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COUNCIL MEETING

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at

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VISIONING COMMITTEE REPORT
RICHARD ROBINS

1 [8:14 a.m.]

2

3

INTRODUCTIONS AND ANNOUNCEMENTS

4

COUNCIL CHAIRMAN RICHARD ROBINS:

5

We'll be getting an update on the SBRM methodologies and
6 program for this year.

7

JASON DIDDEN: Paul Rago is on the

8

phone.

9

10

THREE YEAR SBRM REPORT

11

PAUL RAGO: Thank you very much. It's

12

a pleasure to be able to address you. I hope the

13

transmission goes well. I'm getting a little bit of

14

feedback here, so I'll try to talk over that. First of

15

all, I just appreciate the opportunity to talk about

16

this. Is it coming through okay? I'm getting a lot of

17

feedback here.

18

JASON DIDDEN: It's okay here.

19

PAUL RAGO: Okay. Okay. Well, that's

20

fine. So I'll just talk over it. First, today's

21

presentation has two parts. One is the follow-up on the

22

information that we had previously presented to the

23

Council in January and February and subsequently

24

received feedback on. So I'll be reporting our revised

1 allocation.

2 And secondly, I wanted to announce the
3 imminent release of a report. It's called the
4 three-year review report. Okay. Here we go. Can you
5 see my second slide? Okay. I think both of these are
6 very important processes.

7 And the time to kind of use earlier
8 comments this is a substantial first step for addressing
9 ecosystem effects first of all it's important that we
10 quantify the magnitude of removals not only from the
11 landings but also from the discards across multiple
12 fleets. It results in the simultaneous improvement in
13 our stock assessments. And third, it provides a way of
14 assessing the efficacy of management efforts.

15 And I also want to particularly
16 acknowledge my colleagues Susan Rigley and Jessica
17 Blalock who contributed extensively to this report and
18 have done an overwhelming amount of work to try to not
19 only do the allocation for this year but report on the
20 summary effects for this three-year report.

21 So first I'll talk about the response to
22 comments and go over some of the comments that we did
23 receive. The document, the SBRM documents are
24 available on our website. The link is presented there.

1 You can just go to the base website and look for SBRM
2 using the site index if you can't find it. But it does
3 have all the information I'm presenting today.

4 We received comments from the
5 Mid-Atlantic Council, first that the sea sampling
6 intensity was not sufficient. It produced acceptably
7 precise discard estimates and that there were major
8 concerns about coverage of fisheries and fleets that
9 capture loligo and particularly in terms of monitoring
10 the butterfish cap. Another comment which echoes a
11 comment from a previous year, that the prioritization
12 and funding is dedicated primarily to monitoring of New
13 England groundfish rather than a bycatch monitoring of
14 Mid-Atlantic fleets. This is a funding issue, one
15 that's been -- by the needs of SBRM.

16 The New England Fishery Management
17 Council supported the high coverage rates for
18 compliance and requested further details on a
19 compensation rate that is particularly important for
20 monitoring the scallop industry where it is funded by
21 the industry itself through federal funds.

22 And then we also received two sets of
23 public comments, one from the peer environmental group,
24 the second from CHOIR. Both groups were concerned

1 about coverage rates by trawl -- in mid-water trawls --
2 excuse me -- purse seines and other small mesh otter
3 trawl fleets. These, of course, are fleets which
4 capture a variety of species, notably the river herring
5 species.

6 All of the comments that we received
7 have been published on our web page, so they're all
8 available for public review. In terms of our response,
9 I believe all of you have a copy of that in your briefing
10 book. We provide details on the funding issues that are
11 of concern, particularly the allocation to the
12 Mid-Atlantic. We talk about concerns about compliance
13 and how that might affect information in the future.
14 It's important also to distinguish the fisheries
15 fleets. Fleets are observable in advance. Fisheries
16 are typically not observable in advance but are a
17 consequence or the outcome of a fishing trip.

18 So a lolligo trip is a trip that occurs
19 Mid-Atlantic, small mesh, otter trawl, but aren't
20 necessarily always a lolligo trip for a vessel in that
21 fleet. We've distinguished also between the
22 allocations we do SBRM and optimization methods.

23 One of the issues ISIS is that
24 optimization approaches are becoming less useful

1 because major change in fleet dynamics, particularly as
2 sectors have been implemented and as there is a greater
3 reliance on pretrip notification approaches for
4 defining a sampling coverage. So these are systematic
5 sampling, as opposed to stratified random sampling.

6 The industry funded coverage rates we
7 talked about that, and I think we we're done. So talk
8 about the consequences of coverage rates for river
9 herring as opposed to -- river herring are not a
10 federally managed species but are important if they're
11 monitored in the process.

12 So differences. Those are all
13 differences here. This table just summarizes refunded
14 totals.

15 [Voice transmission starts to be broken up.]

16 JASON DIDDEN: Hey, Paul, let me
17 interrupt you here for a minute if you can hear me. The
18 audio's starting to go in and out. I'm just going to
19 call you. If you could hang up your phone, and I'm just
20 going to call you, and we'll try a slightly different
21 way.

22 [Brief pause, off the record.]

23 JASON DIDDEN: Good to go.

24 PAUL RAGO: Thank you. I've just given

1 about turtles -- the protected species group was
2 interested in. And so there were 15 days coverage in
3 that fleet with the Mid-Atlantic crab trawl fishery.
4 And then finally the industry funded observers for
5 scallops increased by 100 days, and that was based on
6 a real complicated analysis of compensation rates.

7 So that sort of spins the feedback on the
8 2011 SBRM process in terms of expected allocations.
9 Again, a lot will depend on what the final allocation
10 is in the federal budget, but if everything goes as
11 expected, we should have the amounts previously
12 presented.

13 I don't know whether you want to talk
14 about the rate for another -- the second part of the
15 presentation? Or what would be your pleasure?

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Paul, why don't you go on through, and then we'll come
18 back.

19 PAUL RAGO: All right. Thank you.
20 The second part which is important is the requirement
21 under the standardized reporting methodology, but
22 there's a three-year report. And that is taken from the
23 Federal Register.

24 And, again, it's essentially a report

1 that summarizes the data on the available discards and
2 also provides kind of a review of the efficacy of the
3 program over its first three years.

4 What we are doing and what we have
5 prepared is related to what we target the SBRM year.
6 For example, the 2009 year represents data collected
7 from July 2007 through June 2008, and then we create the
8 rest of the table there.

9 There are two parts of this report, the
10 first of which is being delivered today. It is part of
11 a reference document that is almost ready for release,
12 and we'll announce that to the Council perhaps later
13 today.

14 It is kind of a data summary of the
15 evaluation portion, as Chris mentioned earlier. This
16 is part of the FMAT that will be established sort of
17 between the Center and the regional office as well as
18 with the councils. Part one of this report, again,
19 provides a general background on SBRM. It reviews the
20 recent levels of observer coverage. It provides a
21 review of observed encounters of species within fleets.
22 It summarizes the coefficients of variation for
23 available discard estimations, and it provides an
24 estimate of total discards associated with each fleet.

1 And as I started out, this is extremely
2 important for also qualifying not only fishery
3 management plans and their efficacy but also stock
4 assessments and ultimately ecosystem based approaches.

5 This rather complicated slide here is
6 simply intended to show you the time lines and the
7 information contents associated with this process. We
8 use a 12-month period for information. There's a
9 three-month lag in getting all the information for a
10 particular year. So data from 2008 are not fully
11 available for analysis until three months later.

12 So between October and January we
13 process and review the information and then finally make
14 a presentation to the councils in January and March and
15 then begin the sampling year in April of, say, 2009.

16 So the 2009 information, we have April
17 2009 information that we're considering today. It is
18 based on information from July 2009 through June 2010.
19 And that is what is used for the allocation for the year
20 beginning April 2011 to March 2012. So this is an
21 important test of the timing of information relevant to
22 these decisions. But across years, again this kind of
23 bearing across the years, the number of fleets that have
24 been covered has been steadily increasing. We've gone

1 from 44 fleets in 2009 up to 52 in 2011. Many of these
2 fleets have pilot coverage in the sense that we don't
3 have a lot of public information about them, so we
4 specify pilot coverage. But based on sea days, if you
5 were to simply examine all of the requirements on the
6 order of 50,000 days, the SBRM process results in a
7 reduction of those because it looks at those fleets and
8 species groups with respect to what is important with
9 respect to overall removals. So these 15,000 days
10 through 19,000 days represent what would be needed to
11 cover 95 percent of the landings and 98 percent of the
12 total removals associated with that species.

13 So the last 5 and 2 percent you would
14 need another 30,000 days to recover a very small
15 fraction of the total removal. So it's a fairly
16 sophisticated process. So we're looking at the most
17 important aspects and then focusing the effort on those
18 rather than trying to give highly precise estimates of
19 things that occur but aren't really important, like
20 scallops in the gill net fishery. They do occur, but
21 they're not certainly monitored. In terms of what was
22 funded, the days have gone from around 6,000 in 2009,
23 on average about 14,000 in 2011. There's a shortfall
24 in those years, and the result of the shortfall on

1 existent restraints result in the need for
2 reprioritization, and that's the open, public,
3 transparent process that we have instituted to let the
4 councils know what the needs are, what the resources are
5 available, and then let the council do the input in terms
6 of what goes on in each of these various fisheries and
7 so forth.

8 And then there's the numbers of fleets
9 that have sea days are shown in the last slide. That,
10 too, has increased from 17 to 32. There's quite a few
11 graphs. But mostly just kind a snapshot of it. But on
12 the left-hand side, you have various fleets, and they're
13 identified by real numbers. Once you have the actual
14 graph in your hand, it's easier to follow than it
15 probably is on the screen right now.

16 But in terms of observer coverage, it
17 ranged between 2 to 3 1/2 percent on the average across
18 years. The scallop dredge fisheries and access areas
19 in New England have received very high coverage rates.
20 This is a functional, of course, of the requirements for
21 both monitoring of yellowtail in the New England fleets
22 and then also concerns about turtles. And the
23 mid-water trawls in New England also have very high
24 coverage rates. That's the third line here. And, of

1 course, that is related to some of the access areas and
2 closed areas driving those numbers high.

3 So this is in terms of percent of trips,
4 in terms of percent of days covered. That, again,
5 ranges slightly higher, about 4 to 6 percent of the
6 days-at-sea are covered. And there again, the scallop
7 dredge and the mid-water trawls have the highest
8 coverage rates. And then each of the other ones are
9 shown below.

10 Coverage rates are important, but
11 they're not a measure of output. The measure of output
12 is how well are you estimating those quantities.

13 Another important aspect which is
14 covered in the report is the observed encounters. I
15 think a common misperception is that we are only
16 monitoring -- the program is only monitoring the SBRM
17 species or federal management species. That's not
18 true. And Amy (inaudible) and her group do an
19 outstanding job of making sure that we have a really
20 comprehensive monitoring of all species.

21 So there are 312 weak species and 42
22 species by a number that were identified. So we also
23 determine the disposition of kept and discarded by
24 species groups. We have the squid, mackerel,

1 butterfish. We have the individual species and then
2 also all species combined. So there are 13 federally
3 managed species groups of fish and invertebrates,
4 scallops, quahogs and so forth, and they represent about
5 90 percent of the total weight of all species recorded
6 by SBRM observers. So from an ecosystem standpoint,
7 we're covering 90 percent of the -- the SBRM species
8 constitute about 90 percent of what's being observed.
9 So it's a very comprehensive overall program.

10 Just as a quick illustration of that, in
11 terms of we have the percent of trips that encounter
12 large mesh groundfish species, and it is in the 52
13 fleets. This is for long lines in the Mid-Atlantic.
14 Probably about 33 percent of those trips observe
15 groundfish species, whereas, if you come to the
16 (inaudible) in New England 91 percent of those trips.

17 The otter trawls in the Mid-Atlantic the
18 small mesh 75 percent of those trips encountered one or
19 more of the New England groundfish species, whereas, if
20 you go to otter trawls in New England large mesh, the
21 last line, 99 percent of those trips encountered
22 groundfish.

23 This information, of course, is
24 extremely valuable in terms of interactions among

1 fleets and also help us in terms of allocating observer
2 coverage by giving us some idea of what the value of the
3 trip toward reducing the variance on subsequent trips.
4 So, if you can only encounter a species on 20 percent
5 of the trips of a given fleet, that means that only one
6 in five trips are out there to provide information on
7 species discards.

8 So it (inaudible) a point that it isn't
9 important that not every trip that you allocate an
10 observer on is going to be successful for a particular
11 species that you're interested in. So there are
12 species -- this is a particularly important point to
13 consider.

14 One of the most important I think that
15 we tend to deal with most extensively in this process
16 are the discard totals and precision for the 14 SBRM
17 species group. And the important point here is that
18 these values represent the underlying basis for the
19 allocation. These things are indicative, but they're
20 not the definitive measure, that is they're not the ones
21 that we ultimately use in the assessment process.

22 And there's a lot of explanation of why
23 there may be differences there. For one, these are in
24 SBRM years, that is there are years that skip calendar

1 years, and that's because of the timing issues that I
2 related to you earlier, but also perhaps more
3 importantly they are related to areas of departure and
4 they're not the stock areas. So that is a further
5 refinement that is basically a post application of the
6 information after the total is collected. So we
7 allocate observers to a particular fleet. We don't
8 know in advance where they're going to go generally,
9 that is you don't know whether they're going to be
10 fishing the Gulf of Maine cod or Georges Bank cod. So
11 you can do better after you have more information about
12 the totals and the information on the fleet as a whole.

13 So, in terms of basic information here,
14 the draft you're looking at (inaudible) strong. We've
15 got dogfish and skates highlighted here. In this case,
16 we're looking at the percent of discards that are
17 occurring for spiney dogfish in past years. It was
18 upwards of 90 percent in 2009. It's dropped over time
19 here. In 2011 it's about 70 percent. Skates are also
20 highly discarded and again represent a fairly large
21 fraction of the total catch is being discarded.

22 The red crab I've highlighted that
23 mostly not because it's a big problem, but it's a likely
24 sampled species. And this large fraction being

1 discarded there is essentially due to the fact that this
2 is a males only fishery, so these represent the discards
3 of females.

4 So, when we think of these discard
5 totals, we can look at it in two different perspectives.
6 One is from the landings and discards of species group
7 or species, that is which fleets contribute most to the
8 total discards, and then we can look at it from the
9 perspective of a fleet, the landings and discards, which
10 species groups or species are discarded most often.

11 And the next series of slides have a
12 series of pie charts, and the purpose of the pie charts
13 is to give you a very quick visual impression both of
14 the data, and then you can refer to the very detailed
15 sets of tables.

16 The forthcoming report is almost 300
17 pages in length, and it's full of a lot of important
18 information. I can't vouch for the fact that it will
19 be the most highly read document in history, but it will
20 be, I think, very valuable to the process of the Council
21 because it is for the first time a really synthetic
22 document on the overall discarding patterns among
23 fleets and also with species.

24 So the number of fleets have increased.

1 They vary by year, but we examined and these are the ones
2 that are in fact of importance. Here's an example for
3 the New England otter trawl fishery in open areas. This
4 is large mesh. On the left-hand side, you have the cap
5 and percent discards. In 2009 it was 44 percent
6 discards, 43 percent discards and 43 percent discards.
7 So that value is very constant over time. And to no
8 one's great surprise, I suspect most of the discarded
9 species are skates. They dominate in all years. So
10 there's a strong amount of consistency with high
11 discards of skates constituting the largest fraction of
12 their removals.

13 The discards of dogfish are also large,
14 but not nearly as large as skates. And the other
15 managed species tend to constitute a fairly small
16 component of the discards. Dogfish, for example,
17 ranged from 9 percent in 2009 to 11 percent in 2011.

18 So here's just a blow-up of that on those
19 points there, so the caps, the discards, and then the
20 proportions by species group. So this tells you what
21 the fleet is doing in terms of discarding patterns.

22 We can look at the scallop dredge in the
23 same vein. You can see the overall discard rates are
24 again consistent across years, about 24 to 21 percent

1 and that the skates again dominate the discards in the
2 scallop dredge fishery.

3 Here's just a blow up for 2009. And,
4 again, skates and other non-SBRM species are the two
5 major components there, but scallops are relatively
6 small. Monkfish and large mouth groundfish only 4
7 percent and then the fluke, scup and sea bass at 2
8 percent. So the other way of looking at it is from the
9 perspective of the species group. Here we're
10 summarizing fluke, scup, and sea bass and looking at it
11 with respect to the various fisheries. Again, it's
12 relatively constant in terms of the cap and discard of
13 the species by fleet.

14 And here's just a very quick summary
15 here. So this is otter trawl small mesh in the
16 Mid-Atlantic 23 percent of the discards, otter trawl
17 large mesh in the Northeast New England 19 percent and
18 so forth.

19 And then another one, of course, is from
20 the skate fish populations of the southern skate species
21 under New England groundfish. In the New England
22 Fisheries Management Council's plans this looks like
23 the reverse pattern here 76 percent to 68 percent of the
24 landed skates are discarded. And they tend to be in

1 both the scallop dredge -- that's 24 percent for the
2 scallop dredge -- and 33 percent are coming from large
3 mesh otter trawls in New England.

4 So this is the kind of information that
5 the report is summarizing, and I think it will be
6 extremely valuable in terms of not only identifying the
7 efficacy of modern measures but also those fleets and
8 species which may have the more serious issues. This
9 graph is just simply showing kind of an overall score
10 card for the coefficients of variation. The relevant
11 take-home message from this would be this center line
12 here with the dashes represents the 30 percent CV
13 target. Those to the left of it represents fleets for
14 which the target is being met. For example, here's the
15 otter trawl in New England fleet fishery, which you know
16 receives a very large fraction of coverages under one
17 species which exceeds the threshold target of 30
18 percent. All the other ones were met.

19 So it gives you some idea. So roughly
20 70 percent of the fleets have coverage rates in which
21 all of the species are coefficients of variation which
22 are less than 30 percent.

23 Here's the same kind of analysis by
24 species groups. You can distinguish between the New

1 England and the Mid-Atlantic region but also see it by
2 species group. So there are a number of instances where
3 the coverage rate for fluke, scup and sea bass exceeds
4 30 percent. Some of them are very close to 30 percent,
5 and then others, spiny dogfish are showing that it's
6 -- most of the fisheries have coverage rates that are
7 sufficient, but there are a number where they exceed 30
8 percent.

9 There are a number of caveats about
10 using these data. I mentioned a number of them earlier.
11 But this is a rather broad stratification scheme, and
12 you can always improve upon that as you get more
13 information after the fact. And these will not be
14 exactly the same as I used on the assessments; however,
15 we do use the same estimation methodology. We do use
16 a ratio estimator, and we do a scale of the magnitude
17 of the total removals. However, in the assessments we
18 used the dealer landings which constitute a larger
19 component of the overall landings and also include those
20 skate landings, which are the landings which are used
21 for this purpose not include those skate landings and
22 so forth.

23 And, also, because this is the basis for
24 an allocation program, the allocations are based on the

1 port of departure rather than where they went. I
2 mentioned that earlier. We begin focusing on the use
3 of the vessel trip report data and -- is worth.

4 We assume for the purposes of this
5 exercise that there's a hundred percent discard
6 mortality. That also doesn't translate into the stock
7 assessments, for example, in spiny dogfish we do have
8 rates which are empirically derived and are used to
9 estimate the magnitude of discards for that species.

10 These are my last couple slides which I
11 just want to quickly emphasize. There's a large scope
12 of the New England Fishery Observer Program, NEFA where
13 the risk bearing species constitute the majority of the
14 species observed in the commercial fleet. There are a
15 few incidental species, but it really is very
16 comprehensive in terms of coverage over 90 percent.
17 The process tries to filter out the allocation so that
18 if it does not allocate excessive resources to species
19 which have low encounter rates or low magnitudes when
20 they're in that lower 2 percent of the removals, it's
21 much more important to focus on those that constitute
22 the upper fraction, the 95/98 percent.

23 And so this is, I think, again, this is
24 the first comprehensive summary of species group and

1 invisible species for federally manages species on a
2 multi-year basis.

3 I think the Council should be
4 congratulated in terms of having a plan of this
5 synthesis and magnitude. I believe that it is one of
6 the most comprehensive programs in the country for
7 monitoring species.

8 And hopefully that is a learning
9 experience in terms of identifying these real world
10 limitations of implementing an ideal system. It's a
11 learning experience.

12 And then a continuing problem is this
13 variation in the overall magnitude of funding and more
14 importantly, I guess, the constraints on the use of
15 funding. So it does result in a bit of both competition
16 between councils for resources as well as among FMPs.
17 So that's basically all I have. We will be constituting
18 the fishery management action team or whatever it will
19 be named. And we'll be trying to follow through with
20 the more analytical part of that. So I think there are
21 about 15 minutes for questions for those of you who may
22 still be awake at the Council. And so thank you very
23 much.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Paul, thank you very much for a very thorough
2 presentation on the SBRM both allocations for 2011 as
3 well as the three-year report and your responsiveness
4 to our letter requesting summary allocation.

5 I'll point out and reemphasize the point
6 you made, that the funding constraints are really a
7 chronic impediment here relative to the
8 Mid-Atlantic's programs. And I think as long as that's
9 in place, the program's ability to meet the needs of the
10 Council are going to be significantly limited.

11 If you look at the shortfalls and see the
12 shortfalls they rest overwhelmingly with this Council's
13 managed fisheries precisely because of those funding
14 constraints, and this an ongoing source of frustration
15 I think.

16 But are there questions for Paul?
17 Vince.

18 VINCE O'SHEA: Thanks. Good morning,
19 Paul. I was wondering.

20 JASON DIDDEN: Excuse me. Can we just
21 make sure? Paul, can you hear us like when Rick was
22 talking?

23 PAUL RAGO: Yes, I could. Right. I
24 put it on speaker phone. The land line just doesn't

1 work.

2 VINCE O'SHEA: Paul, I was just
3 wondering if you could quickly go back to the pie charts
4 for the fluke, black sea bass, and scup where you had
5 the breakdown of the species.

6 PAUL RAGO: I'm sorry. The question
7 was on fluke, scup, and sea bass?

8 VINCE O'SHEA: Yeah. The pie chart
9 where you took the retained, and then you blew up what
10 the discard was by species.

11 PAUL RAGO: Yeah. You're trying to go
12 back to that one?

13 VINCE O'SHEA: Yeah. If you could,
14 please.

15 PAUL RAGO: Okay. Sure. Okay.
16 Those numbers you can probably see.

17 VINCE O'SHEA: Yeah. I guess I'm
18 trying to figure out what the species were. I guess
19 there's abbreviations there?

20 PAUL RAGO: Yeah. Yeah. Yeah.

21 VINCE O'SHEA: So maybe could you just
22 walk us through that pie chart, please.

23 PAUL RAGO: Sure. Sure. So we'll
24 start at 12 o'clock here. So this is otter trawl small

1 mesh from New England. There's 13 percent. This is
2 scallop dredge in the open areas with limited access
3 vessels in the Mid-Atlantic. That's 9 percent. Otter
4 trawls, large mesh in the
5 Mid-Atlantic 7 percent and otter trawls small mesh in
6 the Mid-Atlantic 23 percent.

7 And then going down here at about
8 seven o'clock otter trawls large mesh New England 19
9 percent. The large mesh scallop dredge open access
10 limited access vessels from New England.

11 And the aggregate there are 28 other
12 fleets. They constitute a total of 13 percent, and most
13 of these fleets are in sort of the unimportant category,
14 that is, they don't constitute a very large fraction of
15 the total removals. So that's 13 percent of 36 percent
16 of the totals. So that's a fairly small fraction of the
17 total. That's less than 5 percent. So this is the
18 other fleets that take fluke, scup, and sea bass.

