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MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
Room 2115 Federal Building
300 South New Street
Dover, Delaware 19901-6790

COUNCIL MEETING

14 OCTOBER 2009

at

Princess Royal Hotel
9100 Coastal Highway
Ocean City, MD 21842

WEDNESDAY, OCTOBER 14, 2009

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1 [8:35 a.m.]

2 _____
3 INTRODUCTIONS AND ANNOUNCEMENTS

4 COUNCIL CHAIR RICK ROBINS: Let's
5 take our seats so we can go ahead and get started
6 here in a minute. Thank you.

7 (Pause.)

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Good morning and welcome to the October Council
10 meeting. Dan Furlong has just informed me that we
11 are having some technical problems with the webcast.
12 This is the first meeting that we're broadcasting
13 live via webcast so that we can more accessible to
14 our constituents.

15 And I promised yesterday when we were
16 televising the Executive Committee meeting that we
17 would be at least twice as exciting as CSpan-3. Jim
18 Armstrong informs me that we had seven viewers
19 yesterday. I understand CSpan-3 only had three
20 viewers. So, I think we've cleared the hurdle.

21 The Vice Chairman has pointed out
22 that if I didn't have a face made for radio that we
23 might have had higher Nielsen ratings.

24 VICE CHAIRMAN LEE ANDERSON: My wife

1 was one of the viewers; making sure I was here.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Well, again, welcome, and I'm pleased to introduce
4 four new members of the Council.

5 We have fellow Virginian Peter deFur
6 of Richmond, who's on staff at Virginia Commonwealth
7 University as a faculty member.

8 We also have Chris Zeman of New
9 Jersey. Chris serves as an attorney with Zurich.
10 He's previously worked with Oceana and the U.S. EPA.

11 We have Steve Schafer from New York.
12 Steve works as the retail director for Wild Edibles
13 in New York, which is a sea food distribution
14 business.

15 And we have Preston Pate from North
16 Carolina. Pres, as you know, is working on the
17 development of the MRIP program and has formerly
18 served as the Chair of the ASMFC.

19 We have four members that bring a lot
20 of excitement, diverse backgrounds and enthusiasm to
21 the table. We're very glad to be able to welcome
22 you at this point in time, and I just want to let
23 you know you'll find the staff I think to be
24 extremely helpful and available to you as we go

1 forward. And I have received your requests for
2 committee assignments and look forward to discussing
3 those with you in the near future.

4 But with that, I'll turn it over to
5 Pat for the oath of office.

6
7 OATH OF OFFICE

8 PATRICIA KURKUL: Thank you, Mr.
9 Chair. I'd like to ask our new Council members to
10 stand please, and raise your right hand. And then
11 please repeat after me. And the state your name
12 part, that means actually state your name.

13 So, I, as a duly appointed member of
14 a Regional Fishery Management Council established
15 under the Magnuson-Stevens Fishery Conservation and
16 Management Act, hereby promise to conserve and
17 manage the living marine resources of the United
18 States of America by carrying out the business of
19 the Council for the greatest overall benefit of the
20 nation.

21 I recognize my responsibility to
22 serve as a knowledgeable and experienced trustee of
23 the nation's marine fishery resources, being careful
24 to balance competing private or regional interests,

1 and always aware and protective of the public
2 interest in those resources.

3 I commit myself to uphold the
4 provisions, standards and requirements of the
5 Magnuson-Stevens Fishery Conservation and Management
6 Act, and other applicable law, and shall conduct
7 myself at all times according to the rules of
8 conduct prescribed by the Secretary of Commerce.

9 This oath is freely given and without
10 mental reservation or purpose of evasion.

11 PATRICIA KURKUL: Congratulations,
12 gentlemen.

13 (Applause.)

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Congratulations and welcome.

16 _____
17 ELECTION OF OFFICERS

18 COUNCIL CHAIRMAN RICHARD ROBINS: At
19 this point I'll turn to Rick Cole for the elections.

20 Rick chairs the Elections Committee. And I will
21 point out that Joel MacDonald, who is normally with
22 us for this process is not here today, so I'll ask
23 Dan Furlong to serve in his place and call for
24 nominations from the floor at the appropriate point

1 in time.

2 Rick.

3 RICHARD COLE: Thank you, Mr.
4 Chairman. I was notified of one candidate for the
5 chairmanship, and that was Mr. Robins, and that's
6 the only candidate that I'm aware of.

7 DANIEL FURLONG: Okay. We have one
8 candidate for the position of Chairman of the
9 Council. Are there any other nominations from the
10 floor?

11 (No response audible.)

12 DANIEL FURLONG: Are there any other
13 nominations from the floor?

14 (No response audible.)

15 DANIEL FURLONG: Are there any other
16 nominations from the floor? Larry Simns.

17 LAWRENCE SIMNS: I'd like to make a
18 motion to close the nominations.

19 DANIEL FURLONG: Is there a second to
20 the motion? Second by Pete Himchak.

21 UNIDENTIFIED: No microphone on
22 Larry's part. I don't know what that was.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Larry, can you restate your motion, please?

1 LAWRENCE SIMNS: I make a motion to
2 close the nominations for Chair.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Second by Pete Himchak.

5 PETER HIMCHAK: Second.

6 COUNCIL CHAIRMAN RICHARD ROBINS: All
7 in favor, please raise your hand.

8 (Response.)

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Nineteen. Opposed, like sign.

11 (No response.)

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Abstentions, like sign.

14 (No response.)

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Motion carries.

17 DANIEL FURLONG: Okay. Given that
18 there are no other nominations except by
19 acclamation, Rick Robins is elected our Council
20 Chairman for the next Council year.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Thank you. Mr. Cole.

23 RICHARD COLE: I was notified of one
24 candidate for Vice Chair. That was Dr. Anderson.

1 DANIEL FURLONG: Okay. We have one
2 nomination for our Vice Chair. Are there any other
3 nominations for the position of Vice Chairman of the
4 Council from the floor?

5 (No response audible.)

6 DANIEL FURLONG: Are there any other
7 nominations for Vice Chairman of our Council from
8 the floor?

9 (No response audible.)

10 DANIEL FURLONG: Are there any other
11 nominations for Vice Chair from the floor?

12 (No response audible.)

13 DANIEL FURLONG: Okay. Seeing no
14 such nominations, I declare that the Vice Chairman
15 is elected by acclamation of the Council and Lee
16 Anderson will serve in that role for the next
17 Council year.

18 UNIDENTIFIED: Congratulations.

19 (Applause.)

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Thank you very much, and I'll ask Lee if he'd like
22 to say anything when I'm done. But I'll be brief
23 and just say that I continue to be humbled by the
24 Council's confidence and the opportunity to serve

1 you all in this capacity.

2 Lee and I said at the beginning of
3 last year that we hoped to make significant process
4 on some of the transitional challenges in front of
5 us. Certainly the Act put some major institutional
6 challenges to us in terms of integrating the SSC
7 into the decision-making process, coming to terms
8 with the ACL and AM requirements. I feel like we've
9 made a lot of progress on the omnibus action over
10 the course of the last year, and am quite pleased
11 with the progress on that.

12 I think over the course of this
13 coming year, we can look to conclude that and have a
14 strong product in place when we finish the process.

15 And obviously we still have a lot of -- a lot of
16 work to do with the SSC integration. I think we've
17 had some significant challenges there in the last
18 year and certainly in recent months, but I look
19 forward to working with the Council and the SSC
20 leadership, to continue to work on that integration.

21 The state and federal alignment is
22 another challenge that continues to loom large in
23 front of us. It's part of who we are. We're so
24 closely aligned with the Commission and look forward

1 to working with the Commission to address some of
2 those structural challenges. And I think we made a
3 nice step in that direction yesterday, working with
4 Commission leadership.

5 So, again, I'd like to just take
6 another opportunity to welcome the new members
7 aboard. They do bring of a lot of excitement and
8 experience to the table, and we're very pleased to
9 have the opportunity to work with you over the next
10 year.

11 Dr. Anderson.

12 COUNCIL VICE CHAIRMAN LEE ANDERSON:

13 Thank you. As I said last year, I'm a happy camper
14 in this position and I continue to be a happy
15 camper, and I'm very pleased to work with this guy.

16 He is really a brilliant man and he's a good
17 leader. He amazes me with his energy, and at the
18 same time, he's cooperative and allows me to have my
19 input and I know that I'm listened to, as all of you
20 do I'm sure when you work with him.

21 One thing though that I'm very
22 pleased with is both Rick and I have the philosophy
23 that we want to be cooperative with our other
24 colleagues in this business, ASMFC, the Centers, the

1 Regional Office. We have an open policy of talking
2 and open communication, and I think that is working
3 and we certainly intend to keep that up. Thank you
4 again, and I look forward to a good year.

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 Thank you, Lee.

8 APPROVAL OF JULY AND AUGUST MEETING MINUTES

9 COUNCIL CHAIRMAN RICHARD ROBINS:

10 With that, our next item is the approval of the
11 August minutes. And I have one change at Page 80.
12 Where it says protagonist hermaphrodite, which would
13 read like a really interesting Greek tragedy, I
14 guess; I think what we had in view there was a
15 protogenous hermaphrodite.

16 That's the only change I have to the
17 minutes. Are there any other changes to the
18 minutes?

19 COUNCIL VICE CHAIRMAN LEE ANDERSON:

20 You're just bragging by pointing that out.

21 COUNCIL CHAIRMAN RICHARD ROBINS: No,
22 no, no, no. There may have been protagonists and
23 hermaphrodites in the discussion, but I don't think
24 that they were intended to be commingled like that.

1 So, are there any other changes to
2 the minutes?

3 (No response audible.)

4 COUNCIL CHAIRMAN RICHARD ROBINS: Is
5 there any objection to approving the minutes as
6 amended?

7 (No response audible.)

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Seeing none, they're approved by consent.

10 Pete?

11 PETER HIMCHAK: Not an objection on
12 the minutes, Mr. Chairman. Just a small bit of
13 housekeeping. At the August meeting, we said that
14 we would approve the minutes of the July 14th
15 Philadelphia meeting on ACL and AMs that we had,
16 that we would approve them at this meeting. Is that
17 on the agenda for today as -- have people gone
18 through the minutes from that January 14th meeting?

19 I have a correction to make, and
20 that's why I bring it up.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Pete, thanks for bringing it up. We did say that we
23 would approve those minutes here. Are there any
24 modifications to those minutes? Would you like to

1 offer one?

2 PETER HIMCHAK: I bring this up
3 because I read something that I had said on Page 228
4 and I'll give this to Mr. Wallace. I must have been
5 talking with marbles in my mouth, but it said into
6 account 40 boatload; it should have been party
7 boats.

8 So, it happened twice. I'll give
9 this to Mr. Wallace, a revised page, --

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Thank you.

12 PETER HIMCHAK: -- and he can make
13 the correction. Thank you.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Thank you, Pete.

16 Are there any other modifications to
17 the July 14th ACL/AM workshop minute meeting (sic)?

18 (No response audible.)

19 COUNCIL CHAIRMAN RICHARD ROBINS:

20 Okay. Is there any objection to approving those as
21 amended?

22 (No response audible.)

23 COUNCIL CHAIRMAN RICHARD ROBINS:

24 Seeing none, those are approved by consent, as well.

1 Thank you.

2 All right. Pat, are you ready for
3 the Northeast Regional Report?

4 Oh, I'm sorry. Before you begin,
5 Pat. There is a possibility -- it appears that the
6 catch shares presentation that was originally
7 scheduled for tomorrow has been postponed. I
8 believe Monica Medina is out of the country, and
9 that would probably be rescheduled for the December
10 meeting at this point in time.

11 In light of that, there is a
12 possibility that we will be able to conclude the
13 agenda today, because some of the times in here that
14 are blocked off are fairly generous for today's
15 action items, and we do have a hearing scheduled for
16 12:30 today on the proposed MPAs. I would suggest
17 that we try to keep that at 12:30 in case
18 constituents were planning on being here for that
19 specific hearing.

20 But in light of the cancellation of
21 tomorrow's action item or presentation, there is a
22 possibility that we could conclude today, but I
23 would suggest that we see where we are at about
24 11:30 or 12:00, and if it looks like we're going to

1 conclude today, we'll take a break so we can make
2 arrangements to check out, if need be, or make
3 alternate travel plans.

4 Okay? With that, Pat.

6 NORTHEAST REGIONAL ADMINISTRATOR'S REPORT

7 PATRICIA KURKUL: Thank you, Mr.
8 Chair. Okay. So, starting with Squid, Mackerel,
9 Butterfish, on October 6th the agency on behalf of
10 the Secretary of Commerce approved Amendment 10 to
11 the Atlantic Mackerel, Squid and Butterfish Fishery
12 Management Plan, with all the management measures
13 proposed by the Council approved.

14 A proposed rule for Amendment 10
15 published on September 3rd, 2009, and the comment
16 period closes on October 19th. We expect to publish
17 a final rule implementing Amendment 10 as soon as
18 possible.

19 As you may recall, the purpose of
20 Amendment 10 is to bring the mackerel, squid,
21 butterfish FMP into compliance with the Magnuson-
22 Stevens Act by establishing a rebuilding program for
23 the butterfish stock.

24 Black sea bass, effective October 5th

1 the agency took emergency action to close the
2 recreational black sea bass fishery in federal
3 waters north of Cape Hatteras.

4 The best available information for
5 black sea bass indicates that recreational landings
6 for 2009 have substantially exceeded the
7 recreational harvest limit.

8 The magnitude of the overage in fact
9 threatens to exceed the overall mortality objectives
10 established of the total landing level; that means
11 including both commercial and recreational sectors
12 combined.

13 Scup, effective October 8th, the scup
14 commercial coastwide fishery closed for the
15 remainder of the summer period. Based on recent
16 projections, it was determined that the commercial
17 quota of approximately 2.9 million pounds for the
18 summer period would be fully harvested by that date;
19 therefore, the fishery was closed. The Winter 2
20 period for commercial scup harvest will open on
21 November 1st.

22 We determined that the -- for
23 dogfish, we determined that the 2009 Period 1 quota
24 for spiny dogfish has been harvested. Therefore,

1 the fishery was closed September 26th.

2 Let's see. Scallop. For the limited
3 access general category scallop fishery, the fishery
4 closed to IFQ vessels, including vessels fishing
5 with Letters of Authorization, LOAs, on September
6 15th. The IFQ scallop fishery was allocated over --
7 just over 688,000 pounds for the third quarter of
8 the 2009 fishing year. The allocation was reduced
9 to just over 309,000 pounds due to an overage in the
10 first quarter.

11 The limited access general scallop
12 fishery is scheduled to reopen to IFQ scallop
13 vessels on December 1st.

14 The sea scallop observer set-aside of
15 days-at-sea was fully utilized on September 9th.
16 This was a result of assumptions that we made with
17 respect to the compensation rate, as well as the
18 level of coverage in the fishery, and ultimately the
19 one percent that's set aside for this fishery was
20 utilized before the end of the year.

21 We do try to set those rates in a way
22 that would allow the compensation rate to be -- to
23 be available through the fishing year. However, in
24 order to remain available at the one percent set-

1 aside level the compensation rate would have had to
2 have been less than .1 days-at-sea per days-at-sea
3 used.

4 We set the rate at .15. The industry
5 has indicated that even the .15 does not fully
6 compensate them for the observer trips.

7 We'd like to announce a new research
8 set-aside policy with respect to compensation
9 fishing vessels. The Regional Office recently
10 adopted a new policy that will cap the RSA
11 compensation fishing vessels at 50 vessels per
12 project starting in 2010. As a result of the
13 increasing number of vessels conducting compensation
14 fishing for some projects funded under the Mid-
15 Atlantic RSA program, the following concerns were
16 identified:

17 Non-compliance with the terms and
18 conditions of compensation fishing.

19 Authorizations has increased.

20 The administrative burden to process
21 compensation fishing authorizations has increased.

22 Oversight of the compensation fishing
23 terms and conditions has become increasingly
24 difficult.

1 Effective RSA quota monitoring
2 oversight has become increasingly difficulty, and
3 enforcement capability has diminished.

4 Therefore, as I said, starting in
5 2010, each project will be restricted to 50 vessels
6 that may be authorized to participate in
7 compensation fishing activities at any given time.

8 For multispecies, the Northeast
9 Regional Office has now received 17 sector
10 operations plans for the 2010 fishing year. The
11 sector operations plans are under review.

12 At the September meeting of the New
13 England Fishery Management Council, the Council
14 voted to consider additional restrictions for the
15 common pool, that is those vessels that are not in
16 sectors.

17 They will be considering these
18 additional restrictions at their November Council
19 meeting. This decision came after the September 1
20 deadline for sectors to submit rosters, operations
21 plans and environmental assessments for the May 1
22 start of the 2010 fishing year.

23 And the Regional Office and the New
24 England Fishery Management Council will be sending a

1 joint letter to notify common pool vessels of this
2 development and the possibility to join one of the
3 two sectors included in Amendment 16 that have not
4 yet submitted their 2010 operations plans.

5 Any sector submitting documents to
6 NMFS now would not be approved until after the start
7 of the fishing year in 2010.

8 On September 14th we published a
9 final rule in the Federal Register that implements
10 minor modifications to the existing requirements
11 regarding the use of chain mat modified dredges in
12 the Atlantic scallop fishery. These regulations are
13 effective October 14th.

14 On October 5th, we sent a letter to
15 Dan, to the Council, notifying the Council that the
16 bluefish stock is now formally considered by the
17 National Marine Fisheries Service to be rebuilt,
18 according to the criteria established in its
19 respective Magnuson Act rebuilding program.

20 We also sent a letter to Dan on
21 October 1st as a result of a request to add
22 additional members to several of the Mid-Atlantic's
23 FMATs, and so this letter now indicates that for the
24 ACL and AM omnibus amendment, we now have six

1 Regional Office members -- not just Regional Office,
2 that also includes General Counsel -- but six
3 National Marine Fisheries Service members -- I'm
4 sorry, includes General Counsel and the Center.

5 For Amendment 14 to mackerel, squid
6 and butterfish, we now have nine; and for Amendment
7 2 to spiny dogfish, there are eight National Marine
8 Fisheries Service members for the FMAT.

9 And then finally, we did recently --
10 and I can't remember the dates -- October -- in
11 early October, I have a Northeast Region
12 Coordinating Council meeting, which for the benefit
13 of the new members is a group consisting of the
14 Executive Directors of the two Councils in the
15 Region and the Atlantic States Marine Fisheries
16 Commission, the Chairs and the Vice Chairs of the
17 two Councils, and representatives from the Regional
18 Office and the Northeast Fisheries Science Center.
19 We meet twice a year. October is our priority-
20 setting meeting. That is where we discuss our
21 priorities for the following year and make
22 commitments to work plans for all the various groups
23 for the following year.

24 And so we had that priority-setting

1 discussion that I'm sure Dan will talk about later.

2 We also at each of the NRCC meetings set the Stock
3 Assessment Workshop schedule for the upcoming years.

4 I think we actually went out to 2013 this time, and
5 I'm sure Jim will talk about that a little bit in
6 his report.

7 And then have various other
8 discussions of mutual interest and exchange of
9 information between the groups, and I think in the
10 binder under Tab 12 there's an agenda for the NRCC.
11 So, if you have any questions on any of the agenda
12 items -- you know, feel free to talk to any of us
13 that were there in attendance.

