

**PROCEEDINGS
OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC MENHADEN MANAGEMENT BOARD**

**May 11, 2005
Alexandria, VA**

Approved February 23, 2006

These minutes are considered draft until they are reviewed and approved by the Atlantic Menhaden Management Board at their next meeting.

ATTENDANCE

Board Members

Lewis Flagg, ME DMR	Bruce Freeman, NJ DF&W
George Lapointe, ME DMR	Ed Goldman, NJ, proxy for Assemblyman Robert Smith
Patten D. White, ME Gov. Appte	Jeff C. Tinsman, DE Div F&W
Sen. Dennis Damon, ME Leg. Appte	Bernard Pankowski, DE proxy for Sen. Robert Venables
John Nelson, NH F&G	Howard King, MD DNR
G. Ritchie White, NH Gov. Appte.	William P. Jensen, MD DNR
Dennis Abbott, NH, proxy for Rep. Mary Ann Blanchard	Bruno Vasta, MD Gov. Appte.
William Adler, MA Gov. Appte.	A.C. Carpenter, PRFC (Vice Chair)
Paul Diodati, MA DMF	Jack Travelstead, VMRC (Chair)
Vito Calomo, MA, proxy for Rep. Anthony J. Verga	Niels Moore VA, proxy for Sen. John Chichester
Mark Gibson, RI DFW	Damon Tatem, NC Gov. Appte
Everett Petronio, RI Gov. Appte.	Preston Pate, NC DMF
Gil Pope, RI, proxy for Rep. Eileen S. Naughton	David Cupka, SC DNR
Eric Smith, CT DEP	Spud Woodward, GA DNR
Fred Frillici, CT proxy for Sen. George L. Gunther,	John Duren, GA, Gov. Appte.
Dr. Lance Stewart, CT Gov. Appte.	Gil McRae, FL FWCC
Pat Augustine, NY Gov. Appte.	Steve Meyers, NOAA Fisheries
Gordon Colvin, NY DEC	Dr. Jamie Geiger, USFWS
Tom Fote, NJ Gov. Appte.	

Ex-Officio Members

Alexei Sharov, MD DNR, Technical Committee Vice Chair	Mike Bloxom, ASMFC LEC
William Windley., Advisory Panel Chair	

Staff

Vince O'Shea	Nancy Wallace
Robert Beal	Braddock Spear

Guests

Gina Hunt, MD DNR	Dick Brame, CCA
Daniel Side, MSSA	Sherman Baynard, CCA MD
Bob Watson, MSSA	James Price, CBEF
Clint Waters, MSSA	Steve Heins, NYS DEC
Charles Hutchinson, MSSA	Richard Otterstedt, NYSDEC/ASMFC LEC
Dan Dugan, Delaware DNR AP/RFA	Ken Hinman, NCMC
Derek Orner, NOAA Chesapeake Bay Office	Kelly V. Place, VA
Tom Meyer, NOAA Fisheries Service	Jane Danowitz, MD
Anne Lange, NMFS-State-Federal	Richard Novotny, MSSA
Joseph W. Smith, NMFS- Beaufort NC	Bennie M. Williams, USFWS
John Hocevar, Greenpeace	Bob Watson, RFA/MSSA/CCA
Buffy Baumann, Greenpeace	Beth Fitzgerald, Greenpeace
Ray Rhodes, SCDNR-MRD	
Amy Schick Kenney- Environmental Defense	

These minutes are considered draft until they are reviewed and approved by the Atlantic Menhaden Management Board at their next meeting.

TABLE OF CONTENTS

Call to Order.....6

Approval of Agenda.....6

Approval of Proceedings, February 2005.....6

Public Comment.....6

Review Draft Addendum II.....12

Discussion of Draft Addendum II.....15

Discussion of Atlantic Menhaden Research.....31

Other Business.....34

Adjournment.....34

Summary of Motions

Move to substitute the text under STATEMENT OF THE PROBLEM and format the substituted state regulatory text as an appendix.