19 VINCE O'SHEA: So this is probably a
20 very stupid question: But is this the discards of
21 fluke, scup, and black sea bass; or is this the people
22 that are pursuing fluke, scup, and black sea bass what
23 they're discarding of other species?

24 PAUL RAGO: These are the discards of

1 fluke, scup, and sea bass and in aggregate for those
2 three species, 64 percent of them are capped across all
3 fleets. Thirty-six percent are discarded in other
4 fleets. And this gives the breakdown of the percents
5 of discards that occur in those fleets. So the otter
6 trawl and the small mesh in the Mid-Atlantic constitute
7 23 percent of the 36 percent that are lost; so it's just
8 kind of -- we are giving you an illustration of the
9 discarding that occurs elsewhere. So these occur for
10 a variety of reasons whether one might be the absence
11 of a permit -- other reasons might be quality, trip
12 limits -- there are other factors, but this particular
13 detail is simply an accounting.

14 VINCE O'SHEA: So, it's basically the
15 interaction of these other fleets with scup, black sea
16 bass, and fluke. So thank you very much, Paul, for
17 walking me through that.

18 PAUL RAGO: Okay. Sure. Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS:

20 Other questions of Paul?

21 PAUL RAGO: The bigger reports will
22 have all of the details in them. So it's very detailed
23 but very synoptic, so.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Paul, can you go back to some of the coverage levels on
2 the different gear types -- I think you had a slide with
3 those percentages -- and tell us what is the proposed
4 level of coverage on the Mid-Atlantic mid-water trawls?

5 PAUL RAGO: First, I want to describe it
6 in terms of sea-days coverages. And, again, this is
7 trawl (inaudible) in access areas for both limited
8 access vessels and general category vessels in New
9 England; and in the Mid-Atlantic well, as you can see,
10 most of the stuff in terms of coverage weights, four of
11 them are in the industry funded scallop fleets, the
12 other one is for the mid-water trawls in New England.
13 Can you see my cursor going across?

14 COUNCIL CHAIRMAN RICHARD ROBINS: Yes,
15 Paul.

16 PAUL RAGO: Okay. I'll try to use
17 that. And then if you go down, there's some otter
18 trawls for New England. The large mesh some of them are
19 about 12 percent. So this is eventually reflecting the
20 high levels of coverage associated with smaller
21 (inaudible). These are longline and purse seine.
22 Again, you see the coverage from upwards of 10 percent.
23 As we go through this and look at the coverage rate from
24 the Mid-Atlantic fleet, the otter trawl for the

1 Mid-Atlantic, the small mesh otter trawl, is probably
2 the highest nonscallop fleet monitored. Again, this is
3 important for the loligo and butterfish actions. So
4 you're not going to need identification of the fleet,
5 so I'll just cover it up. I know that these are
6 difficult to read. But they're all less than 10
7 percent. They're all approaching the 5 percent or so.
8 It's highlighting an issue that I think is, as Rick
9 mentioned earlier, there's a general low level of
10 available funds for Mid-Atlantic coverage rate.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Paul, thanks for that clarification. You're right. I
13 mean, the levels throughout the Mid-Atlantic with the
14 exception of the industry funded scallop coverage is
15 extremely low, and that does reflect that funding
16 constraint.

17 PAUL RAGO: Okay. Thank you.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Other questions for Paul? Chris Zeman.

20 CHRISTOPHER ZEMAN: Hi, Paul.

21 PAUL RAGO: How you doin'?

22 CHRISTOPHER ZEMAN: Good. I have a
23 quick question. What's the coverage rate for the
24 U.S.-Canadian large trawl for New England, like the

1 U.S.-Canadian areas?

2 PAUL RAGO: Historically, it was on
3 there at about 30 percent. It is reduced in recent
4 years. It's not identified as a separate item in this
5 table because it's been sort of superseded by coverage
6 rates that occur as part of the sector coverages anlagen
7 are quite high and they actually incorporate many of the
8 trips that occur in the U.S.-Canada coverage. So that
9 coverage is no longer summarized as part of U.S.-Canada
10 coverage rates, but it is subsumed within the large mesh
11 otter trawl fishery in New England.

12 CHRISTOPHER ZEMAN: Thanks.

13 PAUL RAGO: If you have your briefing
14 book under the report there you can see that the coverage
15 rate for 2011 will be 4,127 days.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Thanks, Paul. Pete.

18 PAUL RAGO: It's about 35 percent
19 coverage in terms of days covered.

20 COUNCIL CHAIRMAN RICHARD ROBINS:

21 Thanks, Paul. Pete Himchak has a question.

22 PETER HIMCHAK: Thank you, Mr.
23 Chairman. Not a question for Dr. Rago on his
24 presentation, but a point of information that he may be

1 interested on, a question to other states. Has anybody
2 been approached by the National Fish and Wildlife
3 Foundation -- their request for proposals?

4 We were contacted. Jason steered this
5 individual to New Jersey. And the priority focus of the
6 request for proposals was observer coverage out of the
7 port of Cape May. It was very specific to river herring
8 and squid, mackerel fisheries and if we were interested
9 in submitting a preproposal.

10 I don't know if this offer was
11 circulated to other state agencies. But my suggestion
12 was a simple and efficient one was that they're talking
13 about a hundred and three hundred thousand dollars in
14 each proposal.

15 It's like, well, just give it to the NMPS
16 to increase the observer coverage for these fisheries
17 that the Mid-Atlantic Council would identify, but they
18 can't do that; they can't give money to federal
19 agencies. So the option was to fund it to the states
20 and then have the state hire an individual who would go
21 through the observer training and actually report into
22 the observer database. But then the complication there
23 is that state agencies can't hire -- we're not going to
24 be able to hire FTEs, full-time employees. So it seems

1 like it's a great opportunity to augment something we've
2 identified as a high priority, and yet we don't seem to
3 be able to take advantage of it. And I was just
4 wondering if any other state was approached on this.

5 PAUL RAGO: Yeah. I appreciate that.
6 I think it's a great opportunity to integrate the
7 programs. And I know that my colleagues here have that
8 information from I believe it's Mary Beth Charles who
9 is the individual with that program, and she has been
10 in contact with Amy -- And so I think the idea of
11 marrying those two data sources to improve information
12 on some of these high profile species such as river
13 herring is important.

14 And we do have a variety of programs
15 within the umbrella here, so to speak, where we actually
16 monitor part of the sector management program manifest
17 the observers on the scallop dredge and scallop trawl
18 fisheries. So bringing those various pieces together
19 is important, and thank you for that reminder.

20 COUNCIL CHAIRMAN RICHARD ROBINS: So,
21 Pete, what is the product status right now in New Jersey;
22 is it at a standstill because of those obstacles?

23 PETER HIMCHAK: Yes.

24 PAUL RAGO: Can you repeat that back?

1 I couldn't hear that.

2 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
3 sorry, Paul. I was asking Pete what the status of the
4 project was in New Jersey, whether it was at a standstill
5 because of those specific obstacles.

6 PETER HIMCHAK: Well, the preproposal
7 deadline has come and passed, and we were personally
8 contacted like the day of the closing. But as far as
9 obstacles, yeah, I mean to develop the preproposal we
10 couldn't invest in it knowing that we're not going to
11 hire anybody.

12 So that was why I suggested that give the
13 money directly to the observer program to increase
14 coverage. But I can't do that. So it's just an
15 opportunity that we missed. We can't take advantage of
16 it.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Vince, does the Commission have an opportunity to play
19 a role there?

20 VINCENT O'SHEA: Well, just a reminder,
21 Mr. Chairman, we've had I think a pretty good track
22 record of working with the states on hiring situations
23 when if they've had SCE and other problems. So, if they
24 get the money to us, we're always happy to do the hiring

1 thing. We've done that for a number of states and
2 continue to do so. Thanks.

3 COUNCIL CHAIRMAN RICHARD ROBINS:

4 Thank you. Any further questions for Paul? Jason.

5 JASON DIDDEN: Just one point from
6 staff, and I think it's tied to Vince's earlier comment
7 that sometimes it can be challenging to use the SBRM
8 analyses for management because it says, okay, for
9 flounder discards it came from these gear types, but it
10 doesn't usually say, okay, for the summer flounder
11 fishery, for the scup fishery, for the mackerel fishery
12 what kind of discards is it leading to.

13 And so it can be -- it's just from one
14 factor how the SBRM is done and how the analyses come
15 out, but it can be difficult to use it immediately and
16 directly for management. Is that a correct statement,
17 Paul?

18 PAUL RAGO: Yeah. Well, there again
19 that you can -- once you have the information, that is
20 if you can identify criteria that identifies if it was
21 a lolligo trip or as a fluke trip or whatever, then you
22 have more information upon which you can identify so
23 that the target species and ancillary sort of
24 consequences are (inaudible) of a particular species

1 trip. They differ. For SBRM when we allocate
2 observers, we don't know the target species in advance,
3 so you can't allocate samples on the basis of a fishery
4 that we don't necessarily know in advance that
5 information on. So that your point highlights some of
6 the difficulties of using them straight away. Thank
7 you.

8 COUNCIL CHAIRMAN RICHARD ROBINS:

9 Thanks, Paul. Vince.

10 VINCENT O'SHEA: Sorry, Mr. Chairman.

11 And just a last point for me is to perhaps state the
12 obvious that given that for some of these areas we don't
13 have the coverage that we'd like to have, it seems to
14 me that there's sort of three options. One is to
15 somehow try to twist money out of the federal government
16 system. And I think we all know how likely that's to
17 happen.

18 The second is to have the industry pay,
19 which they do in other regions. And then the third is
20 just to note that the area where we have the highest
21 coverage is in the scallop fishery and there is
22 compensation that those in the industry to help do that.

23 And I think that's maybe the take-away
24 message from me in terms of what we could perhaps do

1 thinking outside the box in some of these other
2 fisheries. Thanks.

3 PAUL RAGO: Thank you, Vince.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Yeah. And the idea of compensation is really
6 determined by the management model being used in that
7 fishery and whether or not the management measure is
8 constraining such that you can make an allocation that
9 would be a compensation. So it's an innovative
10 approach where applicable. Thanks, Vince. Other
11 questions for Paul? Seeing none, we'll go ahead and
12 move into the BOEMRE presentation. We're going to be
13 receiving an update on offshore wind energy and an
14 introduction to the "Smart from the Start" energy
15 initiative. So maybe we'll just take a moment and stand
16 at ease while BOEMRE comes up and sets up for their
17 presentation.

18 PAT AUGUSTINE: Can we say thank you to
19 Paul?

20 [In unison] Thank you, Paul.

21 [Pause: 10:05 a.m. to 10:08 a.m.]

22 COUNCIL CHAIRMAN RICHARD ROBINS:

23 Let's go ahead and take our seats, if you would, and come
24 to order. At this point I'd like to welcome the

1 representatives of BOEMRE. We're going to be receiving
2 an overview on offshore wind energy as well as proposed
3 Mid-Atlantic wind energy areas. So with that, welcome.
4

5 BUREAU OF OCEAN ENERGY MANAGEMENT REGULATION
6 AND ENFORCEMENT

7 TED BOLING: Thank you very much. My
8 name's Ted Boling. I'm the counselor to the assistant
9 secretary for land and minerals. Would you please
10 introduce yourselves.

11 ERIN TRAGER: I'm Erin Trager. I'm the
12 Delaware project coordinator within BOEMRE, the office
13 of offshore alternative energy programs.

14 BRIAN HOOKER: I'm in the same office as
15 Erin but in the environmental review branch. Brian
16 Hooker. I'm sorry.

17 TED BOLING: Thank you. I'm happy to
18 be loud. A can always project to the back of the room.
19 I haven't been back before the Mid-Atlantic Fishery
20 Management Council for some years. I've worked with
21 Dan Furlong on Magnuson-Stevens Act issues. And it's
22 a real pleasure to be back here with you and to talk about
23 the "Smart from the Start" initiative that's part of the
24 Interior, and in particular our process for involving

1 all manner of stakeholders, all federal, state, local
2 agencies, tribes, public, all manners of interest in a
3 process for trying to figure out what are the right
4 locations for the development of offshore wind and
5 development of the nation's tremendous capacity and
6 potential for offshore energy development in the
7 Mid-Atlantic.

8 We plan to talk and break up our
9 discussion into three parts. I'm going to talk about
10 the Secretary of the Interior's "Smart from the Start"
11 initiative, and then we'll move on to the task force
12 process that we've developed to try to develop proposals
13 that are actually smart from the start and then discuss
14 a bit more in fine grain detail about the leasing process
15 because it's important to understand the staging of
16 decision making. And there's a temptation that leads
17 to the conclusions that we plan to authorize the
18 construction of wind energy facilities off the coast
19 imminently. If anything the process does not yield
20 imminent results. We intend to have a very well studied
21 process and take full account of all stakeholder
22 interests as we proceed.

23 So first of all, I'm from the assistant
24 secretary's office that oversees the Bureau of Ocean

1 Energy Management Regulation and Enforcement. That
2 agency, the former Minerals Management Service, will
3 come near to the fiscal year bifurcate into the Bureau
4 of Ocean Energy Management principally responsible for
5 the planning of the outer continental shelf and its
6 development for alternative energy as well as oil and
7 gas in other locations, and then the Bureau of Safety
8 and Environmental Enforcement which will be primarily
9 responsible for enforcement of the oversight of
10 authorizations.

11 The BOEMRE statutory responsibilities
12 include by virtue of the Energy Policy Act of 2005 the
13 responsibility for alternative energy development in
14 the outer continental shelf. Congress recognized that
15 there was an immense potential for alternative energy
16 development. Some have projected as much as 54
17 gigawatts of offshore energy potential out there. And
18 Congress sought to clarify jurisdiction, assigned
19 jurisdiction to BOEMRE for authorization of the
20 development of offshore energy. On November 23rd of
21 last year up in Baltimore with congressional
22 representatives from Maryland and Delaware and the
23 governor of Maryland in attendance, the Secretary of the
24 Interior announced that we're starting an initiative to

1 build on a state board process -- task force process in
2 trying to identify the best areas for wind energy
3 development and begin a process for simplifying our
4 procedures for the development of that wind potential
5 and moving on a parallel track but a somewhat expedited
6 track for building offshore transmission capacity as
7 well.

8 The result of this initiative for the
9 near term has been the identification of potential wind
10 energy areas. These are areas identified in a task
11 force process involving stakeholders identifying areas
12 of potential conflict and weeding those out as best we
13 can in an interview process, and making our best guess
14 on for present purposes issuing a scoping notice for
15 environmental assessment of potential lease sales
16 within these areas.

17 That scoping notice was issued in
18 February with the comment process on that -- the comment
19 period on that closed on March 11th. We received a
20 wealth of input from shipping interests, from all manner
21 of state and local interests as well as NGOs. The
22 Nature Conservancy provided a wealth of information on
23 the benefit communities such as we know in these areas.
24 And that's being considered by BOEMRE right now as part

1 of an environmental assessment process to evaluate
2 these areas for their potential for offering for leases.
3 We plan to use this approach in the North Atlantic as
4 well in the New England as well as also in the South
5 Atlantic. But we're learning as we go.

6 Frankly, we've received substantial
7 comments about the delineation of these areas and the
8 potential conflicts even within there. It really
9 builds on the comments that we got in the task force
10 process. And they're all subject right from the start
11 to some refinement based on those comments and based on
12 further coordination with federal, state, local
13 governments, tribal governments using primarily the
14 task force process, applying the principles of coastal
15 marine spacial planning, particularly state program
16 involvement in attempting to deconflict out these areas
17 as best we can and working in conjunction with other
18 agency's planning priorities.

19 We want to work in conjunction with in
20 particularly the planning priorities of the
21 Mid-Atlantic Fishery Management Council. It's obvious
22 to the Department of the Interior that the construction
23 of wind energy facilities on the Atlantic coast will
24 have very significant consequences for fisheries

1 management, and we want to approach that in an open and
2 up-front collaborative fashion. Part of our process in
3 developing these has been active coordination with the
4 states through an Atlantic offshore wind energy
5 consortium but also actively partnering with our
6 federal agencies, particularly National Oceanic and
7 Atmospheric Administration.

8 We're using a NEPA process, the
9 environmental assessment process, to document that
10 collaboration to seek public involvement. You can
11 expect as the next step in that process that we will have
12 an environmental assessment that is available for
13 public input probably sometime this summer.

14 And then based on the comments on that,
15 we will be revising that and we would hope providing the
16 justification for finding no significant impact for
17 purposes of lease sales.

18 But these leases will be a very limited
19 instrument. They would be basically -- we'll go into
20 further detail on this -- a fairly limited grant of an
21 opportunity -- 5 years -- exclusive opportunity to some
22 project proponent to do site assessment and investigate
23 a particular location for its potential for wind energy.

24 But there is no right to construct as

1 part of those lease sales. You'd have to come back to
2 the Bureau of Ocean Energy Management for a full NEPA
3 based assessment of a construction and operation plan
4 for the development of that potential. And there
5 again, we'd have more specific discussion with all the
6 stakeholders about the implications of that particular
7 location, its direct effects and its indirect effects
8 and the cumulative effects of the development of that
9 wind potential.

10 I mentioned the Atlantic offshore wind
11 energy consortium. That is primarily a state-oriented
12 effort to try to facilitate federal and state
13 coordination. That was launched in June of 2010. And
14 that consortium work is going to continue as a broader
15 policy overlay between the Department of the Interior
16 and the states as we proceed in tandem.

17 Within the "Smart from the Start"
18 initiative, we've also established very strong
19 connections with all the federal agencies. Prior to
20 announcing the wind energy areas, the deputy secretary
21 of the Department of the Interior held a very high level
22 interagency meeting that started active coordination on
23 wind energy areas, their environmental assessment and
24 making sure that we were capturing all the stakeholder

1 interests and noting that regard, particularly NOAA's
2 involvement.

3 NOAA's position as a member of these
4 fisheries management councils is seen as a great
5 opportunity for coordination with the council but
6 that's by no means an exclusive opportunity. We are
7 lucky to have a great deal of staff expertise on fishery
8 management issues and then also a fairly active dialogue
9 with the Fishery Management Councils, which we only want
10 to enhance. And we'll turn it over to discuss the
11 interagency task forces and project coordination.

12 ERIN TRAGER: Thank you. Okay. So
13 many of you have already heard about our
14 intergovernmental task forces we have. These are
15 forums that we've established as a way to coordinate
16 with our other governmental partners in the process.

17 So Energy Policy Act of 2005, which Ted
18 just mentioned, actually mandates that we coordinate
19 with our governmental partners including state,
20 federal, local and tribal. And so one mechanism that
21 we've developed which brings that together in a very
22 efficient and effective way is the intergovernmental
23 task forces.

24 And we've established task forces in a

1 number of states along the Atlantic and actually just
2 recently out in Oregon. And they are forums bringing
3 together the agencies or the parties I just mentioned;
4 however they don't replace any existing consultation
5 processes that are required by other applicable law.
6 So, while this is a gathering of sorts to coordinate and
7 inform each other, it doesn't replace other
8 consultations. So really these are -- we have meetings
9 at critical milestones in the process along with the
10 states where we are involved, and it's an opportunity
11 to exchange information and inform our planning. So we
12 consider that input throughout the leasing process.
13 And so far we have task forces in these 10 states that
14 are listed.

15 First, actually let me talk about what
16 we hope to gain from the task forces. The results of
17 our discussions so we have a better understanding of
18 other regulatory processes and laws that apply to
19 renewable energy development on the OCS and for the
20 members themselves to have a better understanding of the
21 steps in the process and the other constraints that are
22 applicable depending on laws that are carried out.

23 It's an opportunity to discuss concerns
24 and issues early in the process. So, rather than the

1 traditional approach of publishing public notices and
2 receiving input and that being our only mechanism for
3 receiving input, the task force is a way for us to
4 receive that type of input early on.

5 It also is an effort in the vein of
6 coastal marine spacial planning to identify use
7 conflicts for existing uses of areas identifying those
8 areas and avoiding them where possible to identify areas
9 where renewable energy development may be possible and
10 cause as little conflict as possible with other uses.
11 It's also an opportunity for us to obtain information
12 and identify data gaps, what information is missing in
13 the process and how can we obtain that. Many of the
14 members around the table often have the information that
15 is needed. It's a matter of acquiring it and putting the
16 pieces together.

17 So going back to this slide, these are
18 the states where we have task forces. There are 10 so
19 far. There are a few on the horizon. We're looking to
20 establish task forces in Florida, Hawaii, and South
21 Carolina.

22 But in the Mid-Atlantic, we have task
23 forces in New Jersey, Delaware, Virginia and Maryland;
24 and actually these were the states where we were most

1 early on involved in establishing task forces.

2 So, starting in the north with New
3 Jersey, we've been involved with this state for quite
4 some time. And starting back in 2007, BOEMRE announced
5 the interim policy. The interim policy was a mechanism
6 in advance of final regulations that would allow us to
7 jump start data collection efforts.

8 And so we went through our competitive
9 process as we're mandated through the Energy Policy Act
10 of 2005, identified priority areas for this type of
11 resource assessment, and we were able to issue leases
12 in 2009 to the companies listed: Deep Water Wind, Blue
13 Water Wind, and Fishermen's Energy of New Jersey.
14 Those companies have five-year leases. The leases,
15 again, are under the interim policy, and they're only
16 for resource assessment. So it would cover the
17 activities, such as surveys and the installation of a
18 meteorological tower. And so those leases are active
19 right now.

20 In addition, in 2009 in November, we
21 established a task force with the state, and we have had
22 three meetings since that time. Most recently the
23 product of that effort has been a draft call for
24 information and nominations. And that notice is the

1 initial leasing notice that would be published in the
2 Federal Register to invite commercial expressions of
3 interest and other information about the area that would
4 be useful for our planning.

5 That call has been circulated with the
6 task force and went through a number of variations and
7 has been really a collaborative effort, and it should
8 be published. It's making its way through the
9 department right now. It should be published in the
10 coming weeks in the Federal Register.

11 So the next steps for New Jersey is to
12 publish that notice, which will be the first step in the
13 process. And once we publish that, we will have a
14 comment period of 45 days. We'll be able to access the
15 level of commercial interest areas and development and
16 site assessment activity, which would be the first step.
17 And we would be able to determine competitor interest
18 in the area based on the results of that notice and then
19 following appropriate processes, outline the
20 regulatory framework. And you can see the point of
21 contact for this state is the project coordinator Will
22 Waskes, and his contact information is provided.

23 And this is a closeup of the wind energy
24 area that Ted described for New Jersey. And you can see

1 here it's not very detailed. There will be additional
2 detail that's published in the call for information and
3 nomination that's published in the Federal Register.

4 But you can see that the closest permit
5 is to Atlantic City, and that's about seven nautical
6 miles offshore. And, again, this would be the first --
7 this is a planning effort. It's an effort to solicit
8 information about commercial interest, gauge developer
9 interest and collect information. This is not
10 necessarily what would be leased.

11 So, in Delaware, this is the state where
12 we had our first task force established, and we've been
13 meeting since October 2009. But before the task force
14 was established, we actually were able to work with the
15 developers -- not with the developers -- we were able
16 to identify developers for that interim policy effort
17 and issue leases to -- or excuse me -- issue one lease
18 to Blue Water Wind Delaware for the installation of a
19 meteorological tower. And that was in November 2009.
20 We've held four task force meetings, three in person and
21 one on the phone since 2009. And with the task force,
22 we were able to develop our first notice for
23 publication, which is the request for interest. And
24 that identified an area off the coast and solicited

1 information and expressions of interest.