14 And that's all I have, Mr. Chair.

15 COUNCIL CHAIRMAN RICHARD ROBINS:

16 Thank you, Pat. Pat, for the gen. cat. IFQ scallop
17 fishery, I know that there are still some appeals
18 pending. Is it the Service's expectation that those
19 will be completed in time for the 2010 fishing year
20 such that the gen. cat. would move forward on an IFQ
21 basis for the 2010 management year?

22 PATRICIA KURKUL: Yes, we've got --
23 as of yesterday -- 29 appeals still pending; and as
24 you know, we're working with the Alaska Regional

1 Office and their appeals office to complete those
2 appeals. They have committed to completing the
3 appeals by early November, which will allow us to
4 just meet the time line for implementing in March.

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 Okay. Thank you very much.

7 Other questions for Pat? Pete.

8 PETER HIMCHAK: Mr. Chairman, I had a
9 comment and not a question on the report; so, I'll
10 wait.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Okay. Other questions for Pat? Greg DiDomenico.

13 GREG DIDOMENICO: Greg DiDomenico,
14 just speaking on behalf of NFI Scientific Monitoring
15 Committee. I had a quick question, Ms. Kurkul.

16 We've been intimately involved in the
17 programmatic review of the research set-aside
18 program. We were told that no substantive changes
19 would be made until 2011. We were somewhat aware of
20 the issue of limiting vessels, but we were a little
21 surprised that that's going to take place January 1,
22 2010.

23 The question I have is would you
24 consider that it would be 50 recreational vessels

1 and a smaller number of commercial vessels to be
2 allowed to have compensation fishing, research set-
3 aside, per project? Because quite frankly, this
4 year, with the amount of fish that we have to fund
5 these programs for and the amount of interest in
6 research set-aside, I would imagine that 50 vessels
7 is going to be easily -- easily -- there will be 50
8 recreational -- there will probably be 150
9 recreational vessels who want to get into the
10 research set-aside program.

11 Is there a way to consider -- because
12 we've actually talked a lot about splitting up the
13 auction, having a recreational auction, and then a
14 commercial auction.

15 Is there a way to get a number of
16 vessels per project, one group of recreational, one
17 group of commercial? Because it's going to severely
18 limit the number of people who participate, and I
19 would imagine at this point we're going to have to
20 not only notify people of that, but also tell them
21 that if we exceed that number, we're going to have
22 to pull you out of a hat to determine whether or not
23 your auction is taken.

24 If you could consider that, that

1 would be a big help.

2 PATRICIA KURKUL: Well, we'll look at
3 it, but frankly the program has become -- for the
4 reasons I said -- extremely problematic, not just
5 for us, but for the states, as well, I believe.

6 GREG DIDOMENICO: Yeah.

7 PATRICIA KURKUL: And so we're trying
8 to put some kind of bounds on it so that we don't
9 completely lose control of it. We're willing to
10 talk with you and work -- you know, work through
11 some reasonable accommodations that --

12 GREG DIDOMENICO: Sure.

13 PATRICIA KURKUL: -- that still allow
14 us to achieve our goal.

15 GREG DIDOMENICO: Okay. Thank you
16 very much.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thanks, Pat. Pete Himchak.

19 PETER HIMCHAK: Yes, thank you, Mr.
20 Chairman. I have to bring up an issue -- and I
21 don't want to violate the integrity of the agenda,
22 but certainly the closure of the black sea bass
23 fishery in the EEZ elicited a tremendous uproar; and
24 it did -- it did put a lot of pressure on Council

1 members to do something.

2 And in fact, Dan was requested to
3 modify the agenda, and I understand the difficulties
4 of administrative procedures and publication of
5 agenda items. So, suffice it to say that the agenda
6 as written could not accommodate their wishes of --
7 essentially they want to revisit the ACL for black
8 sea bass in 2010.

9 So, not to belabor the point, but I
10 can't let it go unnoticed that they did request that
11 it be put on the agenda. For perfectly good
12 administrative reasons, it cannot be discussed here,
13 but are there any options for the future, say at the
14 December meeting? I don't know.

15 COUNCIL CHAIRMAN RICHARD ROBINS:

16 Well, the response I would have to that, I have
17 discussed this with our counsel; and frankly, if you
18 think about the state of rulemaking that the Service
19 is in, it would really be moot to put it on the
20 December agenda.

21 We could do it. I think it would
22 basically be somewhat fruitless, because we've
23 already submitted the specs package to the Service.

24 At this point, it's in the Service's hands. I'll

1 let Pat speak on where they are in terms of
2 rulemaking and how that's -- how that's progressing,
3 what the state is. But if you consider any action
4 that we might take as a Council; again, it's already
5 been submitted to the Service. But -- Pat.

6 PATRICIA KURKUL: I'm not entirely
7 sure where we are. I know we haven't published a
8 proposed rule. Have we gotten the package from the
9 Council? Okay.

10 DANIEL FURLONG (No microphone):
11 September 16th.

12 PATRICIA KURKUL: September 16th,
13 okay. So, still under review, but we should be
14 publishing a proposed rule soon.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thank you. Pete.

17 PETER HIMCHAK: So, if I may, Mr.
18 Chairman; then the recreational community should
19 essentially comment on the proposed rule. That's
20 their vehicle for effecting any kind of change for
21 2010?

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 Pete, that's right. That's the best place for
24 comment to be directed at this point in time;

1 because again the Council has already taken a final
2 action and the spec package was submitted mid-
3 September, September 16th, I think. And so it's
4 already in the rulemaking process.

5 Northeast Science Center, Dr.

6 Weinberg.

7
8 NMFS NEFSC DIRECTOR'S REPORT

9 JAMES WEINBERG: Thank you very much.

10 I'd like to review, first of all, some of the
11 survey activities and then go on to stock assessment
12 scheduling.

13 The Bigelow is currently conducting
14 the autumn bottom trawl survey. It began this year
15 on September the 12th. And as you know, the Bigelow
16 replaced the Albatross in the last year.

17 Last year, there were a series of
18 studies that were done while we had both vessels,
19 and a lot of data was collected. Having the two
20 vessels side-by-side towing -- doing tows side-by-
21 side to see what -- how that would compare. And the
22 whole goal of that was to develop calibration
23 coefficients so that the Science Center could move
24 forward and basically stitch together the Albatross

1 historical survey with the Bigelow data that are
2 coming in now. And it was a relatively brief period
3 where we had both vessels overlapping, shorter than
4 the Science Center had initially requested.

5 Nevertheless, this August we had a
6 peer review meeting of the results that -- all the
7 data that were collected for the calibration studies
8 were brought together in papers and there was a peer
9 reviewed meeting in Woods Hole from August the 11th
10 to the 14th. And the peer reviewers, there were
11 three gentlemen from outside of the Science Center
12 who were totally independent, and then they've
13 prepared a summary report.

14 Wendy Gabriel from our Science Center
15 is the point of contact for that meeting. She led
16 the meeting. But the Science Center will be
17 prepared to present to both Councils a summary of
18 the results of that meeting at a future Council
19 meeting. So, I'll be sending an email to both
20 Councils and we'll try to schedule that.

21 But the -- I can tell you that for
22 some stocks it appears that the calibration
23 coefficient will be estimable and fairly precise,
24 and for other stocks there doesn't seem to be all

1 that tight of a relationship, of course, due to
2 species differences.

3 And those are the sorts of things
4 that we'll be able to report to you when we give the
5 summary. There are also a number of technical
6 issues that the reviewers mentioned that will
7 require further analysis by people at the Science
8 Center, digging into the data more, for instance, to
9 look at not just the number of fish that are caught,
10 but for instance are there differences with respect
11 to the lengths or sizes of the fish that are
12 captured. So, the analysis can actually be quite
13 complex and differ from stock to stock.

14 Then, moving on to assessment results
15 and meetings, the SARC 48 took place last June and
16 as you know, that was with ocean quahogs, tilefish
17 and weakfish. Those were benchmark stock
18 assessments and all the reports from the reviewers
19 and the science reports, as well, are all posted on
20 our Northeast Fisheries Science Center SAW website.

21 We've also had a number of TRAC stock
22 assessments, and these are transboundary stocks,
23 primarily of more interest to the New England
24 Council.

1 This summer, the Science Center was
2 involved with updates for a number of Mid-Atlantic
3 stocks, including bluefish, black sea bass, scup.
4 Currently doing a dogfish update. And perhaps there
5 are one or two others.

6 And we're working now on doing the
7 final step to publish Center reference documents for
8 those updates. I believe the black sea bass report
9 is actually -- passed through our technical review
10 and will be published this week.

11 The next SARC that's coming up will
12 be with surfclam and butterfish, and the dates for
13 that meeting are November the 30th through December
14 the 3rd. And the terms of reference for that
15 meeting, we were able to get feedback from both
16 Councils and SSC members of both Councils to try to
17 incorporate some of the specific issues that the
18 Councils are concerned about, in addition to the
19 regular kind of thing of just determining the
20 landings and fishing mortality rates and so forth.

21 For instance, with surfclam, they've
22 had very low recruitment over the last five or ten
23 years, and one of the terms of reference is to try
24 to look at the factors responsible for that low

1 recruitment.

2 And in butterfish, actually written
3 into the -- one of the terms of reference, it makes
4 a specific reference to looking at discards of
5 butterfish in the loligo fishery.

6 Then going on to -- we did in the
7 NRCC meeting do some scheduling through December of
8 2012, and the schedule that the NRCC approved is
9 also posted on our SAW/SARC website. But I'll just
10 mention that for this coming June 2010, there are
11 three stocks on the SARC: Atlantic sea scallop,
12 monkfish and pollock. And then for December of
13 2010, loligo is on and three different hake species.

14 So, I'll take any questions. Thank
15 you.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Jim, thank you. And I appreciate your participation
18 yesterday in the discussion with the ASMFC
19 leadership, as well.

20 That discussion led to some question
21 I think about the calendar for the SARC and
22 subsequent CIE review process on benchmarks; and I
23 think that's something that we'll probably need to
24 have some follow-up discussions on to ensure that

1 the proposed calendar we're using is going to work.

2 But obviously we have a very
3 compressed time period in which to get the reviews
4 done prior to the spec-setting process, and I think
5 we're probably going to want to have some additional
6 follow-up on that -- on that specific issue.

7 But questions for Jim? John.

8 JOHN BOREMAN: Yes, just a comment
9 that the upcoming SARC the Chair will be a member of
10 the Mid-Atlantic SSC, Rob Latour. So, I just wanted
11 to add to that.

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Thank you, John. Any other questions or comments
14 for Jim?

15 (No response audible.)

16 COUNCIL CHAIRMAN RICHARD ROBINS: All
17 right. Seeing none, we'll move on.

18 Lieutenant Commander Brown.

19 _____
20 U.S. COAST GUARD REPORT

21 LCDR TIM BROWN: Good morning, Mr.
22 Chairman, fellow Council members. I'll be speaking
23 to the Coast Guard Enforcement Report, which you
24 should all have in front of you.

1 From 15 July to 30 September, the
2 Coast Guard stations and cutters in District 5 did
3 over 215 -- did -- excuse me -- conducted 215
4 fisheries boardings, across the range of fisheries
5 in the Mid-Atlantic. In addition, over 1670 cutter
6 hours, 430 small boat station hours and 85 aircraft
7 hours were dedicated to fisheries law enforcement
8 during this time.

9 This level of effort is on par with
10 previous years. You can see in the middle half of
11 Page 1 there the comparison from this year to last
12 year, and how that stacks up.

13 Also during this period, we did have
14 -- as Ms. Kurkul mentioned -- the scallop opening
15 for the limited access general category fishery, and
16 we had an enforcement operation focused on that. We
17 did 35 boardings in that two-week opening on that
18 fleet, noting one significant violation.

19 There were a total of three
20 significant fisheries violations detected during
21 this period. That's one correction to the table on
22 Page 1.

23 On Pages 2 and 3 there, you can see
24 how our boardings break down by gear type and by

1 fishery during this period. And then on Page 4 of
2 the report, I detail the three significant
3 violations that were detected during this period.

4 In early August, off the North
5 Carolina coast in the Snowy Grouper Marine Protected
6 Area, the Cutter Block Island detected two fishing
7 vessels actively engaged in fishing in that MPA.
8 Approximately 1,000 pounds of mixed snapper/grouper
9 catch on each vessel. The vessels were escorted to
10 port and were met by NOAA OLE and the catches were
11 seized and an EAR was issued by -- Enforcement
12 Action Report was issued by NOAA OLE.

13 And then during the scallop opening
14 on 3 September, monitoring of VMS by both us and the
15 NOAA Northeast Region detected a fishing vessel
16 operating in the Hudson Canyon closed area while
17 broadcasting a scallop activity code.

18 We continued monitoring the vessel
19 and met the vessel, along with our New Jersey Fish
20 and Wildlife partners; and based on information
21 gathered during the boarding and the information
22 from the VMS, the vessel's catch was seized of
23 approximately 380 pounds of scallops and an
24 Enforcement Action Report was issued, as well, in

1 that case.

2 The next section details the six
3 commercial fishing vessel safety terminations that
4 occurred during this period. You can see the
5 reasoning for those safety terminations.

6 Page 5 details some marine protected
7 species efforts from Coast Guard units in the Mid-
8 Atlantic during this period. I think we continue to
9 have good and close cooperation with the stranding
10 team network throughout the AOR -- throughout our
11 area.

12 Moving on, on Page 6, commercial
13 fishing vessel safety efforts during this period, 65
14 decals, commercial fishing vessel safety dockside
15 exam decals issued this period out of 92 dockside
16 exams conducted.

17 Quick highlights on search and
18 rescue, 20 marine casualties in the commercial
19 fishing vessel fleet reported in the Mid-Atlantic
20 during this period, including the loss of three
21 vessels and one fatality. That was from a man
22 overboard during fishing operations.

23 And then the final sections of the
24 report are the traditional outreach information,

1 continue to highlight that home port site that I
2 referenced there on Page 7. There are good and
3 pertinent safety alerts and other information there
4 for your information. And then the last section of
5 the report just outlines all the boardings conducted
6 during this period.

7 I do want to take this opportunity,
8 as well, to thank the Chairman for graciously
9 hosting our District Commander and several local
10 Coast Guard representatives during a processing
11 plant tour last week. That was very informative for
12 myself and for the others that were able to attend,
13 and good to keep us all engaged in that operation.
14 So, I appreciate your time, Mr. Chairman. I'd
15 welcome any questions.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Thank you for the report, Lieutenant Commander, and
18 I likewise appreciate the outreach opportunity and
19 your new admiral's willingness to reach out to the
20 local industry and that was a great opportunity to
21 have a day and spend some informal time with your
22 delegation, and we really appreciated that, as well.

23 Had a good opportunity to discuss the scallop
24 industry's approach to dealing with some Protected

1 Resources issues, with the use of turtle excluder
2 devices in the gear, and it was a nice opportunity
3 to have that time together with your delegation.
4 So, thank you very much.

5 Andy Cohen.

6 I'm sorry. Before I move on to Andy,
7 are there any other questions for Lieutenant
8 Commander Brown?

9 (No response audible.)

10 COUNCIL CHAIRMAN RICHARD ROBINS: All
11 right. Welcome, Andy.

12 _____
13 FEDERAL LAW ENFORCEMENT REPORT

14 ANDREW COHEN: Thank you, Mr.
15 Chairman. Good morning, everybody. I have a very
16 brief report today. You have the report in your
17 binder. I'd like to point out on Page 6, please
18 take note of the observer report. 28 complaints
19 were received from the observer program, of which
20 four have so far resulted in recommendations for
21 prosecution. The others are either unfounded,
22 didn't reach a level for prosecution, or are still
23 under investigation.

24 We continue to receive intelligence

1 and complaints about violations in the RSA program
2 pertaining to non-reporting, people reporting when -
3 - after they land, if they determine that the
4 likelihood of being inspected or boarded is very
5 low. The complaints are both in the charter and
6 recreational sectors.

7 That's all I have that is not in the
8 report. I'd be happy to field questions.

9 COUNCIL CHAIRMAN RICHARD ROBINS:

10 Thank you, Andy. Any questions for Andy?

11 (No response audible.)

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Andy, again, the status of the RSA issues? Those
14 are under investigation now?

15 ANDREW COHEN: Yes, they are.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Thank you. We'll look forward to an update on that,
18 hopefully at the December meeting then. Thank you.

19 All right. ASMFC Executive Director.

20 Vince.

21 _____
22 ASMFC EXECUTIVE DIRECTOR REPORT

23 VINCE O'SHEA: Good morning, Mr.
24 Chairman. First of all, thank you very much for

1 including the Commission in yesterday's discussion
2 about the monitoring committee and the SSC. I very
3 much appreciate having our Commissioners at the
4 table for that meeting. Thank you and the Council
5 support for reaching out to the Commission, so ...

6 And also behind Tab 4 is the
7 Commission's report from our summer meeting, as well
8 as the agenda for our next meeting, which is in
9 Newport, Rhode Island, the first week in November at
10 the Hyatt Hotel.

11 With regard to that agenda, there's
12 probably perhaps five items on there I might mention
13 to you. The Commission's contemplating action on
14 weakfish. We got a stock assessment. And in our
15 summer meeting report you can see -- you can see the
16 results of that stock assessment, which basically
17 shows that the biomass line is now converging with
18 the removal line in the stock. And the Commission
19 has an addendum out right now for possible action to
20 address this. I think we're down about 1300 metric
21 tons of weakfish, with about 800 metric tons of
22 removal.

23 We also have an addendum out -- we're
24 going to get a new stock assessment on striped bass

1 and we have an addendum out proposing various
2 options to rollover on used quota in the commercial
3 fishery for striped bass. We have another addendum
4 out to extend the menhaden cap in the Chesapeake
5 Bay. There's a range of options in there, the
6 longest being three years.

7 And Mr. Chairman, I think there'll
8 also be a discussion about the potential expansion
9 of the bait fishery on menhaden in view of the stock
10 assessment news about sea herring up in New England
11 and the expected pressure that's going to put on
12 bait supplies going forward.

13 We have an addendum out on lobster.
14 We have a new stock assessment came out and it's
15 among other things indicating that the Southern New
16 England stock is still depleted and there's going to
17 be management action required first to adopt new
18 reference points, and then the Board needs to decide
19 whether it wants to take action, what specific
20 action it wants to take to the stock assessment they
21 received earlier this year.

22 And we have another management action
23 for shad. We did complete a stock assessment from
24 that last year, and it showed that the stock in

1 general is severely depressed compared to historical
2 levels and that the proposed management action looks
3 at a variety of different responses to address that
4 condition.

5 So, I think there's constituents
6 within the Mid-Atlantic Council family, Mr.
7 Chairman, that have an interest in some or all of
8 these species.

9 So, as always, our meetings are open
10 to the public and we -- certainly anybody that would
11 like to be there, we certainly would enjoy seeing
12 you all there.

13 So, again, thank you, Mr. Chairman,
14 for your hospitality this week, and also to my
15 fellow Executive Director, Dan, for including our
16 materials in the briefing book. Thank you.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Vince, thank you, and thanks again for your
19 participation yesterday in our discussion.
20 Obviously, we think it's critical that the
21 Commission be at the table so that we can
22 successfully evolve a plan for collaborative
23 management of these species that we share together.