The new STATEMENT OF THE PROBLEM should read, “The proportion of total coast wide reduction fishery landings harvested from Chesapeake Bay has increased 18% from the 1985-1995 period when landings averaged 47% of the coast wide harvest, to 1996-2004 when 55% was attained. Sixty to seventy percent (60%-70%) of the total coastal landings are currently being harvested as the menhaden enter and exit the Chesapeake Bay. The potential for localized depletion exists in Chesapeake Bay as a result of this concentrated harvest. Possible outcomes of localized depletion include compromised predator-prey relationships and chronic low recruitment of larval menhaden to the Chesapeake system. Reviews of existing data suggest that predator-prey relationships could currently be compromised and recruitment of larval menhaden has chronically declined during the last two decades.

Sufficient scientific data are not available to satisfactorily address the potential for localized depletion in the Bay or to identify specific reasons for predator finfish deficiencies or low larval menhaden recruitment. To address concerns of localized depletion and related potential effects, the Management Board is initiating a public process to inform the public of the issue and required research, and to solicit input concerning a proposal to implement a risk-averse cap of menhaden that may be harvested from the Chesapeake Bay or coastwide annually, while a comprehensive research agenda is implemented to assess whether localized depletion of the menhaden population is occurring in Chesapeake Bay.”

Motion made by Mr. King, second by Mr. Colvin. Motion carries.

Move to include as an option in the draft addendum a voluntary industry cap on the catch in Chesapeake Bay.

Motion made by Mr. Jensen, second by Mr. Carpenter. Motion replaced by substitute motion by Mr. Abbott.

Move to substitute to add options to the draft addendum:

1. Essence of 4-part Omega Protein proposal as presented today
2. Greenpeace proposal of a moratorium in Chesapeake Bay and coastal waters
3. Caps at the lowest landings of the past 3, 5, and 10 years

Motion made by Mr. Colvin, second by Dr. Geiger. Motion divided.

Move to divide the question to vote on items 1 and 2 separately from 3.

Motion made by Mr. Abbott, second by Mr. Freeman. Motion carries.

Move to substitute to add options to the draft addendum:

1. Essence of 4-part Omega Protein proposal as presented today
2. Greenpeace proposal of a moratorium in Chesapeake Bay and coastal waters

Motion fails.

Move to substitute to add option to the draft addendum caps at the lowest landings of the past 3, 5, and 10 years.

Motion carries.

Substitute Motion:

Move to add option to the draft addendum that caps at the lowest landings of the past 3, 5, and 10 years.

Motion carries.

Move to send the draft addendum to public hearing as amended today.

Motion made by Mr. Colvin, second by Mr. Lapointe. Motion carries.

**ATLANTIC STATES MARINE FISHERIES
COMMISSION
ATLANTIC MENHADEN MANAGEMENT
BOARD
Radisson Hotel
Alexandria, Virginia
May 11, 2005**

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Wednesday, May 11, 2005, and was called to order at 10:55 o'clock a.m. by Chairman Jack Travelstead.

CALL TO ORDER

CHAIRMAN JACK TRAVELSTEAD: Good morning. We will call the Atlantic Menhaden Board meeting to order. The staff is passing out a number of pieces of information. I want to make sure you all get that.

First, there is a revised agenda that has a new Item 7 on it, a discussion of Atlantic menhaden research. There is also a letter from Senator Sarbanes, an updated landings' table that staff has put together.

There are two letters from industry, one from Omega Protein and one from the Virginia Bait Association. I think there is also a document from Mr. Price as well, and I think Greenpeace will also have a letter for your consideration.

APPROVAL OF AGENDA

Let's move into the agenda. Are there any proposed changes to the agenda at this time? Without objection, the agenda is approved.

APPROVAL OF PROCEEDINGS

You have seen the proceedings of the August 2004 meeting. Are there any changes to those minutes? Seeing none, without objection, the minutes are approved.

PUBLIC COMMENT

At this point we'll take public comment. I would ask that you recognize that we only have a few minutes on the agenda for this. We only have two hours allotted for the entire meeting, so keep that in mind. I don't want to cut anyone off.

The primary issue today is whether or not this Board believes the draft addendum is ready to go out for public hearing. We're not here to debate the merits of any particular option but to decide merely whether or not the document is fit for public review and comment. So with that in mind, we'll take public comment. Could I see a show of hands? Jeff, why don't you come on up.