2 And since that time, in response to that
3 notice, we received two responses, and one of which was
4 a valid commercial expression of interest. The other
5 response we received was not valid. We were not able
6 to qualify that company.

7 So we published our next notice which
8 was a proposed lease area and a request for competitive
9 interest. Did not receive any additional commercial
10 expressions of interest, and so we just recently
11 announced determination of no competitive interest in
12 the lease, and (inaudible) Delaware. And that was
13 announced actually on March 24th.

14 And we just had our last task force
15 meeting. And the notification was published in the
16 Federal Register this week on April 12th. So the next
17 step in Delaware's process is for us to proceed down the
18 noncompetitive process which is outlined in our
19 regulatory framework. And the first step in that, of
20 course, is to complete our environmental analysis which
21 Brian will describe in more detail. So this is a
22 snapshot of the lease area that we published. And you
23 can see here we actually strove to provide all the
24 information that we had received in response to the

1 notice including known fishing areas, which we received
2 from NOAA Fisheries in constitution with the
3 Mid-Atlantic Fisheries Management Council.

4 You can also see other areas of concern
5 that are noted including a proposed amperage area that
6 the Coast Guard notified us about that the 5th District
7 is considering initiating rule making for later this
8 year. And that's that purple triangular area in the
9 west most corner.

10 So what we do with these notices is
11 collect information, share the information, and
12 consider all concerns as we move forward in the process.

13 So in Maryland, we had our first meeting
14 actually last year on April 14th, and in consultation
15 with the task force, they were able to develop a request
16 for interest, which is the first notice, and publish
17 that. It was at the end of last year in November.

18 And in response to that, they received
19 nine expressions of commercial interest from eight
20 different companies; and in addition, a number of
21 comments -- I believe it was a dozen comments -- from
22 various stakeholders with information. So what we're
23 doing right now is completing a qualifications review
24 of the applicants. There are three areas where we

1 qualify companies. One is legal; one is technical, and
2 one is financial to ensure that they can attain a lease
3 from the federal government and operate on that lease.
4 So they've completed the legal provocations with those
5 companies, and they're proceeding in wrapping up the
6 technical and financial as we speak.

7 The next step in the process is to
8 publish the next notice in the process, and that is a
9 call for information nominations. And then once that
10 is published, we should be able to determine if it's
11 (inaudible) lease process of that state. We follow the
12 appropriate process. And the project coordinator for
13 that state is listed there. Her name is Aditi Maroni.

14 Here is a map of the area that was
15 published. You can see here the closet point is about
16 10 nautical miles offshore. And there are a few other
17 features that are shown here, including shoals that were
18 avoided in the planning area and also traffic, a traffic
19 separation scheme to the north.

20 So, in Virginia, a task force was first
21 established in December of 2009, and they've had three
22 meetings since that time. Even before the task force
23 was convened, we received two commercial expressions of
24 interest that were not solicited. And they came from

1 two companies, Apex and Seawind. And so what we did is
2 we took those nominations to the task force to discuss
3 and consider all concerns. And we were actually able
4 to identify that that area was not the ideal location
5 for consideration for renewable energy because of the
6 number of other uses in the area, specifically military.

7 So a different area was identified for
8 consideration for leasing or for planning for leasing.
9 And that area has been developed. It's been circulated
10 with the task force. That notice will be a call for
11 information on the nominations. And they're in the
12 process of getting that finalized so it can publish in
13 the Federal Register.

14 In addition to the commercial
15 expressions of interest, we've also received one lease
16 application from the state from the Department of Mines,
17 Minerals and Energy for research activities. And so
18 we're considering that proposal as we speak.

19 And next steps will be to publish that
20 call for information and nominations to collect
21 information, engage developer interest, and to do a
22 comparative interest and then also to process that
23 research lease application. You can see here, again,
24 it's not a lot of detail because that notice has not yet

1 published, but this is the wind energy area that was
2 identified in February by the secretary. And you can
3 see here that it's farther offshore than the other
4 areas. It's about 15 nautical miles offshore, and that
5 small area you can see on the most western side is the
6 research area.

7 BRIAN HOOKER: Thank you, Erin. In the
8 interest of time, I'm probably going to just hit the high
9 points because one of our primary objectives for being
10 with you here today is to get your comments on our
11 Mid-Atlantic environmental assessment especially in
12 regard to the survey activity that we're proposing
13 within those areas.

14 So, as Ted mentioned earlier, there's
15 basically three stages of renewable leasing and
16 development. The lease issuance, which Ted mentioned
17 is not the guarantee of actual commercial development
18 of the site.

19 At this point, the only thing the lease does
20 give is the right to (inaudible) an assessment plan that
21 we'll then review for site -- it's basically the
22 establishment of a meteorological buoy, meteorological
23 tower and other site characterization activities.

24 After that process is complete, after

1 the surveys are all completed and after we have data on
2 the site, only then do we look at this middle, the
3 construction and operations plan. We have several
4 opportunities for formal comment mostly driven by the
5 NEPA process which you're all familiar with, so I won't
6 go into great detail there. But we also would just like
7 to point out that although we have these steps in the
8 process, we intend to engage especially with a special
9 relationship with the council along that whole process.

10 The leasing process is initiated
11 either -- in the case of the Mid-Atlantic it was
12 initiated by BOEMRE, and the developers also have the
13 opportunity to submit an unsolicited application at any
14 particular time. After which we -- Erin kind of already
15 went through the process of identifying if they were a
16 valid company to do the work.

17 And then we have the request for
18 information and call for information, and then we
19 determine if it's competitive or a noncompetitive
20 process.

21 The primary activities that we're
22 looking at right now under the site assessment
23 activities are: we have jurisdictional activities for
24 the placement of meteorological buoys and

1 meteorological towers within the areas that we've
2 identified, but it also looks at what we call
3 nonjurisdictional activities because we weren't given
4 express statutory authority over some of these
5 activities, biological research surveys, cultural
6 research surveys, and high resolution geophysical
7 surveys. So these are the types of activities that
8 we're looking at in this first stage under the broad
9 category of site assessments. Just quickly here, wind
10 resource assessments, as I mentioned, is the
11 establishment of meteorological towers, some using
12 lidar technology. And a lot of things we consider there
13 are (inaudible) vessel traffic, et cetera.

14 Site characterization activities, just
15 a little bit more detail on the high resolution
16 geophysical survey. The biological research survey is
17 the presence or absence of endangered and threatened
18 species and also the presence or absence of sensored
19 biological resources and habitat.

20 And once again, this is just the tip.
21 There's a lot more that we actually will analyze and look
22 at and require. Quickly, just some of the
23 consultations that we do for all the site assessment
24 activities include the Endangered Species Act, the

1 Marine Mammal Protection Act, Magnuson, specifically,
2 EFH, Migratory Bird Treaty Act, and Coastal Management
3 Act.

4 So the site assessment activities is the
5 developer themselves going out and collecting a lot of
6 the data that we then use to form kind of a basis of the
7 analysis for our construction and operations plan, DIS.

8 We also do our own independent studies,
9 and I just wanted to bring your attention to a couple
10 of the primarily environmental study program at BOEMRE
11 where we fund annually projects to look specifically at
12 impacts and then also the technology assessment and
13 research which looks more at technology issues
14 associated with some of the activities that occur.

15 This just summarizes what Ted mentioned
16 earlier, utilizing some of the planning tools that we
17 have. So I won't really go into detail there. And the
18 next one -- these are the comments that we've received
19 thus far specific to marine fisheries issues on the
20 notice of intent to prepare an EA for the Mid-Atlantic
21 regional assessment.

22 Of course, there are a few dates actually
23 to get more comments from you and your concerns as we
24 move forward here. I'm going to conclude there, and

1 I'll leave up the slide with our contact information for
2 you. But now I'd just like to open it up for comments
3 and questions.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
5 you all very much for the presentation. I wanted to ask:
6 The process by which fisheries impacts in terms of
7 impacts to resources and also fisheries uses, what would
8 be the process by which those are considered? Is that
9 going to be part of the DIS process that you're looking
10 at?

11 TED BOLING: We'll address them in both
12 all the NEPA processes and the EA; although, the weight
13 of it in the EA will be more associated with just the
14 survey activity, so it won't be -- we don't anticipate
15 a major impact from survey activity unless a MET tower
16 is directly on top of a prime fishing ground. But it
17 will show up in the EIS that we do at the construction
18 and operations --

19 COUNCIL CHAIRMAN RICHARD ROBINS: Is
20 there an opportunity -- with respect to the
21 intergovernmental task force that you described, is
22 there an opportunity for a role for the National Marine
23 Fishery Service and the Council to have a role in that
24 process so that there's active involvement in the

1 discussions about citing?

2 ERIN TRAGER: Absolutely. As a matter
3 of fact, NOAA Fisheries is a member of all of our task
4 forces in each of our states, so they've been at the table
5 where we have task forces. The Mid-Atlantic Fishery
6 Management Council and the other councils those are
7 considered -- were constraints somewhat in the task
8 forces in that it needs to be governmental bodies. And
9 the Fishery Management Council is pseudo governmental.
10 It is considered by the solicitor, the DOI Solicitor's
11 Office. So what we do is we have sessions after each
12 meeting where we can interact with nongovernmental
13 stakeholders, such as the Council if there is an interest
14 in attending any of our task force meetings. What you
15 can do is observe the meeting, and the session is an open
16 forum.

17 COUNCIL CHAIRMAN RICHARD ROBINS: And
18 finally, how is government going to relate to the CMSD
19 process that's laid out in the National Ocean Policy
20 relative to the development of regional planning bodies?
21 The regional planning bodies will be taking up CMSP, and
22 I'm wondering how the government's going to relate to
23 that. It seems to me this process is ahead of that
24 track, and that track includes obviously a lot of

1 regional interest.

2 TED BOLING: Absolutely. And we
3 recognized that right from the start. And just a little
4 personal history here: I came to the Department of the
5 Interior in August of last year after ten years as a
6 council member in -- where one of my labors of love was
7 the Executive Order establishing the National Ocean
8 Policy and the Coastal Marine Special Planning process
9 and certainly recognized right from the start that
10 anything we do in this area is going to have implications
11 for a broader planning effort, and you certainly want
12 to actively support those broader planning effort. At
13 no point in the development of the national policy on
14 oceans coasts and our great lakes did we think that all
15 activity was going to stop on the coasts pending the
16 completion of those coastal marine special planning
17 processes.

18 And that's why the Executive Order and
19 the task force report all talk about the use of the
20 principles of coastal marine special planning. They
21 certainly intend to make this process, this leasing
22 process, demonstrate the application of those
23 principles, but then also that the evaluation of
24 proposals for construction and operation plan will to

1 the maximum extent feasible will be coordinated with
2 those regional coastal marine special planning
3 processes; and then we'll have active consideration of
4 the implications of that development before development
5 decisions are made for the full range of users of
6 stakeholders in that planning process.

7 COUNCIL CHAIRMAN RICHARD ROBINS:

8 Thanks, Ted. Other questions from the Council? Pat.

9 PAT AUGUSTINE: Thank you, Mr.

10 Chairman. Thank you for your presentation and the
11 detail that you offered to us. I guess I've gone beyond
12 the construction of these in the life cycle of 30 years
13 or whatever it happens to be. I apologize for not having
14 read the details and what the contract would call for
15 for anyone who submits to build these wind farms. But
16 is the life cycle, as you folks have projected it, to
17 be 30 years roughly? And then I have some following
18 questions that are directly related, Mr. Chairman.

19 BRIAN HOOKER: Yeah. I think it's
20 about 25 years. It's five years for site assessment.
21 That's how long you have after you've issued the release
22 to submit a construction operations plan of five years,
23 and then it's about a 25-year cycle after that of the
24 lease term.

1 TED BOLING: That's the lease term. As
2 part of the environmental assessment, it's a full life
3 cycle environmental assessment. And just as BOEMRE
4 does with regard to oil and gas operations in the West
5 or in the Pacific, they're considering (inaudible)
6 including decommissioning as part of that as best we can
7 at that point in time.

8 PAT AUGUSTINE: Okay. Fine. And as
9 part of the part that you mentioned, Brian, the
10 technology assessment, that includes actually dealing
11 with manufacturers of a product and assuring their
12 quality assurance of the products, the turbines and that
13 sort of thing; or is that just a standard dealer that
14 they will produce, they the manufacturers will produce
15 a quality product that will have a life cycle of; and
16 the renewal of turbines or units that have to be replaced
17 on an ongoing basis, where are we or BOEMRE in the cycle
18 on all of that?

19 BRIAN HOOKER: Technology and
20 assessment will look at some components of that, but I
21 don't think they look at --

22 PAT AUGUSTINE: -- details.

23 BRIAN HOOKER: Well, if there's a
24 specific concern that's raised regarding a safety or a

1 technological aspect to the turbine, we can request that
2 that be evaluated. Go ahead.

3 PAT AUGUSTINE: That's fine, Brian.
4 But then a follow-on question. I'm not going to chapter
5 as much time as I can. I'm going to take a few more very
6 salient points. We as citizens, are we assuming that
7 the consideration is being given to further utilization
8 and development of our gas, coal and oil that we have
9 as natural resources in the country, or does all that
10 go on the shelf somewhere and all our eggs in one basket?
11 Which, by the way, that's the public perception: that
12 the basket is now fully full of wind tunnels and that
13 sort of thing. So can you address that? And please
14 don't get into detail, Mr. Chairman. I need an answer,
15 though.

16 BRIAN HOOKER: No. The Secretary of
17 the Interior has made it abundantly clear that at every
18 opportunity that we are moving full speed on all manner
19 of energy development in this country.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Gene
21 Kray.

22 PAT AUGUSTINE: I'm happy to hear that,
23 and I hope we can deliver. It's bad that we just talk
24 about it. I'm a black and white, bottom-line guy whose

1 heard a lot of innuendo, fancy words and committance and
2 difficulty -- just one more minute.

3 The difficulty always is we end up with
4 large provocations, and at the end of the day, something
5 gets side-lined, side-lined, and side-lined. And in
6 our lifetime, we'd really like to see the results. It
7 sounds like you've got a handle on where we're going.
8 And thank you for your work.

9 EUGENE KRAY: If I can wrestle the
10 microphone away from my colleague from New York. Back
11 in June the committee which I chair, the Ecosystems Ocean
12 Planning Committee, discussed the Delaware wind project
13 and more specifically an area that is known to a number
14 of us, me specifically, called the old grounds, and
15 through our partners at the National Marine Fishery
16 Service and their Sandy Hook habitat lab, a letter was
17 sent to Erin in June of last year, June 25th to be exact,
18 laying out the area and with the recommendation that that
19 corner of the wind farm would best be placed somewhere
20 else. That was the intent of the letter. Could you
21 bring us up to date as to where that is, what's the status
22 of that?

23 ERIN TRAGER: Absolutely. It was felt
24 that that concern -- we needed more information about

1 the potential impacts, and that was best addressed under
2 a NEPA document. So what we're going to do now is
3 undertake our regional environmental assessment for the
4 Mid-Atlantic, which will also look at Delaware and at
5 that field grass fishing areas, all the fishing areas
6 that we noted in that map for Delaware looking at the
7 resource, looking at the existing use, looking at the
8 economic value of that resource as well.

9 There would be two stages of analysis.
10 One is the regional environmental assessment, which
11 we'll look at site assessment, site characterization
12 activities in these issuance. So we're looking at how
13 survey activities could impact those resources.

14 The second analysis we'll do looking
15 also at that is when we receive a construction operations
16 plan. And that would be when we have the details of
17 where the turbines could go and all of the associated
18 activities that would be needed for that installation,
19 so vessel traffic, looking at port facilities. All of
20 those impacts we would be considering when we look at
21 the construction operations plan.

22 And we may consider mitigation measures
23 at that time certainly in consultation with NOAA
24 Fisheries. We would also have a public comment period

1 most likely on that environmental impact statement.

2 EUGENE KRAY: If I could follow up,
3 Mr. Chairman?

4 COUNCIL CHAIRMAN RICHARD ROBINS: Yes,
5 Gene.

6 EUGENE KRAY: You mentioned the
7 shipping traffic, and I know the area on both sides of
8 that area called the Old Grounds are major shipping lanes
9 going up the Delaware into Philadelphia. But also in
10 the northeast corner, I know specifically from
11 first-hand experience that there is coral there in about
12 90 feet of water. So that's another area you have to
13 look at.

14 ERIN TRAGER: That's very helpful.
15 Thank you.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Thanks, Gene. Mike Luisi.

18 MICHAEL LUISI: Thank you, Mr.
19 Chairman. You made a few mentions about meteorological
20 towers that are going to be placed. Could you explain
21 what type of structure that's going to be? Is that going
22 to be something that through the lease process be placed
23 out in the ocean? And then if it is, are there going
24 to be any area or restrictions placed around those towers

1 in the short term?

2 BRIAN HOOKER: Here's a quick look.
3 The bottom left is the current met tower that the Cape
4 Wind Project is using, and the one on the right is a
5 meteorological buoy that uses a large concrete anchor.
6 It's actually a spar buoy so it stays vertical in the
7 water column. No. There are no restrictions that we
8 place at this point even around wind turbines once
9 they're constructed. The Coast Guard so far has not
10 stated that they have any concerns especially in regards
11 to -- so you can go right up to them. And I think that's
12 still the situation in the Cape Wind tower, too. Yes.
13 You're not allowed to tie up to it.

14 MIKE LUISI: That's one of the questions
15 that I've been getting a lot: What are fishermen going
16 to be able to do when this development process takes
17 shape; what are the best management practices that are
18 going to be used around these areas?

19 So right now you're basically saying
20 that there are no limitations and the Coast Guard can
21 advise as to possible potential problems with access in
22 an around these developed areas?

23 BRIAN HOOKER: Yeah. I think -- and
24 maybe Erin can talk about this a little bit more in

1 regards to the Coast Guard. They didn't have any
2 specific issues for Cape Wind, so they weren't
3 implementing any exclusions around wind turbines in Cape
4 Wind; however, I think they're trying to undergo a study
5 to determine what conditions might warrant some kind of
6 -- perhaps like a high current area or something like
7 that where vessels could easily drift into the
8 structures, but they haven't, as far as I know. They're
9 just starting to go down that road.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Peter
11 deFur. I'm sorry. Go ahead.

12 ERIN TRAGER: I was just going to add to
13 that and say the lease that we issue to the developer
14 we do not restrict or set restrictions on other uses or
15 other users. All we can do is commit the developer to
16 certain activities.

17 During our evaluation of the activities,
18 we would consult with the Coast Guard, and very often
19 what we do is we add stipulations to the lease or to the
20 plan approval, for instance, for lighting to prevent
21 collision. There could be other measures that we could
22 take. But generally, Brian's correct that we can't
23 restrict access to that area.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Peter.

2 PETER deFUR: Thank you very much,
3 Mr. Chairman. I assume that because we have a copy of
4 this presentation that it's going to be posted on our
5 website, Mr. Chairman? I think.

6 COUNCIL CHAIRMAN RICHARD ROBINS:
7 Chris.

8 PETER deFUR: Yeah. I've had a number
9 of constituents in my state that have already asked about
10 the sort of details that have been presented here.
11 Thank you very much for your presentation.

12 I do have a couple of questions, the
13 first one being: To whom do we direct further
14 questions? because there isn't time for me to ask all
15 of mine.

16 BRIAN HOOKER: I think that last
17 slide is -- Erin?

18 ERIN TRAGER: We all have cards, so
19 we're happy to answer them.

20 PETER deFUR: The most important tool
21 had to do with direct notification of the management
22 councils because I think our stakeholders as at least
23 the longest using members of the stakeholder community
24 dating back a few hundred years really are very

1 interested in making sure that they know exactly what's
2 going on and when.

3 And even though the management councils
4 may not be able to be formal members, we want to make
5 sure that at least one of the East Coast councils is in
6 attendance and present to hear what's going on.

7 So I want to make sure that we have some
8 direct notification so that we can coordinate and keep
9 our stakeholders up to date. And then who will
10 determine the exclusion zone? That's my other
11 question.

12 Because I find it hard to believe that
13 there will be completely open access. And I know that
14 our commercial stakeholders have no interest in towing
15 a net three times the length of this room through a wind
16 farm. So there's going to be some sort of exclusion on
17 there for security purposes, for insurance purposes, for
18 safety purposes. Coast Guard is not running a chopper
19 into that wind farm. So how does that get determined?

20 BRIAN HOOKER: Well, just to back up a
21 little bit, yes, we're definitely open to
22 recommendations on how to engage the Council. As Erin's
23 already mentioned, you have open invitation to attend
24 the task force meetings. The Mid-Atlantic staff has

1 been able to attend one. And it looks like -- what was
2 that last question you had again?

3 PETER deFUR: How will the exclusions be
4 determined?

5 ERIN TRAGER: You're absolutely right.
6 There may be limitations in the future. We would not
7 be applying those limitations. There are other parties
8 that may have a say. Like you said, for security reasons
9 there may be Coast Guard -- the Coast Guard may consider
10 restrictions for safety; although, that has not been
11 done to date. In addition, you also mentioned
12 insurance. That could be another concern. But it
13 would not be BOEMRE applying those restrictions.

14 TED BOLING: If I could just add: While
15 BOEMRE would not be actually applying restrictions,
16 certainly that's inherent in the consideration of what
17 are the effects of authorizing one of these projects?
18 So while BOEMRE would not literally be the point of
19 application of those restrictions, by virtue of active
20 coordination with the Coast Guard, we'd seek to have a
21 full consideration of that. And so we don't -- you know,
22 want to appear as technical in the response there. That
23 through the NEPA process, through the interagency
24 coordination, we would have those implications very well

1 mapped out in advance of making a decision.

2 COUNCIL CHAIRMAN RICHARD ROBINS: John
3 McMurray.

4 JOHN MCMURRAY: My question was already
5 answered. But just regarding the access issue which
6 you've already addressed, I would recommend being very
7 clear to the fishing community that so far the structures
8 that are in place, access has not been an issue. I think
9 if you do that, you're going to get significantly more
10 buy-in.

11 And you also need to be clear that
12 fisherman are going to be part of the process moving
13 forward. From my perspective, these things could be
14 quite good for the fishing as habitat, fishing tracking
15 devices and arguably could increase productivity, but
16 if there's no access to them, then certainly that's a
17 big issue amongst the fishing community.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Gene
19 Kray.

20 EUGENE KRAY: A quick question. Going
21 back to the buoys and the towers, are they affiliated
22 with the ocean observance system?

23 BRIAN HOOKER: No. They're not part of
24 the IOS.

1 EUGENE KRAY: They're not part of the
2 IOS family?

3 BRIAN HOOKER: No. Although we're
4 working to develop a relation with IOS so we're getting
5 IOS data as part of our environmental review, but as of
6 yet, it's not a -- I don't think it's been broached if
7 the met towers will actually then be providing
8 information to IOS.

9 I don't know if -- most of the
10 information will be publicly available, so I'm sure the
11 developer would be willing to share some of the data
12 directly with IOS, but that's all I can really say on
13 that.

14 EUGENE KRAY: We had folks back in
15 December at our meeting discussing -- the Financial
16 Science Foundation actually, who is doing some work in
17 that arena, and at our meeting on Tuesday, we had a brief
18 discussion about what the -- I think they call it the
19 Pioneer Array of buoys and towers, whatever, they were
20 putting up.

21 So we are absolutely concerned about
22 that as well. So you can see from the perspective of
23 a council we have all of these different uses of the
24 ocean, and some of the fisherman are asking me: Where

1 are we going to fish? So it's a question, I think, that
2 has to be kept before us at all times.

3 BRIAN HOOKER: I agree. And the
4 Pioneer Array has definitely come on our radar, and I
5 think that will be part of our cumulative effects when
6 we look at the New England area in that assessment.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Steve
8 Linnard.