24 On the issue of river herring, as you

1 know, we're planning on moving forward with an
2 addendum, or an amendment rather, that would address
3 the question of river herring interactions in our
4 mackerel fishery.

5 And so as probably a first step,
6 we'll be collecting as much information as we can on
7 these interactions, but I think it would probably be
8 helpful if we could get any preliminary information
9 that the ASMFC might have regarding the state of
10 science on its stock assessment, which I know is
11 ongoing, but perhaps some updates as we go along
12 would be helpful there for the committee as we take
13 our first steps. But that's on the horizon for us
14 over the course of the next year.

15 Questions for Vince? Pete.

16 PETER HIMCHAK: Mr. Chairman, I just
17 wanted to follow up on one issue. This isn't a Mid-
18 Atlantic Council species, obviously, but yeah, the
19 Atlantic herring reduced ACL and -- that's being
20 discussed for 2010 has already created a tremendous
21 amount of angst in New Jersey.

22 Our Council's Menhaden Committee is
23 meeting August -- I mean October 21st because we see
24 an onslaught of bait demands off New Jersey.

1 Currently New Jersey harvests just under 40 million
2 pounds a year. We're second to Virginia, the
3 Virginia snap ring. But that could really get out
4 of hand in 2010, and we're already planning on any
5 kind of limited entry program or something, or
6 capping bait permits or something.

7 But it's a real -- it could be a real
8 nightmare in 2010 for us, because of the Atlantic --
9 the lack of Atlantic herring. So, we see a train
10 wreck coming. Thank you.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Pete, I am familiar with that situation. Now, if
13 your state were to move forward with limitations on
14 that fishery, is that something that would have to
15 be done by legislation or can your -- can you
16 develop those rules administratively in time for the
17 2010 fishing year?

18 PETER HIMCHAK: No. By regulation,
19 we would never be able to accomplish anything by
20 regulation. There might be legislative -- some kind
21 of control rule or we start issuing permits in
22 January and February of 2010 and something would
23 have to be done between now and then that's -- it's
24 pretty ambitious. Thank you.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Thank you for that update, Pete. Okay. Any other
3 questions or comments for Vince?

4 (No response audible.)

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 Seeing none, we'll move on to the New England
7 Council Report. Erling.

8
9 NEW ENGLAND COUNCIL LIAISON REPORT

10 ERLING BERG: Thank you, Mr.
11 Chairman. This report is from three different
12 meetings, actually. We had a whiting meeting in
13 Mansfield, Massachusetts on September 14th, a
14 Council meeting in Plymouth, Mass. on September 22nd
15 through the 24th, and then there was a herring
16 meeting, which was a joint meeting with the Herring
17 Board from the Commission, and that was in October
18 6th -- I've got to go back here -- yeah, October 6th
19 in Portland, Maine. So, I've been around since the
20 last meeting.

21 On the whiting, there were six issues
22 that were addressed and I'm going to go through
23 them, because I think there's some importance here
24 in the Mid-Atlantic in whiting, especially in

1 northern New Jersey. And I'm going to do them in
2 the order of priorities. So, the first one was ACLs
3 and AMs; a three-year specification process
4 beginning in 2011; improved reporting and VMS
5 requirements for vessels targeting whiting; bycatch
6 of whiting in all fisheries and finfish bycatch in
7 the directed whiting fishery; limited access and
8 catch shares sectors, ITQs. This is a fishery
9 that's probably valued at between 30 and 35 million
10 dollars a year.

11 And the Council when the -- in
12 Plymouth, Mass., John Pappalardo and Rip Cunningham
13 were both re-elected as Chair and Vice Chair of
14 their Council, and they also elected three Executive
15 Committee members. They select their Executive
16 Committee by vote, and they don't do like we do
17 where the Chairs of the different committees are on
18 the Executive Committee. They vote it in. It's a
19 lengthy process.

20 Monkfish, the Council voted to narrow
21 the scope of issues to be addressed in Amendment 5
22 to the Monkfish FMP. They deferred further
23 development of catch shares, sectors, ITQs, to the
24 next monkfish management action

1 They're scheduled to vote on this
2 Draft Amendment 5 at its November meeting in
3 Newport, Rhode Island. And that comes the middle of
4 next month.

5 Groundfish, I'm going to skip that.
6 I think scallops -- Rick, I think, is going to give
7 a report on scallops. I'm going to try to make this
8 as brief as possible.

9 For herring, it was the Portland
10 meeting, and I guess you know that the quota was
11 reduced from 145,000 metric tons to 90,000 metric
12 tons and there's a lot of concern over how this is
13 going to work out, how they're going to distribute
14 the new quota.

15 So, we don't know exactly what this
16 is going to do. There was one motion made to retain
17 the 145,000 metric tons for 2010. There's going to
18 be another meeting in Portsmouth, New Hampshire on
19 November 10th to deal with this issue again. The
20 staff was going to look at different options and
21 come up with whatever they could come up with, and
22 you heard Pete and Vince both concerned about the --
23 how this will affect the menhaden stocks.

24 Pete told you about the meeting we're

1 having next week on our menhaden committee, which
2 I've been on that Council now for ten years and I
3 don't think we ever met. So, this is a very
4 important item.

5 So, I'm going to stop with that, and
6 if you have any questions, I'll try to answer them.

7 If not, Rick will probably do the scallops.

8 COUNCIL CHAIRMAN RICHARD ROBINS:

9 Erling, thanks for your report and thanks for
10 representing our Council there in New England.
11 You're doing a lot of work and spending a lot of
12 time up there; so, I appreciate all that.

13 Questions for Erling or comments?

14 (No response audible.)

15 COUNCIL CHAIRMAN RICHARD ROBINS: As
16 Erling said -- Dan, go ahead.

17 DANIEL FURLONG: Yeah, Erling, you
18 happened to mention that John and Rip were re-
19 elected Chair and Vice Chair and then that there was
20 a big process to get the Executive Committee
21 populated with three more; then you didn't say who
22 it was. Do you happen to know who the other three
23 were?

24 ERLING BERG: Yeah, I'm sorry, Dan. I

1 should have said who they were. It's a lengthy
2 process, quite different from ours.

3 Jim Odlin, who's a fisherman from
4 Portland, Maine. Dave Pierce. I'm sure everybody
5 knows Dave, so -- and who he is. And then the --
6 who was the other one? Terry Stockwell, who's very
7 familiar to the Commission. So, that's who it was,
8 Dan. State of Maine. Sorry. So, I apologize for
9 the omission.

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Thank you, Erling. Any other questions for Erling?

12 All right. I'll give a quick update on Amendment
13 15 on scallops. I was up there for those meetings
14 and Amendment 15 is the amendment that will deal
15 comprehensively with the number of issues, including
16 ACLs and AMs, not just for the scallop fishery, but
17 also for a yellowtail sub-allocation to the scallop
18 fishery, which is a very, very complex question.

19 The AMs for yellowtail are quite
20 tricky. That's a -- that's an area of interest
21 that's still probably going to get a lot of
22 attention as we go forward over the next year from
23 that committee and all the different interests
24 there.

1 But as I said yesterday, there is a
2 proposed ABC control rule in that document now
3 that's basically a PSTAR of 25 percent for the
4 scallop fishery. So, it also includes ACLs and AMs,
5 but this is the amendment that would allow for some
6 degree of consolidation in the scallop fleet in the
7 interest of reducing excess capacity. And right now
8 the scallop fleet -- the limited access fleet spends
9 about 75 to 80 days a year on the water. There are
10 250-some permits that are full-time limited access
11 permits, and obviously there's an opportunity if
12 stacking or permit-leasing is allowed to more
13 efficiently utilize those fishing boats and permits.

14 So, the Council approves stacking and
15 leasing as preferred alternatives in the document,
16 and that document is now out for -- will be going
17 out for public hearing. Stacking and leasing is a
18 contentious issue there in New England, but it was
19 approved as a preferred alternative at this point.
20 So, we look forward to any developments that may
21 occur with Amendment 15.

22 The other item in there that was a
23 late development that just went in was the option to
24 establish what's called a CFA, which is a community

1 fishing association. And CFA's are interesting as a
2 concept. It would allow not-for-profit community
3 organizations to buy permits and the option is in
4 there with a five percent limit, which is similar to
5 the current ownership cap that applies to the
6 scallop industry in those permits.

7 But it would allow for communities
8 that have an interest in preserving their fishing
9 community to actually go out and buy the permits and
10 keep them essentially in a permit bank and then
11 lease those permits to the local fishermen. And it
12 would allow for some community support of the local
13 fishing industry.

14 So, it's somewhat of a novel concept.

15 It's also being worked on in the west coast, in the
16 Pacific Council, but that's a new development.
17 That's in the amendment and that was approved for
18 hearings, as well.

19 So, it will be interesting to see how
20 that goes forward, but I'll continue to keep the
21 Council abreast of those developments on the Scallop
22 Plan.

23 With that, any questions on scallops?

24 (No response audible.)

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Okay. We'll go to the South Atlantic update. Red
3 Munden.

4
5 SOUTH ATLANTIC COUNCIL LIAISON REPORT

6 RED MUNDEN: Thank you, Mr. Chairman.

7 I attended the South Atlantic Council meeting in
8 Charleston, South Carolina, which was scheduled
9 September 14th through the 18th, and I attended all
10 but the last day.

11 My primary reason for being there was
12 to serve as a voting member on the snapper/grouper
13 committee, and the snapper/grouper committee was
14 initially scheduled for a day and a half meeting.
15 The committee got behind schedule when looking at
16 options that will be included in several amendments.

17 And the meeting actually lasted two and a half
18 days.

19 If you look behind Tab 5, you'll see
20 some briefing info from the South Atlantic Council
21 meeting, and this is midway in the material in Tab 5
22 following the New England Council.

23 And I will call your attention to the
24 first item pertaining to South Atlantic, and that's

1 a news release dated September 21st. And it goes
2 through and mentions the three addenda to --
3 amendment, rather, to the Snapper/Grouper FMP.

4 Amendment 17A will focus on red
5 snapper and it mentions that there will be large
6 closures from South Carolina down through Florida.
7 The amounts and the information that follows this
8 news release on Page 5 shows different options for
9 the closures that will occur.

10 If you read down through this news
11 release, it points out that the 2008 stock
12 assessment for red snapper in the South Atlantic
13 shows the stock to be overfished and it's undergoing
14 overfishing at eight times the sustainable level.

15 The South Atlantic has determined
16 that if they close the red snapper fishery it will
17 still not recover because of discards and so they
18 are proposing these large-scale closures.

19 At the spring meeting, the South
20 Atlantic voted to separate 17A -- I mean Amendment
21 17 into 17A, which will pertain to red snapper
22 primarily, and then 17B, which will include measures
23 to address other species that are under -- overgoing
24 underfishing. Those species are speckled hind,

1 Warsaw grouper, golden tilefish, snowy grouper,
2 black grouper, black sea bass, gag, red grouper and
3 vermillion snapper. So, these are moving along on
4 parallel track, 17A and 17B.

5 We also discussed Amendment 18. This
6 is the amendment that I have briefed the Council on
7 numerous times, and this amendment would extend the
8 northern boundary of the snapper grouper from the
9 current North Carolina/Virginia border northward
10 into the Mid-Atlantic area jurisdiction and even
11 possibly into the New England area jurisdiction.

12 The South Atlantic Council approved
13 taking all three of these amendments out for public
14 hearing and I sent an email to Dan asking that he
15 notify the Council membership of the fact that the
16 South Atlantic would like to know whether or not
17 states want to hold public hearings. And last week,
18 towards the latter part of the week, I did receive
19 an email from the South Atlantic that has listed the
20 public hearings that are going to be held for
21 snapper/grouper -- three amendments to the
22 snapper/grouper FMP.

23 The only one that's listed is one in
24 Virginia, and that is scheduled for November 16th at

1 the Virginia Marine Resources Commission Office.

2 And I believe that meeting starts at 6 o'clock. Is
3 that correct, Jack? 6 o'clock in the evening.

4 If any of the Council members or any
5 state representatives or whoever would like to have
6 a public hearing in your state, you need to contact
7 the South Atlantic Council. The contact point is
8 Rick DeVictor, and his phone number is 843-571-4366,
9 or I'll be glad to pass the information on to Rick.

10 They have already scheduled these meetings, but
11 they said they would be more than willing to
12 schedule additional public hearings should states
13 desire to do so.

14 And one other important thing, Mr.
15 Chairman, relative to the South Atlantic Council
16 meeting. When they got so far behind with
17 snapper/grouper, they met as a Council of the Whole
18 and then continued to discuss snapper/grouper. But
19 during that time period, they had a presentation
20 from the National Marine Fisheries Service Highly
21 Migratory folks on Draft Amendment 3 to the HMS FMP.

22 And after that presentation, the South Atlantic
23 Council members discussed a gillnet closure for the
24 shark fishery off South Carolina and Georgia and

1 asked to -- and they made a motion to send the
2 letter to the Secretary of Commerce supporting this
3 option in Draft Amendment 3.

4 I was sitting at the table and I
5 raised my hand and was recognized by the Chairman,
6 and I said Mr. Chairman, I'm not a member of the
7 full Council, I'm not a voting member of the full
8 Council, I said but if I were, I would offer a
9 motion that the South Atlantic Council support the
10 Mid-Atlantic's request for management authority for
11 smooth dogfish.

12 And the Chairman turned to me and he
13 says, well, Mr. Munden, he says, why don't you make
14 that on behalf of your fellow North Carolina
15 representatives? So, I made the motion and the
16 North Carolina representative accepted it as her
17 motion, and so the South Atlantic Council did vote
18 to send a letter to the National Marine Fisheries
19 Service supporting our request for management
20 authority for smooth dogfish.

21 And my reason for that is when I
22 asked the HMS folks why they even had it on the
23 agenda when it had been -- we had been advised by
24 the Secretary of Commerce that -- with the

1 appropriate for smooth dogs to be managed by HMS,
2 the individual said well, we want public comments
3 because it's not a done deal that HMS will manage
4 smooth dogfish.

5 So, anyway, that's one of the things
6 that we have talked about at this Council level and
7 hopefully support from the South Atlantic Council as
8 well as the New England Council will strengthen our
9 request for management of smooth dogs.

10 And Mr. Chairman, that concludes my
11 South Atlantic report.

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Red, thank you. And just a follow-up on the
14 snapper/grouper question, I was looking through here
15 and in the minutes -- I guess it's a summary of
16 motions from the South Atlantic Council and Motion
17 19 -- this is on Amendment 18 -- Motion 19, which is
18 Page 10 in the South Atlantic report reads establish
19 a management regime for snapper/grouper in the Mid-
20 Atlantic, similar to how Gulf group king mackerel
21 northern zone is managed.

22 And I talked to Dwayne Harris two
23 days ago and he gave me some assurance that he
24 thinks that's essentially responsive to the request

1 that we had made. I think the last updated request
2 that we made to them was that we would not have a
3 full-blown joint plan but that we would manage it
4 essentially by committee. We're -- we comprised a
5 committee primarily of Mid-Atlantic representatives
6 and that committee would report to the South
7 Atlantic for the management measures of the northern
8 management unit.

9 So, he indicated that he thinks that
10 that's responsive to that. I haven't seen all the
11 details, but we would look forward to further
12 collaboration with the South Atlantic to ensure that
13 the folks around this table have a voice in the
14 management of that fishery north of the
15 Virginia/Carolina line. Red.

16 RED MUNDEN: Mr. Chairman, if Jan can
17 project the email that I received last night from
18 Gregg Waugh with the South Atlantic Council, it
19 fleshes out what you and Dwayne had talked about and
20 yes, Gregg Waugh with the South Atlantic Council has
21 asked that we review this and provide comments back
22 if this captures what we would like to see, if
23 indeed the decision is made to move the northern
24 boundary of the management area into the Mid-

1 Atlantic area of jurisdiction.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Okay. So, it appears they're going to give us a
4 sub-ACL essentially for that region -- for this
5 region, and we'd be able to work with that ACL.

6 RED MUNDEN: That's correct, and we
7 intended to make a copy of everyone -- a copy of
8 this for everyone, but the computers weren't very
9 cooperative this morning. But that's the info that
10 Gregg would like for us to look at.

11 COUNCIL CHAIRMAN RICHARD ROBINS: All
12 right. Thank you, Red. Well, it appears that that
13 would give us the opportunity to have management
14 authority in the northern management unit without
15 formally having a joint plan.

16 So, I think that would be acceptable.

17 And the only concern I would have is how they go
18 about developing a basis for that ACL for the
19 northern FMU, because right now we have very little
20 data.

21 The state of Virginia has just
22 adopted mandatory reporting for the recreational
23 sector. For this deepwater fishery, you have to
24 have a snapper/grouper recreational permit with the

1 reporting requirement. It's primarily a
2 recreational fishery in our area. But hopefully, as
3 the data -- catch data get better, that can feed
4 into the process somehow.

5 Red.

6 RED MUNDEN: And one final comment.
7 And this is the take-home message relative to the
8 public hearings that are being held so far as the
9 Mid-Atlantic and New England Councils are concerned.

10 This would be language in Amendment 18 and this is
11 what we've been concerned about all along.

12 So, again, if you do desire to hold a
13 public hearing, get in touch with either Rick
14 DeVictor or myself and we will certainly pass this
15 information on. Thank you.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Red, thanks again for the report and for your
18 representation down there.

19 Pete, did you have your hand up?

20 PETER HIMCHAK: Just a quick
21 question, Mr. Chairman. You know, and I never like
22 to assume anything, but does the Mid-Atlantic
23 Council -- should we still send a letter during the
24 public comment period regarding the separate

1 management area for the snapper/grouper or, as you
2 say, is it a done deal, or should we be on record as
3 saying we prefer that and -- I didn't speed-read
4 this projection, but do we still need to reaffirm
5 our intent?

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Pete, thanks for raising the question. I think we
8 should.

9 Red, what is the deadline for
10 comments for 18? Do you have that information?

11 RED MUNDEN: November 25th, 2009.

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Okay. Well, with the consent of the Council, I
14 guess I would ask if we could go ahead and send a
15 letter supporting that option to the South Atlantic
16 Council so we're on record.

17 Is there any objection to that? All
18 right. So done. Very well. Thanks again, Red.

19 Pres.

20 PRESTON PATE: Rick, is there any
21 precedent for this approach with any other species
22 management for either the South Atlantic or the New
23 England Council?

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Pres, I think the way they worded that motion when
2 they passed it -- and this is basically a fleshing
3 out by their staff of that motion -- is that the
4 management regime would be similar to how the Gulf
5 king mackerel northern zone is managed.

6 So, apparently there is a parallel
7 between the Gulf Council and the South Atlantic in
8 terms of how they manage the mackerel fishery.

9 Red, did you have a comment on that?

10 RED MUNDEN: That's correct, Mr.
11 Chairman. And for the benefit of the new Council
12 members, the extension of the management area
13 northward would not apply to Mid-Atlantic black sea
14 bass, scup or tilefish, because we already have
15 those included under our current Mid-Atlantic plans.
16 And that's recognized in Amendment 18. Those three
17 species would not fall under the South Atlantic
18 management.

19 COUNCIL CHAIRMAN RICHARD ROBINS:

20 That's a good point of clarification. And the basic
21 driver here behind this expansion is the fact that
22 now under ACLs they have to account for all known
23 mortality.