MR. JEFF KAELIN: Thank you, Mr. Chairman. Chairman Travelstead, members of the Atlantic Menhaden Management Board, good morning. I'm Jeff Kaelin from Winterport, Maine, here today representing Omega Protein whose operations center around a state-of-the-art processing facility in Reedville, Virginia, on Chesapeake Bay.

I appreciate the opportunity to spend a few minutes to familiarize you with Omega Protein's Atlantic menhaden conservation initiative, our suggested alternative to Addendum II, which you have in a very lengthy paper.

Why I came to the mike today was to try to condense that a little bit so we can stay focused on precisely what it is we'd like to put on the table.

I also would like to remind each of you today that more than 250 hard-working men and women and their families enjoy good livings through their work in the Atlantic menhaden oil and meal fishery and processing sectors

The development of highly refined menhaden oil provides great promise for those who are at risk for heart disease, new mothers concerned about brain development of their newborns and millions of other Americans who are beginning to understand the extraordinary benefits of fish oils in human health.

Unfortunately, the discussion that has been taking place over the past several months about skinny stripers in limited areas of the species range and the potential for localized depletion of this important menhaden fishery resource, long managed as a coastal stock complex, continues to perpetuate a myth that today's modern and limited menhaden reduction fishery threatens the Atlantic menhaden and striped bass resources.

There are those who would eliminate these good people's livelihood so that sportsmen may reserve a public resource for their own limited use. We look to each of you as stewards of the public interest to work with our industry to resolve the questions before you in a deliberate, fair and science-based process which

we hope to be able to participate in.

Today you're meeting to begin to formulate Addendum II. We firmly believe that the management measures proposed in the draft addendum before you to be imposed on either the menhaden reduction industry or the menhaden bait industry would be inappropriate and not in accordance with the ISFMP charter.

We believe the best scientific information available does not support the proposal and that the 250 men and women who depend on Omega Protein's Reedville facility for their livelihoods are owed at a minimum science-based management leading to decisions directly affecting their lives and work.

Omega Protein is very concerned that the proposed 110,400 metric ton cap on the harvesting of menhaden by purse seines in the Chesapeake Bay in 2006 and 2007 is arbitrary, scientifically unjustified and would distract us from science-based management.

The industry is also concerned that it has been excluded from the development of the research program envisioned by the proposed addendum and the Board. Recently it has been brought to our attention that company assets are expected to be made available to help complete these projects although we have not been partners in the study designs and protocols.

Given the highly charged, politicized atmosphere around the issues before you, Omega Protein insists on an external third-party scientific review process to help establish research priorities on a cooperative basis and vet various proposals for scientific merit.

With these considerations in mind, Omega Protein remains willing to work cooperatively with you and the scientific community to facilitate the full suite of research projects that the technical committee has determined were necessary in order to begin to answer the questions that you have been seeking to address.

To this end, we'd like to offer the following comprehensive conservation and research proposal. Our Atlantic menhaden conservation initiative consists of four specific components which, when implemented collectively, would immediately begin to address the concerns of the company, the Board and other stakeholders regarding perceived challenges facing the Chesapeake Bay.

We pledge our full support for this initiative if it's adopted by the Board in its entirety as an alternative to the draft addendum before you. It is a fair, balanced initiative and it will immediately promote the Commission's and stakeholder's shared goal of conserving the Atlantic menhaden resource.

First, Chesapeake Bay cap for 2005 to 2008: The menhaden reduction industry will agree to a self-imposed harvest cap within Chesapeake Bay. This quota could go into effect immediately thereby encompassing the 2005 harvest season, if the Board and Commission adopts this initiative in its entirety, and would continue through the 2008 fishing season.

It's Omega Protein's position that a harvest quota cap is unnecessary based on historical trends in the fishery, the fact that the biomass of Atlantic menhaden is well above target levels and nowhere close to a reasonable, maximum sustainable yield value, and the fact that fishing mortality is well under levels of concern according to the best scientific information currently available to you as Board members.

Notwithstanding these qualifications, Omega Protein has proposed a 135,000 metric ton annual cap to alleviate concerns of potential dramatic increases in Chesapeake Bay menhaden landings compared to historic levels.

This cap represents a significant good faith commitment from Omega Protein due to the fact that the reduction industry's annual landings in the Chesapeake Bay from the previous decade have averaged around 150,000 metric tons.