9 STEVE LINNARD: Thank you, Mr.
10 Chairman. Can we get an idea of what the financial value
11 of the leases are for either or both the five years leases
12 and then the longer term operating leases and perhaps
13 what the value for the proceeds for those leases will
14 be intended for.

15 ERIN TRAGER: We can't speculate on the
16 value of the operations that would take place because
17 none of these have been done in the U.S. yet; however,
18 what we could tell you is what we collect, and that is
19 we collect revenue in the form of rent for the use of
20 the sea bed.

21 We also collect an operating fee once the
22 facility becomes operational. So the rent is a certain
23 amount per year upon activation of the lease. And the
24 operating fee kicks in once the facility begins to

1 generate electricity. And there's also a financial
2 assurance bond that's put up in the beginning of the
3 lease term to ensure that the facility could be
4 decommissioned by the government in the event the
5 company was not able to on their own, and that's in the
6 amount of a hundred thousand dollars in the beginning,
7 and it does increase over time once we have a
8 construction operations plan and the decommissioning
9 plan.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
11 I've got one more question here to the table, and then
12 we'll go to the public if there are any brief comments.
13 We're basically out of time. Red Munden.

14 RED MUNDEN: Thank you, Mr. Chairman.
15 I'm with the North Carolina Division of Marine
16 Fisheries, and I serve as the fisheries representative
17 on the North Carolina Wind Energy Task Force, and one
18 of the things that we were tasked with was identifying
19 areas for consideration for location of offshore wind.

20 And one thing that you need to keep in
21 mind: all the areas are not suitable for the generation
22 of wind power just like all bottom is not suitable for
23 fishing. So there are certain areas where people catch
24 fish. That's where they concentrate their efforts

1 because of the bottom contour, the topography or
2 whatever.

3 So just to go out and say, well, this is
4 a good place for development of a wind farm, you also
5 need to look at not only an exclusion zone around these
6 structures, the impact that will have on fisheries, but
7 also displacement of effort in fisheries.

8 TED BOLING: Thank you. And we haven't
9 talked about North Carolina here, but we've got an active
10 process engaged started by your governor, and we've had
11 one task force meeting and plan to have follow-on
12 meetings. And I appreciate your contribution to that
13 effort.

14 COUNCIL CHAIRMAN RICHARD ROBINS: John,
15 do you have a follow-up?

16 JOHN MCMURRAY: Not exactly a
17 follow-up, just a very quick question before we go to
18 the public. You had mentioned mitigation. I'm not
19 sure in what context that was used or what you mean. Can
20 you briefly elaborate on that?

21 ERIN TRAGER: Absolutely. During our
22 environmental assessment of the activity, whether it be
23 when we analyze the survey activities and the site
24 assessment activities or later when we actually analyze

1 the potential impacts of the construction activities,
2 we will be consulting with under all applicable laws,
3 for instance essential fish habitat; and through those
4 consultations, we will have a list of mitigation
5 measures that the consulting agencies suggest.

6 And from those measures, we would create
7 stipulations either to the plan approval or to the lease
8 itself to require certain precautions. So that may
9 include a stipulation that prevents a developer from
10 building in a certain area. It may require certain
11 sound threshold be not crossed in their survey
12 activities. There are a number of different mitigation
13 measures that could be applied.

14 COUNCIL CHAIRMAN RICHARD ROBINS: We
15 are running a little bit behind, but I do want to give
16 the public an opportunity to ask questions or comment.
17 I saw Patrick with his hand up.

18 PATRICK PAQUETTE: Thank you,
19 Mr. Chairman. My name is Patrick Paquette. I'm a
20 recreational fishing advocate from New England. The
21 fact that I live on Cape Cod does not automatically make
22 me opposed to Cape Wind. I'm just saying that up front
23 so you don't take me as an adversary to begin with;
24 however, as a part of a team that participated in the

1 development of what was known as the O'Leary Bill that
2 became the Massachusetts Oceans Plan today and is
3 frequently referred to as a precursor or a model for this
4 particular process, there's some questions.

5 I just want to make sure that I really
6 have accurate in your answers 'cause being familiar with
7 the issue. One was very quickly you brought up the wind
8 resource assessment. During the wind resource
9 assessment that was in your presentation, is user
10 conflict and the consideration of user conflict part of
11 that assessment? Because without formal Council
12 involvement with -- I'm trying to find out where on the
13 list. And that's prior to the leases being given. So
14 is user conflict in those areas a targeted, a formal part
15 of that procedure prior to the lease being issued?

16 BRIAN HOOKER: It is in the context of
17 citing of a single turbine, not in the sense of -- citing
18 of a single meteorological tower or buoy. So it's not
19 assuming exclusion from an entire area. We're only
20 anticipating a few meteorological buoys or towers within
21 each of those areas. So it's within that context that
22 we look at user conflicts.

23 PATRICK PAQUETTE: I'm sorry. I just
24 got confused again, so let me see if I can ask it. I'm

1 talking about prior to the lease being issued, not prior
2 to the NEPA process of an activity on the grounds after
3 the lease.

4 The initiation is the lease of when
5 something goes, when you're selling the rights to use
6 that area. Is the gear conflict analyzed before that?
7 Because it sounds like it's not.

8 ERIN TRAGER: Well, we have a number of
9 different steps when we look at possible user conflicts.
10 The very first one is when we convene the task force and
11 collect information about what uses are already out
12 there, and we try to identify areas that are avoiding
13 those use conflicts. And, again, that's not -- you
14 can't avoid everything. So we do that as much as
15 possible and identify an area we consider for leasing
16 up front. And then the next step is doing our analysis
17 of the potential impacts of certain activities on that
18 area. And that would be, again, another opportunity for
19 us to look at use conflicts.

20 That would be an opportunity for us to
21 look at what the impacts of fishing or traffic or other
22 uses, for instance. And then there's a third
23 opportunity when we look at the actual construction, and
24 we evaluate the potential impacts of construction where

1 we again look at what are the impacts or potential
2 impacts of that construction activity, operation
3 activity, anticommissioning activity on the existing
4 uses of the area. So we do revisit that quite a bit.
5 We attempt up front to identify areas that are low user
6 conflict wherever possible.

7 PATRICK PAQUETTE: Okay. That being
8 said, because I think you clearly answered it though.
9 The Coast Guard analysis that you referred to once again
10 comes during the NEPA process and after a lease has been
11 issued prior to construction but after a company has been
12 given the rights to use or to fully develop.

13 In Washington D.C. when we leave the
14 bureaucracy and we get to the company that has been
15 issued a promise of use of the area, so Coast Guard
16 analysis outside of just the user conflict and
17 everyone's going, hey, there's a lot of fishing going
18 on there, but we're going to lease this area out, now
19 we've also got this Coast Guard safety analysis that's
20 going to happen. And I will tell you that being one of
21 a representative of one group that's written one of the
22 seven letters requesting formal, formal response to
23 access questions regarding Cape Wind, the answers have
24 been clearly made.

1 So I would disagree with the answer you
2 gave to this Council, and I want that story to be clear.
3 The only Coast Guard decision that has been made is
4 regarding the single test driven and not the proposed
5 farms.

6 The Coast Guard has clearly stated that
7 until there is a NEPA process, they're not going to
8 answer the question of access to what's going to happen
9 in Cape Wind. So it was almost misleading the way that
10 you just answered that to this council.

11 Only in the NEPA process will then the
12 Coast Guard make determinations about safety and about
13 access. So to say that the ongoing development of
14 what's going on in Cape Wind, it is still likely that
15 there is going to be an area there closed.

16 There's great data, and a lot of us
17 fishermen are looking at that area going, jeez, there
18 is the potential for the stuff that John McMurray spoke
19 about. The problem is that nobody -- not once in the
20 process has there been any indication that it's not going
21 to get closed for safety, insurance, and navigation. So
22 that hasn't happened yet. And one of the issues that
23 while we're watching this is that this process has to
24 consider these things prior to issuing a lease and giving

1 a wink and a nod to a company who invest a bunch of money
2 in an area. And it's sort of like -- I could go on and
3 on. But you said --

4 COUNCIL CHAIRMAN RICHARD ROBINS: We're
5 not going to go on and on.

6 PATRICK PAQUETTE: -- full
7 consideration is not after you issue the lease. So,
8 please, you know you have to give the public --
9 unfortunately, Mr. Chairman, we haven't been given the
10 opportunity to comment on the process of BOEMRE in the
11 public's eye yet. It hasn't been done fully at least
12 in New England that we've been able to comment on the
13 process prior to the lease.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Patrick, the issue of access is obviously an
16 overwhelming concern --

17 PATRICK PAQUETTE: Absolutely.

18 COUNCIL CHAIRMAN RICHARD ROBINS: --
19 for the fisheries, for the Council. It's an open
20 question at this point in time. But that is going to
21 be a recurring concern as we go forward, and I totally
22 appreciate that. But I do need to move on.

23 PATRICK PAQUETTE: To state that Cape
24 Wind does not have access restrictions is not honest.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Right. And I need to move on, Patrick. Are there any
3 other questions in the public? Dave Wallace. And if
4 we could please be concise. We are running behind.
5 Thank you.

6 DAVID WALLACE: Dave Wallace. I wanted
7 to go back to the notion of the National Ocean Policy
8 and marine spacial planning. This list really disturbs
9 me that this whole process could wipe out a whole huge
10 area of the Atlantic coast without actually being
11 considered in marine spacial planning whatsoever. And
12 if, in fact, there become exclusion zones around all of
13 the arrays which then become the factor or NPAs and if
14 the wind power folks do what the oil industry does, and
15 that is when their platforms are no longer in operation
16 they're supposed to be removed, but they don't get
17 removed, and so what we would end up having is all of
18 these towers all over the ocean with the scour mats which
19 are a major problem as far as bottom tending roller gear.

20 We're going to end up in a situation
21 where even if there is a bomb put up to remove the tower
22 and remove all the cables and the scour mats, if there's
23 not enough money it just won't get done. I was involved
24 in New Jersey to have the Atlantic cables landing in New

1 Jersey. Then we need a whole series of restrictions
2 because the AT&T and British Telecom and all those folks
3 once the cable went blank, they didn't even remove them,
4 and they were owned by consortiums, and everybody said
5 we don't own it. And so we couldn't put the finger on
6 them, you remove it. And I can tell you but we have been
7 hung up in more gear forever because they don't want to
8 live up to their responsibility.

9 And I can guarantee you that the people
10 who build these windmills as soon as they have a major
11 failure of the turbine close to the end of the lease,
12 they're going to just abandon them.

13 And so I think that this process is way
14 ahead of marine spacial planning, and it needs to be
15 considered in the total context and not just the first
16 step from when we're going to get to study it so we'll
17 know how to have marine spacial planning. It you take
18 out most of the ocean and then there are exclusion zones,
19 you've just put us out of business. Thank you.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Ted,
21 any comment?

22 TED BOLING: Well, we appreciate your
23 comments. Those kinds of conflicts are exactly why
24 we're proceeding in a very step-by-step fashion, and we

1 planning process that is in the end is going to be putting
2 a lot of different considerations for a lot of different
3 uses on the table and in drawing priorities and policies
4 to guide development of the EEZ over the course of time.
5 In this case, though, we've got a NEPA consultation
6 process. You're taking that information from various
7 user groups, fishery management councils, NOAA
8 Fisheries, but ultimately it comes to BOEMRE and then
9 some sort of permitting and leasing initially is derived
10 from that. Who makes these decisions? Who will do that
11 priority setting?

12 A lot of these priorities are going to
13 involve trade-offs. They're going to involve a
14 spectrum of impacts. There's no black and whites. We
15 all know in fishery management there are no black and
16 white answers. And who are going to make those
17 determinations, and what are their qualifications?

18 ERIN TRAGER: I believe you've hit the
19 challenge of CMSP in general, and that is there are a
20 number of different users and a number of different
21 agencies that have to meet a number of different
22 regulatory statutes, and that will be a challenge.

23 I believe the national meeting of the
24 Ocean Council for states and more local participants

1 will be taking place this summer. I believe it's in
2 June. And that will kick off a lot of this information
3 gathering, data collection. And I'm sure that this will
4 be a process.

5 Certainly, I know that DOI and BOEMRE we
6 are one of those agencies, one of those parties, and we
7 have our statutes to follow, and that includes leasing
8 the sea bed for energy development, consideration of
9 that purpose as well as sand and gravel. So we don't
10 have the answers for CMSP in general, but that will be
11 the challenge. And we're doing the best we can in our
12 own process to balance the needs and identify user
13 conflicts.

14 TED BOLING: Let me just add just
15 generally. I mean you've done a very good distillation
16 of the heart of the problem of governance, the governance
17 challenges identified by the National Ocean Commission
18 and the task force that yielded the Executive Order on
19 Ocean Policy. And coastal marine spacial planning is
20 a vehicle to try to resolve those issues.

21 But still -- you know, you have the
22 central problem of many different agencies with their
23 own decision making authorities, and how do you
24 coordinate that. The NEPA process that we're doing here

1 is an intensively coordinated process to try to resolve
2 those issues and proceed in a way that does not undermine
3 broader coastal marine spacial planning.

4 Works with those principals as best we
5 can during the coastal marine spacial planning process
6 but syncing up the decision making with coastal marine
7 spacial planning as those planning products become
8 available.

9 JOHN WILLIAMSON: In the end work with
10 the information as best we can, make the decisions as
11 best we can. Who will make the final permitting
12 decisions? Who has the final authority to make the
13 permitting decisions that will have impacts on
14 fisheries, access, and will have any impacts on marine
15 ecosystems?

16 TED BOLING: And with regard to a
17 particular type of outer continental shelf use that
18 we're talking about, Congress has assigned that
19 responsibility to the Secretary of the Interior.

20 And the people who are making those
21 decisions for the Secretary of the Interior are marine
22 ecologists, marine policy people or energy policy
23 people. We have a full interagency teams. We have a
24 great wealth of expertise at BOEMRE including some

1 former fishery management council staff.

2 I don't mean to mix the two. I know
3 quite well there's a distinction there. But an
4 intensive interagency process to make sure that we are
5 garnering the best expertise and making the best
6 decisions. The (inaudible) is smart from the start.
7 We try to be smart from the start recognizing that the
8 number of user conflicts has been identified here and
9 trying to find the best locations for wind energy
10 development.

11 JOHN WILLIAMSON: And just on the
12 decisions, they will not be made by people at NOAA
13 Fisheries analyzing data that they have developed?

14 TED BOLING: NOAA Fisheries will make
15 the decisions that are within their jurisdiction to
16 make; and otherwise we consult with each other on the
17 implications of the decisions that are within the
18 Department of the Interior.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
20 you. We're going to have to move on, but I'm going to
21 take one more question. Lars Axelson.

22 LARS AXELSON: Lars Axelson, a lifelong
23 user, I guess, of the areas that you've mapped out in
24 today's presentation. Just a couple of observations

1 and a question. If you put that slide up that you had
2 showing the map outside of Delaware Bay or off of
3 Atlantic City. Either one will do. That will help me
4 to make my comments real quick. That one.

5 I've worked every inch of that bottom
6 since I was 12 years old. It's a high-traffic area, as
7 you probably already know. We nicknamed both entrances
8 Tugboat Alley including the one up there off Atlantic
9 City.

10 And that little piece of white bottom
11 that doesn't have any color between the green and the
12 orange that's a deep area of water. There's the north
13 bank, south bank. It's very, very productive in regards
14 to flounder. In the old days they'd say the old ground
15 sea bass and that kind of thing. I'm thinking more along
16 the lines of safety. There's a lot, a lot of wreckage
17 out there due to northeasters and hurricanes and sunk
18 barges. Barges get away from tugboats. So they're a
19 big user group of that area coming down through there
20 both from the south and from the northeast. Presently,
21 that bottom is used quite a bit by the recreational
22 community. There's some pot fishermen, gill net
23 fishermen that work in that area.

24 But the menhaden fleet works that area

1 extensively off Atlantic City. Basically, everything
2 that you've colored is a school of fish will go through
3 there and a seine can be wrapped around there. Last
4 summer I had the privilege of being a spotter pilot, and
5 it was funny because I had a GPS in the airplane, and
6 I track where I've been flying spotting fish; and, of
7 course, when you're circling the boats, you generate a
8 big little circle on the map, and I could almost inlay
9 my GPS circles of where these sites are. It's pretty
10 amazing.

11 So that being my observation, here's my
12 questions. You had mentioned mitigation. I guess it
13 has a lot of meanings, so I'm going to ask the question
14 this way: In parts of the world where wind farms have
15 already been put in, what kind of mitigation or I assume
16 monetary help or buy out of fishermen that have been
17 displaced, or is it just like any domain where the fish
18 are (inaudible), so what has been done in the past in
19 other countries, i.e., off of England or even off of
20 Denmark and Sweden now? Because I've got a lot of
21 displaced fishermen family over there that in reality
22 because of the total process including all the agencies
23 that have just been mentioned they are no longer
24 fishermen. At least 40 of my fellow cousins and second

1 cousins are now fishing in Morocco with a hired hand.
2 I'm a captain, and I know how to catch fish, and that's
3 where they go fishing now. They no longer fish off the
4 coast of Sweden.

5 Some of them said: You know what, we're
6 going to invest in wind farm tending. So that's what
7 they've done. They've invested some of their
8 mitigation monies, if you will, into keels that can
9 operate vessels that service, building, take people in
10 and out to these towers.

11 So, as a safety issue, I'm concerned
12 about Tugboat Alley, northeasters, steamer traffic; and
13 when the fog sets in, it's bad. I've been every inch
14 of that bottom playing dodge ball with steamers and
15 tugboats and other fishermen. So that's just my
16 observation and question. Thank you.

17 COUNCIL CHAIRMAN RICHARD ROBINS: Ted,
18 do you have any information about other mitigated
19 models?

20 TED BOLING: Actually, Erin, do you want
21 to go?

22 ERIN TRAGER: Actually, I do not have
23 information with me about how they have handled loss of
24 areas for fishing in the UK and in Denmark. I do know

1 different countries have different laws. I know that
2 in certain countries there are no restrictions to
3 fishing in and around the wind facility, and in other
4 countries there are for safety precautions. But that's
5 an area I would actually like to learn more about, so.

6 BRIAN HOOKER: I really do appreciate
7 your observations there, and I think that's important
8 context for as we consider what's the right way to go
9 about wind energy development in the United States
10 learning from the impacts in Europe where it has been
11 farther ahead of us, much more heavily subsidized than
12 the United States would ever do and has done.

13 And then also we don't have present
14 BOEMRE authority with regard to fishermen's
15 compensation in the alternative energy context.
16 There's one in the oil and gas context. Those are
17 exactly the kinds of considerations we want to make sure
18 are factored in every step of the way. Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
20 you. And thank you all again, Ted, Erin and Brian, for
21 your presentation. We appreciate this opportunity.
22 With that we'll take a 10-minute break and come back at
23 35 after, and we'll hear from Howard King. Thank you.

24 [Break: 11:26 a.m. to 11:39 a.m.]

1 COUNCIL CHAIRMAN RICHARD ROBINS: All
2 right. At this point, I'm going to turn to Howard King.
3 Howard's going to give us a brief update on the
4 development of Amendment 6 to the monkfish FMP. And I
5 know Jim Armstrong is on a PDT conference call today on
6 monkfish, so he may have some additional updated
7 information on where the PDT stands. Howard.

8
9 UPDATE ON AMENDMENT 6 MONKFISH FMP

10 HOWARD KING: Thank you, Mr. Chairman.
11 I'll make this as brief as possible but try to cover all
12 the bases. I'd like to mention, too, that Erling Berg
13 and Pete Himchak were also on this joint monkfish
14 committee with the New England people and that Jim
15 Armstrong is our support system with the Mid-Atlantic
16 for monkfish.

17 As some background, monkfish is not
18 overfished, and overfishing is not occurring. The
19 Amendment 6 process is a little different from a usual
20 amendment because it's a scoping process. It has not
21 set out a specific proposal with alternates, with
22 alternatives for consideration. It was almost a
23 town-hall type process.

24 We conducted 10 scoping meetings,

1 hearings actually, all along the New England and
2 Mid-Atlantic coast. The monk fishery is markedly
3 different. It's prosecuted markedly differently in the
4 New England area as opposed to the southern area.

5 In fact, there is a geographical
6 boundary. There is a northern management area and a
7 southern management area. Massachusetts straddles
8 that line. At the 10 monkfish scoping meetings, we
9 heard from -- they were all well attended, by the way.
10 And comments ranged, of course, from: Hell, no, to: We
11 can develop a better process for this monkfish fishery.

12 Catch shares were mentioned, but there
13 were other ways that were mentioned that could improve
14 the current management regime that was short of catch
15 shares.

16 In New England the groundfish fishery is
17 managed by a sector management, which is defined
18 differently from catch shares in Magnuson Stevens. The
19 sectors are allocated quota, and then the sectors are
20 administered and in turn allocate to individual
21 fishermen.

22 One of the bugaboos during the scoping
23 process was that catch shares when proposed have to be
24 approved by a two-thirds referendum of the fishermen,

1 and that could include crew and other participants in
2 the fishery, not just the people who own the nets and
3 own the boats.

4 Those same ground fishermen that are
5 operating under a sector also catch monkfish. Monkfish
6 is managed by input, such as days-at-sea, effort
7 management and not by quota. So the ground fishermen
8 for the most part would like to see an allocation system
9 that gave them shares of monkfish. The southern
10 management area is managed by days-at-sea. There are
11 no sectors.

12 The 10 monkfish scoping meetings were
13 followed by an advisory panel meeting that was also well
14 attended. There was only one advisor that was not
15 there. And the advisors were very forthcoming. Again,
16 the comments of the advisors ran the gamut. There was
17 no clear consensus at that meeting, but most of the
18 comments that even suggested catch shares were met with
19 opposition, that catch shares was not a preferred
20 alternative for the majority of the advisors. This in
21 part is due to some of the anecdotal comments that
22 fishermen in the southern management area receive about
23 sectors.

24 I understand there's a report due soon

1 on the performance of sectors, but to date I haven't seen
2 it. And most of the comments that make its way around
3 the community are damaging to the idea of sectors or the
4 catch shares. So there's a lot of misinformation out
5 there perhaps, which is taken as factual information.
6 So I think we have a long way to go before we really know
7 how sectors are performing.

8 Given the differences in the management
9 structures for the north and the south management areas
10 and given the breadth of the scoping comments, the
11 Monkfish Oversight Committee when they met two weeks ago
12 decided to task the plan development team to investigate
13 the north and south management areas operating
14 separately either with monkfish considered one unit
15 stock as National Standard III advises, or if in fact,
16 we could even manage under separate management plans.
17 That would be one way that we might be able to improve
18 the fishery structure and management in New England and
19 also be able to satisfy the southern management area for
20 their respective needs.

21 Within the southern management area,
22 there is a submanagement area where Category H permits
23 operate, and this is the very southern end of the
24 southern management area. There are six Category H

1 active fishermen, but they are so restricted in terms
2 of geographic area and time in which they can fish that
3 the advisory panel reflecting on some of the scoping
4 hearing comments felt like they deserved some attention
5 as well.

6 So we're talking about two major
7 management areas, north and south, and the extreme
8 southern southern management area where Category H
9 fishermen operate. So the PDT has been tasked with
10 coming up with some concepts based on what we've heard
11 and what we currently know.