24 There's known to be an evolving

1 fishery, most notably in Virginia for this complex.

2 And so they want to ensure that they're accounting
3 for that mortality.

4 And so they had originally proposed
5 to extend the FMU throughout our jurisdiction and
6 even through New England, and also they had proposed
7 to extend the existing management measures for those
8 species that are in effect in the South Atlantic
9 throughout our range. That would have raised some
10 serious complications because they propose a total
11 prohibition on deepwater fishing. And so we wanted
12 to have some management flexibility here in the Mid
13 to develop regionally appropriate management
14 measures that would still constrain mortality to an
15 appropriate rate.

16 But it is a -- snowy grouper is, in
17 particular, relatively data poor; so, how they go
18 about developing an ACL for the northern FMU is to
19 be determined. But it will be interesting to see
20 how that plays out.

21 But this will at least afford us an
22 opportunity to develop the management measures that
23 would appropriately fit the region.

24 Peter.

1 PETER deFUR: Yeah, thank you, Mr.
2 Chairman. Two questions. Can we get copies of that
3 language that was up there? And number two, does
4 the implementation of Amendment 18 depend both on
5 New England and Mid-Atlantic taking appropriate
6 actions?

7 I mean we've got to coordinate three
8 Councils here and -- we're assuming that New
9 England's going to take the same approach that we
10 did.

11 COUNCIL CHAIRMAN RICHARD ROBINS: In
12 fact, the plan would not be a joint plan, per se,
13 but they would defer to us on the -- it appears on
14 the management measures that govern the fishing in
15 that FMU.

16 So, it would require coordination,
17 but it would not require the approval of the South
18 Atlantic Council, which would be the case if it were
19 a joint plan, like we have with New England on
20 monkfish and spiny dogfish.

21 So, it's a little bit of a hybrid
22 type option. It's less formal than a joint plan, so
23 ...

24 Any other questions?

1 (No response audible.)

2 COUNCIL CHAIRMAN RICHARD ROBINS: All
3 right. Well, we'll plan on sending a letter to that
4 effect to the South Atlantic.

5 Executive Director's Report. Dan.

6
7 EXECUTIVE DIRECTOR'S REPORT

8 DANIEL FURLONG: Thank you, Mr.
9 Chairman. And congratulations on your re-election
10 and same to Lee Anderson, who disappeared when I got
11 the mike here, so ...

12 You'll find the information that I'll
13 be covering behind Tab 6.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Actually, Dan, before I go on, I'd like to
16 acknowledge that we do have two former Chairmen with
17 us today, Ricks Savage and Ron Smith. I'd like to
18 say welcome to you gentlemen in the back. Glad to
19 have you all with us today. Thank you.

20 Go ahead, Dan.

21 DANIEL FURLONG: Again, thank you,
22 Mr. Chairman. The information I'll be covering is
23 behind Tab 6. You'll note that Tab 6 is divided
24 into two sections, by a green insert. The

1 information in front of the green insert relates to
2 all the actions that occurred at our August meeting.

3 The first one up is an email to
4 Jessica, indicating the motions that were voted upon
5 at the last meeting for establishing the Summer
6 Flounder, Scup and Black Sea Bass specifications for
7 2010.

8 You'll see that my close-out was
9 please have this done by September 25th; and in
10 fact, the letter transmitting our package went out
11 on September 16th.

12 The next one relates to bluefish.
13 This related to Jim Armstrong, as he's the plan
14 coordinator for that species. Also he's the plan
15 coordinator with the New England Council related to
16 monkfish. So, the actions that were taken at our
17 August meeting were addressed there.

18 And Jim is finalizing a bluefish
19 package this month, actually will finish it the end
20 of this week, I believe.

21 The next one relates to the
22 designation of MPAs by our Council. You'll see that
23 as part of our agenda at this meeting, we'll be
24 taking up public comment related to designating

1 Marine Protected Areas. This information is behind
2 Tab 8 if you want to advance into the book and see
3 what we're going to be doing later today.

4 The next one relates to our RSA
5 program. Clay Heaton has addressed the issues
6 there. If you'd turn the page, you'll see that Clay
7 was a couple days late getting our response to them.

8 Nonetheless, we did establish our priorities and
9 communicate the priorities that the Council had
10 established at its August meeting.

11 The next one is an email to Jason
12 Didden -- or to Rich Seagraves and Jason Didden on a
13 copy. You'll see that we are initiating Amendment
14 14 to the Squid, Mackerel, Butterfish Plan regarding
15 addressing river herring and catch shares for both
16 loligo and illex.

17 If you looked at our annual work
18 plan, you'll see that this amendment is addressed
19 during the 2010 year. We also sent forward an FMAT
20 letter on August the 14th, requesting that the
21 Regional Office provide people to support and
22 populate that team to address this amendment.

23 Recall that Pat said this morning
24 that on October 1st she responded to that letter, as

1 well as a couple others that you'll see later.

2 Also under New Business, the idea
3 about the loligo being a control date of May 20th.
4 There was a little bit of confusion if it was just
5 loligo, did this control date also include illex?
6 And under new business, the very last time in our
7 book, Tab 15, you see we're going to address that
8 question at that time.

9 Then you have a press release that
10 kind of memorializes what went on at our August
11 meeting. And then there's a big smiley face from
12 Laurie Nolan thanking us for the lovely farewell
13 evening that we had there in Alexandria.

14 And then finally the last item is the
15 press release indicating that we're going to be live
16 at this meeting. A little technical glitch today.
17 For whatever reason, we couldn't get our camera to
18 pick up the signal. The computer -- the laptop has
19 an embedded camera in it, and we're broadcasting
20 using that camera. But I understand the sound
21 quality is not as good as it was yesterday. So, my
22 apologies to those out there in cyberspace watching
23 this, but we will improve.

24 Following the green separation, just

1 a series of memos or emails that kind of highlight
2 the actions that have been going on since our last
3 meeting. You'll see the first one is a July 23rd
4 memo that actually predated our August meeting, but
5 it has to do with establishing closed areas off of
6 Long Island for gear purposes or gear restricted
7 areas rather than closed.

8 And this is an issue that goes back
9 all the way to May where Hank Lackner out of
10 Montauk, Long Island in New York wrote to the
11 Council, indicating that he thought we could do a
12 better job separating fixed gear and mobile gear
13 related to interactions in the loligo fleet for
14 purposes of reducing butterfish bycatch.

15 We have raised that with the Atlantic
16 States Marine Fisheries Commission. There's a
17 letter to me from Captain O'Shea there on August the
18 20th, indicating that hey, the Lobster Board has
19 taken a look at this question about mobile gear
20 restrictions and fixed gear and would be willing --
21 we, the Commission, would be willing to look at this
22 if you can provide some more information.

23 Because of the fact that the area is
24 closed, the only thing that goes in there is the

1 survey. So we're looking forward to getting a
2 survey update from the agency, what their catch
3 rates were in these areas, to kind of be responsive
4 to the Commission's request.

5 So, we're still working on that --
6 you know, to provide any more available data to the
7 Commission, and we will be looking into this.

8 The next thing is the request -- it's
9 one of the requests for the omnibus amendment. As
10 Pat indicated, she has responded and she has listed
11 on her October 1st memo, which I don't have a copy
12 of at this meeting, indicating who will be on the
13 FMAT for the omnibus.

14 The next email is an -- or not email,
15 but letter -- is an August 7th letter from Jane
16 Lubchenko to John Pappalardo, and the subject deals
17 with the fact that there's an office within NOAA
18 called the Program Planning and Integration Office
19 that's developing an administrative order that
20 provides guidance related to fulfilling NEPA
21 obligations, National Environmental Policy Act
22 responsibilities.

23 And the question the New England
24 Council had was well, the Magnuson Act when it was

1 reauthorized said that that process was supposed to
2 be collapsed into one Secretarial review process,
3 and we think that this process that your Program
4 Planning and Initiation -- or Integration Office is
5 doing is inconsistent with that.

6 And as you can read, the letter came
7 back, said that well, no, the two were independent
8 and we're still working on it, and the fisheries
9 agency will in fact deal with the Magnuson Act
10 requirement to address the integration of NEPA and
11 MSA review into one process.

12 The next letter is a comment letter
13 regarding the sea turtle conservation and recovery
14 plan. This was the Council's position. You can
15 read through that and we've highlighted the areas
16 where we have some concerns about what the proposals
17 are.

18 Recall that this presentation was
19 made to our Protected Resources Committee at our
20 August meeting. This is our response to that
21 presentation.

22 The next letter is a letter
23 indicating that with regards to the New York lawsuit
24 related to summer flounder that we provided the

1 information that was generated by our Council,
2 related the 2009 summer flounder recreational
3 management measures.

4 This just completed the
5 administrative record for the agency when it goes to
6 court. And as I indicated in that letter, they
7 already had the Environmental Assessment, the
8 Regulatory Impact Review and the initial Regulatory
9 Flexibility Act information. So, all that we're
10 looking at were the minutes from our meeting and the
11 minutes related to our committee meetings in the
12 establishment of our specifications for the 2009
13 recreational sector.

14 The next letter is a letter to Pat
15 Kurkul. Again, it's another request, consistent
16 with the August meeting, related to Amendment 14
17 where we asked to have the FMAT formed and populated
18 by staff from the National Marine Fisheries Service.

19 Pat indicated again she did all three
20 in an October 1 memo.

21 The next one's an email to George
22 Darcy. George has always been good about notifying
23 us when they have made staff changes in his office
24 in terms of who's responsible for different plans.

1 And this was a courtesy to him indicating that we've
2 kind of switched some people in-house.

3 Clay Heaton will be supporting our
4 Summer Flounder, Scup and Black Sea Bass program in
5 terms of economic advice, and Jose will be relieved
6 on that and work on the Surfclam Ocean Quahog Plan.

7 Next is a summary of the Executive
8 Directors' meeting up in Portsmouth, New Hampshire
9 that occurred late August. The principal focus of
10 this meeting is that with the reauthorization there
11 was a thing called a Council Coordinating Committee
12 established, and that's basically the progeny of the
13 Council Chairmen's meeting.

14 And in that regard, there weren't any
15 ground rules for how that committee was supposed to
16 operate. So, the Executive Committee -- or the
17 Executive Directors met as a group and actually for
18 whatever reason we knew one west coast member wasn't
19 going to be there, and then there were another two
20 no-shows. So, it was strictly an east coast
21 session. It was a great opportunity to hijack the
22 whole process and make it an east coast process, but
23 we didn't do that.

24 But this highlights the issues that

1 were discussed at our meeting and the
2 recommendations that will be made at the upcoming
3 January Council Chairmen's meeting or Council
4 Coordination Committee meeting. And this will be
5 presented to that group by Paul Howard.

6 Another FMAT letter requesting help
7 on Amendment 3 to the Joint Dogfish Plan.

8 Another comment letter here. This is
9 related to a CITES proposal where the U.S. Fish and
10 Wildlife Service have put out a proposal Federal
11 Register Notice, indicating that they wanted to get
12 feedback about listing spiny dogfish as an
13 Endangered Species under CITES, which is an acronym
14 for Convention for International Trade and
15 Endangered Species.

16 And our position was that -- bad
17 idea. Dogfish are rebuilt. Overfishing is not
18 occurring. And the stock is recovering nicely. We
19 don't really see a need to add dogfish as a listed
20 item under Appendix 2, which is a tiering of degrees
21 of endangerment, if you will, to species that are
22 traded internationally.

23 The next one is a letter regarding
24 development of Amendment 15. This will be discussed

1 later today. The information that we'll be dealing
2 with this particular letter relates to getting
3 clarification for what defines cost recovery. The
4 information under Tab 11, which as I said, will be
5 occurring later today, will be dealing with this
6 subject, as well as the amendment itself.

7 Pat did respond, and that's the
8 September 30 letter that follows our Council's -- I
9 think it was a September 11th letter. Yeah. So,
10 you see Pat's response to that, where basically she
11 says bottom line is that incremental costs are
12 really the costs associated with the program to
13 implement some sort of LAPP or ITQ program. So, a
14 little bit different position than what we see -- we
15 saw the cost to be.

16 The next two letters, there's an
17 incoming letter from Congressman Pallone,
18 congratulating us related to summer flounder in
19 terms of the increase in quota for the 2010 fishing
20 year. And kind of a close-out that -- he indicated
21 that because of the excessive regulatory discarding
22 and decreased angler satisfaction, this has a
23 negative socioeconomic impact in terms of the
24 regulations that are impacting the recreational

1 fishery, and he thought his legislation was a good
2 idea, this Flexibility in Rebuilding America
3 Fisheries Act of 2009.

4 On the opposing page, September 15th,
5 we went back and thanked the Congressman for
6 recognizing the good work that we've been doing, and
7 we're confident that things will work out in the
8 future.

9 As for our move, we did meet with the
10 landlord. This is the email of September 15th to
11 Carol -- or actually to Colleen McGann who is the
12 GSA coordinator for our space in the federal
13 building. We asked that our space there be extended
14 until the end of December, the end of this calendar
15 year. We now have a targeted move date of December
16 the 1st. We expect that the build-out of our new
17 space will be completed by then; so, we'll be moving
18 sometime in December. So, we'll have an early
19 Christmas present.

20 The next email has to do with marine
21 spacial planning. This is a significant initiative
22 by the Administration. Back on June 12th, the
23 President signed a letter and established a task
24 force on ocean policy that charged them that within

1 six months they come up with a framework that
2 engages the concept of spacial planning -- marine
3 spacial planning.

4 Thus far, we've had a couple of
5 meetings with CEQ and basically they're just trying
6 to get the players to the table and find out what's
7 the best way to organize a Council on marine spacial
8 planning.

9 We highly recommend that the Council
10 process -- even people that weren't involved in our
11 Fisheries Council process -- are supportive of that
12 idea because of the regional aspect. And so long as
13 all the different players are at the table, and
14 there are significant numbers of players, the idea
15 that they should have some sort of regional
16 governance in a coordination sense is going to come
17 to pass in my opinion.

18 The next one is a little email that
19 was a cut and paste out of Jim Balsinger's weekly
20 indicating that the agency has created a national --
21 or NOAA Ocean Council, and they too are directly
22 involved with this White House initiative on ocean
23 policy task force to come up with some sort of
24 marine spacial planning. I think the last letter

1 here -- there's a letter back to the HMS Office.
2 This is kind of what Red Munden was talking about a
3 little bit earlier where we were commenting on the
4 Amendment 3 to the HMS Plan. And that's the one
5 where it did talk about smooth dogfish, but
6 previously going in and asking the agency to
7 consider that this Council be given responsibility
8 for smooth dogfish under it's Spiny Dogfish Plan.
9 And we got an answer and it said, well, no.

10 And based on Red's comment that at
11 the South Atlantic Council this option was still on
12 the table, we went back in and said again that, hey,
13 we think Alternative F1 take no action is still the
14 best way to treat smooth dogfish. And that was the
15 -- the essential comments.

16 But that's the documentations that
17 support why our position on smooth dogfish is what
18 it is.

19 And the next one is the notice on the
20 left page here from the Northeast Region closing
21 notice to emergency rule implementing the closure of
22 the black sea bass fishery for six months. And
23 there's a letter in here from -- jointly to New
24 Jersey Congressman Pallone and Congressman Adler

1 indicating their dissatisfaction with this action.

2 And finally, the very last thing in
3 this tab, is just informational. As I said before,
4 one of my earlier e-mails to George notifying
5 tasking assignments within our office. This is not
6 only for the benefit of new members but for all
7 members.

8 This is a wiring diagram,
9 organizationally, that shows who does what for the
10 National Marine Fisheries Service and who the
11 players are in those positions. So, this is a good,
12 if you will, organizational chart that's very
13 current. It's September the 8th. And should you
14 have any questions about any of those activities,
15 this is an opportunity with the phone numbers given,
16 to deal with these people directly.

17 So, Mr. Chairman, that concludes my
18 comments. And if I have any questions, I'll be glad
19 to take them.

20 COUNCIL CHAIRMAN RICK ROBINS: Thank
21 you, Dan.

22 And one item that I have not yet
23 followed up on from the last meeting was that we
24 passed a motion regarding Monkfish Amendment 5. You

1 may recall we had made a motion that we would split
2 -- we would support splitting Amendment 5 consistent
3 with the Committee's recommendation.

4 The second part of that amendment is
5 going to deal with catch shares. And we had then,
6 as part of that motion, suggested writing a joint
7 letter together with New England to the Service
8 requesting additional resources in order to develop
9 that catch shares program -- recognizing that we
10 would have to do a fair amount of outreach with the
11 constituents and get all the stakeholders to the
12 table. We anticipated additional meetings and
13 resources that we don't have. And we have not yet
14 issued that letter.

15 The New England Council just made the
16 same motion essentially at their last meeting. And
17 New England has a catch shares workshop set up in
18 the coming weeks. And so, they've scheduled --
19 right now in their work schedule that they previewed
20 at the NRCC meeting last week, they're proposing to
21 develop the second half of that amendment beginning
22 in the middle of next year.

23 So, it would be premature to send
24 that letter today. But I talked to John Pappalardo

1 last week and indicated that we'll coordinate at the
2 appropriate time to send that joint letter
3 requesting some additional resources. But it's
4 going to have to be timed to coincide with the
5 development of the addendum -- or the amendment
6 rather and we'll just coordinate that at the
7 appropriate time.

8 Any questions for Dan on his report?

9 Comment? All right. Seeing none, we'll go on to
10 Rich Seagraves.

11 VINCE O'SHEA: (Inaudible comments
12 away from the microphone.)

13 COUNCIL CHAIRMAN RICK ROBINS: Oh,
14 Vince, go ahead. I'm sorry.

15 VINCE O'SHEA: Yeah. I'm sorry. On
16 the Congressman Pallone letter that was sent to the
17 Commission and the Council, I was wondering -- I
18 thought we had sent you all a copy of our response -
19 - and I'm just -- if we haven't and it was just an
20 oversight that you didn't mention it or put it in
21 the book, I'll be happy to make sure you get one.
22 But our intent was to copy you all, Mr. Chairman, on
23 our letter.

24 COUNCIL CHAIRMAN RICK ROBINS: Vince,

1 you did copy me, and I'll be sure to distribute it
2 to the Council members by direct e-mail.

3 UNIDENTIFIED SPEAKER: (Inaudible
4 comments away from the microphone.)

5 COUNCIL CHAIRMAN RICK ROBINS: It is
6 in there? Okay. Thank you. Rich.

7
8 STATUS OF MAFMC FMPs

9 RICHARD SEAGRAVES: Thank you, Mr.
10 Chairman. The information I'll be covering is
11 behind Tab 7. The first item is a table showing the
12 status of Mid-Atlantic Council's spec packages. As
13 is indicated, summer flounder, scup, black sea bass
14 was submitted November -- I'm sorry, September 16th;
15 squid, mackerel, butterfish and bluefish packages
16 were also submitted the first week of August.

17 The next table is a matrix of the
18 status of Mid-Atlantic FMP's amendments and
19 frameworks.

20 And then that's followed by the 2009
21 work plan.

22 The next item, Item 4, is a small
23 entity compliance guide to part-time tilefish permit
24 holders indicating that effective August 21st, the

1 part-time limited access tilefish category was
2 closed and will reopen with the start of the next
3 fishing year, which is November 1st.