Number 2, state waters reopening: The Board would establish an enforceable management measure that would require all Commission states identifying an interest in participating in the management of this fishery to allow reduction fishing for menhaden on a non-discriminatory basis beyond one nautical mile along the Atlantic Coast throughout the range of the resource.

Over the course of the past decade, numerous Compact states have taken unilateral actions, none recommended by the Commission, to conserve the menhaden resource which ban the harvest of Atlantic menhaden for reduction purposes within the boundaries of their respective state waters.

Today the Board, representing states geographically extending from Florida to Maine, now regulates a fishery that effectively operates in state waters only

from North Carolina to Virginia.

The end result of these unilateral state actions is the compression of the reduction fishery onto smaller and smaller fishing grounds, thus giving rise to concerns, justifiable or not, about the potential for localized depletion in the Chesapeake Bay.

The Commission's charter and the FMP were written to ensure adequate accessibility to fishing grounds. Omega Protein asks the Board to establish an FMP compliance requirement by May 1st, 2006. This timeframe would allow necessary regulatory and/or legislative changes by individual states to be established for compliance with the FMP.

Three, directly address menhaden predation levels: The Board would recommend to the Commission and other Commission boards, specifically the Striped Bass, Bluefish and Weakfish Boards collectively, to address population targets that effectively cap the predation of menhaden at current levels.

As evidenced by the best scientific information available before you, predation on Atlantic menhaden is very significant, dwarfing mortality caused by fishing pressure for forage age, Age 1 and Age 0 fish.

Specifically, Commission scientists estimate that for every one forage size menhaden harvested by the reduction fishery, approximately 1,200 are consumed by predators or die. True ecosystem management would ensure balance within predator and prey relationships.

It must also recognize the decisions about optimum levels of and harvest from various stocks is not a question solely of science but is also one of management policy. The Board's charge is to maximize yield and sustain value for menhaden stocks while overall the Commission is concerned with the optimization of every stock under its jurisdiction.

It's impossible to maintain predatory stocks like striped bass at unsustainably levels of abundance and maximize yields for menhaden stocks at the same time. Any planned addendum must address the predation of Atlantic menhaden.

Number 4, cooperative research involving industry and other stakeholders: The Board would recommend to the Commission the adoption of a cooperative research initiative similar to those already undertaken with the support of the National Marine Fisheries Service's Northeast Fisheries

Science Center along with other commercial and recreational fishing industry sectors to evaluate and implement research projects proposed by the Menhaden Technical Committee and approved by the Board.

Other stakeholders, including the menhaden bait industry, should participate in this inclusive and transparent process to ensure broad support for any research results and enhanced success through bringing additional resources to the table.

At this time research initiatives focusing on the menhaden resource are coming from the NOAA Chesapeake Bay Program Office, the EPA, the Chesapeake Bay Program Fisheries Steering Committee, and stock assessment committee, the states and universities.

While conservation groups and other advocacy groups have a seat at the table in developing these plans, industry has not been participating or invited. We are seeking a commitment to an inclusive, transparent research plan.

Currently a structure does not exist within the Commission to ensure any coordination of proposed menhaden-related research within the Chesapeake Bay or elsewhere. As a result, a number of research projects, some already apparently fully funded, are underway yet seemingly contain duplicative and competing objectives.

This lack of coordination will likely result in a potential waste of taxpayers' funds, coupled with no guarantee that the research will effectively address the issues most important to the technical committee, Board, Commission and all stakeholders.

I brought with me a brochure that many of you who are involved in the Council process in New England may be familiar with, fishermen and scientists on board collaborative research guides New England fishery management decisions.

We've been in touch with Dr. Boreman at the Fisheries Science Center about this approach, and I think it's something they're interested in doing. This works very, very, very effectively in the Northeast, and we would very much like to see this kind of an approach adopted and imported in the Chesapeake Bay.

I thank you very much for the time you've allotted me this morning to introduce our Atlantic menhaden conservative initiative. Obviously, I have gone on a

long time. Additional justification for our proposal is outlined in the paper that I spoke about earlier which Tony Gascon, our director of government affairs for Omega Protein, transmitted to Chairman Travelstead on May 2nd.