12 And as the chairman mentioned, Jim
13 Armstrong has just come off of a conference call with
14 other members of the PDT just going over what the issues
15 are and what approach we might take. I don't have a good
16 idea for the timeline on this. Perhaps Jim does. But
17 with that, I will conclude my report and point out that
18 you do have a written summary in front of you which
19 includes an RSA issue that the Monkfish Committee also
20 took up. I'm not going to go into that because I think
21 it's self-explanatory. So, given our time constraints,
22 I'll conclude my report and take any questions after I
23 refer this to Jim.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Thanks, Howard. Jim, do you have any information you
2 can share with respect to today's conference call?

3 JAMES ARMSTRONG: I guess a little bit.
4 Thanks, Mr. Chairman. They may still be talking right
5 now. It was a 9:45 call. There were several, I guess,
6 aspects that the PDT was going to look at. The task is
7 to develop a white paper, and the white paper is supposed
8 to address and explain all the considerations involved
9 in either moving from two distinct -- from the current
10 management system to within a single FMP two distinct
11 management approaches in the northern and southern
12 fishery management area or what would be involved in
13 splitting into two FMPs with New England running the
14 northern area and the Mid-Atlantic the southern area.

15 So the first set of questions addresses
16 the legal considerations. In fact, if there's a very
17 quick no on that, then the rest of it's kind of mute.
18 We don't have an elaborate response.

19 The New England Council's general
20 counsel, Representative Gene Martin, advised that if the
21 councils can justify either splitting it -- within an
22 FMP we're splitting the FMP into two FMPs, then it can
23 be done. I asked the pointed question during the PDT
24 call: Well, how does one measure whether it's been

1 adequately justified or not? Because it sounded to me
2 like the answer was kind of, well, if you can do it, you
3 can do it.

4 And I didn't really get an answer that
5 satisfied me, but it sounds like that was in the details
6 I guess is the kind of general response to that. So it
7 seems possible that either of those changes could occur.

8 And then we go into whether I guess it
9 would be a good idea -- or what would we have to consider,
10 not necessarily whether it would be a good idea, but if
11 we go in one of those directions, what are the biological
12 concerns, the administrative concerns, socioeconomic
13 concerns, other things like that.

14 And we only got while I was on the call
15 through the biological and some of the administrative
16 issues. Biologically there seems to be a lot of
17 evidence -- this is actually a single stock, and even
18 though there are reference points for a northern area
19 and a southern area -- and I asked how that can be --
20 and it seems that the assessment is actually mired in
21 political history which has split the stock into two
22 areas; and, therefore, the assessment addresses it that
23 way whether that's the best approach or not. And, in
24 fact, if we don't move from the current structure, we

1 may have a single assessment at some point in the future
2 that we'd have to deal with allocation issues at the very
3 least. So there's a lot of evidence that there's a
4 single stock here.

5 And then the questions that are from an
6 administrative standpoint that need to be addressed
7 include: the extent of fishing that occurs in both
8 areas and exactly what the permitting structure might
9 be if there was going to be a distinct southern area
10 versus a northern area, how you would take an FMP that
11 addresses one or the other and the permits that are
12 established through that FMP and then somehow ensure
13 that the fishing that occurs there stays there.

14 Or how does that happen? We didn't have
15 any answers, but that's something that we'd have to
16 elaborate on. And also how would accountability
17 measures be dealt with? If you've got a single stock
18 and one area goes over, if you've got two FMPs, who pays
19 that back? I mean, certainly we'd like the offending
20 party to pack it back I guess.

21 So work will continue to address all the
22 different aspects of what's going to be considered.
23 And, of course, I asked them when we think we'll be done
24 with that, and it looks like probably about a month. And

1 that's about it.

2 COUNCIL CHAIRMAN RICHARD ROBINS: So
3 you think this white paper would come back to the
4 committee and then perhaps back to the Council by the
5 next council meeting?

6 JAMES ARMSTRONG: Yes. I think that's
7 a target. It could happen within the two-month cycle.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Pete
9 Himchak.

10 PETER HIMCHAK: Yes. Thank you,
11 Mr. Chairman. I'd just like to focus on the summary
12 report from the joint meeting on page 2, the consensus.
13 And this white paper to me is critical in moving forward
14 with Amendment 6, and the white paper needs some
15 definitive answers from NMFS general counsel before we
16 go down paths that we're not sure we can do.

17 You know, we have to get questions
18 answered immediately on how to conduct a referendum.
19 I've heard a lot of concepts. And the white paper will
20 focus all of these questions to get NMFS general counsel
21 for the two councils guidance.

22 I can only speak for the New Jersey
23 contingent, but we do get a lot of letters. The advisory
24 panels they're getting very polarized on this issue.

1 And the southern region and all our guys in the southern
2 region in not only our major fishing ports but we're
3 getting people signing on from other states. They feel
4 like they're being coerced into a direction that they
5 want no part of. And Amendment 5 is just being
6 implemented May 1st of this year, and it essentially
7 gives them everything as far as the safety element, trip
8 limits, days-at-sea, fish for time. All the issues that
9 were critical to the southern management area were
10 addressed in Amendment 5, so they're pretty much happy
11 campers right now, and they feel like they're getting
12 a little coerced into a process that they don't want to
13 go in.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Thanks, Pete. Steve.

16 STEVEN SCHAFER: Thank you,

17 Mr. Chairman. I want to reinforce all of the comments
18 that have been made in the summary given by Howard and
19 just go on the record to say that being a member of the
20 Monkfish Committee and having attended all of the public
21 scoping hearings, I still see this as a Council for us
22 to have the opportunity for a long-term plan to design
23 a fishery that's not only economically viable but
24 prosperous, and I'd hate for that opportunity to go by

1 the wayside because of what happens in New England.

2 I know there are national standard
3 considerations, 4 and 7, but at least because of the
4 current stock status and the representation of the
5 stakeholders, I do honestly believe that this council
6 has a golden opportunity in front of it to show its
7 concern for the economics of the commercial fishing
8 industry.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
10 you, Steve. It sounds like there are opportunities
11 certainly to continue to improve the management of the
12 fishery, but the sense I have from all of the comments
13 is that people want to go slow.

14 I know some of the constituents have
15 raised questions about whether this would relate to our
16 visioning process. I think we're willing to see it on
17 a somewhat slower track. That's the sense that I have
18 from some of the calls I received.

19 But I appreciate all the work you all
20 have done with the joint committee, attending the
21 hearings and bringing us the feedback. So I think this
22 is a very helpful update, and we'll look forward to the
23 next council meeting and hopefully some more output from
24 the PDT and committee. Howard.

1 HOWARD KING: Perhaps Pat or George
2 could answer this. Is there a performance report due
3 out soon on sector performance?

4 PATRICIA KURKUL: Yes. We hope soon.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
6 you, Howard. All right. With that we'll move into the
7 business session.

8
9 APPROVAL OF FEBRUARY 2011 MINUTES

10 COUNCIL CHAIRMAN RICHARD ROBINS: And
11 first order of business is to approve the February 20,
12 '11 minutes. They've been circulated. Are there any
13 changes, modifications, edits to the minutes as
14 circulated? Seeing none, we'll approve those by
15 consent. Dr. Jim Weinberg, I know, has to leave shortly
16 to catch a flight, so I'm going to ask if we could go
17 ahead and have the Science Center report. Jim or Frank.

18
19 NMFS NEFSC DIRECTOR REPORT

20 DR. JAMES WEINBERG: Thanks for
21 accommodating me. And Frank can add to anything that
22 I leave out. I'll start out with the assessments that
23 have been done recently. SARC 51 took place this
24 winter, and it included lolligo and the hake species.

1 And I've diverted to you on the results of that meeting
2 previously.

3 The next SARC No. 52 is scheduled for
4 June 6th, the week of June 6th, and it includes three
5 New England stocks, the three winter flounder stocks.
6 And the working groups are getting active right now to
7 do those assessments.

8 And the peer review meeting will be
9 June 6th to the 10th in Woods Hole. The Center will also
10 be active doing again for New England their groundfish,
11 catch and survey analyses that are required every two
12 years for Amendment 16, and the Center is supporting
13 those analyses through an expanded PDT.

14 We also have the track scheduled. Which
15 I'm not sure if it's happening in June or July this year,
16 but it includes the Eastern Georges Bank stocks of cod
17 and haddock and the entire Georges Bank yellowtail
18 flounder. Then for Mid-Atlantic Council we'll be doing
19 the updates on bluefish, black sea bass, scup, fluke,
20 and later into the fall the dogfish update. Then the
21 next benchmark assessments coming next fall and winter
22 will be in SARC 53, and black sea bass is on the agenda
23 then as well as Gulf of Maine cod.

24 Then the following spring SARC 54 will

1 be southern New England, yellowtail flounder, and
2 herring. And along with that we'll have another track
3 and more Mid-Atlantic updates.

4 And I just wanted to repeat what some of
5 the discussion that happened earlier in this meeting,
6 that we have an ACO working group that's very large, and
7 we're transitioning to a different process. The
8 transition will be occurring in 2013, and we'll be
9 reporting to you as that process develops.

10 Then discussing what's going on with
11 surveys. The ecosystem survey branch -- first of all,
12 the schedule for the surveys, the bottom trawl survey
13 is in progress. It started in late February and will
14 continue until May 12th.

15 The sea scallop dredge survey is
16 scheduled from May 11th to July the 1st. The clam dredge
17 survey is scheduled for July the 5th 'til August the
18 12th, and that will be the last clam dredge survey that's
19 done on the NOAA research vessel Delaware. After that
20 there'll be a transition to an industry platform. And
21 we also have scheduled the northern shrimp survey in
22 mid-July through mid-August. There are plans for two
23 pilot projects using optical survey technology, one
24 scheduled for April and another for June. And those two

1 projects involve the ARENAS camera. It's an autonomous
2 underwater vehicle. And the other project will be with
3 the stereo webcam system.

4 Now, as you know, we came close to having
5 a government shutdown, but it didn't happen. But if it
6 had happened, it would have been very disruptive to the
7 Bigelow trawl survey which is underway. And Frank may
8 want to comment on that.

9 But the final thing I wanted to report
10 is that there have been significant reductions in the
11 research vessel sea days at our center, and this has
12 caused us to cancel several cruises for the coming year
13 including the ecosystem monitoring benthic habitat,
14 apex predator, and protected species cruises.

15 So the bottom trawl survey has not been
16 cut. That will continue. And the clam survey, the
17 scallop survey, those are all going to continue. But
18 these other surveys which I've mentioned have been
19 cancelled.

20 FRANK ALMEIDA: The certification and
21 (inaudible) abundance survey has actually been cut back
22 from 60 to 45 days, but it hasn't been cancelled.

23 DR. JAMES WEINBERG: And that concludes
24 my report. I'd be happy to answer any questions. Thank

1 you.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Jim,
3 thank you for the report. You pointed out that SARC 53
4 which will be done in December will include black sea
5 bass. And we'll have comments on those terms of
6 reference that are being developed through our SSC and
7 staff and submitted later this month. So we'll be
8 commenting on that. I know there will be questions
9 about stock structure.

10 The Council has already initiated an
11 amendment that would consider some of those questions,
12 and so it will be very important that we have supporting
13 scientific advice that would relate to that. Any
14 questions for Jim? Thank you very much for the report.
15 With that I'll go to the regional administrator. Pat,
16 if you're ready.

17

18 NMFS REGIONAL ADMINISTRATOR REPORT

19 PATRICIA KURKUL: Thank you, Mr. Chair.
20 The final bluefish specifications for 2011 published in
21 the Federal Register on March 31st and will become
22 effective on May 2nd. The Council recommended a
23 commercial quota of approximately 9.1 million pounds and
24 recreational harvest limit of 17.3. These amounts

1 assume the full 3 percent research set aside would be
2 deducted; however, only 105,000 pounds of the bluefish
3 RSA was requested, so the specification amounts,
4 recreational harvest limit, and the commercial quota
5 were revised upward to reflect that. Tilefish cost
6 recovery, the 2010 IFQ cost. Rebills were issued to
7 each of the 13 tilefish allocation holders on March 23rd.

8 The total recoverable costs were just
9 over \$21,000 representing approximately .424 percent of
10 the ex-vessel value of the fishery. Payment of any
11 outstanding balance is due by May 7th, and we do have
12 an online -- ability to pay online through our fish
13 online website.

14 A detailed report on how the recoverable
15 costs were determined is being prepared, and we will
16 provide that to the Council at our upcoming council
17 meeting. For mackerel, squid, and butterfish, the 2011
18 specifications published in the Federal Register on
19 February 14th and were effective upon publication.

20 Subsequently, as a result of a revision
21 in the SSC advice on butterfish and at the request of
22 the Council, we did publish an emergency rule. That was
23 on March 15th, again, effective on publication to
24 increase the butterfish ABC for the 2011 fishing year.

1 The comment period on that closes today, April 14th.

2 And let's see. Amendment 15 to Atlantic
3 sea scallops notice of availability was published on
4 March 24th, and the proposed rule was published on April
5 11th. The comment period on the amendment closes May
6 23rd. The comment period on the proposed rule closes
7 May 26th. Amendment 15 includes the ACLs and
8 accountability measures for scallops, a revision to the
9 overfishing definition, some modification to the
10 essential fish habitat, and some adjustments to the
11 limited access general category fishery.

12 Dogfish specifications. The proposed
13 rule for 2011 published in Federal Register on
14 March 17th, and the comment period closes on
15 April 18th. The proposed rule increases the quota from
16 15 million to 20 million pounds for 2011 and maintains
17 the current possession limit of 3,000 pounds.

18 I want to make everyone aware that at the
19 request of the New England Fishery Management Council
20 we did establish a control date relating to a potential
21 for developing accumulation limits in the
22 New England groundfish fishery. The control date is
23 April 7th.

24 And I think you're all familiar with what

1 a control date is. Basically, it's notification to the
2 public that the Council is considering developing an
3 action to limit the ownership in the fishery basically.

4 We did talk a little bit last night at
5 the public listening session about the cod bag limit
6 issue. This has come up several times over the last
7 couple of months for cod bag limits outside the Gulf of
8 Maine in regular and mesh area. For private vessels
9 there is a 10 cod per person per day bag limit; however
10 there is no bag limit for cod for party charter vessels.
11 At the last Groundfish Committee meeting, the Groundfish
12 Committee did vote unanimously to recommend that the
13 Council consider including an option in Framework 47 to
14 create a 10-fish bag limit for all recreational vessels;
15 however, since this fishery does peak in the January
16 through March time period, Framework 47 won't be
17 effective until May of 2012.

18 I know that New York has initiated rule
19 making. I don't know if they've finalized it or not.
20 They have rule making for harvest to restrict anglers
21 to a 10-fish bag limit. I would encourage other states
22 to consider following suit. It's certainly a
23 short-term way anyway of having the bag limit be
24 effective for the peak of the next fishing season.

1 We talked a little bit in the Executive
2 Committee, and then Jim also mentioned our NRCC meeting
3 this past -- two weeks ago. The primary agenda item,
4 of course, was this issue of consideration of an
5 alternative way to look at doing stock assessments for
6 the two councils. And so I won't say anything more on
7 that. I think Jim and Rick both talked about it a little
8 bit and maybe even Chris this morning. We did
9 establish, or we are continuing the work group that has
10 been working on this, and they will report back to the
11 NRCC at our fall meeting. In addition, we did also agree
12 to establish a work group to look at the issue of
13 baselines in fishery, what we call the 10-10-20 Rule --
14 10-20 Rule, which is the restrictions on length, tonnage
15 and horsepower in each of our fisheries and whether or
16 not there is any way to streamline that or relieve the
17 restrictions, whether they're still necessary in all the
18 fisheries.

19 And we also agreed to an FMAT for
20 completion of the SBRM three-year report, as Paul
21 indicated in his report. So those are the major NRCC
22 agenda items. And that's all I have, Mr. Chairman.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Excellent report, Pat. And thanks for your prompt

1 action on our request for action on butterfish. Are
2 there questions for Pat of her report?

3 BOB O'REILLY: I do.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Yes,
5 Bob.

6 BOB O'REILLY: Thank you, Pat. I just
7 had a question. Did you say the 18th was the final date
8 for the public comments on spiny dogfish?

9 PATRICIA KURKUL: Spiny dogfish comment
10 period closes April 18th. Right.

11 BOB O'REILLY: And what I wondered was:
12 Will the public comments can that have any bearing on
13 the 3,000 pound trip limit in federal waters; is that?
14 Can I guess is what --

15 PATRICIA KURKUL: It can. And, of
16 course, that's the purpose of the public comment, so you
17 can comment on both the overall quota as well as the trip
18 limits.

19 I would note that at the time anyway the
20 Council and I thought the Commission had agreed to a
21 similar trip limit, maintaining the 3,000 pound trip
22 limit, and so I'm not sure what -- both the councils --
23 I'm sorry -- both New England and the Mid-Atlantic
24 Council. And so I'm not even sure whether alternatives

1 good news. Thank you.

2 PATRICIA KURKUL: Thanks.

3 COUNCIL CHAIRMAN RICHARD ROBINS: Jeff.

4 JEFF KAELIN: Thank you, Mr. Chairman.

5 Pat, I wanted to ask you about the skate proposed rule
6 that just came out where the agency disapproved a portion
7 of what the New England Council did. Our gill net
8 fishermen in the Mid-Atlantic wanted to see that
9 incidental allowance go up to 1250 pounds. The agency
10 disapproved that portion of it.

11 The comment period I think ends on the
12 19th. The New England Council, however, doesn't meet
13 until the following week, and I wondered if there was
14 any opportunity to postpone the comment period or extend
15 the comment period until after the Council meets. The
16 staff at the Council wasn't even aware of the proposed
17 rule until I called them the other day. And Andy's been
18 tied up with the SSC meeting concerning the skate
19 assessments and so forth, and the coordination between
20 the two trawl surveys and whatnot. Is there any way you
21 could extend that until after the Council meets and has
22 a discussion about your action, please?

23 PATRICIA KURKUL: Well, theoretically
24 it can be extended. We haven't gotten a request to

1 extend it. Extending it, of course, delays this rule
2 even further, and we're already quite a bit behind on
3 this one. So that has to be part of the consideration,
4 too.

5 But at this point, we haven't heard
6 anything from the Council. This doesn't preclude the
7 Council from commenting. It just wouldn't be a full
8 Council discussion.

9 JEFF REICHLE: Okay. I'll get back to
10 you off line because I'm not getting anywhere with the
11 Council or the staff at the moment.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Any
13 further questions for Pat? Okay. Seeing none, I'll go
14 to Denise Desautels for the general Council report. And
15 welcome, Denise.

16

17 NOAA OFFICE OF GENERAL COUNSEL REPORT

18 DENISE DESAUTELS: Now, very quickly,
19 there's three litigation matters, the Third Circuit
20 upheld the scallop catch share management regime
21 litigation, General Category Scallop Fishermen versus
22 Locke. March 16th the Third Circuit affirmed the
23 New Jersey District Court decision upholding
24 Amendment 11 to the Atlantic sea scallop FMP. The

1 Appellate Court found that Amendment 11 lawfully
2 established and implemented a control date for
3 determining which vessels would qualify for the new
4 limited access permit and individual fishing quotas.

5 It also found that Amendment 11 is based
6 on best scientific information available consistent
7 with MSA's National Standard 2 even though there were
8 admitted flaws in the data used and to qualify vessels
9 for the fishery.

10 And three, the Court found that because
11 limited access measures helped curtail excessive
12 scallop landings, Amendment 11 did not have economic
13 allocation as its sole purpose, thus it was consistent
14 with National Standard 5.

15 Very quickly, Oceana versus Lock,
16 there's a challenge to a 2008 biological opinion. The
17 Atlantic scallop fishery was the species. The
18 plaintiffs filed a motion for summary judgement, and we
19 responded with our rebuttal brief on April 18th.

20 And then finally on April 1st, a
21 recreational fisherman filed a complaint challenging
22 Amendment 4 to the Atlantic herring FMP. That's Michael
23 S. Flaherty versus Lock.

24 Now, they alleged the amendment is

1 unlawful because it does not include shad and river
2 herring as stock in the fishery. And if it did, then
3 it would trigger the need to establish ACLs and AM. Can
4 I use acronyms? Okay. And then also that the ACLs and
5 the AMs do not sufficiently constrain the fishery and
6 that an EIS rather than an EA was required because it's
7 a major federal action. The complaint seeks the Court
8 vacate the rule and remand it back to the agency for a
9 new amendment and an EIS by May 1st, 2012.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
11 you, Denise. Any questions of Denise on her report?

12 UNIDENTIFIED: Welcome.

13 DENISE DESAUTELES: Oh, thank you.

14 COUNCIL CHAIRMAN RICHARD ROBINS: Next
15 we'll go to the enforcement reports. Kevin, do you want
16 to go first? Kevin Saunders.

17

18 COAST GUARD REPORT

19 KEVIN SAUNDERS: Thank you,
20 Mr. Chairman. The Coast Guard just concluded three
21 operations. Operation Right Speed was aimed at
22 protecting the special management areas surrounding the
23 Atlantic right whales.

24 I'm happy to report that of the several

1 violations that we've gotten for that, zero were
2 commercial fishing vessels. We were targeting vessels,
3 of course that were over 65 feet long. So any vessel
4 over 65 feet long going more than 10 knots was subject
5 to us hailing them and informing them.

6 And no commercial fishing vessels were
7 subject to that. Mostly foreign vessels, motor
8 vessels, container vessels, that sort. We also
9 concluded our striped bass (inaudible). The majority
10 of that took place down off of North Carolina. Since
11 the last period where we had several violations, we only
12 had one additional settlement summary issued for \$400.

13 And lastly, we had one Marine Mammal
14 Protection Act violation. It was a fishing vessel that
15 had porpoise fins on board. We issued a \$750 summary
16 settlement for that.

17 We had a few marine protected species
18 responses that we assisted with. Most of those
19 recovered pretty well. And I'd like to move on to
20 commercial fishing vessel safety section. This starts
21 on page five. I'm happy to report that the termination
22 rate is down significantly. It's only one percent right
23 now.

24 So that's actually less than our

1 violation rate which is I think since the time I've been
2 briefing, it's the first time that's actually happened.
3 In addition to that, I've gotten a lot of questions over
4 the past couple months about the Coast Guard
5 Authorization Act and how that's going to apply to
6 commercial fishing vessel safety.

7 A number of the provisions of that act
8 are actually signed into law, and they're in effect.
9 One of them I'd like to just point out at this time is
10 the requirement -- this probably will go into effect in
11 2015 -- that's the deadline -- for survival craft. Now
12 boarding apparatus, any type of float device that you
13 have on board that a portion of your body would be in
14 the water, submerged in the water, that's not going to
15 applicable after 2015, so you're going to have to get
16 something that keeps you out of the water.

17 There's several other provisions of this
18 act that the details of it have not been worked out yet.
19 There's going to be a period after the Coast Guard
20 decides what we would like to implement for public
21 comment, and we would encourage you guys to do that.
22 Relay that to your constituents.

23 We're not there yet. We don't even know
24 what recommendations we're going to put forth for that

1 public comment, so I'll keep you informed when we have
2 the date and when that period comes open.

3 Just a little background on this act, why
4 this act came about. Actually, in 2008 is when the Coast
5 Guard initially looked at trying to bolster up its
6 commercial fishing vessel safety regulations.

7 Currently, as most of you guys know,
8 commercial fishing vessel safety requirements that we
9 have in place they're mainly for after a vessel sinks,
10 the safety precautions that we would take. There's a
11 big gap there. Ideally, the vessel would never sink.
12 So that's what this act addresses. And there are some
13 provisions that are going to go into effect. One of them
14 is going to be the requirement to have a yearly COC
15 compliance as opposed to the voluntary stickers. In the
16 past the stickers that we've issued only about 10 percent
17 of the commercial fleet has received these stickers, and
18 this would make it mandatory for everybody.