4 The next item is a small entity
5 compliance guide to tilefish permit holders
6 outlining provisions of Amendment 1, recently
7 approved Amendment 1 to the Tilefish FMP, notifying
8 those interested parties all measures are effective
9 November 1, 2009.

10 And then following that letter is a
11 description of what is contained -- the approved
12 measures for Amendment 1 to the Tilefish FMP. So,
13 that goes for nine pages, just for FYI.

14 The next item is a letter dated
15 August 24th. It's a cover letter to vessel owners
16 outlining the steps necessary to apply for tilefish
17 IFQ allocation permits.

18 The next item is a small entity
19 compliance guide indicating that vessels holding
20 commercial permits for summer flounder are no longer
21 able to land summer flounder in Massachusetts
22 effective September 1, 2009.

23 The next issue -- the next item is a
24 September 9th compliance guide to permit holders

1 indicating there was a transfer of unused Winter 1,
2 2009 Winter 1, scup quota to Winter 2 of about
3 15,000 pounds.

4 The next item is a letter to spiny
5 dogfish permit holders indicating that effective
6 September 26 the fishery for spiny dogfish fishery
7 Period 1 was closed. The fishery reopens November
8 1, 2009.

9 The next item is the letter to permit
10 holders indicating effective -- it's already been
11 discussed a couple of times -- the August -- October
12 5th, 2009, prohibiting possession of black sea bass
13 in the EEZ -- closure of the recreational fishery.

14 And then the last item I did include
15 was the RIR and Environmental Justice Reviews for
16 the temporary emergency rule action for black sea
17 bass.

18 And that concludes my report.

19 COUNCIL CHAIRMAN RICK ROBINS: Thank
20 you very much, Rich. Any questions for Rich?
21 Comments?

22 (No response audible.)

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Okay. Seeing none, at this point, we are ahead in

1 the schedule. We've just received confirmation from
2 the Service that, in fact, the catch shares policy
3 presentation that was scheduled for tomorrow is not
4 going to be given. I would think that we could get
5 through the rest of the agenda today then in that
6 case. And I would suggest that we take a 15-minute
7 break at this point. We can use that time to check
8 out or try to make travel arrangements if necessary.

9 When we come back, we received a
10 number of nominees for awards. And those awards go
11 through two different committees. The Fisheries
12 Achievement Awards go through the Law Enforcement
13 Committee. The Rick C. Savage Award nominees go to
14 our Executive Committee. That Rick C. Savage Award
15 has a confidentiality clause associated with it so
16 we need to meet in closed session to do that. I
17 would suggest that we actually take the Executive
18 Committee meeting first immediately after our break
19 and handle the award part of that first. And then
20 we'll reopen the meeting to the public, finish the
21 rest of the executive session and then go onto the
22 Law Enforcement Committee and see what all we can
23 get through before lunch.

24 And then we'll come back and at

1 12:30, we're scheduled to have the MPA Hearing. And
2 so, I would suggest that we keep that on the agenda
3 as scheduled in case there are members of the public
4 that want to be here for that.

5 So, why don't we take 15 minutes now.

6 UNIDENTIFIED SPEAKER: We'll need
7 more than 15 (inaudible).

8 COUNCIL CHAIRMAN RICK ROBINS: Well,
9 all right. We'll take 20 now so we can check out as
10 well. Thank you.

11 (Break: 10:15 a.m. to 11:00 a.m.)

12 COUNCIL CHAIRMAN RICK ROBINS: We are
13 convening the Executive Committee. Members are
14 welcome to stay with us for the meeting, but the
15 first section of the meeting will be closed to the
16 public. We'll be in closed session for the first
17 few minutes while we make an award determination.

18 Let's come back to our seats so we
19 can get started with the Executive Committee. Thank
20 you.

21 All right. We're going to go into a
22 closed session right now for the Executive
23 Committee.

24 (EXECUTIVE COMMITTEE CLOSED SESSION)

1 COUNCIL CHAIRMAN RICK ROBINS: With
2 that, Dan, we're into the highlights of the NRCC --
3 or rather the 2010 Annual Work Plan and the NRCC
4 highlights.

5 (11:22 a.m.)

6
7 2010 ANNUAL WORK PLAN REVIEW

8 DANIEL FURLONG: Okay. Thank you,
9 Mr. Chairman. And on those points, if you'll take a
10 look behind Tab 12, the first thing in there is our
11 annual work plan. And I think the best thing to do
12 is just go to the last page, and on the last page,
13 there's a summary that indicates the likely FMP's in
14 terms of amendments and frameworks that will be
15 addressed during 2010, and you see that Amendment 11
16 to the Squid, Mackerel, Butterfish Plan is on the
17 docket.

18 And if you're interested in what
19 Amendment 11 relates to, if you go to the front of
20 the book, right behind the opening page, you'll have
21 our agenda, and then you have a page that talks
22 about the status -- you know, of species. And
23 following that is the status of open amendment and
24 framework actions. And you'll see right up there

1 that Amendment 11 deals with the mackerel limited
2 access program, mackerel overfishing definition, EFH
3 updates and at-sea processing cap. That's currently
4 the alternatives that are in play for Amendment 11.

5 Now, if you go to the actual
6 calendar, you'll see by meeting that in February of
7 2010, that at the current schedule -- I mean, this
8 is a draft schedule and I hope you understand that -
9 - this was as of October 1 -- we're looking forward
10 to February to review and approve Amendment 11 to
11 the secretarial submission. So, we're downstream
12 and we'll be working on Amendment 11 at our December
13 meeting.

14 The next one is the Omnibus
15 Amendment. And again -- you know, if you flip back
16 to the opening page there, I think you'll see that
17 the Omnibus Amendment is to establish an FMP
18 mechanism to address annual catch limits and
19 accountability measures. And you'll see that we're
20 scheduling a secretarial submission -- that's what
21 that SS is -- in August of 2010.

22 And you can go through the rest of
23 these. For the benefit of being brief, I'll just
24 point out that we're working on Amendment 15. It's

1 ticketed a year from now. A year from this meeting,
2 we hope to have Amendment 15 -- and in fact, there
3 is a Surf Clam, Ocean Quahog Committee meeting today
4 that is going to be dealing with Amendment 15 and
5 trying to finalize the measures that will be
6 incorporated into that amendment.

7 Likewise, Amendment 3 to the Dogfish
8 Plan is docketed for a year from this month next
9 year.

10 We're going to start Amendment 14. I
11 think we mentioned that in the August meeting. We
12 decided as a Council to begin implementation or
13 initiation of a new amendment. And we've asked the
14 Regional Office to form an F-mat with us. And you
15 can tell from the schedule where we are in terms of
16 dealing with Amendment 14.

17 And again, if you take a look -- you
18 know, at this little table, it summarizes that we're
19 dealing with catch shares for both our squids and
20 herring bycatch.

21 So, there's a correspondence -- you
22 know, between what's on the end of our annual work
23 plan and what we've listed here in terms of the
24 status of open amendments. So, it's an easy cross-

1 reference for you. And you'll always have this
2 behind the opening page.

3 Behind the agenda, is the status of
4 our species as well as what actions are being
5 contemplated by the Council in amendments or
6 frameworks that are open for processing.

7 You'll see that we have six meetings.

8 And again, the meetings are on the even months.
9 So, if you can divide by two, you've got it made.
10 You'll find out when the meetings are. And then
11 generally, using two, we usually have it in the
12 second week. But for August next year, we have
13 pushed back to the third week of August. In fact,
14 the dates are 17 through 19. You see the dates
15 there. And that's because of this issue that we've
16 been discussing over the past two days of trying to
17 integrate/coordinate the Center's activity in terms
18 of stock assessment updates; when the date is
19 available to them to do that; when they can hand it
20 off; when our staff can analyze things, when we can
21 have the SSC and the Monitoring Committee; all that
22 discussion we had yesterday, it's always in play
23 here in this schedule. So, just to point those
24 things out to you.

1 And I think that's really all I have
2 to say.

3 COUNCIL CHAIRMAN RICK ROBINS: Dan,
4 thank you. And if you look at the meeting calendar,
5 you'll notice -- I told Dan I wanted to follow the
6 geese because we had been snowed out of some of our
7 northern most meetings in December and February.
8 So, we will be north in the summer and south in the
9 winter to the greatest extent that we can be. We're
10 in the shoulder of the seasons and some of the
11 coastal towns so that we can afford to get in there,
12 but we won't be in there in the dead of winter.

13 So, Peter.

14 PETER deFUR: Thank you, Mr.
15 Chairman. Does the coordination of the effort mean
16 that we're going to always be moving our August
17 meeting to the third week? I mean, if that's going
18 to be necessary for next year, why not for future
19 years?

20 COUNCIL CHAIRMAN RICK ROBINS: Well,
21 Peter, that's a first. In other words, this is the
22 first time we've moved it to that week. But I would
23 anticipate that it will need to remain there. We're
24 trying to accommodate the longer time that it takes

1 to get the benchmark assessment in. And I would
2 anticipate that we would need to keep it there.

3 Although you heard yesterday from Jim
4 Weinberg in the discussion about the difficulties in
5 getting the SCC Review done in a timely way, and I'm
6 not sure that discussion is over. In fact, I think
7 we need to continue talking about the scheduling and
8 what date is going to be considered in the spec
9 setting process, because obviously we have to have
10 the SSC Review. And for that to be meaningful, we
11 want to include the Monitoring Committee on the
12 joint plans so we have an extra step involved and
13 the calendar becomes that much more critical.

14 PETER deFUR: I fancy that
15 conversation has probably just started.

16 COUNCIL CHAIRMAN RICK ROBINS: Any
17 additional questions on the work plan for Dan? Pat.

18 PAT AUGUSTINE: Yeah. Just a side
19 issue here. Are we locked into Duck forever. I
20 know there was a decision made, north/south,
21 north/south, north/south. I just wondered if
22 sometime in one of our meetings we should discuss is
23 that the most convenient place for the bulk of the
24 people. As I recall, the few commercial fishermen

1 that attend those meetings, there's less than a
2 handful most of the time. And I know we've agreed
3 to have it down there somewhere, but would there be
4 a place that would be more amenable to airports for
5 folks that travel both from the north and from the
6 south.

7 I had a little sidebar with Pres this
8 morning and even he has to travel and he's in North
9 Carolina, three or four hours of travel. Just could
10 we go back and look to see if there's another city
11 in that area that would accommodate the closeness of
12 commercial fishermen to come attend and yet be
13 closer to an airport to be convenient, no matter
14 which way we come from the north, whether it's
15 Pennsylvania or Maryland or whatever. It's into
16 Norfolk, rent a car and drive down. It's a ten-hour
17 day. So, just to think about.

18 COUNCIL CHAIRMAN RICK ROBINS: Pat,
19 one of the basic challenges is the highway system in
20 eastern North Carolina is significantly broken up.
21 And consequently, you're either going into southern
22 North Carolina or northern North Carolina. And
23 there is a significant recreational and commercial
24 fishing fleet in the Wanchese area which is adjacent

1 to that. So, you know, it's sort of a northern
2 center and a southern center. But I think last
3 year, the folks that flew in from the north did not
4 have direct flights. They flew into Norfolk. And
5 there's actually a direct AirTran flight from Boston
6 to Newport News that's about 15 minutes further by
7 car. But I think that's actually a much easier way
8 to get in, and I've already shared that information
9 with the Regional Office.

10 PAT AUGUSTINE: (Inaudible comments
11 away from the microphone.)

12 COUNCIL CHAIRMAN RICK ROBINS: I'm
13 sorry. Right. They can go into Newport News direct
14 out of Boston. But again, we can rotate. You know,
15 we're set up for that for this next time around and
16 we can look at some destinations in southern/eastern
17 North Carolina next time.

18 PAT AUGUSTINE: That's probably a
19 good idea.

20 PRESTON PATE: If you're going to
21 look at it that's fine, Rick, and I understand why
22 we're locked into it this year. But New Bern would
23 be a convenient location for most travelers. There
24 are no direct flights except from Charlotte and

1 Atlanta into New Bern, but certainly it has
2 facilities to accommodate a meeting such as this and
3 it's centrally located between the commercial and
4 the recreational interests in both the southern and
5 northern part of the state.

6 COUNCIL CHAIRMAN RICK ROBINS: That's
7 great, Preston, we'll take that into consideration
8 for the next go-round.

9 Dan, did you have a comment?

10 DANIEL FURLONG: Yeah. In fact,
11 we've gone as far south as Wilmington, North
12 Carolina.

13 PRESTON PATE: Uh-huh. I'm sorry?

14 DANIEL FURLONG: I said, we're gone
15 as far south as Wilmington.

16 PRESTON PATE: Oh, I understand that.

17 DANIEL FURLONG: So, we have moved it
18 up and down the coast. And we have met at least two
19 times in the last ten years in New Bern. We do try
20 to -- I usually try to work with the state directors
21 in terms of, hey, we're going to be meeting. And
22 that's nothing -- just again for the benefit of the
23 new members, we have six meetings a year. We have
24 seven states. Arithmetic doesn't work. So, we

1 combine Delaware and Pennsylvania as one state. So,
2 sometimes we'll meet in Delaware. Sometimes we'll
3 meet in Philadelphia. And that's the one annual
4 meeting. Otherwise, all the other five states have
5 one meeting a year. And then, as I say, I try to
6 rotate with the state directors along the coast. We
7 move it up and down in New Jersey. We move it in
8 and out on Long Island. So, that's basically how we
9 do it. And everybody gets a meeting except for
10 Delaware and Pennsylvania; and then every other
11 year, they get a meeting.

12 COUNCIL CHAIRMAN RICK ROBINS: All
13 right. Additional questions? Red.

14 RED MUNDEN: Thank you, Mr. Chairman.
15 Just very briefly to address Pat's concern. In my
16 years of experience from attending public meetings
17 for the benefit of fishermen, if there's an interest
18 in a particular item, they'll show up. And if not,
19 you can do everything you possibly can, you can have
20 it in their backyard, and they don't show up. So,
21 you know, again, I would just support what Dan said.
22 We've tried to cover North Carolina. And I get a
23 lot of positive comments about holding meetings in
24 Duck.

1 Mr. Chairman, while I have the mike,
2 I do have the South Atlantic Council meetings for
3 2010. And if you would like, I could make those
4 available to the Council members right now.

5 COUNCIL CHAIRMAN RICK ROBINS: Thank
6 you very much. If you can.

7 RED MUNDEN: The first meeting will
8 be March 1st through the 5th, Jekyll Island,
9 Georgia. The second meeting will be June 6th
10 through the 11th in Orlando, Florida. The third
11 meeting, September 13th through 17th in Charleston,
12 South Carolina. And the final meeting will be
13 December 5th through the 10th in New Bern, North
14 Carolina.

15 COUNCIL CHAIRMAN RICK ROBINS: Thank
16 you, Red. Any additional comments or questions on
17 the work plan? All right.

18 Dan, you have the NRCC update?

19 _____
20 NRCC UPDATE

21 DANIEL FURLONG: Yes, I do. Again,
22 we're still in Tab 12. And behind the annual work
23 plan, is a summary of actions from the spring
24 meeting. What I'm going to do now is, I'm going to

1 hand out a copy of the agenda. I hope I have
2 enough.

3 And we met in Providence on Wednesday
4 and Thursday of last week. And the comment that Pat
5 made this morning in her report is that this meeting
6 is one that concentrates on coordinating Council
7 activities, Commission activities, with Center and
8 Regional Office activities in the context of trying
9 to align -- you know, labor and time resources to
10 achieve common purpose activities.

11 So, with that in mind, I didn't
12 include in the briefing book -- because the briefing
13 book goes out two weeks before our meetings -- so,
14 we didn't get the -- we didn't get, if you will,
15 their briefing book until like the Friday before the
16 meeting. So, we were kind of handicapped in getting
17 you information, but I have the entire briefing
18 book.

19 But I think some of the important
20 things to come out of this meeting -- and I have
21 made copies of them -- are what Jim Weinberg alluded
22 to, the idea of the schedule of stock assessments.
23 So, I'm going to hand those out so that you have an
24 appreciation for when our stocks are going to be

1 addressed either through some sort of benchmark
2 assessment or some sort of peer review process.

3 And, also going to hand out a history
4 of when our stocks -- as well as all the other
5 stocks -- were last reviewed in the context of
6 benchmark assessments. Again, hand this out. And
7 you'll see that when we look to the SARC 49 on this
8 document, it's an 8½ by 11 piece of paper, there's a
9 gray field that is history. You know, that's
10 already done and gone. The remaining open white
11 fields are what are on the docket. And you'll see
12 this cycle, two of our species are in the process of
13 having a SARC review, a full benchmark assessment,
14 that's surf clams and butterfish.

15 In addition to that, you'll see that
16 this track is Trans Resource Assessment Committee.
17 This is where the Center works with their Canadian
18 counterparts and they'll be doing a data mackerel
19 update later this month. So, that's the cycle we
20 have. We have about three or four -- excuse me --
21 three stocks that are being addressed of ours in
22 this current cycle.

23 When you go in the next year, 2010,
24 you see that the spring cycle, the June 1 through

1 June 4, again, the track process deals with two of
2 our species, dogfish and mackerel. And then this
3 time next year for the winter SARC, you see that
4 loligo is on the docket there. So, I'll describe
5 that for you. You can kind of see it for yourself.

6 Jim Weinberg, you're welcome to give
7 any comments as we get into discussions.

8 The simple arithmetic of it is, if
9 you took -- take a look at this legal piece of
10 paper, 8½ by 14, and you go down the extreme right
11 column there, these are all the species that the
12 Center is involved with in terms of engaging some
13 sort of update or engaging some sort of benchmark or
14 engaging in some sort of other peer review process.

15 I think if you do the arithmetic here, what are
16 there, Jim, like 48 species here? Okay. 48. Okay.

17 They do two assessments a year, that means they can
18 do 24 in a perfect world. Well, that doesn't
19 happen. They usually do three. Okay. So, three
20 into 24 means, once every eight years. So, that's
21 the trick here.

22 I mean, the resources, if you have 48
23 of these things and you want to look at them in a
24 fair share -- you know, kind of algorithm, you'd be

1 looking at these things like once every eight years.

2 That's about as quick as you can do it assuming you
3 can only do -- you know, three and three, six a
4 year. You know, six into 48, that's your eight.
5 So, it would be once every eight years that we'd be
6 doing these things.

7 But it doesn't work that way -- you
8 know. The Commission has some species that
9 percolate up through their technical review outside
10 of the SARC process that allows for decisions to be
11 made in that context.

12 So, as you look at this table here,
13 again, the convention on the bottom tells you who's
14 doing what. And the filled in gray field means it's
15 been completed. And the white open field means it's
16 on schedule. So, you can look at 2010, and you see
17 that there are a couple of track species that
18 correspond to this table, and there are a couple of
19 species which relate to some sort of SARC review,
20 and again, they track with this table.

21 So, this is an important decision
22 process at the NRCC in terms of building the
23 schedule for future stock assessments to give us an
24 idea how we're going to be dealing with the latest

1 information available for our specification setting
2 process.

3 I'm going to take a break there and
4 see if there's any questions, because I did see at
5 least one hand.

6 COUNCIL CHAIRMAN RICK ROBINS: Pete
7 Himchak.

8 PETER HIMCHAK: Yes. Thank you, Dan.
9 Was there any discussion on Atlantic herring stock
10 -- benchmark stock assessment through the SAW-SARC
11 in 2010? This has become a very -- a flashpoint
12 from discussion and both -- some letters had been
13 written to the Service to expedite this benchmark
14 stock assessment. Thank you.