I would be pleased to answer any questions you may have for me this morning, and Mr. Gascon is also here and can do the same thing. Thank you again for the time you've allotted to me. I appreciate it.

CHAIRMAN TRAVELSTEAD: Thank you very much. Charlie, I think you were next.

MR. CHARLES HUTCHINSON: Thank you, Mr. Chairman. My name is Charlie Hutchinson, and I'm associated with the Maryland Saltwater Sports Fishermen's Association. MSSA's position with regard to the proposed research program and the limits on reduction fishing in the Chesapeake Bay has been communicated to you in advance of this meeting, and it's available to others on the table to the rear of the room.

I'd like to elaborate a bit on the research program. While we're supportive of the projects designed to increase the knowledge about menhaden on a Bay-specific basis, there are other branches of science which are not represented in your proposals.

Of vital interest to those concerned with the restoration of the Chesapeake Bay, the need for filtration and nitrogen removal is a key issue. We believe the needs of the bay for menhaden must include not just forage but filtration as well; thus, five years from now or whenever the proposed research projects are completed, only half of the equation is known.

If it's worth \$10 million to figure out one part, isn't it reasonable to spend some effort on the second part? The second area of science not recognized is economics. Recently Southwick Associates completed a study for Stripers Forever of the relative values of commercial versus recreational fisheries for striped bass.

Not surprisingly, the recreational value exceeded the commercial by a wide margin. In the course of their work, they reported the economic value of recreational fishing just for stripers in Maryland and Virginia to be \$338 million and \$131 million, respectively, a total of \$470 million.

And that doesn't take into account any expenditures made to catch blues, trout, flounder or hardhead and

any other species. Compare that to the reported value of sales of Omega's products at about \$120 million for both the Atlantic and the Gulf, I might guess that maybe \$30 to \$40 million would be applicable to Reedville.

Not considered in this equation is the value of the menhaden bait fishing in the bay. Again, the economic values of the fisheries to the states is serious dollars and serious job content.

Should that engine be derailed by inadequate measures to protect the stock and improve menhaden access to the bay, everybody loses so we encourage you not only to broaden your perspective with regard to limits but to research also.

It's generally accepted that about 90 percent of the striped bass have their origins in the Chesapeake Bay. Coastwise, the value of striped bass revenues come out to be about \$2 billion and 20,000 jobs.

A sick bay without sufficient forage cannot continue to support a population of the size necessary to yield a harvest of 30 million pounds. In addition are the \$30 billion estimated costs to restore the bay health, some of which can be offset by better filtration.

The economics seem to speak for themselves and should be sufficient incentive to take the appropriate measures to guarantee an adequate supply of menhaden to the Chesapeake. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Charlie. Who was next? Bill, come on up.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. My name is Bill Goldsborough. I represent the Chesapeake Bay Foundation, a non-profit conservation organization. The Bay Foundation also is a member of a coalition of organizations that you've heard from previously known as Menhaden Matter, which includes among others the Coastal Conservation Association, Environmental Defense and the National Coalition for Marine Conservation.

I will be brief. There are a lot of points that have been made in the record already on this issue, but I did want to, on behalf of CBF and our partner organizations, simply urge the Board at this time to adopt the draft addendum for public comment.

I think allowing the public some input on this at this stage is not only appropriate but very important. I also want to just offer a few concepts for your consideration. I would go so far as to consider them

possible principles that might guide our action, but they're simply from my standpoint.

I'll offer three. The first one is regardless of the cause of a decline, the appropriate response in the short term is to temper our removals, regardless of the cause. This speaks to the issue of how we interpret our stewardship responsibilities.

If it appears there could be other reasons for a decline in a stock, do we continue business as usual in the fishery or are we compelled to take reasonable, conservative precautions.

My second concept is action taken by a management body like this should be reasonable given available information. Is a cap on harvest in the Chesapeake Bay, a cap on the reduction harvest at current levels a reasonable action given the warning signs in the stock, warning signs that have been abundantly described in the record but include things like continuous decline in numbers in the coastal stock over the last 10 years approaching the low point of the 1960s when the stock was declared overfished; over ten years of very low recruitment to the Chesapeake Bay; issues with respect to an imbalanced food web in Chesapeake Bay and health issues with respect to certain predators that depend on menhaden, not to mention the one that Charlie Hutchinson just brought up of the filter-feeding role, a very important role that menhaden play in Chesapeake Bay.