19 We don't have the infrastructure in
20 place right now to actually to do that; however, I would
21 encourage each one of you to relay to your constituents
22 to get on the list to try to get your inspection done.

23 October of 2012 is when this -- I'm sorry
24 -- October 2011 is when this is going to technically go

1 what you said. What is that?

2 KEVIN SAUNDERS: Thanks, Erling.

3 That's a certificate of compliance. The difference
4 between this and the sticker that you've seen in the past
5 is that theoretically if the vessel is terminated, we
6 can remove this certificate of compliance from the
7 vessel, and then you will basically have to return to
8 port, will not be able to fish again until you prove
9 you're able to meet the standards of the certificate
10 requirements, in which case we'll give it back to you
11 and you can continue fishing. Why I believe this is a
12 good thing: In the past we've terminated vessels, the
13 vessels have returned to port basically touched the
14 dock, and they're headed back out.

15 So that would require us to actually put
16 a (inaudible) on the vessel to keep them there to ensure
17 that they're in safety compliance before they return
18 back out. The COC will alleviate that additional step.
19 And that's the real purpose.

20 Once again, the goal is of this entire
21 act is to make the commercial fishing fleet safer and
22 not just in terms of they have the gear on board to save
23 them after they're already in the water, but to keep the
24 whole thing from getting to that point, so. Thank you.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Erling.

3 ERLING BERG: Yeah. Thank you. In
4 follow up, so would the Coast Guard inspect this vessel?
5 It wouldn't be a third party; this will be a Coast Guard
6 inspection, which I've advocated right along in getting
7 away from that third party. Is that what this involves?

8 KEVIN SAUNDERS: That's a great
9 question. I'm not exactly sure what the interim steps
10 we're going to take to get the number of examiners and
11 the fleet that we need to meet the needs of the fleet.
12 There could be a temporary period when there are outside
13 contractors assigned to help do this, but I haven't heard
14 anything about that yet. So I think our plans are to
15 do the best we can with the personnel that we have right
16 now and to hire additional personnel within the Coast
17 Guard to service this need.

18 ERLING BERG: Well, I really think the
19 Coast Guard should do this. I've been involved with
20 this for -- was involved with this; I'm no longer. But
21 the Coast Guard has historically in my view anyway done
22 a much better job on the port side examination than the
23 third party or outside parties have done, so. I'll rest
24 there. Thank you.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Other
2 questions? Greg DiDomenico.

3 GREG DIDOMENICO: This is a quick
4 comment or request really. In consideration of the new
5 Coast Guard rules even you're struggling with. If there
6 is any way the Coast Guard in each port or in each station
7 could do some education and outreach on what is going
8 to be asked of under new regulations of commercial
9 fishing vessels, it would be a huge help. I know I'm
10 sure your time is tight and resources are tight, but it
11 would be very, very helpful and most appreciated. Also,
12 considering the COC certification, I know you guys,
13 again, have staff problems or staff shortages, but if
14 there's going to be another layer of certification or
15 requirements on the industry, then you're going to need
16 more staff because we've had a few instances where people
17 have had to wait for vessel inspections, a guy to come
18 from Philadelphia or from Cape May.

19 It would really be helpful to cut the
20 amount of time for people that have to wait before they
21 can be released to go fishing or receive this COC or
22 whatever the requirements are. It would be a huge help
23 because people have had to wait, had several instances
24 where people had to wait before they could leave the

1 dock. So we'd appreciate it. Thank you.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Office of Law Enforcement, Tim Donovan.

4

5 OFFICE OF LAW ENFORCEMENT

6 TIM DONOVAN: Thank you, Mr. Chairman.

7 Tim Donovan, Office of Law Enforcement. I'm starting
8 off with the hiring of Don Fry, a former commercial
9 fisherman, in the regional office, fishery specialist.

10 Don started Monday as the new Northeast
11 compliance liaison position there in Gloucester;
12 although, he's going to cover the entire region. Don
13 will be working for the Office of Enforcement with the
14 regional office to improve communication with the
15 fishing industry. This is one of the highlights from
16 the IG's review of our agency. So this will be pilot
17 program started in the Northeast, and the other five
18 divisions will be watching us.

19 So, as Don gets out there, he'll be at
20 the Council meetings. He would have been here today,
21 but we had him down in Cape Cod yesterday for one of the
22 fishery information centers. You will see him at the
23 Council meetings.

24 And I'm certainly looking for feedback

1 as this program gets off and running this year throughout
2 the year. Please feel free to contact myself or Don Fry
3 and give us some feedback on how it's working.

4 But we're basically going to try to
5 improve our outreach efforts, our education efforts.
6 He'll be troubleshooting. He'll be your main point of
7 contact to help us equal communications.

8 We've also selected five uniformed
9 officers to date. They are in various stages of
10 training and relocating. We should have them
11 operational by late summer. And the agency as a whole
12 has also begun looking across the country where
13 enforcement officers will be increased as well. The
14 Special Master is completing his first round of case
15 review. We believe that a report will be provided to
16 Secretary Lock the end of this week or early next week.
17 Secretary Lock has rescinded his earlier decision and
18 is allowing for additional review of cases. I believe
19 that deadline was May 6.

20 The enforcement has developed -- I've
21 talked with him before, and I was really hoping to have
22 it available, but we missed our own deadlines. But the
23 annual priority setting process on national regional
24 priorities will be due -- will be out any day now for

1 public comment, and I'll make sure the council staff gets
2 copies of that report once it's available. And that
3 should be a one month public comment period.

4 We should have a new director on board
5 sometime this summer. We're in the stages of making a
6 selection or hiring, whatnot. So hopefully the new
7 director will be in place. Until then Alan Riser will
8 continue enacting.

9 Case wise we just had a recent conviction
10 in Boston of a Quincy, Massachusetts man for falsely
11 labeling frozen fish filets from China. Stan Delaney
12 was convicted of a felony violation of the Lacey Act.
13 The jury found that Delaney falsely labeled frozen
14 filets of pollock, a product of China, as cod, product
15 of Canada. The labeling pollock as cod is identified
16 by the FDA on the list of examples of substituting
17 seafood and economic fraud. As we look more into
18 opportunities to take a hard look at seafood fraud.
19 David Place of Nantucket was sentenced for 33 months in
20 prison for illegally importing and trafficking in
21 outlawed tusks and sperm whale teeth. He was connected
22 to the Ukrainian gentleman that was also sentenced last
23 year for smuggling those sperm whale teeth.

24 Up in Maine, two gentlemen pled guilty

1 to killing or attempting to kill federally protected
2 marine mammals and migratory birds.

3 We've got two cases ongoing in Boston
4 right now for observer assaults. A Rhode Island subject
5 was indicted on assault, and a Massachusetts man was
6 indicted on one count of sexual harassment and one count
7 of assault for observers.

8 So we're monitoring those cases, and we
9 should have some activity this summer on those two cases.
10 There's some media press. Unfortunately, I can't get
11 into any detail. Just to let you know that three New
12 Bedford fishing vessels were issued violations for
13 scallop fishing inside the Hudson Canyon enclosed area.
14 It's a joint investigation with assaults in District 1
15 and D-5. Possibly by the next Council meeting I'll have
16 more details. And also down in the Virginia Beach area,
17 we recently executed search warrants on an ongoing
18 investigation into charter boats for illegally fishing
19 striped bass. Again, those are both ongoing cases, and
20 I really don't have any details available for the public
21 right now. Thank you, sir.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Tim,
23 again, you said in Virginia Beach you've issued search
24 warrants related to illegal fishing activity on a

1 charter boat?

2 TIM DONOVAN: Correct. There's an
3 ongoing investigation into some charter boats that are
4 out there illegally fishing in the EEZ for striped bass.
5 Those warrants were issued probably about two weeks ago,
6 and now we're going through the evidence, and the case
7 continues.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
9 you very much. Questions for Tim? Steve.

10 STEVEN SCHAFER: Not a question, just a
11 comment. I applaud the fact that the sperm whale teeth
12 that somebody's actually doing some time. I'd like to
13 see the same in the case of Mr. Delaney. All too often
14 violators just end up paying a fine and remain in
15 business. And I think that jail time should be a strong
16 consideration in these cases.

17 TIM DONOVAN: Thank you, sir. No
18 argument from me.

19 COUNCIL CHAIRMAN RICHARD ROBINS: We'll
20 go to the ASMFC, Captain O'Shea.

21

22 ASMFC EXECUTIVE DIRECTOR REPORT

23

24 VINCE O'SHEA: Thank you,
Mr. Chairman. Behind Tab A there's the Commission

1 Report. I'd like to thank my fellow executive director,
2 Dr. Moore, for including it in the briefing book.

3 The Commission met March 21st through
4 the 24th in Alexandria, Virginia, Mr. Chairman. This
5 report is 28 pages long, and I'm not really even going
6 to come close to going through it, but I think the
7 Commission took action of interest for most of the
8 members here in the audience relative to actions that
9 we had pending in Atlantic herring as well as Atlantic
10 menhaden.

11 We've moved to initiate an addendum to
12 reduce fishing mortality as a result of the stock
13 assessment on menhaden. The states approved for the
14 southern states a state-by-state quota allocation for
15 spiny dogfish, and the Atlantic striped bass management
16 board has initiated an addendum in the event that the
17 stock assessment update this fall should it indicate
18 that we have a problem with striped bass, that we would
19 have a mechanism in place to act quickly to reduce
20 fishing mortality. The northern states have had three,
21 four years of fishing up in the Gulf of Maine and
22 concerned about availability of striped bass. I also
23 noted,
24 Mr. Chairman, that the summer flounder, scup, and black

1 sea bass board approved the one-year,
2 state-by-state recreational quotas. And for the first
3 time in a number of years the tautog board has acted to
4 attempt to end overfishing on tautog, a stock that
5 remains sort of flat lined since 1996.

6 We recognize, Mr. Chairman, also --
7 every year we have an awards of excellence program.
8 There was two important groups. Mike Howard as the
9 enforcement coordinator was recognized. But I wanted
10 to call attention to Charles Wenner from the South
11 Carolina Department of Natural Resources. And he was
12 recognized for the work that he's done over the years
13 in helping all of the states age all the less and his
14 contributions to stock assessments for bluefish, red
15 drum, bluefish and Atlantic croaker.

16 And the other group that we recognized
17 was the National Marine Fishery Service both for the
18 Atlantic menhaden team. And most of the folks around
19 the table know with some of those folks, Doug Luan and
20 Joe Smith and Dr. Erik Williams and Ethel Hall, but we
21 wouldn't really be able to have any really good
22 information without that team.

23 And I think it's probably one of
24 the -- at least within the Mid-Atlantic regions -- one

1 of the longest time series of data on fishery management
2 species that we have. So it's a terrific group there.
3 And I think the last thing is the Commission was really
4 pleased with the effort that both the National Marine
5 Fishery Service Office of Enforcement and the Fifth
6 Coast Guard District has put into striped bass
7 enforcement.

8 And at the recommendation of our Law
9 Enforcement Committee, the Commission has directed me
10 to write more letters to both the Coast Guard and to NOAA
11 general counsel to increase the penalties.

12 And I want to bring that up here to this
13 group and to this meeting specifically with Special
14 Agent Donovan and Commander Saunders here. Law
15 enforcement guys are convinced operationally the system
16 has given for us what the best it can do.

17 The next step has to be to continue to
18 put pressure on so that those that do get caught it's
19 more than just the cost of doing business. So we wanted
20 to publicly say we're going to be writing letters again,
21 but it's no reflection at all on the efforts of the
22 operational guys.

23 In fact, it's just the opposite, just
24 trying to give them more tools and help them. That's

1 all I have, Mr. Chairman. And I'd be happy to answer
2 any questions. As always, I certainly appreciate the
3 hospitality. I've enjoyed being here. Thank you.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
5 you, Vince. There has been a lot of abuse within the
6 striped bass fishery, and I would just say I'm glad to
7 hear that you are sending a letter to the Commission.
8 I'm also encouraged to hear about the recent initiative
9 that's been taken there in the Virginia Beach area.

10 I know it's been a taxing effort that the
11 Coast Guard and other of you have had to try to undertake
12 to curb that activity. But it sounds like it's moving
13 in the right direction.

14 I would encourage members to read the
15 ASMFC report because the Commission did take a lot of
16 regulatory actions at its last meeting, if you didn't
17 attend. That is in the briefing book, and I just would
18 encourage you to review that. Yes, Jeff.

19 JEFF KAELIN: Thank you, Mr. Chairman.
20 If I could ask a question of Vince. You didn't mention
21 the Connecticut striped bass initiative that Dave
22 Simpson took, Vince, where I think Dave stated that this
23 is a true example of ecosystem management.

24 What they did, of course, is allow more

1 striped bass be taken in the Connecticut River with I
2 guess two intentions: one, that the inner city kids
3 could take a few fish, and the second one being directly
4 relating to river herring perdition on the river. Could
5 you comment on that for the Council? And we've been
6 looking for ecosystem
7 trade-offs for a long time. That's the first time we've
8 seen a manager address that in a way that you want to
9 reduce river herring perdition on the
10 river -- I think there's two million fish a week eaten
11 down there or something like that -- you take more
12 striped bass. We were very encouraged by that.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Any
14 other questions for the Council? And I think that is
15 documented in the commission report. Okay. With that
16 we'll go to the South Atlantic Council's report.

17 I'll tell you, before I do, I'd like to
18 recognize and introduce Sam Poole and to say welcome,
19 Sam. Sam is the acting director of scientific programs
20 and chief scientific advisor for NOAA Fishery. I just
21 wanted to recognize and welcome Sam. Red, the South
22 Atlantic report.

23

24

1 RED MUNDEN: Thank you, Mr. Chairman.
2 I would ask you to turn to the info behind Tab 9 in the
3 briefing book. There's several documents that pertain
4 to the South Atlantic Council meeting that I attended
5 March the 7th through the 11th.

6 And I serve as a voting member for the
7 Mid-Atlantic Council called the Mackerel Committee,
8 which manages both king and Spanish mackerel, and the
9 Dolphin Wahoo Committee and also the Snapper Grouper
10 Committee. First, I will call your attention to the
11 one-page letter behind page 9, and it's from Gregg Waugh
12 with the South Atlantic Council to the mackerel advisory
13 panel, and they met April the 6th through the 7th. At
14 the bottom of that letter, the first page, it says that
15 the Joint South Atlantic Gulf of Mexico Fisheries
16 Management Council and Mackerel Committee will meet on
17 Thursday, June the 9th.

18 And it goes on further to say that final
19 action will be taken during a joint council session on
20 Friday, June the 10th. In bold print it says: This
21 means that all mackerel action can be finalized for
22 Amendment 18 during this joint council meeting.

23 So, if we turn over to the next
24 information, the next page behind that, it's a summary

1 from the Mackerel Committee meeting. And I'd like to
2 go through this and just point out some of the highlights
3 of the Mackerel Committee meeting.

4 The staff did a wonderful job of
5 preparing information because the Mackerel Committee
6 meeting was only one hour long, and the committee
7 report's 18 pages long. So a lot of this is information
8 that the committee had already seen before.

9 So, as I run through this very briefly,
10 I will give you the page number of the Mackerel Committee
11 meeting minutes and just point out things that I felt
12 that the Mid-Atlantic Council may find of interest. On
13 page three, Action 13 pertains to specifying the MSY and
14 SST, the MFMP and a whole lot of other acronyms that the
15 South Atlantic uses. And if you look behind them at
16 midway down the page, there's a table, and it indicates
17 that the Atlantic migratory king mackerel group
18 recommends an ABC that was also recommended by the SSC,
19 and in order to determine the ABC they looked at the
20 three-year average.

21 And the recreational share of the ABC is
22 62.9 percent. Commercial share is 37.1 percent.
23 Moving over a couple pages to page 11, you're talking
24 about the Atlantic migratory blue Spanish mackerel.

1 Then under Alternative 4 midway down the
2 page, it indicates that the Spanish mackerel the
3 recommended action, the preferred action, is to reduce
4 the bag limit from 15 fish to 10 fish per person. That
5 could impact the Mid-Atlantic area.

6 And I failed to point out that the Gulf
7 Council is the lead council for king and Spanish
8 mackerel. And the South Atlantic Council is just
9 concerned with the Atlantic migratory for both king and
10 Spanish mackerel.

11 On page 12 Atlantic and migratory blue
12 cobia. And, again, the Gulf Council is the lead council
13 because cobia included in the mackerel plan is actually
14 migratory coastal pelagic plan I believe is the correct
15 name. But down at the bottom of page 12 both the South
16 Atlantic and the Gulf Council for the preferred
17 alternative the ABC be 75 percent of the overfishing
18 limit. On page 13 that equates to the 2011 fishing year
19 an ABC of 977,000 pounds and of that the recreational
20 component receive 92 percent, and the commercial sector
21 receive 8 percent.

22 On page 16 midway down the page, Action
23 21, the management measures for Atlantic blue cobia were
24 status quo but no action. This is the preferred

1 alternative from the South Atlantic Council.

2 And under those current actions, you'd
3 be limited to two cobia per person. There was a proposal
4 to reduce the possession limit to one per person, but
5 the Council selected as a preferred action to remain at
6 2 cobia per person for Group 5 to both the commercial
7 and the recreational fishery a 32 inch boat length
8 minimum size limit, two-person bag limit.

9 Interesting to note that Florida has a
10 one-person bag limit and two-person commercial limit for
11 cobia. And also the fish must be landed with the head
12 and tails intact.

13 And, Mr. Chairman, that concludes the
14 report from the Mackerel Committee. I'd be glad to go
15 back and try to address any questions that come up. But,
16 again, this was a fast moving committee. They covered
17 all this information in a matter of an hour. So, if
18 there are questions, I'd be more than happy to go back
19 before we get into snapper grouper.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Well,
21 Red, I appreciate that. I just have one question. I
22 know -- and this is on the wahoo plan. I've learned at
23 earlier meetings in the last four months I guess, they
24 had a proposed regulation that would limit the

1 recreational wahoo catch to one per vessel per day I
2 understand. Has that gone back to the SSC for some
3 further consideration, or are they rethinking that
4 regulation? What's the status of that?

5 RED MUNDEN: That's covered a little bit
6 later in the comprehensive ACL amendment. And
7 basically the short answer is no action on the wahoo,
8 leave it as it was.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thanks. Any other questions?

11 RED MUNDEN: Behind the Mackerel
12 Committee report is a report on the Snapper Grouper
13 Committee. And if you've never experienced a South
14 Atlantic Snapper Grouper Committee meeting, it's very
15 interesting as compared to how our committee meetings
16 run. Now, this committee was scheduled to go for a full
17 day on Wednesday and a full day on Thursday, and they
18 ended up going a half day into Friday. And there was
19 a lot of discussion, a lot of amendments being proposed
20 for snapper, grouper. And again I'll go through the
21 snapper, grouper report and give you the page number and
22 items that you may find of interest as a Mid-Atlantic
23 Council member.

24 Moving over to page three under the

1 regulatory amendment. And most of these are preferred
2 alternatives that the South Atlantic Councils have
3 identified. But on page three up near the top of the
4 page, the preferred alternative is to change the black
5 sea bass fishing year to January through December. It's
6 currently from June through May.

7 It used to be January through December,
8 and then they shifted it to a different time sequence.
9 So now their preferred option is to go back to the way
10 it was five or six years ago. But if they do go with
11 this preferred alternative and change the black sea bass
12 fishing year to January through December, there will be
13 separate commercial ACLs for January through June and
14 also for July through December.

15 At the bottom of the page, it gives
16 alternatives for modifying the black sea bass
17 recreational bag limit. And you have about five or six
18 listed there of Alternative 13-B at the very bottom of
19 page three to reduce the recreational bag limit from 15
20 to 5 black sea bass per person per day. That's the
21 recreational bag limit. On page five we have
22 information that pertains to the comprehensive annual
23 catch limit amendment. And this amendment will set ACLs
24 and AMs for snapper, grouper species not listed as

1 overfished and undergoing overfishing as well as for
2 dolphin and wahoos. So this will address your concern,
3 Mr. Chairman.

4 On page five under Alternative 4, the
5 Council's preferred alternative is to remove species
6 from snapper, grouper fisheries management unit with 80
7 percent or greater of landings in state waters.

8 And Alternative 5 near the top of the
9 page has a number of species that they're proposing to
10 remove from the fisheries management merely because they
11 are not managed. The majority of the fish are landed
12 in state waters and thought it would be appropriate to
13 remove them from the FMP, which would apply in federal
14 waters.

15 On page six near the top, Action 7 I point
16 out that this is so similar to what the
17 Mid-Atlantic Council has been doing for a good number
18 of years. But the Committee instructed the staff to
19 draft an alternative that would base a trigger for
20 shortening the fishing season on landing trends from the
21 previous five years. I found it interesting that they
22 would be looking at the previous five years worth of
23 landings, but they exclude the maximum and minimum
24 landing years. On page seven at the top of the page,

1 we start out with an annual catch limit for dolphin, and
2 the preferred alternative is the annual catch limits to
3 equal optimum yield and 85 percent of the ABC for
4 dolphin.

5 Page 8 a number of actions. Action 20
6 would prohibit the bag limit sale of dolphin for our
7 vessels. So that's something new that would be in place
8 for dolphin. The bag limit sale shall be prohibited
9 under the preferred alternative.

10 Also, there was a move to put in
11 place -- this is a second action on the top of page 8
12 -- a move to put in a minimum size limit of 20 inches
13 for dolphin.

14 After a lot of discussion, only South
15 Carolina expressed an interest in having a 20-inch
16 minimum size limit. So that's one of the options that
17 will go forward that was preferred from the South
18 Atlantic.

19 The third or so line down is not very
20 clearly identified, but we have Action 21, and that
21 pertains to wahoo. And the South Atlantic Council made
22 the statement that in order to provide guidance to the
23 SSC that based on biology and productivity and no
24 overfishing or overfished data, the Council was

1 comfortable using mean landings over the last ten years
2 plus one standard deviation to set ABC approved by the
3 committee. I've never seen this kind of recommendation
4 to the SSC, but that's just what the South Atlantic came
5 up with. And the last thing that the Snapper Grouper
6 Committee acted on -- this at the very bottom of page
7 8 -- and they indicated that -- actually voted for a
8 motion to terminate all work on Amendment Snapper
9 Grouper 21 to catch share development in this particular
10 amendment.

11 We have some members of the public to
12 make reference to that during our public comment period.
13 But this is only a temporary move. They felt like they
14 had so much work to do to complete Amendment 21 that they
15 just needed to delay catch shares for the time being.
16 So it needs to come back up at a later point in time.

17 And, Mr. Chairman, that's the brief
18 review of the Snapper Grouper and Mackerel Committee
19 meetings from the South Atlantic. I'll be glad to
20 answer any questions that you or the Council members may
21 have.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
23 you, Red. Any questions of Red? All right. Seeing
24 none, we'll go to the Executive Director report, and I'll

1 turn to Dr. Chris Moore.

2

3

4

EXECUTIVE DIRECTOR REPORT

5

CHRIS MOORE: Thank you, Mr. Chairman.

6

Unfortunately, there's a number of items behind

7

Tab 10 that we need to talk about. Fortunately, I can

8

talk fast, and I can get through them relatively quickly.

9

The first item is our annual work plan determining the

10

schedule of activities for the rest of the year. Just

11

a couple items to note. Next week the Mid-Atlantic

12

Council staff is traveling to Gloucester for a couple

13

of days to meet with the NERO staff to identify and

14

discuss a number of issues that they have in common as

15

they relate to our specification documents and its

16

frameworks FMPs.