15 COUNCIL CHAIRMAN RICK ROBINS: Dan.

16 DANIEL FURLONG: Yes. In fact, this
17 was very aggressively discussed especially by the
18 New England Council, my counterpart Paul Howard, at
19 least three times raised this issue. And if you
20 take a look at the current stock assessment
21 schedule, you'll see that herring is due up in SARC
22 54, which is June of 2012. Now, I know industry had
23 asked that, hey, instead of dealing with mackerel
24 this year on the track, why not substitute resources

1 to do an update on herring? But if you look in the
2 gray field, you'll take a look and you'll see that
3 herring was, in fact, dealt with -- where is this --

4 Jim, when did we do herring? 48.

5 There you go. Thank you. Under track, it's like
6 the third track down, herring in June. Okay. So,
7 just -- what is that, two months ago? I'll do my
8 arithmetic here. Four months ago, there was a
9 formal track review process, which again, Trans
10 Resource -- or Trans Boundary Resource Assessment
11 Committee, Canada/US, sat down with all the
12 information that was available, came up with -- you
13 know, a herring benchmark at that time. And the
14 Center Director, Nancy Thompson, said, well, what
15 new information can we add to what we looked at in
16 June? It's just not practical to go back and try to
17 refashion -- you know, an update assessment when
18 there's no new information. And in fact -- you
19 know, that's why it's on a schedule for three years
20 out; because within the next three years, there
21 should be -- you know, some better information about
22 year classes, about recruitment, about what's going
23 on and maybe some further model development.

24 So, it was discussed. The decision

1 stands as memorialized in this schedule.

2 COUNCIL CHAIRMAN RICK ROBINS: Thank
3 you. Pete?

4 PETER HIMCHAK: Yes. Just one follow
5 up, Dan. Yeah. There was a lot of dissatisfaction
6 expressed on the presentation of the track. And
7 again, it gets into data sets, input parameters in
8 different models. I'm not the one to explain all
9 this. But the argument was basically, yeah, there's
10 no new information, but how it's treated, the hydro-
11 acoustics, what surveys were done, there was a lot
12 of dissatisfaction with the track results and just
13 discontent with the model results and all the --
14 well, it's uncertainties.

15 COUNCIL CHAIRMAN RICK ROBINS: Pete,
16 thanks for that follow up. And the discussion at
17 the NRCC was responsive to a request from the New
18 England Council that was made in the form of a
19 motion requesting a new benchmark assessment. As
20 you know, there have also been congressional
21 letters, I think, that have come in since then
22 requesting the same type of initiative. But as Dan
23 points out, the Center's response was that there
24 really wasn't any new information to be considered.

1 work plan. And our annual work plan corresponds to
2 these matrixes that, as I say, you'd have to -- like
3 yesterday when I was talking about the table of when
4 information is available, the sideways table, it
5 keeps spreading out -- you know, to my left -- you
6 know, your right from my perspective -- I don't
7 bother to hammer it out -- but I want you to know
8 that as we go into a new calendar year, it's not as
9 though people haven't been thinking about what needs
10 to be done -- you know, at all levels. At the
11 Regional Office level. At the Center level. At the
12 Council level. At the Commission level. The
13 leadership of those groups sit down and have this
14 meeting and kind of layout -- now, you're not going
15 to be nailed down to this because stuff happens --
16 but by and large, we have an idea of what needs to
17 be done and when it needs to be done and what
18 resources are necessary to get those things done.
19 It may not always work that way. But in any case,
20 there is a good-faith effort -- you know, amongst
21 the leadership to make things happen along this
22 schedule. It doesn't always happen.

23 The last thing I would like to
24 comment about unless there was a question about that

1 -- as I say -- I'm just letting you be aware that
2 this stuff goes on and it's not as though we do
3 things willy-nilly. There is a grand design, if you
4 will. It doesn't always work, but at least there is
5 the good-faith effort to try to make it work.

6 I see Vince waving back there.

7 COUNCIL CHAIRMAN RICK ROBINS: Vince,
8 go ahead.

9 VINCE O'SHEA: Yeah, thanks, Mr.
10 Chairman. I think the other important part is,
11 since the Northeast Region services two councils, if
12 you will, that the members of this Council need to
13 know that there is a process for the two councils
14 and the council chairmen to come together to make
15 sure that the councils respectively are getting the
16 attention that they need. And that was part of the
17 genesis for this group being formed a number of
18 years ago, perception by where the resources were
19 going in the region to support the two councils.
20 So, that's another benefit, Dan, beside the
21 coordination, is the allocation of resources to
22 support -- at least from my perspective -- and that
23 applies to the Commission as well. Thank you.

24 COUNCIL CHAIRMAN RICK ROBINS: Thank

1 you, Vince.

2 DANIEL FURLONG: That's a great segue
3 for my closing comment about the NRCC. At the NRCC,
4 we were presented with an evaluation of scientific
5 and assessment needs to support the development of
6 acceptable biological catches and annual catch
7 limits for managed fishery resources in the
8 Northeast. And this is a white paper that was
9 prepared by the Northeast Fishery Science Center
10 Annual Catch Limit Working Group, and it was with a
11 review and consultation with our Council, the New
12 England Council, the Regional Office and the
13 external working group.

14 And I didn't have a chance to get
15 this reproduced. And at one time, this was one of
16 those hush-hush -- you know, eyes-only, you can't
17 see it. But at this point, it is a public document
18 and I will provide it to you. But the reason I
19 mentioned that it's a great segue from what Vince
20 was talking about is that it may be that in the
21 future, if you go back to this 8½ by 11 piece of
22 paper that shows the schedule, you'll see that we
23 have updates on our stocks in the year 2010. But
24 after 2010, they disappear.

1 And I'm personally very concerned
2 about this because if you look at our performance as
3 a Council, hey, we're pretty good. There isn't any
4 overfishing. You know, we've got one bad stock,
5 butterfish; two that are not overfished; and
6 everything else is rebuilt. So, we're pretty good.

7 And I think the reason we're pretty good is that we
8 do get annual assessment updates. But in the
9 future, again, resource crunch and new workload
10 crunch, we may not be getting these traditional
11 updates that we normally have gotten in years past.

12 And in fact, they're going to something called
13 signpost. And this signpost concept -- it was
14 described somewhat like on the dashboard of your
15 car, where you have an engine indicator light -- and
16 that if there's a problem with that fishery, you'll
17 get this signpost -- this indicator light will come
18 on, and then the Council will be notified that, hey,
19 there's an issue here and you may need to do
20 something a little bit different in terms of your
21 specification setting process.

22 Now, this isn't a final document and,
23 again, this isn't cast in concrete, but it is a
24 concept that you should be aware of. The conceptual

1 process in the future is going to be different from
2 what it has been in the past. And in that context -
3 - you know, there'll always be growing pains and
4 problems as we transition into this mode, if we
5 transition into this mode, because I personally
6 raised my objection. I would like to continue to
7 get annual updates.

8 But with the New England Council
9 moving to a quota-managed process because of the
10 Magnuson Reauthorization requiring ACL's and AM's,
11 it's a whole new world to them in a lot of ways and
12 they're going to be demanding -- just as Vince
13 pointed out -- the idea that our sister council is
14 going to placing the demands that heretofore hadn't
15 been placed on the Center. And so now, the Center
16 is going to be diluted in its ability to serve us by
17 serving the New England Council.

18 And that's my view of it. Other
19 people may have a different view, but that's my
20 quick and dirty of it. So, I will get to all of you
21 a copy of this paper so that you have an opportunity
22 to review it. And just be aware that, as I say,
23 conceptually, we're probably going to be moving away
24 from the annual updates that we've had in the past

1 that have gotten us to where we are and we'll be
2 doing something a little bit different. I'm not
3 quite sure what that's going to be other than these
4 concept of signpost.

5 So, Mr. Chairman, that kind of
6 completes it. And you were there. You were there.
7 George was there. Jim was there. Vince was there.
8 So, I welcome anybody to supplement my report.

9 COUNCIL CHAIRMAN RICK ROBINS: And I
10 will, briefly. The paper that Dan highlights is an
11 important paper. He said he was going to circulate
12 it to the Council. And I would encourage everybody
13 to take a look at least at the summary and the --
14 perhaps the first 15 or 20 pages.

15 LEE ANDERSON: Look at the
16 appendices, that's fun too.

17 COUNCIL CHAIRMAN RICK ROBINS: And we
18 did express, I think, as a group significant
19 reservation about this fundamental change in the
20 scientific information that we might be receiving
21 from the Center. The Center has resource
22 constraints. They've cited the fact that now the
23 assessments are becoming much more complex. The
24 updates themselves are more complex because of

1 expanded terms of reference. And now the SSC is
2 looking for -- in the terms of reference -- more
3 information about uncertainty. So, the requirements
4 for each action have increased. The number of
5 updates that are being requested -- as Dan pointed
6 out -- because of the demands now in New England are
7 bound to increase; and the Center has indicated that
8 they have very significant limitations in their
9 ability to meet those increased demands.

10 But we have significant and
11 fundamental questions about the efficacy of moving
12 to what's called a signpost in terms of the
13 information we'd receive from the Center. And so,
14 what we've suggested as an initial step is that we
15 have some analysis done, to go back and look at the
16 -- the efficacy of signposts. In other words, look
17 back over the last five or ten years of some of our
18 managed species and look at the decisions that we
19 made based on the updates; look at what signpost
20 might have informed us or how they might have guided
21 us; and look at the comparative effectiveness of
22 those types of matrix.

23 And, you know, I think if this is
24 going to be done, it ought to be done sort of on a

1 pilot basis with stocks that are in a safe
2 biological conditions, stocks that are perhaps less
3 significant in the terms of their overall importance
4 to the fisheries. But again, I think this is a
5 fundamental change that's being contemplated and
6 suggested by the Center. It could have significant
7 implications. It's not clear at all to me of how we
8 would use so-called signpost or develop a framework
9 for responding to changes in those relative to our
10 existing FMP's and management practices.

11 So, there are a lot of questions
12 associated with this initiative. We've requested
13 some analysis to begin with. And I would expect
14 that we would see some of that in the coming months.

15 But I'll also ask Lee to share his
16 observations, because this was a very significant
17 source of discussion at the meeting.

18 LEE ANDERSON: Thank you. I would
19 just really suggest you read the paper. And I was
20 joking, but kind of read the appendices, because
21 some of the stuff they're promising to do with the
22 signposts are kind of interesting how that's going
23 to happen and I'm concerned about what other kinds
24 of layers of uncertainty that's going to put into

1 this session that we're supposed to address. So,
2 I'm -- I said before, my objective and Rick -- both
3 our objectives is to work cooperatively with the
4 people. There's a problem there, they don't have
5 enough resources. But we are concerned about the
6 quality of data that we need to do our job. And so,
7 we need to keep our eye on that. Please read the
8 document so we can discuss it more fully at a later
9 time.

10 COUNCIL CHAIRMAN RICK ROBINS:

11 Thanks, Lee. I have Rich Seagraves and then Peter.

12 RICH SEAGRAVES: Yeah. Thank you,
13 Mr. Chairman. I think one important point may have
14 gotten kind of glossed over in both your
15 descriptions. Pretty complete, but the fundamental
16 change with the signpost would be we would be
17 setting multiple year quotas in the area of three to
18 five years between benchmark assessments. So, you
19 wouldn't -- you'd get a benchmark three to five
20 years. You'd set the quota for three to five years.

21 And then the signpost would kick in if -- you know,
22 some key indicator in the stock indicated between
23 those benchmarks action was necessary.

24 Now, the concern is you now have the

1 SSC specifying ABC, they would specify ABC for three
2 to five years. The further forward you project a
3 constant quota or whatever that quota is going to be
4 for three to five years, the less certainty you're
5 going to have, the greater the buffer that you'd
6 have to probably built in for scientific
7 uncertainty.

8 So, this is a key issue because, all
9 things being equal, it's likely that we would
10 probably have to forego some yield if that comes to
11 play. It may not be that Draconian, but it's the
12 multiple year quota aspect of it, I think, that's a
13 key thing to recognize.

14 COUNCIL CHAIRMAN RICK ROBINS: Well,
15 that's a great point, Rich, and it really begs the
16 question of what the cost to the decision-making
17 process is going to be associated with that. So,
18 there are a lot of issues associated with this that
19 are in front of us.

20 Peter.

21 PETER HIMCHAK: Yeah. Thank you.
22 Rich answered one of my questions, because you
23 confirmed that.

24 The other one is, when we get a copy

1 of the paper, can we get an electronically, Dan, do
2 you have it?

3 DANIEL FURLONG: I don't have it
4 electronically. But I can scan it in and give you a
5 PDF.

6 PETER HIMCHAK: Yeah. That would be
7 better.

8 And then, Mr. Chairman, when you ask
9 for the data analysis on what was available for
10 assessments related to decision making, it would
11 also be good to get them to focus not just on a time
12 period, a prescribed five or ten years, but a time
13 period around important decisions on critical
14 stocks. That way we'd have a couple of years
15 before, a couple of years after, maybe two before
16 and three after, critical decision-making points.
17 That way we know and we can demonstrate -- you know,
18 what data were used to support which decision that
19 we're not going to have the data for.

20 COUNCIL CHAIRMAN RICK ROBINS: Thank
21 you, Peter. All right. Additional comments or
22 questions? Jim.

23 JAMES WEINBERG: Yeah. Just a couple
24 of things. The working paper was the -- initiated

1 by people at the Science Center recognizing that
2 there were a lot more demands on the Science Center
3 for assessments from all parties and requirements
4 with the reauthorization of the Magnuson Act. And
5 at the other, internally, we were also hearing from
6 the people that do the aging of the fish that things
7 were becoming pretty chaotic there with all the
8 requests. They can't age every fish species every
9 year. It requires a lot of skill to do that.

10 And for them to work efficiently,
11 it's best if they collect about three years worth of
12 age odolets or scales, pull them all out and then
13 process the whole chunk of three years of samples,
14 and they can do that with the most accuracy and
15 efficiency. So, to randomly have requests coming in
16 all the time, hey, switch over to bluefish, switch
17 over to summer flounder. They were pulling their
18 hair out and saying, you've got to do something to
19 give us a little more order in our lives so that we
20 can get the work done to provide this to you. And
21 more and more of our stock assessments are becoming
22 more complex. And based on age information rather
23 than just looking at the latest survey index. And
24 this is something we talked a lot about in the

1 Executive Committee yesterday.

2 So, these updates that we used to
3 sort of crank out routinely by just getting the
4 latest survey index and updating the assessment,
5 it's no longer a simple exercise. Now, to do an
6 update say for scup or black sea bass or bluefish
7 requires people that do the aging to age all the
8 fish for those years that will go into the
9 assessment that will be input data. And then the
10 person can update the stock assessment model. And
11 because these models are rather complex, it's --
12 they also have to be examined for the residual
13 patterns and all the sorts of things retrospective
14 patterns, all the things we talk about.

15 So, that's also more complicated at
16 the level of doing the assessment analytically. So,
17 the -- and we raised this to the NRCC about a year
18 ago. And they said, well, let's tackle this by
19 forming two working groups. And one of the working
20 groups was within the Science Center. And the other
21 working group was to work hand-in-hand with that.
22 And it was comprised of people from -- the lead
23 people from both of the council's SSC's, lead staff
24 people from both councils, Rich and Chris Kellogg,

1 and several people from the Science Center.

2 So, we worked over the last six
3 months writing this white paper. It was a real
4 collaborative effort. We put our heads together and
5 said, if we can't continue to do business as usual,
6 what can we suggest; what are some recommendations
7 that would work for all parties. And so, the
8 signposts, which has been mentioned already, is an
9 approach that the group came up with as a way to go
10 forward; where for every single stock on the list,
11 the Science Center could potentially produce an
12 analysis of signposts which are -- signposts are
13 backing off from doing the full stock assessment.
14 It's more like looking at whether the recruitment
15 index seems to be within limits that seem
16 acceptable; have the landings from the last couple
17 of years fallen into an area that are acceptable;
18 are they way over, way under; and other things that
19 could pretty easily be looked at.

20 And the collection of signposts for a
21 particular stock would allow the Science Center to
22 give a pretty quick evaluation of whether that stock
23 seems to be within the bounds that are reasonable.
24 And this would be done between the benchmark stock

1 assessments.

2 So, the trick here is to find which
3 signposts actually work and there hasn't been a lot
4 of analysis of that yet. So, that remains to be
5 done and that's what's explained in those
6 appendices: that finding the signposts that
7 actually tell you about how well the stock is doing,
8 that's a critical step. And I think when the white
9 paper was presented to the NRCC, they saw some good
10 in it, but they weren't ready to just accept the
11 whole thing and abandon what we were doing before.

12 So, they told us to reform the
13 working group and to continue doing our work. So, I
14 think what will likely happen in the next year or so
15 is, that there will be some sort of phasing in of
16 the signpost approach, but it won't be for all 50
17 stocks that are on the table. There probably will
18 be some experimentation of phasing in the process.

19 But the need to transition somewhat
20 rapidly is because of this issue I've described
21 earlier about the difficulty with providing age data
22 for all these stocks, and the increased demand for
23 more and more assessments. That gives you a little
24 bit of the background for the white paper. So, I do

1 hope you read it. And a lot of people put quite a
2 bit of energy into it and it was a very good
3 collaborative effort between all parties.

4 COUNCIL CHAIRMAN RICK ROBINS: Thank
5 you, Jim. Rich.

6 RICHARD SEAGRAVES: Yeah. Just a
7 quick follow up to Jim's comments. First, I think
8 they should be commended. The Science Center did a
9 tremendous job pulling together a lot of
10 information, evaluating what their potential
11 resources are, and how they can be applied. There
12 was a lot of work got done in a little over a month
13 on that white paper. It was pretty impressive and
14 they're to be commended for that.

15 I think though when you step back, I
16 think sometimes as a Council we need to look and
17 say, well, okay, this is how -- what current or past
18 resources were. Here's what our anticipated demands
19 are. And in one of the appendices, they -- like
20 they give the economic analogy that demand has
21 increased, supply is the same or less for scientific
22 information.

23 So, I think the -- what we haven't
24 done is said, okay, what do we need in terms of

1 increased resources to meet the level that satisfies
2 the councils.

3 And so, I'm not sure how that job
4 gets done, but we really need to not just accept, I
5 think, and do a triage -- part of the deal is going
6 to be a triage, saying, okay, what's most important
7 in the short term. But longer term, I think it
8 really demands that we look -- take a hard look at
9 funding the Science Center, the surveys, the
10 supplemental sampling, the RSA Program, all
11 together, and try to bring supply up to meet demand.

12 COUNCIL CHAIRMAN RICK ROBINS: Thank
13 you, Rich. I think it is clear that for some
14 species -- you know, it's not going to be reasonable
15 to use such a different method on the most
16 significant of our fisheries. I just -- I don't see
17 how we could possibly go to use of signposts on the
18 management of summer flounder, for example, here in
19 our region, or sea scallops in the Northeast. It
20 almost seems untenable.

21 So, I think as Rich said, it is going
22 to require some triaging, but the long-term solution
23 would be to add additional resources and identify
24 what resources are needed to do that.