So is a cap at current levels when the industry suggests they have no intention of catching any more anyway, is that reasonable given those warning signs? It's certainly not an aggressive action. Actually, it's rather modest but I would still put it in the category of responsive stewardship.

And the third concept I want to share with you is to say that interim action is by definition a deft response in the short term while more complex and sophisticated systems are developed in the longer term. We are undertaking research, developing models, doing analyses that take time. We all know that. Some of these things are projected to go several more years.

Then the policy deliberations on the application of these tools also take time, issues like management of predation, opening of coastal waters. Those aren't things that you do as a short-term interim action. Those are things that are part and parcel of a longer term, more sophisticated, ecosystem-based approach.

A cap at current levels buys us the time to do this work. That's what it comes down to, and that's where we're coming from, so I urge the Board to adopt the draft addendum to seek public input on this issue. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you, Bill. Who is next? Yes, sir, right here in the front row.

MR. DAN DUGAN: Thank you, Mr. Chair. I'm with the Recreational Fishing Alliance and I'd like to definitely support the MSSA.

CHAIRMAN TRAVELSTEAD: We need your name.

CHAIRMAN TRAVELSTEAD: I'm Dan Dugan with the Recreational Fishing Alliance, and I'm making it known that we're representing and with MSSA's position and saving menhaden. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. In the back of the room there was a hand. Jim, you're next.

MR. JOHN HOCEVAR: Good morning. Thank you for this chance to address you this morning. My name is John Hocevar. I'm an ocean specialist with Greenpeace, an environmental organization with 2.5 million members.

I'm here today with two of my colleagues to convey our concerns about the industrial menhaden purse seine fishery. As some of you may recall, Greenpeace first called on the ASMFC to address unsustainable menhaden fishing back in the '90s.

Now more than a decade later there remains no limit to the amount industry can take out of the Atlantic or the bay, and menhaden populations are in even worse shape than they were. According to Amendment 1, the ASMFC recognizes its responsibility to protect and maintain the important role menhaden play along the coast.

Yet there are numerous indications that there are not enough menhaden to feed the recovered population of striped bass. Further, there is a critical role that a healthy menhaden population could play in restoring water quality in the Chesapeake Bay.

With the decline of native oysters, menhaden are clearly the most important filter feeder in the bay. As maintaining water quality is fundamental to the

health of the entire Chesapeake ecosystem, it is irresponsible to allow such severe depletion of menhaden stocks.

After decades of failure to regulate the amount of menhaden removed by industry, it is encouraging to see the ASMFC beginning to consider management measures. Unfortunately, the situation before us today requires much bolder action than dotting a few I's or crossing a few t's. A cap on fishing in the bay at or near current levels isn't going to protect menhaden or the critical ecological services they provide.

At a recent conference, ASMFC Executive Director Vince O'Shea stated that menhaden management will be the most controversial issue facing the Commission over the next several years. Regardless of what actions you take in the coming weeks and months, this may well be the case.

I urge you to rise to the challenge and implement measures that will protect coastal Atlantic ecosystems and the communities that depend on them for their livelihoods. Given the severe decline of menhaden populations and the critical importance of the ecological functions they perform, precautionary measures are urgently needed.

Greenpeace calls on the ASMFC to implement an immediate moratorium on the industrial menhaden purse seine fishery. This will allow menhaden populations to recover to a point where they will once again be able to fulfill their key ecological functions.

A moratorium is also necessary to give the ASMFC and the scientific community time to undertake the research necessary to implement a sustainable ecosystem-based management plan. Thank you very much.

CHAIRMAN TRAVELSTEAD: Thank you. Jim Price.

MR. JAMES E. PRICE: Thank you, Mr. Chairman. My name is Jim Price, president of the Chesapeake Bay Ecological Foundation. The Foundation sent a letter to the Commission on April the 16th which explained how overfishing caused the menhaden population to collapse, and today I've distributed more information concerning this issue to the Board.

I've examined documents published by scientists from the National Marine Fisheries Service that explain they were aware of the risks that were being

taken between 1987 and 1992 when the spawning stock was being overfished in the Gulf of Maine.