17

At the beginning of May, we have the

18

Council Coordination Committee scheduled for a meeting

19

in Charleston. That's occurring May 3 through 5. The

20

June Council meeting is scheduled for the 14th through

21

the 16th. That particular meeting is going to occur in

22

New York at Port Jeff.

23

We expect now that at that particular

24

meeting we'll be looking at squid, mackerel, butterfish

1 specifications, surfclam and ocean quahog
2 specifications. We'll be talking about the RSA awards.
3 They'll update the Council on the scup fishery
4 allocation analysis that we need to talk about in a
5 little bit and also may consider some actions relative
6 to spiny dogfish.

7 The next item behind the tab relates to
8 the draft action plan for the development of Amendment
9 17 to the summer flounder, scup and black sea bass FMP.
10 Remember that this particular amendment will address
11 regional? and spacial management of black sea bass, and
12 it's something that we've discussed at the last couple
13 of meetings. Right now we're looking at council action
14 on alternatives at our October meeting, which is in New
15 Jersey.

16 Similarly, we have another document
17 behind that one which is our timeline for the development
18 of Amendment 15 to the surfclam and ocean quahog FMP.
19 Basically, this is a revision to a timeline that you may
20 have seen previously related to that particular
21 amendment.

22 Remember this amendment is tied to our
23 CIE review that's occurring in June, related to a report
24 on excessive share limits. So, once we receive that

1 report, the Council will hear a presentation on the
2 report at the August Council meeting, and we believe at
3 this point we will be looking at the adoption of
4 alternatives for excessive share limit at the October
5 Council meeting.

6 The next two tables are the tables that
7 we talk about at every Council meeting related to
8 (inaudible) with our specifications. As Pat noted this
9 morning, the final rule for bluefish has been published.
10 That becomes effective May 2nd. On the flip side of that
11 is the status of FMPs, amendments, and frameworks. If
12 you note, Amendment 11 to the squid, mackerel,
13 butterfish FMP is something that we're still working on
14 with Northeast Regional staff. Of course, we're
15 looking forward to getting that completed and getting
16 a notice of plan proposal on that particular amendment.

17 The next couple items are FYIs.
18 Basically, I think we've (inaudible) this one. You may
19 have received as an e-mail from me. The Commerce
20 Department is employing economic assessment teams to a
21 port that may be near you. Deliver this particular
22 document.

23 It's basically an announcement that
24 there will be a team deployed to ports in Portland,

1 Seabrook, New Bedford, Gloucester, Point Judith and
2 Montauk basically to conduct meetings with local leaders
3 to help identify economic development challenges and
4 opportunities facing local industries and communities.

5 So we'll wait to see how that works out.
6 Certainly, that's interesting. Another thing that
7 we're tracking and just again for interest is a national
8 seafood marketing coalition. There's a document. If
9 someone's interested, I can give them or send them the
10 complete document.

11 Basically, if you look at this, it's an
12 organization that's been underway for the last -- the
13 development of the organization's been underway for the
14 last year. The coalition now represents over 50 member
15 organizations from 25 states. It works to support their
16 congressional delegations. The primary goal of the
17 coalition is the formation of a national seafood
18 marketing fund that provides the state with marketing
19 funding for U.S. seafood producers.

20 And they point out this will increase the
21 value of the nation's fisheries, increasing the
22 viability of the industry as a whole, and creating jobs.
23 So, if you look at the list of folks or the organizations
24 that are involved with that at this time, we do have some

1 folks from the East Coast that are now a member of that
2 particular coalition.

3 The next item relates to MREP. And we
4 were lucky to have a couple of slots offered to us from
5 John Williamson (inaudible) relative to the last MREP
6 sessions that occurred in March.

7 We took advantage of those particular
8 slots by asking two council members to attend and
9 industry members to attend those sessions, Steve and
10 Steve. Steve Linnard and Steve Schafer were able to go
11 to one or both of those sessions.

12 The item behind the tab is an e-mail from
13 Steve Schafer to me regarding his involvement with MREP.
14 And at this point, I think Steve would like to make a
15 comment related to his experience with MREP, if that's
16 okay, Mr. Chairman.

17 STEVE SCHAFER: Thank you, Chris.
18 Beyond what I've included in my e-mail to Chris, I'd like
19 to say that MREP was extremely beneficial because of its
20 regional specificity beyond the scope of the required
21 council member training.

22 The efforts of John Williamson and Mary
23 Beth Tooley have paid off considerably in the New England
24 Region, and I strongly, strongly believe that for many,

1 many reasons it would be beneficial for something in this
2 region.

3 I'd like to make a motion to put together
4 a steering committee if possible to explore our options.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Well,
6 Steve, I don't think that's necessary. We've already
7 agreed to move forward with an MREP program subject to
8 funding availability. But that's already reflected in
9 a previous council action. It's just a matter of
10 pending funding.

11 STEVE SCHAFER: Thank you, Rick. And
12 then I would ask that Chris highlight our interest in
13 that at the upcoming meeting of executive directors.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Vince.

16 VINCE O'SHEA: Thank you,
17 Mr. Chairman. I think there was a Commission person
18 that also attended, and I think it was on account of your
19 invitation, Dr. Moore, and sponsorship. So I wanted to
20 thank you very much for doing that. We were glad to be
21 there. Thanks.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Chris.

24 CHRIS MOORE: A couple more items,

1 Mr. Chairman, behind the e-mail from Steve and the
2 proposal for the boundary, there is an e-mail to me from
3 George Darcy regarding the draft regulations that would
4 implement our omnibus ACL and AM amendment.

5 If you go down through that particular
6 e-mail, there is a section at the bottom that says:
7 Issues for council consideration. And there's four
8 items there that I need to discuss with the Council
9 relatively briefly because we believe that these
10 changes, these minor changes, are consistent with the
11 Council's intent in the omnibus amendment.

12 So remember what we're doing at this
13 point is basically looking at the regs. and making sure
14 that, in fact, they are exactly what the Council intended
15 to do when they adopted the omnibus amendment.

16 So Jessica is working closely with other
17 members of the staff to make sure that, in fact, is the
18 case. I just want to go quickly through these four
19 items. If you look at those at the bottom, the first
20 one says: Additional language has been added to the risk
21 policy section to clarify that when a stock is under a
22 formal rebuilding plan, the SSC shall recommend the
23 lesser of the two ABCs calculated after applying both
24 the F rebuild and OFL distribution approaches.

1 This is actually consistent with the way
2 that the SSC operates now, and it merely clarifies the
3 issue based on as we understand it at this point. I'll
4 stop if there's any questions or issues relative to that.
5 Now's a good time to bring that up.

6 COUNCIL CHAIRMAN RICHARD ROBINS:
7 Chris, this just ensures that we would not exceed F
8 rebuild as a practical matter. Correct?

9 CHRIS MOORE: Yeah. This is something
10 that we actually endorse and applied to our summer
11 flounder deliberations this year. Are there any
12 questions on that? Seeing none, the next one for
13 recreational fisheries, the language regarding three
14 years old in the average calculation has been changed
15 to reflect comparison of three year average landings to
16 three year average of ACL.

17 The Council document as it was submitted
18 seemed to suggest the comparison would be a three year
19 average landings compared to the single year most recent
20 ACL. The FMAT authors who drafted that section wrote
21 basically the comparison of three year landings to
22 annual ACL was consistent with NS1 guidelines, and the
23 Council did not really express a preference when they
24 were deliberating that particular part of the amendment.

1 Actually, NS1 guidelines in their
2 response comment suggests three year average landings
3 should be compared to the average of the ACLs. So
4 basically, the revision is consistent with averaging the
5 recreational data as described in National Standard 1.

6 So, again, this is a change to what we
7 submitted, but it's consistent with National Standard
8 1 guidelines. Questions or comments? Hearing none,
9 the next one, the language for the surfclam, ocean quahog
10 AMs has been changed.

11 The council document indicates that
12 repayment of any ITQ overage would be paid by the permit
13 holder; however, given the frequency of leasing in those
14 fisheries, the permit holder may not have been directly
15 involved in the overage.

16 The language is modified such that if the
17 ACL is exceeded and the overage is linked to a specific
18 ITQ permit, then that permit holder would repay that
19 amount in the permit in the next year. That was what
20 the Council intended. However, it was added that if an
21 ACL overage could not be linked to an ITQ permit holder,
22 it would be taken out of the entire ACL the next year.
23 Which is unlikely based on my understanding of how
24 surfclams and ocean quahogs work. So, basically, the

1 language needs to address cases where leasing occurred
2 not being linked with a permit.

3 This is not inconsistent with our
4 intent, but merely addresses the issue. Any comments
5 or questions? Last is the language for the ABC control
6 rule for when F rebuild is utilized has been made more
7 detailed in an effort to avoid confusion.

8 And it's basically it's been more
9 detailed to make it more consistent with both current
10 practice and case law. And basically it clarifies the
11 existing regulations. Any questions or comments?

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Chris, if I can just follow up on this. Normally, in
14 the deeming process, the staff will review the document
15 and if there are any issues that bring my attention --
16 typically, there are not and so I would sign off on the
17 deeming process in consultation with staff.

18 But these issues, since this is the
19 omnibus which affects all of our FMPs, were thought to
20 be perhaps significant, we just wanted to make sure that
21 there weren't any concerns or questions here at the
22 council level before moving forward with the deeming
23 process. So I wanted to give the Council an opportunity
24 to see those changes. Chris.

1 CHRIS MOORE: So moving on, I stuck the
2 next document in the briefing book just to remind folks
3 of all the things that we have planned for this
4 particular year. So this is our list of council
5 priorities and projects.

6 We've talked about Amendment 11, the
7 squid, mackerel, butterfish; and Amendment 14 was
8 discussed at this meeting. We just discussed what's
9 going to happen with Amendment 15. The Spiney Dogfish
10 Amendment 3 is progressing as we make in this particular
11 meeting. Howard reported on Amendment 6 to monkfish.

12 We have the review of the RSA program.
13 That's ongoing with Pres and Rich leading that
14 particular review. We will be discussing the AP
15 performance report today and tomorrow with Jason leading
16 that particular exercise with Bonnie McKay, who's here.

17 We will talk about in our committee
18 reports the visioning project and where we're at with
19 that. We've had an extensive discussion relative to
20 ecosystem based fishery management plans and where we're
21 going with that. Just to bring the Council up to date
22 on MARCO, we did send a letter into the MARCO
23 representatives -- or to the MARCO representative and
24 did get a positive response. We'll be adding someone

1 to those MARCO teams. So there's progress there as
2 well. We just mentioned MREP. We are very supportive
3 of MREP, M-R-E-P, and looking forward to that particular
4 program relative to funding. So we are looking for
5 money, and as soon as we find it, we'll forge forward
6 with that particular program.

7 We talked about communications relative
8 to where we're at this morning with the Executive
9 Committee. I think most of the folks were here. If
10 there's any questions about that, we'll certainly
11 entertain those.

12 Amendment 17 is progressing. We do have
13 the issue related to the scup economic analysis. So
14 remember we had decided as a council working with the
15 Commission to fund a scup economic analysis to look at
16 the allocation between commercial and recreational
17 groups in scup fisheries as well as within the commercial
18 fishery.

19 We are in negotiations right now with a
20 potential contractor to actually get that particular
21 project going, and hopefully those are going to work out,
22 and we'll be able to start that relatively soon.
23 Bluefish, we are working on an EFH update to bluefish
24 and that's something we will carry forward in our

1 specification process this year. We won't be able to
2 amend it -- we aren't doing an amendment, it will be in
3 the specification package.

4 Last but not least, I hired an assistant
5 plan coordinator, her name is Mary Clark. Her resume
6 is the last item behind the tab. She's a very capable,
7 young person who is getting her master's degree from
8 Duke. She will get that degree in May. She'll start
9 working at the Council in the middle of May, and I expect
10 that you'll all get a chance to meet her in June. And
11 with that, Mr. Chairman, I'll be glad to answer any
12 questions.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Pete
14 Himchak.

15 PETER HIMCHAK: Yes. Thank you,
16 Mr. Chairman. I had a question for Dr. Moore. Is the
17 Council being petitioned to address special management
18 zones for artificial reef sites in the EEZ under the
19 current Amendment 17 for black sea bass?

20 CHRIS MOORE: I've seen no direct
21 requests. I've seen letters that have gone into the
22 service directly to Eric and responses to those letters,
23 but we have not received a specific request for SMZs.
24 A lot of background noise but nothing formal yet.

1 PETER HIMCHAK: Yes. A lot of
2 background noise. And I have heard a potential
3 presentation coming at the June meeting from a number
4 of groups, artificial reef groups, from different
5 states, and I'm just wondering is that gaining any
6 momentum; is it likely we will get any presentation from
7 them in June? Or if you want to wait until we meet in
8 New Jersey.

9 CHRIS MOORE: Again, we haven't
10 received any formal notification requests. Certainly,
11 it's something that we could put on the agenda if, in
12 fact, it's something that's supported. Just to make
13 sure everyone's on the same page, special management
14 zones are something that we put into the summer flounder,
15 scup, and black sea bass amendment back in the late or
16 mid-'90s.

17 It's something that a group can be used
18 to basically established a special management zone
19 around a natural or artificial reef. It's never been
20 used in the Mid-Atlantic, but certainly it's gaining
21 momentum over the last year or so.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Gene.

23 EUGENE KRAY: Yeah. On the issue of the
24 special management zone, several years ago when the

1 issue of the commercial pots, sea bass pots, on the
2 artificial reefs throughout New Jersey were considered,
3 we looked into that plan you just referenced, Chris, and
4 the thing there is that the New Jersey -- I forget. How
5 many reefs are inside the EEZ?

6 CHRIS MOORE: Two. Two.

7 PETER HIMCHAK: We have two inside state
8 waters and --

9 EUGENE KRAY: -- and the rest are out.

10 PETER HIMCHAK: -- and 13 in the EEZ, and
11 this is, indeed, coming to a head on at least the two
12 in state waters, and it's expanding into the other sites.

13 EUGENE KRAY: But my understanding of
14 the process was that the state would have to put those
15 regulations on their inshore reefs and then petition the
16 Council for the same regulations in the EEZ.

17 When our committee looked at that,
18 again, three, maybe four years ago, and I can recall
19 having specific discussions with Ed Goldman about that
20 issue, and that's what they would have to do in terms
21 of meeting with the provisions of the summer flounder,
22 scup, black sea bass plan.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
24 you, Gene. I appreciate you bringing this up. I'm

1 going to move on. We've got our other committee
2 reports, and we're going to bump into the AP time here
3 shortly, so. I know we do have a science report, and
4 I'm just going to ask for the committee chairs to give
5 their committee reports as succinctly as possible.
6 Chris.

7 CHRIS MOORE: Obviously, Rich isn't
8 here to give the science report. He had hip surgery.
9 Actually, to be more specific, he had surgery to replace
10 a hip. And so he is doing very well, and, in fact, was
11 is in the office for a half a day on Monday, and I expect
12 that you'll all see him in June. We changed the title
13 of his presentation because a lot of the things when we
14 talk about status of plans was an overlap with the stuff
15 that was coming out of the northeast region were some
16 of the things that I had mentioned, so we thought this
17 would be a good way for Rich to update the Council on
18 all the activities related to what he's doing with the
19 SSC, RSA stuff, and other things related to the science
20 aspect of the Council.

21

22 SCIENCE REPORT

23

24 CHRIS MOORE: The first item behind that
tab relates to something that John Boreman and Rich had

1 been working on for a national SSC workshop. And, Mr.
2 Chairman, so if you'd ask Dr. Boreman to report on that
3 particular activity.

4 COUNCIL CHAIRMAN RICHARD ROBINS: John.

5 JOHN BOREMAN: Thank you. Since the
6 Mid-Atlantic Council is sponsoring the national SSC
7 workshop, Workshop No. 4, it's my privilege to be chair
8 of the workshop. And the first thing we did is set up
9 a steering committee, establish that. And the steering
10 committee is the chairs of the SSC's unique councils.

11 And we had one conference call and
12 decided it's going to be two topics, as I've already
13 mentioned, ecosystems and socioeconomics, as they both
14 relate to ACLs. So right now we are polling the councils
15 to nominate a member of their SSC for ecosystems and one
16 for socioeconomics to serve on program committees.
17 We're going to set up separate programs for each of those
18 two topics and also have some joint sessions. Again,
19 that meeting's going to be in October in Kingsmill. The
20 December Council meeting's going to be there as well.

21 So that's as far as we've gotten so far.
22 Lighting fires under -- some councils have been a little
23 recalcitrant in terms of responding. Rick has just
24 communicated with them. We're going to talk tomorrow

1 and see what kind of fires we can light to get some
2 responses. We need to get moving since that workshop
3 is just six months from now. Thank you.

4 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
5 you, John. Any questions for Dr. Boreman? Anything
6 else on the science report?

7 CHRIS MOORE: Just quickly,
8 Mr. Chairman, there's another item behind the tab that
9 says the review of modeling approaches in support of
10 ecosystems based fisheries management that occurred --
11 this was a meeting that occurred
12 March 29th, June 31st. Tom Huff was there. I don't
13 know, Frank, if want to talk about this particular
14 meeting in June. But basically I stuck it in there to
15 indicate that, in fact, there was this ongoing activity
16 at the Science Center relating to ecosystems based
17 fisheries management.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
19 you.

20 CHRIS MOORE: I put this document in the
21 briefing book because I know folks had seen the first
22 one of these. This is the summer flounder chronicles
23 II: new science, new controversy, 2001 through 2010.
24 And this is the second of a series of documents put

1 together by Dr. Mark Tercerio related to summer
2 flounder, and there's probably more detail in there than
3 you'd want, but it provides a good reference document
4 for anything that's related to summer flounder. And
5 that's it, Mr. Chairman.

6 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
7 you, Chris. Any questions? All right. We'll go to
8 the committee reports. And I'll go to Dr. Kray for
9 ecosystem and ocean planning.

10

11 ECOSYSTEM/OCEAN PLANNING COMMITTEE REPORT

12

EUGENE KRAY: The committee met on
13 Tuesday for about 3 1/2 hours, and we hammered out five
14 priorities. And I'll read them into the record.

15

I move on behalf of the Ecosystem and Ocean
16 Planning Committee the Council adopt the five following
17 short term recommendations from the December workshop
18 as their priorities: No. 3, which is actually a
19 combination of No. 3 and 2 of the coordination, is to
20 continue and expand these discussions with workshop
21 attendees and others in our presence to include groups
22 and issues not represented in our first workshop; No.
23 5, from significant new work identify pilots for
24 specific action using existing knowledge, staff, and

1 funds; No. 14, significant new work, participate with
2 restoration center staff and regionalization
3 prioritization efforts; No. 16, significant new work,
4 work with regional restoration center to develop funding
5 proposals and projects of mutual interest; and No. 31,
6 significant new work, National Marine Fishery Service
7 habitat and stock assessment scientists should work with
8 managers to initiate demonstration projects. And
9 that's for the committee, Mr. Chairman.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Gene,
11 thank you. And thank you for the work you and your
12 committee did to sort through over a hundred priorities.
13 I appreciate you doing that. And just in addition to
14 these, the issue of coordination with our management
15 partners on these questions obviously remain an ongoing
16 focus, I think, for the committee and the council.

17 Any discussion on the motion? Is there
18 any objection to the motion? Seeing, none it's approved
19 by consent. Thank you, Gene. Squid, Mackerel,
20 Butterfish Committee. Peter.

21 PETER deFUR: Mr. Chairman, thank you
22 very much. Is it appropriate under this committee to
23 make a comment or request regarding ocean planning and
24 what we've heard today about the windmills farms?

1 COUNCIL CHAIRMAN RICHARD ROBINS: If
2 you have a quick follow-up comment on that, that would
3 be fine; otherwise, we need to move through these
4 committee reports.

5 PETER deFUR: Yeah. It's a quick
6 comment. Is I didn't think that they're going to be
7 doing anything to coordinate with the three East Coast
8 councils, so I think that we need to take the initiative
9 on that because they're going to just wait for the chips
10 to fall and let us play catch up with them.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Well,
12 Chris and I have already told them today that we want
13 to be notified of every task force meeting so that we
14 can have an opportunity to have a staff member or a
15 principal attend, and so we would plan on following
16 through with that.

17 I mean, unfortunately, it's under the
18 Council, can't have a formal role on the task force
19 itself, but we could at least attend the meeting and
20 participate in a follow-up discussion.

21 PETER deFUR: Thank you, Mr. Chairman.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Squid, mackerel, butterfish. Erling.

24

1 SQUID, MACKEREL, BUTTERFISH COMMITTEE REPORT

2 ERLING BERG: Thank you, Mr. Chairman.
3 I'll try to be real brief. This is from a committee
4 meeting yesterday morning and yesterday afternoon.
5 What came out of this was to have the staff execute a
6 solicitation of interest by public participation in the
7 squid, mackerel and butterfish AP. No. 1 was call for
8 applications. The Squid, Mackerel and Butterfish
9 Committee would review and recommend participants, and
10 the committee chair will select these people.

11 B, the Committee provided a variety of
12 suggestions to ongoing Amendment 14 analysis. No. 1,
13 keep stock in the fishery for river herring and shad in
14 Amendment 14, and add incidental catch cap as a
15 frameworkable measure. That's all I have on squid,
16 mackerel and butterfish.

17 While I have the mic., there is no
18 New England report. They haven't met since we met in
19 New Bern. They will meet in two weeks in Mystic
20 Connecticut. I will not be able to attend. And then
21 Howard and I are planning on being in Mansfield,
22 Massachusetts on Monday for a groundfish meeting.
23 That's all I have. Thank you.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Erling, I think this is a matter of record since this
2 is involving the involvement of an amendment, that we
3 should endorse the recommendations of your committee and
4 continue to advance the development of the amendment.
5 So, if you want to make such a motion, we can do that
6 and wrap things up.

7 ERLING BERG: Do you want me to read the
8 whole thing again then, what I have here?

9 COUNCIL CHAIRMAN RICHARD ROBINS: Yeah.
10 If you just want to state that in the form of a motion.

11 ERLING BERG: Okay. I'll start over
12 again then.

13 COUNCIL CHAIRMAN RICHARD ROBINS: You
14 can just say that it would include solicitation for AP
15 members and including the options that you identified
16 in the amendment.

17 ERLING BERG: I move that we call for
18 applications for the AP and that we keep the stock in
19 the fishery for river herring and shad and add incidental
20 catch caps as a frameworkable measure.

21 COUNCIL CHAIRMAN RICHARD ROBINS: So,
22 Erling, you would add those for analysis in the document.

23 ERLING BERG: Uh-hum.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.

1 Jan, if you would just add those for analysis, at the
2 end. So the motion is to move the Council endorse the
3 Committee's recommendation to call for applications to
4 the Squid, Mackerel, Butterfish Advisory Panel and
5 include the stock in the fishery option in Amendment 14
6 and include an option for frameworking incidental catch
7 caps for analysis.

8 ERLING BERG: Good.

9 COUNCIL CHAIRMAN RICHARD ROBINS:

10 That's on behalf of the Committee. Is there any
11 discussion on the motion? Is there any objection to the
12 motion? Seeing none, it's approved by consent. Thank
13 you. Thanks, Erling. I just wanted to make sure that
14 was a matter of record. Anything else under squid,
15 mackerel, butterfish?

16 ERLING BERG: No. That's all I have.

17 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
18 you. And, again, just for everybody's information,
19 after we adjourn, the Squid, Mackerel, Butterfish AP
20 will be meeting to develop their first AP performance
21 report. Highly migratory species. Pat.