1 But at this point, are there any
2 other questions? Jim, go ahead.

3 JAMES WEINBERG: There's one point I
4 wanted to make when I was listening to Mike Wilberg
5 give his talk yesterday from USSC. Some of the
6 things he described were very consistent with the
7 approach that is described in the white paper.

8 Pat, you had some discussion with him
9 about one of those examples and that was exactly the
10 signpost approach.

11 COUNCIL CHAIRMAN RICK ROBINS:

12 Thanks, Jim. Additional comments or questions? All
13 right. Seeing none, why don't we go ahead and break
14 for lunch for one hour. When we come back, we'll
15 hold the MPA Hearing. I would suggest then that
16 while we're still convened as a full Council, that
17 we take up continuing and new business and any
18 committee reports that we have to hear and then we
19 can go into the committee meetings, namely Law
20 Enforcement, Protective Resources, both of those
21 should be relatively short. And then we'll have
22 Surf Clam, Ocean Quahog. Okay. So, let's be back
23 at ten after 1:00. Thank you.

24 (Lunch: 12:01 p.m. to 1:20 p.m.)

1 COUNCIL CHAIRMAN RICK ROBINS: All
2 right. We're going to be operating behind Tab
3 Number 8. And at this point, we're going to be
4 holding a hearing on the Council's proposed MPA's.

5 Gene Kray, would you like to
6 introduce this item briefly, and we'll go to the
7 public and see if there's any public comment or
8 testimony on this issue? This is the first of two
9 hearings that we're scheduled to hold. The second
10 will occur at the December meeting of the Council.

11
12 REVIEW ELIGIBLE SITES FOR MPA DESIGNATION

13 AND SOLICIT PUBLIC COMMENT

14 EUGENE KRAY: Thank you, Mr.
15 Chairman. You will recall that at our last two
16 meetings we've had folks from the MPA Center. At
17 the June meeting, we had Lauren Wentzel, who's the
18 National System Coordinator. And then at the August
19 meeting, we had Joe Yourovich, who is the Director
20 of the Center.

21 The major issue, at least from my
22 perspective, that was brought up by members of the
23 Council was concern about authority, authority over
24 the MPA site. And I think it was made very clear by

1 both Lauren and Joe that the Council retains all the
2 authority. And basically the MPA Center -- I
3 likened it to a cataloging system -- where they are
4 literally cataloging all sites that meet the
5 criteria for being considered as marine protected
6 areas.

7 The two areas that we have that the
8 Ecosystems Ocean Planning Committee has identified,
9 with the help of our Regional Administrator, would
10 be the scup northern gear-restricted area and the
11 southern gear restricted area for scup. Likewise,
12 the tilefish GRA in the Oceanographer and Ladonia
13 Canyons, and the tilefish GRA in the Veach end of
14 Norfolk Canyons.

15 So, as the Chairman has indicated,
16 this is the first of two hearings. We expect that
17 we will have another round of hearings at our
18 December meeting. And then it will be brought to
19 the Council for a vote in order to send this on to
20 the Regional Administrator for her action and for
21 being put into the system. So, with that
22 introduction, I'll ask is there any public comment
23 either from the audience or from Council members
24 with regard to these MPA's that are being proposed?

1 Seeing none, we're finished, Mr.
2 Chairman.

3 COUNCIL CHAIRMAN RICK ROBINS: Thank
4 you, Gene. That was done very efficiently.
5 Appreciate that. Perhaps we'll have some input at
6 the December Council meeting on this question.

7 Okay. Why don't we move onto a
8 couple of committee reports while we're still
9 convened as a full Council. We have two, I think,
10 that we would need to take that took place outside
11 of this venue, that is, HMS and dogfish. And then
12 also we'll hear from John Boreman from the SSC. And
13 then why don't we remain convened as a committee of
14 the whole, which would preclude the need for any
15 additional committee reports when we're done. And
16 we'll go through the Law Enforcement Committee, the
17 Protected Resources and Surf Clam Committees. And
18 immediately after these committee reports, we'll
19 take continuing and new business while we're still
20 convened as a full Council.

21 So, I'll go to Pat Augustine to
22 provide us with the report of the HMS Committee.
23 The HMS Committee met jointly with the Dogfish
24 Committee recently to develop our Council's position

1 on Amendment 3.

2 _____
3 HIGHLY MIGRATORY SPECIES COMMITTEE REPORT

4 PAT AUGUSTINE: Thank you, Mr.
5 Chairman. I went to the HMS meeting in Silver
6 Springs in September, September 8th through the
7 11th. And then to the ICCAT meeting the following
8 week, which was the 16th, 17th and part of the 18th.

9 That was followed up with a meeting that our
10 Chairman organized for the HMS and Dogfish Committee
11 to review and make recommendations to the HMS
12 Amendment 3 folks on September 21st. We also
13 addressed the dogfish issue and what direction we
14 should go.

15 So, if you'd refer -- I'll refer you
16 back to Tab 14, toward the end of it, and I'll just
17 touch on the first part. Toward the end of it,
18 you'll see a slide presentation, which is a summary
19 -- to give you an idea of the extent of note-taking,
20 it's a PowerPoint presentation -- the extent of
21 note-taking that the HMS staff does, they do write
22 down every single reasonable recommendation from the
23 Advisory Panel, which consists of about 35 folks.
24 All the councils are represented. We had the

1 Caribbean Council with us this year.

2 And you'll see the issues that are
3 mentioned or points that were mentioned were
4 directly related to options that the HMSC could
5 either develop for future management of HMS species.

6 And I won't take time to go through it, but we did
7 touch on everything from the harpoon category. We
8 talked about Amendment 3. We talked about bluefin
9 tuna minimum sizes; squid trawls; HMS general
10 category. They're all highlighted.

11 Further over, we talk about the
12 general ANPR that was ready to be published. We
13 talked about catch shares. We talked about shark
14 issues concerning finning. We got into CITES, which
15 was very lengthy conversation talking about the
16 concerns. And we did have the folks from U.S. Fish
17 and Wildlife. The ICCAT representative, who has
18 been attending all the ICCAT meetings from a
19 legalistic point of view and was telling us what the
20 development of our position was going to be.

21 And so that's it. If you have any
22 questions on that, again, that's a recap of what we
23 did.

24 In the first part of that Section 14,

1 I asked Tom and Jan to include for you the kind of
2 activity that's going on in ICCAT. ICCAT is an
3 international organization. It does focus on all of
4 the tunas, including now shark, billfishes and
5 swordfish. And what we have here is a report on
6 this working group that was put together to
7 determine what was going to be the future success or
8 failure of ICCAT. And this process was being driven
9 by the fact that CITIES -- I'm sorry -- bluefin tuna
10 was going to be listed possibly as being listed
11 under CITIES, Attachment 1 and 2.

12 And so, this is what the working
13 group went through to identify all the weaknesses
14 and problems that have been going on and plaguing
15 ICCAT for all these years. It gives you a brief
16 history. Remember, the working group consisted of a
17 number of countries. In this particular case, the
18 U.S. had the lead. Diedre, our gal, who was the
19 lead gal on it, and all the other countries
20 participate. The idea is to offer up
21 recommendations clearly to the other countries.
22 Last year in Morocco, we had 73 countries
23 participate. The European community has the largest
24 number of countries under its title EU or EC. They

1 have 27 countries, so they carry a big stick.

2 And so, you can review that. Again,
3 it's for your background and to get a feel for how
4 complex the international arena is.

5 So, go back again to the page or two
6 or three just before the PowerPoint presentation,
7 and a couple of pages there on North Atlantic
8 swordfish landings. It's an update by weight for
9 fish of the north, of 35 north and south 35, the
10 swordfish landings. And flip the page, we talk
11 about landings of large, medium and giant bluefin
12 tuna. Where we are in 2009 versus 2008.

13 You also received a handout -- where's my
14 handout -- can I borrow that please -- you received
15 a handout from Jan that gives you the other updates
16 on the landings, swordfish landings,
17 commercial/recreational fishing, first page, for
18 your edification, any questions you might have. We
19 have another follow-on swordfish report, followed by
20 a final Atlantic shark commercial fisheries update.

21 And the last of that was, any folks
22 that you know or any of your constituents, remind
23 them that bluefin tuna landing cards must be
24 submitted to NMFS within 24 hours of landing; and

1 that's an informational piece for you.

2 And that's the full of my report, Mr.
3 Chairman. Thank you.

4 COUNCIL CHAIRMAN RICK ROBINS: Thank
5 you very much. Any questions for Pat? I'll go to
6 Red Munden on Spiny Dogfish.

7
8 DOGFISH COMMITTEE REPORT

9 RED MUNDEN: Thank you, Mr. Chairman.

10 I just wanted to bring the Council up to speed on a
11 couple of things that have happened with spiny
12 dogfish. The week after the last Council meeting,
13 four scoping hearings were held. They were held
14 during the week of August the 10th through the 13th.

15 Only about 12 speakers showed up and spoke -- or
16 individuals spoke. And this public -- this scoping
17 meeting, rather, was for Amendment 3 to the Spiny
18 Dogfish FMP.

19 According to Jim Armstrong, comments
20 were all over the board relative to the options that
21 we took out. Some individuals supported a limited
22 access permit, others spoke against it. Some were
23 in favor of the male only fishery, and others were
24 not in favor of that. All-in-all, it didn't provide

1 us a whole lot of input or direction for Draft
2 Amendment 3. But staff is moving forward with that
3 amendment based on the comments that were received.

4 Jim Armstrong also informed me last
5 week that even though the Federal Notice Register
6 had not been published as of last week, they intend
7 to hold two meetings relative to the annual specs
8 setting process for spiny dogfish. You may recall
9 that generally at the October meeting is a meeting
10 during which the Council sets the harvest specs for
11 dogfish. The updated stock assessment is not yet
12 available, but plans are to have a meeting of the
13 SSC on October 27th, and that will be for setting
14 the annual catch limits for dogfish. That meeting
15 will be held at BWI, I believe. And then on October
16 29th, the Monitoring Committee will meet in Warwick,
17 Rhode Island. And then we'll be looking at spec
18 setting by the Council at our December meeting.

19 Dan, do those dates jibe with what you
20 have in your records?

21 DANIEL FURLONG: That's correct. And
22 the locations are correct. October 27th at BWI; and
23 October 29th at Warwick, Rhode Island.

24 We might also mention that the New

1 England Council will be setting specs on dogfish in
2 November, and then we'll be doing it following them
3 in December.

4 RED MUNDEN: I understand that's the
5 reason why we wanted to have the SSC recommendation
6 and the Monitoring Committee recommendation during
7 October?

8 DANIEL FURLONG: Absolutely. That's
9 the sequencing again.

10 RED MUNDEN: And that concludes my
11 report, Mr. Chairman.

12 COUNCIL CHAIRMAN RICK ROBINS: Thank
13 you very much, Red. And the work product from that
14 joint committee meeting that was held in
15 Philadelphia is behind Tab Number 6; that's the
16 smooth dogfish letter. And I'll just point out
17 there that one of the significant questions that we
18 posed back to the Service was the fact that we
19 really need to try to address Section 307.1P of
20 Magnuson, which deals with the rebuttable
21 presumption language as it relates to a five percent
22 cap on fins. The way the smooth dogfish fishery is
23 normally prosecuted, the fin weight runs about nine
24 to ten percent; and if the tails are retained, it's

1 13 or 14 percent. So, that's at odds with the
2 rebuttable presumption language and we've asked for
3 some sort of clarification on that as it relates to
4 smooth dogfish; perhaps exploring a letter of
5 authorization or some other exemption for that
6 fishery.

7 I know this is also an issue of
8 legislative interest in Congress right now. So,
9 we'll have to see how the legislative side of that
10 plays out.

11 But, this is a unique attribute to
12 the fishery and the thrust of our comments was that
13 these unique characteristics ought to be taken into
14 account in the interest of having an informed FMP
15 for that species. We did recommend that no action
16 be taken, which would be consistent with allowing
17 the ASMFC to manage it effectively. And we
18 recommended further that there be quota-based
19 management of the species. So, while we recommended
20 no action, that doesn't mean no management
21 obviously. It would still be managed and we
22 recommended some specific measures to go along with
23 that.

24 Pat.

1 PAT AUGUSTINE: To that point, the
2 reason I didn't cover it was Dan covered the first
3 part of that letter in his report, the September
4 24th letter, on the discussions that we had and the
5 alternatives that our Council put forward. But I
6 would bring your attention to what Rick was saying
7 about the addition of smooth dogfish under NMFS.

8 He was kind enough, because of his
9 business and association with that product, was able
10 to supply some background information that totally
11 discredits one of the points that was made in terms
12 of how many fish or pounds of fish were being caught
13 and reported. And if you take the time to look at
14 that document, I think you'll find that it's very
15 enlightening. And so, hopefully we'll get further
16 reports on actual numbers of pounds of fish that
17 were caught.

18 COUNCIL CHAIRMAN RICK ROBINS: Well,
19 just to finalize, I think I'll try to follow up with
20 the HMS Office and see if we can have some
21 additional conversations subsequent to our comment.

22 John Boreman.

23 _____
24 SSC REPORT

1 JOHN BOREMAN: Thank you, Mr.
2 Chairman. First, I want to thank the Chair for
3 inviting members of the SSC to our meetings
4 yesterday. It was productive. Besides myself, we
5 had the Vice-Chair of the SSC, Tom Miller, and then
6 Dr. Mike Wilberg, who Chairs our Scientific
7 Uncertainty Subcommittee. I think it was very
8 worthwhile to have them there and they asked me to
9 pass along their thanks as well.

10 As Red mentioned, the SSC is going to
11 be meeting on October 27th. Half the day is going
12 to be taken up with setting ABC for spiny dogfish.
13 We're still waiting for a report from the Center, an
14 update. That should have been to us three weeks
15 prior to the meeting, which meant last week. We
16 still haven't got it. We have some materials, the
17 latest assessment and so on. But materials are
18 still coming in. Hopefully, we'll have it in time
19 to take a good look at it before our meeting and not
20 have an 11th hour mad dash.

21 Fortunately, the person on the SSC
22 assigned to dogfish has been following the
23 activities of the Technical Committee and the
24 working groups participating in meetings, so we

1 should be informed.

2 At that meeting also, we're going to
3 continue working on the ABC Control Rule
4 recommendations for the Council. We'll be looking
5 at research priorities for the next five years and
6 making a recommendation to the Council.

7 And also be reviewing the role of the
8 SSC relative to the SARC-SAW process. As I
9 mentioned this morning, the upcoming SARC Number 49
10 is going to be chaired by a member of the SSC. That
11 member is also the lead for the SSC on butterfish.
12 So, that person sat in on the Butterfish Technical
13 meetings and made sure that he was -- he made sure
14 everyone there that he was there as an observer and
15 not a participant because he would be chairing the
16 SARC on the same species.

17 So, we need to think about how we're
18 going to handle that in the future so we don't get
19 into any awkward situations and we have a clear non-
20 conflict of interest issues if there were potential
21 perceptions of such.

22 The last item I want to talk about
23 is, at the last Council meeting in August, the SSC
24 was asked by the Council to recommend new members

1 for the SSC. We went through a process by which we
2 first started with about 18 names of people who
3 would be good replacements. We were looking for a
4 replacement for Jim Kirkley. Dr. Kirkley has been
5 forced to drop off the SSC. He's an economist. So,
6 we wanted to bring another economist onboard. But
7 we're also looking for people with strong
8 quantitative skills in the areas of stock assessment
9 and ecosystem dynamics, because those are the two
10 areas that we see we're going to be very busy in the
11 next few years.

12 As I said, we had 18 names. I
13 contacted those 18 people. Nine of them expressed
14 interest in being on the SSC, which to me was
15 surprisingly high, enthusiastic interest of all
16 nine. We put those around to the committee to see
17 who would best fit the profiles that we were looking
18 for and four names rose to the top. We handled the
19 economist separate from the quantitative ecologist
20 and the fisheries positions. And I'll give those
21 four names now: For the economist, the SSC is
22 recommending Doug Lipton from the University of
23 Maryland. A lot of people around here know Doug.
24 He's been -- he's a fisheries economist.

1 And for the other positions, three
2 names came forward: Mike Frisk from Stoneybrook,
3 he's a population dynamics expert. David Seacor
4 from University of Maryland, Solomons. And Jason
5 Link, who's a quantitative ecosystem ecologist from
6 Woods Hole, from the Northeast Center.

7 So, those four names, they rose to
8 the top and they were in a group that was basically
9 head and shoulders above the other five names on the
10 list. So, I'm going to put those forward. I can
11 forward the CV's to Dan. I asked each of them to
12 provide me with a two-pager and they have. And I
13 can forward those to Dan to circulate to the
14 Council. So, hopefully, next meeting, we'll get to
15 vote on them and -- you'll get to vote on them and
16 we'll rebuild our ranks. But that's our
17 recommendation at this time.

18 Now, whether you choose to go with
19 all four or not, that's up to you folks, but we gave
20 you four names.

21 COUNCIL CHAIRMAN RICK ROBINS: John,
22 thank you for that report. And thanks again for the
23 participation of the Committee members yesterday in
24 our discussion of risk and ABC control rules. That

1 was quite helpful. I would suggest that we take
2 John's advice and take these into consideration;
3 that is, those recommendations for nominees to the
4 SSC and then vote on them in December. If we voted
5 on them today, frankly, they wouldn't have time to
6 be at the next Committee meeting. That's just two
7 weeks away. So, I don't think it makes sense to
8 take action today on that, but perhaps we can put
9 that off to the December meeting and then take
10 action and replenish the ranks of the SSC.

11 Any questions for John on his report?

12 Jim.

13 JAMES WEINBERG: Yeah. John, I will
14 contact people at the Center and try to get that
15 paper out sooner.

16 COUNCIL CHAIRMAN RICK ROBINS: Thank
17 you, Jim.

18 _____
19 CONTINUING AND NEW BUSINESS

20 COUNCIL CHAIRMAN RICK ROBINS: Let's
21 move onto then continuing and new business. I have
22 a couple of items here. One relates back to the
23 SSC; and that is, I would -- in light of the
24 discussion we had at our last meeting as well as the

1 recent action at the New England Council meeting, I
2 think it might be helpful to consider developing
3 some standards for review of SSC decisions; that is,
4 establish some standards under which we might ask an
5 SSC to reconsider a recommendation to the Council so
6 that we have essentially a standing policy that
7 would govern those types of decisions.

8 And in the interest of doing that, I
9 would suggest perhaps that we have a meeting with
10 the SSC leadership and Council leadership just to
11 begin to develop some draft ideas that we could
12 bring back to the Council in December for further
13 discussion. But the concern I have is that if we
14 don't establish some guidelines and standards
15 related to that, that every time we get an ABC
16 recommendation from the SSC, it could end up being
17 really a divisive issue; and I think we could end up
18 spinning our wheels going down that path of
19 challenging the SSC decisions. I think we are
20 looking for them obviously to give us the ABC and I
21 think that we would want to set a standard such that
22 a reconsideration is essentially an exception and
23 not the rule. But I think we could hash out some
24 standards for that and come back to the Council.

1 Let's get the advice of the SSC and what their input
2 is as well.

3 I think the other question is that we
4 would want to review the process by which
5 information can be introduced into the system for
6 consideration by the SSC. In other words, we want
7 to make sure that we have those standards in place
8 and we can clearly communicate those to the public
9 and to the members so that we understand when
10 information is appropriate to come in.