In 1988 a Maine company operating under the provisions of the Magnuson Act contracted with the Soviet Union to supply menhaden to Russian factory ships anchored within the territorial waters of the state of Maine.

In 1991 alone, 60 million menhaden caught in the Gulf of Maine were processed on a 504-foot Russian factory ship. During this time period when the spawning stock was being overfished, the Menhaden Management Board consisted only of representatives from Maine, Virginia and North Carolina, states where menhaden reduction plans were operating.

Scientific and biological data indicate that poor menhaden recruitment in the Chesapeake Bay is being caused by inadequate numbers of older fish that historically spawned in the northern region of the Mid-Atlantic Bight.

ASMFC's model did not detect the collapse of the New England menhaden fishery in the early 1990s when this intensive fishery in the Gulf of Maine decimated the adult spawning stock. Ironically, the model actually indicated the menhaden spawning stock biomass increased even while their distribution along the coast severely contracted.

More than a decade of poor menhaden recruitment in Maryland, Virginia and North Carolina, which is approximately 85 percent of the nursery area, indicates a spawning stock collapse during the early 1990s.

In reviewing the Atlantic menhaden stock assessment report, it appears that the National Marine Fisheries Service relies too heavily on modeling and fails to provide ASMFC with the comprehensive scientific analysis needed to manage Atlantic menhaden.

The National Marine Fisheries Service scientists have published papers advocating caution and warning that the menhaden population is at risk, yet these concerns have not been widely publicized.

They stated in 1991, "The expansion of fishing on the spawning stock in New England waters concurrently with increasing fishing pressure on pre-spawning menhaden off Virginia and North Carolina in the fall prompts concern for maintenance of the Atlantic menhaden resource."

Menhaden were overfished because just a few states

were allowed to profit from this resource and financial gain at the time appeared to be more important than protecting the menhaden stock.

Now striped bass which are suffering from disease and poor nutrition appear to be the only migratory predator still surviving in large numbers in estuaries and inshore coastal waters from Maine to North Carolina.

I would be willing to present my findings to the Menhaden Technical Committee concerning overfishing and the results from a striped bass diet study conducted this past winter on large migratory fish caught off the coast of North Carolina.

The technical committee's chairman, Dr. Behzad Mahmoudi, and I have agreed that this information could be used to increase the accuracy of ASMFC's multi-species VPA. I hope the Board will request a report from the Menhaden Technical Committee concerning these issues.

I would also be glad to answer any questions the Board may have concerning any of the documents I have provided to the Commission. I would like to go on record as being opposed to the cap on menhaden landings restricted only to the Chesapeake Bay.

I agree with the technical committee that this is a risk-prone approach. However, I would support the 1998 peer review panel's recommendation to establish a total allowable catch of Atlantic menhaden that includes the bait and reduction purse seine fishery harvest. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Jim. Is there anyone else? Any other speakers? Seeing none, we're going to thank you for all your comments this morning. We're going to move on in the agenda now.

REVIEW OF DRAFT ADDENDUM II

Item 5 is a review of the draft addendum. Nancy is going to take us through that document, keeping in mind that we're here today to determine whether or not you believe the document is ready to go out for public comment. Nancy.

MS. NANCY E. WALLACE: Thank you. Since the last Board meeting, the plan review team has met by conference call and has put together this draft addendum with input from staff and commissioners and their interpretation of the last minutes, so I'm going to walk through what's

currently in the document now.

Just to go through the time frame, spring 2005 the draft for public comment was developed. Today is when the Board will review it and make any changes, and then it is anticipated that in the summer of 2005 will be the public comment period. Hopefully, August 2005 the management board will review for final approval and in fall 2005 will be implementation.

The introduction section shows the motion that was made at the last meeting that started this addendum, and I think it's worth reading into the record again.

The motion was to move to initiate an addendum to the Atlantic Menhaden Management Plan under the adaptive management provisions of the plan to limit the catch of menhaden in Chesapeake Bay by purse seine to no more than 110,400 metric tons annually in 2006 and 2007, and to initiate a research program immediately to determine the status of menhaden populations in the Chesapeake Bay in order to conserve the species while more complete population information is obtained to assess whether localized depletion is occurring in Chesapeake Bay.