22

23 HIGHLY MIGRATORY SPECIES COMMITTEE REPORT

24

PAT AUGUSTINE: Yeah. Thank you,

1 Mr. Chairman. We did not have a subcommittee meeting,
2 but we did have a report by the highly migratory species
3 folks on Tuesday. They addressed the squid, mackerel,
4 butterfish group because they were here, but it was
5 right in the middle of that presentation.

6 But there were some recommendations that
7 were made that we should support. And with your
8 indulgence, Mr. Chairman, I'd like to read some possible
9 motions into the record.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Go
11 ahead, Pat. Proposed that the Council in addressing the
12 rule to modify the retention of incidentally caught HMS
13 species in the Atlantic trawl fisheries support Issue
14 A Alternative A-2 (which establish a new permit for Illex
15 squid and moratorium permit holders to retain up to 15
16 swordfish).

17 And next would be support Alternative
18 A-4. Establish a new permit for an exemption as
19 applicable for loligo, squid moratorium permit holders
20 to retain swordfish. And that's all on swordfish. And
21 you don't need a second I don't suppose.

22 But just to support it, recall that the
23 ICCAT swordfish quota is in contention, and we stand a
24 very good chance of losing some of that quota because

1 we're not able to harvest the levels that would support
2 us maintaining our 3,000 gross metric ton quota.

3 And what the advisory panel did for HMS
4 and ICCAT was to identify ways of increasing using the
5 actual bycatch discards of swordfish that are
6 incidentally caught in lolligo and in the Illex
7 fisheries and turn them into marketable product.
8 That's the motion, Mr. Chairman, on that, and I'll make
9 a second motion when it's time.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
11 I think the only question I have is that when we discussed
12 supporting preferred alternatives, the endorsement
13 here, though, goes beyond that on swordfish with
14 supporting Alternative A-4. I think that the catch of
15 swordfish in the lolligo fishery was ten times less
16 frequently encountered. So do you offer any
17 justification for supporting Alternative
18 A-4?

19 PAT AUGUSTINE: Well, what they were
20 going to do is either establish a permit or just consider
21 it as an exemption. There will action. It came out in
22 the Advisory Panel report that was forwarded. It is in
23 the briefing book that it was forwarded.

24 So, if you'd rather have discussion on

1 that, we can do that and treat it as a separate item.
2 There will be a permit or an exemption. It's going to
3 happen.

4 COUNCIL CHAIRMAN RICHARD ROBINS: It
5 wasn't a preferred alternative in the document. That's
6 why I asked if you had some additonals.

7 PAT AUGUSTINE: No. It was in addition
8 to the preferred option. It was discussed as the
9 Advisory Panel alternative. If the group would like to
10 speak to that we can do that.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Is
12 there any discussion on Pat's motion? John.

13 JOHN MCMURRAY: Thank you,
14 Mr. Chairman. We discussed this a little bit at the
15 committee level. I'm just trying to justify it in my
16 head before or if I vote with it. I mentioned that 15
17 seems like a pretty high number given the average of 3.3
18 in New York's fishery. And I just can't help but think
19 that that provides incentive and maybe we're creating
20 a directed fishery.

21 And I say that because it's certainly
22 happened in other fisheries. And while I understand why
23 we're doing this and I want to support it, my conscience
24 is really prohibiting me from supporting this.

1 COUNCIL CHAIRMAN RICHARD ROBINS: John,
2 is your concern specific to the Illex or the loligo
3 side?

4 JOHN MCMURRAY: Well, either one. It's
5 the 15 fish that I'm concerned about. I could probably
6 support a five or a six fish retention limit, but 15 to
7 me seems like it provides an awful lot of incentive to
8 actually target those fish given the value of that
9 particular fish.

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Chris.

12 CHRISTOPHER ZEMAN: In his presentation
13 he said -- my question was -- I didn't have much comfort
14 in his presentation just because there was very limited
15 information, and the assumptions that that presentation
16 had just did not seem to be supported by the information
17 that was provided. I think you could have done a much
18 better job presenting and at the end made comments to
19 be clear on that point. To the extent that -- I would
20 prefer to hold off and see any sort of update, additional
21 information before I would recommend the Council make
22 a decision on this.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Unfortunately, I don't think we'll have that luxury.

1 We've got a public comment period that's expiring. I
2 think they made a case based on the evidence they
3 presented that this wouldn't result in a change in effort
4 of fishing practices because they're encountered so
5 incidentally. But I thought the one difference Erling
6 made with the loligo recommendation. Pat.

7 PAT AUGUSTINE: Well, Mr. Chairman,
8 then let's just take the first item, and I'll hold on
9 the second. But in response to the comments that were
10 made by other council members, if you recall, the squid
11 fishermen they're going to be landing thirty, forty,
12 50,000 pounds of squid at a time. And as was described
13 in Tuesday's meeting, on the haul back situation, if
14 those swordfish are in front of a haul back that is coming
15 in, they get caught in the net. Well, as of January of
16 2012, anything they catch in that fishery, they're going
17 to have to throw over and you won't be able to maintain
18 them. And the 15 was to cover any of this incidental.
19 A dead fish is a dead fish.

20 And what the Advisory Panel talked about
21 was how do we count every single possible fish in the
22 swordfish category. So next year and the year after we
23 are not going to lose that quota. Effective in 2012,
24 we can only -- New York -- I'm sorry -- the U.S. or any

1 country will roll over 10 percent of the unused quota,
2 and that will be the direction we're going.

3 But if it would be easier just to go ahead
4 and address the first half because it was preferred, I
5 prefer we vote on that, and then carry a vote on the other
6 one. If it passes, fine. If not, our position will be
7 whatever the Council decides.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Well,
9 yeah, I was going to say if you want to simplify it, we
10 could just endorse the preferred alternative and agree
11 to send a letter back. Pete.

12 PETER HIMCHAK: Yes. Regarding the
13 preferred alternative, I thought we had a rather lengthy
14 discussion on how it really is not likely to evolve into
15 a directed fishery. The 15 is an incidental catch.
16 We're still under a quota that we are not hardly
17 utilizing to the best measures, and we're just
18 essentially turning the discards into a more edible
19 product. So any increase in landings is still well
20 below what we can conceivably harvest that we are in
21 jeopardy of losing if we don't harvest it.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Thanks, Pete. Pat, what do you want to do? Do you want
24 to keep it simple and vote the preferred alternative?

1 PAT AUGUSTINE: Yeah. Let's have a
2 vote on the preferred alternative. Then I'll read the
3 second motion. If they want to vote on it, vote it up
4 or down. It is what it is.

5 COUNCIL CHAIRMAN RICHARD ROBINS: Is
6 there any objection to sending a letter that supports
7 the preferred alternative on this issue with Illex?
8 Seeing no objection, we'll send a letter.

9 PAT AUGUSTINE: Mr. Chairman, could I
10 offer the other one as a separate motion and call for
11 a vote?

12 COUNCIL CHAIRMAN RICHARD ROBINS: If
13 you want to.

14 PAT AUGUSTINE: I do. Thank you.

15 COUNCIL CHAIRMAN RICHARD ROBINS: All
16 right. Pat's made a motion to add loligo. This is not
17 the preferred alternative, but add the retention of
18 swordfish in the loligo fishery.

19 PAT AUGUSTINE: Clarification,
20 Mr. Chairman. That is a different species of squid.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 That's correct.

23 PAT AUGUSTINE: One is Illex, and one is
24 loligo, and they're both treated differently. So we

1 want to lump together?

2 COUNCIL CHAIRMAN RICHARD ROBINS: Is
3 there a second to the motion? Second by Erling.
4 Discussion on the motion? Is there any objection to the
5 motion? Chris.

6 CHRISTOPHER ZEMAN: So that would be an
7 expansion of that swordfish permit to the --

8 COUNCIL CHAIRMAN RICHARD ROBINS: --
9 loligo.

10 CHRISTOPHER ZEMAN: How many vessels
11 are in that fishery?

12 COUNCIL CHAIRMAN RICHARD ROBINS: A
13 couple hundred.

14 CHRISTOPHER ZEMAN: I'd like to have a
15 roll call on this.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Can I
17 see it by hand first?

18 CHRISTOPHER ZEMAN: Yes. Yes.

19 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
20 going to call the question.

21 (Motion as voted.)

22 {Support Alternative A4 (Establish a new permit or
23 an exemption, as applicable, for Loligo squid
24 moratorium permit holders to retain swordfish).}

1 COUNCIL CHAIR RICK ROBINS: All those in
2 favor please raise your hand.

3 (Response)

4 COUNCIL CHAIR RICK ROBINS: Twelve.
5 Opposed like sign.

6 (Response.)

7 COUNCIL CHAIR RICK ROBINS: Three.
8 Abstentions like sign. One abstention. Thank you.
9 The motion carries.

10 PAT AUGUSTINE: Can I make a motion, Mr.
11 Chairman?

12 JAN: Excuse me. Who was the second on
13 that motion?

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Second was Erling Berg. And your next motion is on
16 smoothhounds?

17 PAT AUGUSTINE: Yes. We'll go directly
18 into that one.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Your
20 motion is to endorse the preferred alternative?
21 Correct?

22 PAT AUGUSTINE: Yes. Absolutely.
23 Thank you. Want to put it up for Jan? You have it the
24 preferred alternative. And then we add on to that too

1 on behalf of the --

2 COUNCIL CHAIRMAN RICHARD ROBINS: All
3 right. Could you detail that for us.

4 PAT AUGUSTINE: Nothing to say about it.
5 The preferred alternative I recommend that the Council
6 support it fully.

7 COUNCIL CHAIRMAN RICHARD ROBINS: Go
8 ahead and add the sentence, please, Pat, so we can
9 dispense with it. Second one. The second sentence is
10 based on what ASMFC is doing and what enforcement put
11 on the record book that ASMFC and the question that the
12 Commander asked, and that would be: That we support in
13 terms of using the 25 percent measure rather than an
14 accurate poundage as ASMFC recommended of 5,000 pounds
15 per day or trip. Enforcement has raised concern
16 relative to determine the percentage weight and the
17 preferred retention in pounds. So I would suggest that
18 the Council support the ASMFC position would be rather
19 than a 25 percent measure of the total overall weight
20 to use a recommendation of 5,000 pounds per day or trip.

21 COUNCIL CHAIRMAN RICHARD ROBINS: So it
22 would be 25 percent, but that they explore the
23 alternative of having an actual poundage?

24 PAT AUGUSTINE: That's correct,

1 Mr. Chairman.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Is
3 there a second to that motion? Second by Gene Kray.
4 Discussion on the motion? Is there any objection to the
5 motion? Seeing none, it's approved by consent. So
6 we'll send a letter endorsing these alternatives to HMS.

7 PAT AUGUSTINE: Thank you. And the
8 rest of my report will be rather quickly because Jan was
9 kind enough to put it all in the book. There were two
10 items that you should look at. This is the first year
11 in quite a long time that we fully harvested the Atlantic
12 bluefin tuna for commercial a hundred percent. And then
13 there's some items behind here, just notification if you
14 have fishermen that ask you is a disentanglement and
15 identification workshop held for sharks and workshops
16 for both dealers and fishermen. And then brief
17 descriptions of what the working group did at ICCAT
18 meeting on March 7th, 8th, and 9.

19 And briefly, ICCAT is broken out into
20 various working groups. One happens to be swordfish.
21 Another one happens to be sharks. Another one happens
22 to be the bluefish working group and then the bluefin
23 tuna group. All the details are here.

24 The U.S. has taken very aggressive

1 actions to use all of the quota wherever we can, but
2 advancing the cause of eliminating discards. And we're
3 doing quite well at that. Remember we are a small player
4 in a big world; although, we carry a big stick.

5 We have both the person who is in charge
6 of the work group as the director, Dr. Rebecca Lent, and
7 we have Dr. Chris Rogers who's got the compliance part.
8 If you have any questions, I would be happy to answer
9 them for you. All the documents I referred to are in
10 the back of the briefing book under Tab 12. Thank you,
11 Mr. Chairman.

12 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
13 you, Pat. Jason.

14 JASON DIDDEN: The staff would just like
15 Pat to take a look at the alternatives related to
16 smoothhound and the ASMFC just to make sure that that
17 accurately captured the intent.

18 PAT AUGUSTINE: I think that squares to
19 me. I think that squares to me, yes.

20 JASON DIDDEN: Thank you.

21 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
22 you, Pat. At this point I'd like to acknowledge and
23 welcome Eric Schwaab assistant administrator for NOAA
24 Fisheries. Welcome, Eric.

1 ERIC SCHWAAB: I'm so happy to get here
2 just in time.

3 COUNCIL CHAIRMAN RICHARD ROBINS: Glad
4 to have you. At this point, I'll go to Red Munden, spiny
5 dogfish.

6

7

8

SPINY DOGFISH COMMITTEE REPORT

9

10 RED MUNDEN: Thank you, Mr. Chairman.
11 Eric arrived just in time to hear a discussion on spiny
12 dogfish. Welcome, Eric. The Spiny Dogfish Committee
13 met yesterday afternoon to review the action
14 alternatives for Amendment 3 to the joint spiny fish and
15 spiney dogfish fisheries management plan.

16 Mr. Chairman, I have a motion on behalf
17 of the committee. So, Jan, if you would project those
18 motions. There are actually five alternatives that we
19 considered. So I think it would be best, Mr. Chairman,
20 to consider each one of those five as a separate motion,
21 if you concur. And we have kind of an overarching
22 statement.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Go
24 ahead, Red. Are any of them -- remind me. Are any of
them controversial?

1 RED MUNDEN: Pardon me?

2 COUNCIL CHAIRMAN RICHARD ROBINS: Are
3 any of them controversial?

4 RED MUNDEN: With dogfish?

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 You're not in New England.

7 RED MUNDEN: Mr. Chairman, I'd be glad
8 to offer them as five motions all together. Move to
9 recommend to the Council that the following action
10 alternatives be considered under the issue of Spiny
11 Dogfish Amendment 3 and that FMAT further analyze these
12 alternatives.

13 The first is under research set aside,
14 include in the specification process an RSA provision
15 of up to 3 percent of the annual TAL. The next one is
16 under essential fish habitat. Review and update as
17 necessary EFH definitions and fishery impacts on EFH as
18 required by the Magnuson-Stevens Act.

19 Under year end rollover of management
20 measures, extend existing management measures into the
21 new fishing year until the measures specified for that
22 year are implemented. Under regional and state
23 allocations, recommend the regional and state
24 allocation scheme as established by Addendum 3 by the

1 Atlantic States Marine Fisheries Commission to that
2 spiny dogfish FMP. Under limited access action
3 alternatives for consideration, possible action
4 alternatives to be developed by the FMAT, explore
5 administrative solutions with the open access system and
6 extent of spiny dogfish federal permit dropping.

7 And then another alternative would be no
8 action on that. Mr. Chairman, those are the
9 recommendations from the Spiny Dogfish Joint Committee.

10 COUNCIL CHAIRMAN RICHARD ROBINS: Red,
11 so I wanted to go for broke and do them all at once, but
12 I do have a question. On the fourth one -- can you go
13 back up one page, Jan. Thanks. I thought the way this
14 discussion was was that this was the perfection of an
15 option, that the Coast Guard option would still be in
16 there. Is that correct?

17 RED MUNDEN: Yes.

18 COUNCIL CHAIRMAN RICHARD ROBINS: I
19 just want to make sure we're clear.

20 RED MUNDEN: The regional and/or the
21 state allocation. The motion reads: Regional and/or
22 state allocation scheme.

23 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
24 But that's just a sentence. Right? And it doesn't

1 provide any context. So what is this doing? Just
2 identifying that as an option or adding that as an option
3 or clarifying that?

4 PAT AUGUSTINE: Mr. Chairman, I thought
5 we added -- it was inferred the coastal would still be
6 in there as one of the options as opposed to the word
7 regional, meaning only a specific part along the coast,
8 just to spell it out. Maybe the word coastal should be
9 in there. I don't know.

10 COUNCIL CHAIRMAN RICHARD ROBINS: So,
11 Red, just to follow up, is the option then for this issue
12 going to be coastwide or -- let's see. I guess coastwide
13 would also be regional. I think after other allocation,
14 it needs to say or. Doesn't it, Jim?

15 JAMES ARMSTRONG: Basically, the first
16 part of this all inclusive motion identifies that
17 everything subsequent to this an action alternative
18 that's being considered for further analysis, so under
19 any issue you can have -- under the previous three
20 issues, there was only a single action alternative.

21 Under this issue there are two action
22 alternatives, a coastwide quota or, as you say, a
23 regional and/or a state allocation scheme.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.

1 I think it should say: or.

2 JAMES ARMSTRONG: -- or the action
3 alternative is to --

4 COUNCIL CHAIRMAN RICHARD ROBINS: I
5 think you need to add the word or after that. Gene.

6 EUGENE KRAY: Thank you, Mr. Chairman.
7 Red, is this the first time that we've ever had spiny
8 dogfish as part of the RSA allocated?

9 RED MUNDEN: That's correct.

10 EUGENE KRAY: Thank you.

11 RED MUNDEN: Mr. Chairman, I make that
12 motion on behalf of the Joint Committee. Thank you.

13 COUNCIL CHAIRMAN RICHARD ROBINS: Is
14 there a second? Discussion on the motion? Are there
15 any questions on the motion? Are you ready to vote?
16 Are there any objections to the motion? Seeing none,
17 it's approved by consent. Are there any abstentions?
18 No. Okay. Thank you. The motion carries. Red,
19 anything else?

20 RED MUNDEN: That concludes this Joint
21 Committee report, sir.

22 COUNCIL CHAIRMAN RICHARD ROBINS: Thank
23 you. With that I'll go to Chris Zeman for river herring
24 and shad.

1 require a motion at this time, that the committee
2 believed that the Council should take a proactive
3 approach with a letter to the Commission outlining
4 specific port requirements to the issues that impact the
5 river herring fishery and ask the Commission to do
6 likewise. That's a committee motion, so I put that
7 before the Council. It does not need a second.

8 COUNCIL CHAIRMAN RICHARD ROBINS: Okay.
9 Discussion on the motion? Is there any objection to the
10 motion? That's approved by consent. Thank you, Chris,
11 for all the work you and your committee did here going
12 through these issues.

13 CHRISTOPHER ZEMAN: I did have one more
14 thing, that is, during that discussion, it was
15 recognized that one of the really memorable experiences
16 as part of this process was there was one day workshop
17 that we held back in October where we brought in a lot
18 of different stakeholders from fishery, wildlife, the
19 states, and there was a one day nondecisional committee
20 meeting that I thought was something that we should
21 reproduce if we can preferably on an annual basis as a
22 way to start coordinating with our stakeholders on
23 species. I'm not sure you know the cost of that. It
24 was a costly endeavor, but I would like to see that

1 continue. I'm not sure if that requires a motion at this
2 time.

3 COUNCIL CHAIRMAN RICHARD ROBINS: I
4 don't think that requires a motion, Chris. Okay.
5 Anything else?

6 CHRISTOPHER ZEMAN: That's it.

7 COUNCIL CHAIRMAN RICHARD ROBINS: All
8 right. The next item is the Executive Committee report.

9

10 EXECUTIVE COMMITTEE REPORT

11 COUNCIL CHAIRMAN RICHARD ROBINS: I
12 think most of you or many of you were here for that as
13 we went through that this morning. We covered the
14 council budget. We also got an update from Chris Moore
15 about the process that's been laid out and the timeline
16 for 2012 specifications for the squid, mackerel,
17 butterfish specs. as well as summer flounder, scup, and
18 black sea bass.

19 We discussed the AP performance report.
20 Again, right after this, the SMB AP will be convening
21 with the social scientists from the SSC and moving
22 forward with the development today and tomorrow of their
23 first AP performance report for the SMB fishery. And
24 that will feed into the specification cycle we're on.

1 It's a significant step forward. It is a first cut but
2 I think an important step forward.

3 We discussed also with respect to the APs
4 about moving into this process and engaging them in the
5 development of an AP performance report. One of the
6 concerns is making sure that we have a broad
7 representation on the APs in terms of geography, making
8 sure that we cover all the fishery, also the different
9 stakeholder groups in the fishery.

10 And so we want to make sure that we have
11 adequate and appropriate compositions there. So we're
12 proposing to review the composition of all their APs.
13 We're also going to review the governance mechanisms and
14 structures that we have in place and see if we can improve
15 upon that to make sure that we're getting the most
16 effective advice that we possibly can out of our APs.
17 So we're going to take that up as probably a work group
18 project. I think Chris Moore is going to have Jessica
19 staff that. And if anybody would like to serve on a work
20 group on reviewing that, please let me know after this.
21 But we would hope to have that review done and back to
22 you for consideration at the next council meeting.

23 We also discussed the development of
24 ecosystem-based fishery management goals and

1 objectives. That follows at this point quite a bit of
2 discussion that we've had in the various committees and
3 the council level going back, if you reflect on the SMV
4 discussion we had about foraged species, if you think
5 about the work with the SSC.

6 We've already set them up with terms of
7 reference and a special subcommittee. That's one of the
8 first orders of business there is to try to develop
9 ecosystem goals and objectives.

10 A proposal that we made in Executive was
11 to go ahead and have staff engage with that subcommittee
12 of the SSC and develop a plan for developing goals and
13 objectives.

14 And that could include a range of
15 decision making processes. It could include, for
16 example, structured decision making, or basically
17 laying out an inner framework whereby the Council can
18 engage with the SSC subcommittee to get the technical
19 advice and begin to frame up the high level ecological
20 objectives and then bring in stakeholder values as we
21 go through the process. So that's what we propose. And
22 we'll be moving with that.

23 Chris also gave us an update on
24 communications. We have not hired anybody to fulfill

1 the communications position yet because of the budget
2 scenario, and we're still waiting to see how that will
3 resolve itself. Are there any questions on the
4 Executive Committee output?

5

6 VISIONING COMMITTEE REPORT

7 COUNCIL CHAIRMAN RICHARD ROBINS: The
8 next item is the Visioning Committee. We had a one-day
9 meeting with Touchstone Consulting who we hired to help
10 provide the road map, and I'll let Chris give a quick
11 update on that as well as the next steps involved. And
12 I believe that will be a follow-up committee meeting with
13 Touchstone for that presentation.

14 CHRIS MOORE: We're still moving
15 forward with our visioning strategic planning project,
16 as Rick indicated. As Mr. Chairman indicated, we had
17 a meeting March 30th in Washington D.C. Almost all of
18 the committee members attended that particular meeting.

19 The purpose of the meeting was to work
20 with Touchstone to develop the road map for this
21 particular project. We have seen a draft of that road
22 map. We, being Jason and I, are working with Touchstone
23 to refine that road map. As soon as we have a draft of
24 that, we'll schedule a meeting of the Visioning

1 Committee to review that, and then we'll move forward
2 with the actual implementation of that road map to get
3 on with our visioning and strategic planning project.
4 That's it, Mr. Chairman.

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 Thanks, Chris. Any questions at this point for Chris?
7 There was some confusion I think at first -- just
8 stepping back on this issue about the differences
9 between the visioning process and what Chris was
10 describing as a strategic plan or strategic planning
11 initiative, and so we worked through a lot of that in
12 the committee, and I think we'll see that flushed out
13 in the final report when that's available. But we look
14 forward to getting that road map together and getting
15 on the road on that problem. Is there any other business
16 to come before the Council? Chris.

17 JASON DIDDEN: Just the AP will probably
18 start around 2:30 to give the staff time to break down
19 the room, AP members get some lunch, things like that.
20 So 2:30 for AP folks.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Thanks for the update. Anything else to come before the
23 Council? All right. With that we're adjourned.
24 Thank you all very much and safe travel. We'll see you

1 in June in New York.

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3 WHEREUPON:

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5 THE MEETING WAS CONCLUDED AT 1:50 P.M.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 31st, day of May, 2011.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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