11 There are certain steps back in the
12 SAW-SARC process early on to the data workshops
13 where most stock assessment type work would be best
14 introduced. But I think we want to make sure that
15 whatever we're acting on in the end as a Council is
16 peer-reviewed information. And so, we just need to,
17 I think, review the process by which that
18 information comes into play. We did have some
19 discussion about this at the NRCC meeting recently,
20 and it's an area of interest. I think it's
21 something we just need to continue to review and
22 update and make sure that the process for receiving
23 information is well understood and well
24 communicated.

1 The other issue with the SSC would be
2 to work collaboratively with them to develop terms
3 of reference for their recommendations. And you
4 heard yesterday in the discussion about our
5 interactions with the ASMFC how we want to possibly
6 consider how the information that goes to the SSC is
7 formatted when it comes from our staff, in terms of
8 their catch level document or whatever the initial
9 document is that comes into the SSC related to an
10 ABC development. But similarly, in terms of the
11 advice that we get from the SSC, it would make
12 sense, I think, to have some terms of reference
13 there. That might become part of the standard under
14 which we consider a reconsideration of the decision
15 too.

16 So, I think these are all some
17 important components. But with the Council's
18 consent, I'll ask John if you have any comment on
19 this. But perhaps with the Council's consent, we
20 could consult with the SSC; come back to the Council
21 at the December meeting with some draft ideas and we
22 could begin working on that policy.

23 Is there any objection to moving
24 forward in that direction? Pat.

1 PAT AUGUSTINE: It's almost like a
2 curve from where we had agreed to go with Option 2
3 and what the process would be where there would be
4 relatively strong interaction between the Monitoring
5 Committee, Technical Committee and the SSC as we
6 were going through the development of ABC. And I
7 thought there was going to be a lot of emphasis put
8 on inter-communication between staff, MC and SSC.

9 Now, this is almost at the end of it
10 where the SSC comes forward -- if I understand what
11 you said -- the SSC comes forward with a quota --
12 with an ABC. And then for some reason we believe
13 that it should be questioned, it's almost as though
14 -- it's a protective measure for the Council. It
15 gives us an opportunity to again go back and say,
16 hey, can you take a look at this, take a look at
17 this.

18 I refer back to the comment that Lee
19 made at our last meeting where he had said that if
20 we, the Council, don't like the ABC, that we can
21 just go back and for some reason just question you
22 folks as to why we did that. Do you remember that
23 conversation?

24 LEE ANDERSON: Well, there was

1 argument against that.

2 PAT AUGUSTINE: Well, you were
3 arguing against it and that's what -- I am
4 supporting what you said. Okay. That's why when I
5 looked at Option 2 and then I saw where you were
6 going -- I know we need a protective measure for the
7 Council to go back and take one more look if we
8 don't agree with the SSC. You're talking about
9 agreeing with their ABC? That's what you're talking
10 about?

11 COUNCIL CHAIRMAN RICK ROBINS: Pat,
12 I'm talking about establishing a standard for
13 reconsideration. In other words, having a policy in
14 place or a procedure in place that we can operate
15 with together with the SSC such that we would have a
16 high standard for review or reconsideration. And
17 the other part of that is -- you know, what
18 information can be considered in the ABC
19 recommendation process. I just think that needs to
20 be spelled out fairly clearly. I think we already
21 have practices in place. But I think it would be
22 helpful to clarify that and communicate.

23 PAT AUGUSTINE: Yeah. I would hope
24 so. I was going in another direction. I was

1 looking at it's a protective measure for the
2 Council. You're looking at it as a guideline. And
3 I took what you said out of context. I thought it
4 was a way for us to rebut. You follow what I'm
5 saying?

6 COUNCIL CHAIRMAN RICK ROBINS: Yeah.

7 PAT AUGUSTINE: You're talking about
8 a guideline as to what should be presented to us,
9 what the SSC assessment will be to get to an ABC.
10 It allows the Council members to do what? Assure
11 that they have met those standards when they set
12 that? I'm lost. I've lost this translation
13 somewhere.

14 COUNCIL CHAIRMAN RICK ROBINS: I
15 think we've lost each other.

16 PAT AUGUSTINE: Go one more time.

17 COUNCIL CHAIRMAN RICK ROBINS: I
18 think we've lost each other. There are two points.

19 One is that I think it would be helpful -- I've
20 discussed this with John previously -- that it would
21 be helpful to have some -- just some TOR's for the -
22 - that go to the SSC. And right now, right now, I
23 think they exist, but they're very simple. You
24 know, it's give us an ABC recommendation for this

1 stock. But simply establish some standard TOR's
2 perhaps for our interactions with the SSC; but also
3 to have a standard for review. In other words, I
4 think we need to make it clear that we're going to
5 make it the exception and not the rule when we would
6 ask the SSC to reconsider a question.

7 But I think together with the SSC's
8 input on this -- you know, hopefully we could come
9 up with some draft ideas about what that standard
10 might be. And I think that would -- you talked
11 about protecting the Council; I think that would
12 protect the Council frankly. And I think it would
13 protect the entire process. Because otherwise, if
14 we don't have any standards and we move forward with
15 ABC recommendations, I just see the potential for a
16 lot of conflict on that.

17 But I think it would be in our
18 interest to try to put our heads together and
19 develop a standard, get the SSC's input on it, and
20 come back to the Council with some ideas.

21 Pete.

22 PETER HIMCHAK: Mr. Chairman, I think
23 a perfect example of this could be the two actions
24 that were taken at the September New England

1 Council, where they sent the red crab recommendation
2 back to the SSC, I believe, because there wasn't a
3 quorum present when the recommendation was made.
4 And that's one reason.

5 And then the Atlantic herring, of
6 course, was sent back because of the dissatisfaction
7 with the outcome of the model.

8 So, you can have a very legitimate
9 basis for asking the SSC to look at something again.

10 And then you have all those other like, well, we're
11 just not happy with the outcome, so, yeah, we have
12 to distinguish between the two sets of criteria.

13 COUNCIL CHAIRMAN RICK ROBINS: I
14 agree wholeheartedly and I think that's exactly what
15 we'd want to get at with some sort of standard for
16 remand. And I would submit that that's something
17 that we need to develop. And I think the Council's
18 interest would be well served by trying to develop
19 that relatively early on in the process, recognizing
20 that we can amend it as needed. But certainly, if a
21 decision has an obvious error in fact, which has
22 happened in the past -- New England at one point
23 received a recommendation on skates that included a
24 mathematical error that the Science Center picked up

1 on -- that was sent back and corrected.

2 And so, there are rare cases where it
3 would be appropriate. But I think we need to
4 establish some sort of standard so that we can move
5 on with the development of the SSC integration and
6 process.

7 Peter.

8 PETER HIMCHAK: Yes. Thank you very
9 much, Rick. And I think you're exactly right on
10 that about establishing guidelines for all of those
11 things. And I think we'd be well to do it for both
12 the SSC and the Council.

13 Will that conversation also include
14 discussion with legal counsel in terms of admissible
15 information? Because I know when you talked about
16 peer-reviewed data, it also raises the question
17 about if there are any legal implications to this.

18 COUNCIL CHAIRMAN RICK ROBINS: Well,
19 the decisions have to be consistent with the Data
20 Quality Act and there are other considerations. But
21 I think in terms of the -- in terms of the review
22 initially, I'm not sure that we would need legal
23 counsel involved. I think we'd start out with
24 reviewing the current standards and processes

1 through which we receive information. And also talk
2 to the Science Center about the SAW-SARC process;
3 what comes in then. And the data workshops are the
4 place, typically, where the stock assessment type
5 information or catch information or things of that
6 nature would be considered.

7 But I think we need to update that
8 and make it clear. And then, I think we need to do
9 a little bit more to communicate that as we go
10 forward.

11 Is there any objection then to moving
12 forward in that direction and we'll consult with the
13 SSC and report back to the Council? Okay. We'll do
14 that then.

15 One other item under new business.
16 It was brought to our attention that the Area 2
17 herring fishery -- or herring quota was closed
18 somewhat prematurely in that it was closed just
19 before the trigger was actually achieved. That was
20 based on projections. And I think there -- 1500 --
21 is it 1500 metric tons that are left?

22 UNIDENTIFIED: Are on the table.

23 COUNCIL CHAIRMAN RICK ROBINS: Right.

24 So, there's more than 1500 tons of quota left, but

1 the discrepancy between what was projected and what
2 was actually achieved in Area 2 has a difference of
3 about 1500. And we received a request to just
4 forward a request to the Service that they re-
5 examine this issue to determine whether any herring
6 retention could be allowed in Area 2 in the month of
7 December. That has a direct bearing on our mackerel
8 fleet, which would be -- the region mackerel fleet
9 which would be operating in that area, in Area 2.

10 And if no retention is allowed, then
11 the mackerel fishing operations in that area would
12 result in dead discards of herring. So, it's simply
13 a matter of whether the fish are going to be
14 discarded dead or retained as part of the catch.
15 So, I put this question to the New England Herring
16 Committee and they agreed to move forward with that
17 request. But it was never submitted to the New
18 England Council. So -- as a formal motion.

19 So, that the issue is whether to
20 simply send a letter to the Service asking if they
21 can explore that possibility. There was some
22 concern from the Service that the rate of catch in
23 Area 2 could be as high as 1500 metric tons in a
24 week. However, I think in the month of December,

1 the catch rates are lower. I think they've already
2 started looking at that to some degree, at staff,
3 because this has been discussed in the New England
4 Committee; but would suggest that we simply send the
5 letter to the Service asking them to consider
6 whether or not that quota could be accessed during
7 the month of December. Because again, the overlap -
8 - there is no set-aside per se for the herring
9 retention in the mackerel fleet other than 2500
10 pounds a day. But there's not an allocation of that
11 resource between the herring and mackerel fisheries.

12 So, we would want to just see if that
13 could be retained rather than discarded.

14 UNIDENTIFIED SPEAKER: Yeah. Just a
15 couple points of clarification for the record. That
16 there's 1500 -- somewhere between 1500 and 1800 tons
17 of the directed amount of herring. So, the problem
18 is the fishery was closed. It closes, I think, at
19 90 percent of the allocation for that area. So,
20 there's 1500 from the directed and there's still
21 2,000 left in reserve for the incidental, which
22 you've already mentioned. The incidental rate is
23 2,000 pounds per day. So, in fact, it looks like
24 there's about 3500 to 3800 total left; 1500 from the

1 original directed allocation and then the balance
2 being the incidental.

3 But the issue is, if the mackerel
4 fleet is operating in these areas and they catch in
5 excess of 2,000 pounds, they'd have a discard issue.

6 COUNCIL CHAIRMAN RICK ROBINS: Are
7 there any questions on that request? Is there any
8 objection to sending such a letter to the Service to
9 explore the possibility of allowing some retention
10 of herring in Area 2 in December? Okay. Seeing
11 none, we'll make the request.

12 All right. Let's move on now to the

13 --

14 DANIEL FURLONG: Tab 15.

15 COUNCIL CHAIRMAN RICK ROBINS: Okay.

16 Our next item under new business is behind Tab 15,
17 and that is an update on the illex control date.

18 DANIEL FURLONG: This sentence right
19 here. For purposes of ... control date is also ...

20 COUNCIL CHAIRMAN RICK ROBINS: Okay.

21 Staff has asked a question in light of the last
22 Council meeting when we took action to reaffirm the
23 loligo control date and it wasn't clear to staff if
24 we also intended to include the illex control date.

1 And essentially here in the memo on -- behind Tab
2 15 it says for purposes of public notification,
3 staff request clarification if the Council intended
4 to include reaffirmation of the illex control date.

5 And they go on to explain that it doesn't bind the
6 Council to any course of action, but puts the public
7 in notice that landings after that control date may
8 be treated differently to discourage speculative
9 activation of latent effort.

10 The control date that was reaffirmed
11 by the Council for loligo was May 20th, 2003.
12 That's the same date that we would reaffirm if we're
13 going to reaffirm it for illex.

14 What's the pleasure of the Council on
15 this issue? Lee.

16 COUNCIL VICE CHAIRMAN LEE ANDERSON:
17 I would make a motion that we reaffirm the illex
18 control date for 5/20/2003.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Is
20 there a second to the motion? Erling. Discussion
21 on the motion?

22 (No response audible.)

23 COUNCIL CHAIRMAN RICHARD ROBINS: Do
24 we have any comments from the public on the motion?

1 Greg.

2 GREG DIDOMENICO: Thank you, Mr.
3 Chairman. Greg DiDomenico, Garden State Seafood
4 Association. We support the reaffirmation of the
5 2000 control date -- and 3 control date -- for both
6 illex and loligo fisheries, and would also ask that
7 the Council -- when the time is appropriate, that
8 the -- this next amendment that we'll be addressing
9 the illex and loligo fisheries, that the Council
10 considers specifically for the illex fishery that
11 instead of a catch shares approach that perhaps the
12 Council considers a tiered approach, similar to what
13 we did in mackerel for the illex fishery.

14 We believe that the illex fishery is
15 a relatively small universe of participants,
16 probably 75 permits; 22 to 25 to 30 who are
17 historically and most recently active in the
18 fishery; and we think it's very possible to address
19 latent effort of those other permits through a
20 tiered approach where the individual vessels and the
21 very active vessels in that fishery could be --
22 could be put in the higher tier with a real directed
23 -- a directed fishery or a trip limit large enough
24 to consider it a directed fishery and those other

1 vessels be relegated to something else, probably a
2 bycatch amount.

3 So, we'd like the Council to consider
4 that. We think it would be supported by most of
5 industry and we think it would be very effective in
6 the illex fishery. So, thank you.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Greg, thanks for your comments. Any additional
9 comments from the public or members of the Council
10 on the motion?

11 (No response audible.)

12 DANIEL FURLONG: Jan, can you put up
13 the motion?

14 (Pause.)

15 DANIEL FURLONG: Who's in favor of
16 being in focus?

17 (Pause.)

18 COUNCIL CHAIRMAN RICHARD ROBINS: All
19 right. I'll just read the motion then. The motion
20 is to reaffirm the illex control date May 20, 2003.
21 There it is on the board. Motion by Lee Anderson,
22 second by Erling Berg.

23 Are we ready for the question?

24 (Motion as voted.)

1 {Move to reaffirm the Illex control date.}

2 COUNCIL CHAIR RICK ROBINS: All those
3 in favor, please raise your right hand.

4 (Response.)

5 COUNCIL CHAIRMAN RICHARD ROBINS:
6 Eighteen. Opposed, like sign.

7 (No response.)

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Abstentions, like sign.

10 (Response.)

11 COUNCIL CHAIRMAN RICHARD ROBINS: One
12 abstention. The motion carries. Thank you, Lee.

13 Is there any other new business to
14 come before the Council from members?

15 (No response audible.)

16 COUNCIL CHAIRMAN RICHARD ROBINS: Is
17 there any other new business to come before the
18 Council from the public? Greg.

19 GREG DIDOMENICO: Thank you, Mr.
20 Chairman. Greg DiDomenico, Garden State Seafood
21 Association.

22 I was wondering, also, the mackerel
23 slash herring issue you guys are addressing in Area
24 2, the recent reductions in the herring quota for --

1 well, the proposed reductions in 2010 are going to
2 have a significant impact on the Area 2 quota, and
3 we are trying to figure out and bracing for the
4 impacts of that issue and its effect on the mackerel
5 fishery.

6 It's very possible that a year from
7 now we're going to be facing a closure in the Area 2
8 fishery on herring and quite frankly be in the midst
9 of hopefully a very productive mackerel season.

10 I don't know how to approach that
11 issue, quite frankly. The industry's trying to
12 figure it out as I speak here today, but if there's
13 anything that the Council can do within the letter
14 you're going to write, Mr. Chairman, and I know
15 you've brought it up at several occasions with the
16 New England Council and we appreciate that.

17 Is there possibly a way to look for
18 some in-season adjustment of other area TACs into
19 Area 2 if in fact we get into an emergency
20 situation? Is there a way to take unused quota from
21 2009 and roll it into 2010? Even if it was a
22 minuscule amount, I think it would be -- prove to be
23 helpful for the mackerel fishery.

24 Administratively, George, I don't

1 know if these are things that we can do, but your
2 advice and your help in this issue would be most
3 appreciated. Anything that could be -- could be
4 done administratively would be helpful.

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 George, do you have a response?

7 GEORGE DARCY: Yeah, I -- the kinds
8 of things you're talking about are things that they
9 -- the New England Council would have to do. I mean
10 certainly my staff would work with the committee and
11 so forth to see what kind of options might be
12 available, whether they could be done through a
13 framework, whether they could be done through
14 specifications or whether it would require an
15 amendment.

16 But they already have an amendment in
17 the works, so beyond that I -- you know, I can't say
18 any more right now.

19 GREG DIDOMENICO: Mr. Chairman, if
20 there is a way to elevate this issue in the letter
21 that the Council's going to be sending to the New
22 England Council, that would be most appreciated.

23 Any possible -- you know, wording or
24 any request to address that issue would be -- would

1 be helpful sooner than later.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Greg, one of the issues we are concerned about is
4 the -- obviously there's going to be a major impact
5 to the fleet from the new quota recommendations on
6 herring. I mean that's very clear.

7 But what's not clear is whether or
8 not the historic allocation between Area 1A and Area
9 2 would be preserved. And certainly we are
10 sensitive to whatever impacts might happen in Area 2
11 if that allegation's changed. Erling Berg sits on
12 the Herring Committee for us right now, and he's
13 been delivering those concerns to the committee.

14 So, we are interested in seeing that
15 preserved for the time being. It sounds like you're
16 asking, though, in part for a quota rollover. And
17 I'm not sure if there's any provision in the FMP. I
18 don't know the FMP that well. I don't know if
19 there's any provision for the rollover of the quota.

20 But obviously we're going to write this other
21 letter to try to improve conditions in Area 2 for
22 this year.

23 GREG DIDOMENICO: Anything that --
24 you know, that could be done we certainly would be

1 supportive of, within reason, of course.

2 But the other thing I guess we were
3 thinking about, is it possible to roll over quota
4 from Area 3 into Area 2, if in fact we needed it
5 this time next year.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 That's a question of -- you know, I don't know that
8 George can answer it here. So, why don't we take
9 that up with --

10 GREG DIDOMENICO: Sure.

11 COUNCIL CHAIRMAN RICHARD ROBINS: --

12 with the Regional Office after the meeting. Thank
13 you.

14 GREG DIDOMENICO: Thank you.

15 COUNCIL CHAIRMAN RICHARD ROBINS:

16 Dan.

17 DANIEL FURLONG: As I understand it,
18 Greg, the issue's really right now with the PDT, the
19 Plan Development Team, and they're the ones that are
20 going to be psyching out allocation at this reduced
21 level. So, that's the first cut that the Council --
22 New England Council will see is coming out of that
23 group.

24 GREG DIDOMENICO: Thank you.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Thank you. Any additional new business to come
3 before the Council?

4 (No response audible.)

5 COUNCIL CHAIRMAN RICHARD ROBINS: All
6 right. Seeing none, we'll move on to the Law
7 Enforcement Committee. And we're convened as a
8 committee of the whole for this discussion.

9
10 WHEREUPON:

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12 THE MEETING WAS CONCLUDED AT 2:05 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 24th, day of November, 2009.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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