was approved for submission to the Secretary of Commerce for his action. Although key measures dealing with bycatch were "slipped" into Amendment 10 (which will be addressed at the Council's October 2007 meeting), Amendment 9 if approved will allow for multi-year specifications for all four species, extend the moratorium on the *Illex* squid fishery indefinitely, revise biological reference points for *Loligo* squid, designate essential fish habitat (EFH) for *Loligo* eggs, create area closures to reduce gear impacts on essential fish habitat (EFH) and limit the possession of *Loligo* squid by *Illex* squid vessels when the *Loligo* fishery is closed.

Amendment 15 to the Summer Flounder, Scup and Black Sea Bass FMP was also re-addressed to ensure that the Council and Commission would review and consider the same management issues. The Council agreed to address all 18 management issues that the Commission had previously recommended for consideration. These include: user allocations for summer flounder and scup; commercial allocations by state for all three species; review of fishing capacity in both sectors for all three species; for-hire management for all three species; management of the summer flounder and scup recreational fisheries; data collection requirements and protocols; rollover of unused quota; and, limitation on vessel replacement upgrades.

The Council received an update for its consideration regarding the development of Amendment 1 to the Tilefish FMP from its Tilefish Committee. Various systems to collect royalties (including auctions) under a tilefish IFQ system were discussed. Consistent with the recommendations from the tilefish fishery management action team (FMAT), the Committee recommended that a system to collect royalties from the tilefish fishery not be implemented at this time. Based on the Committee's recommendation, the Council selected this "no action" alternative for inclusion in the amendment.

The Council also received a report from its Squid, Mackerel, and Butterfish Committee regarding Amendment 10 to that FMP. Based on Committee recommendations, the Council approved the base years of 1994 through 1998 for determining butterfish bycatch allocation, the incorporation of the Rutgers University mesh selectivity study following its peer review by the Council's Scientific and Statistical Committee, and delayed sector implementation in this FMP until it can be more adequately addressed in a future amendment or other management action.

It was also moved and approved by the Council that a letter be sent to the Food and Drug Administration (FDA), National Marine Fisheries Service (NMFS), and New England coastal states requesting that talks be initiated to establish a process whereby NMFS could issue an FDA approved permit to implement the current protocol to test for paralytic shellfish poisoning (PSP).



Departing Council members received thanks and appreciation from their colleagues at a recognition dinner in their honor during the August meeting (left to right: Dan Furlong, Executive Director, departing members Fran Puskas, Ron Smith, Michelle Peabody, and Pete Jensen, Council Chairman).

***This press release will be available on our website in a downloadable PDF format in the coming days. Please visit: <http://www.mafmc.org/mid-atlantic/press/press.htm>

NOTICE: The Mid-Atlantic Fishery Management Council maintains an e-mail directory of constituents that have specifically requested receiving communications from the Council electronically. Such requests can be made by sending an e-mail message to info@mafmc.org, or by phone, fax, or letter directed to the contact listed below.

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Daniel T. Furlong
Executive Director

Dr. Gene Kray
Vice Chairman

June 20, 2007

Pat Kurkul, Regional Administrator
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930

Dear Pat:

I think you have a problem. At our last Council meeting a number of fishermen expressed their concerns regarding reconciling their landing histories with landing information the Regional Office has on file. Their overarching concern is that as the Agency moves forward with a Congressional charge to consider Limited Access Privilege Programs (LAPPs) and the Administration's charge to double the number of such programs by 2010, the potential participants may be disadvantaged owing to inaccuracies in the Agency's record of their landing histories. They perceive these data to be the most important data to be used to determine participation and share allocations in such programs.

Perhaps the best way I can illustrate this concern is to cite some of the comments that Geir Monsen made at our meeting. As you know, Geir's company is a vertically integrated operation where his catch is processed and sold through his firm. Given that vessel trip report information and dealer report information are being created by the same individual / firm, one would expect that there would be a high degree of accuracy when these two reporting systems are reconciled. However, according to Geir, only about two thirds of his landing records are accurate. Not only do the Agency's landings data not reflect what he states he can document as landings, he is also credited with landings in fisheries for which he has no permit. And, in some years his landings are in excess of what is published as the total industry landings.

George Darcy was at this meeting as your proxy and he heard not only Geir, but five or six other fishermen complain that the information they are getting when they request their landing histories is not consistent with their own records. Whether we had an unusual sample of fishermen in our audience, or whether they are representative of the industry, I do not know. Regardless, there appears to be a problem.

On behalf of the Council, I am requesting that you initiate some testing protocol to verify that the participants' histories and the Agency's related records are accurate. I am also requesting (on behalf of the Council), that sometime later this year appropriate staff from your office provide a presentation to our Council that explains how landings data (Vessel Trip Reports) are collected, processed, recorded, and how those data are reconciled with dealer reports. We would also appreciate a clarification as to which data are used to monitor quotas, i.e., dealer reports or Interactive Voice Response (IVR).

I know there are many demands placed on you, especially post Magnuson-Stevens Act reauthorization. However, if the problem raised above is real, then moving ahead on LAPPs may be in jeopardy. Your positive consideration to investigate these complaints, together with providing our Council the presentation and clarification requested above would be very much appreciated.

Sincerely,



Daniel T. Furlong
Executive Director

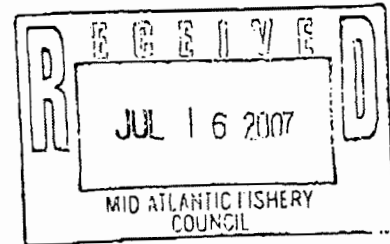
cc: P. Jensen, G. Kray, J. Ruhle, R. Seagraves



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930

JUL 12 2007

Mr. Daniel T. Furlong
Executive Director
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 South New Street
Dover, Delaware 19904-6790



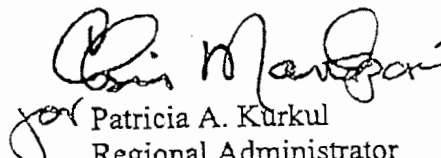
Dear Dan:

Thank you for your letter regarding concerns about the accuracy of vessel landings histories as maintained by the Northeast Regional Office. As you know we collect large amounts of data from federally permitted seafood dealers and fishing vessels. We strive for maintaining information that is an accurate record of an individual fishing activity in federally regulated fisheries. However, given amount of data we receive and process each year, currently exceeding 1 million records, errors do occur on both the reporting side by the fishing industry and on processing the reports submitted. The responsibility for ensuring that we do have this information rests on all parties involved in managing our marine resources. This is a shared responsibility and rests on the fishing industry as well as my office.

With the current high level of interest in Limited Access Privilege Programs I recognize the need for have accurate accountings of each vessel's landings history. We receive numerous requests from fishing vessel owners for copies of their landings histories. These are provided to the vessel owners. If there are errors in these reports then the owners need to contact the Fisheries Statistics Office and provide sufficient documentation of the error so that it can be corrected. Without this communication it is very difficult for my staff to make the corrections or to develop procedures to catch the errors before they are entered into a database.

I have discussed this issue and your request for a presentation to the Council on our data collection programs with John Witzig, my Statistics Office Director. We agree that such a presentation would be beneficial and suggest that a presentation be scheduled for the Council's October or December meeting.

Sincerely,


Patricia A. Kurkul
Regional Administrator
Northeast Region

cc: F/NERx2 - Dr. John Witzig