The document then goes into the status of the stock section in detail, but the highlights are that the stock is not overfished and overfishing is not occurring on a coast-wide basis from our last stock assessment in 2003; however, the stock status of menhaden in the Chesapeake Bay is unknown.

We then, at the request of the Board, put in the history of the state fishing regulations. I went and asked technical committee representatives from each state to supply me with the regulations for their menhaden fishery or those regulations that affect their menhaden fishery.

I did not receive regulations from each state. The ones I did receive I put in; others, I took from the compliance report, so it's kind of from those two sources. The summary of that is the regulatory trend in state waters has been to prohibit menhaden harvest for reduction by purse seines.

The Atlantic menhaden reduction fishery is essentially a two-state fishery with effort in Virginia, the bay and ocean waters, and North Carolina in coastal ocean waters. The document then goes into the description of the landings.

The PRT felt that this was an important background information for the Board and for public review.

Reduction fishery landings come from the Virginia portion of the Chesapeake Bay, off the ocean beaches of Virginia and off the ocean beaches of North Carolina, or the EEZ off of Delaware, New Jersey, and Maryland.

Menhaden bait landings by purse seine are fished in the Virginia portion of the bay and New Jersey. In the Maryland portion of the bay, a majority of menhaden for bait are from pound nets. Pound nets in Virginia also harvest menhaden for bait.

The remaining portion of menhaden for bait landings are made up by miscellaneous gears such as gill nets and trawls. For the purposes of this document, we needed a definition of what Chesapeake Bay actually meant.

The PRT came up with the waters inside the Chesapeake Bay Bridge Tunnel at the mouth of the bay. The reason for this definition is that the Chesapeake Bay Bridge Tunnel is a well-defined structure at the bay mouth.

More importantly, the vessel logbooks maintained by the reduction fleet have used the CBBT to define catches inside and outside of the bay removals since 1985 and are estimated based on logbook data sets.

All of the data that we currently have and the numbers that we're using in this addendum come from that structure being defined as the end of the Chesapeake Bay.

The PRT also felt that it was pretty important to include a description of how the menhaden fishery is monitored right now in terms of if there is a cap that is set, how will we be able to monitor the catches for different gears and in different areas.

Currently for the purse seine reduction fishery, landings in fishing effort come from daily vessel unloads and are mailed monthly to the National Marine Fisheries Service. These include nominal or observed fishing effort is estimated in unit of vessel weeks. Total nominal fishing effort is estimated in February after the season ends.

The age composition for the reduction fishing is also monitored. National Marine Fisheries Service port agents sample catches dockside throughout the season. Raw age composition data by port are available one to two months after samples are acquired, and the final catch-at-age matrix is available in February after the fishing season ends.

Removals by area for the reduction fishery are estimated using the captain's daily fishing reports. Fleet CDFRs from the Virginia plant are collected weekly by plant personnel and are mailed on a weekly or biweekly basis to the National Marine Fisheries Service.

In-season removals can be estimated via the CDFRs, which has a lag time of a couple months, but total removals by area are calculated at the end of the fishing season.

Moving on to the purse seine bait fishery in Virginia, since 1998 snapper rigs or purse seines for the bait fishery have maintained CDFRs. A National Marine Fisheries Service port agent collects the CDFRs for the entire fishing season in November and estimates of landings are available by February after the fishing season.

The purse seine bait fishery in New Jersey, all purse seine bait fishermen are permitted and are required by regulation to submit monthly harvest reports to the New Jersey Division of Fish and Wildlife.

Bait landings by other gear, pound net landings are acquired by various state agencies then reported to the National Marine Fisheries Service in the general canvas survey. They're generally available in the spring after the fishing year is over.

Landing by gear other than purse seine are annually compiled from compliance reports which for the menhaden are due April 1st. At the beginning of this meeting a table was passed out with all the updated landings from 2004.

The reason this was not done sooner is because we receive all those bait landings by compliance reports April 1st and usually by the time we really receive all the compliance reports kind of is the end of April, so those were calculated and then distributed as soon as we had them.

So the first issue in the draft addendum is to cap the harvest. Option 1 is status quo, which is no cap on the menhaden harvest, and Option 2 is to institute a cap.

If Option 2 occurs, you have four questions that you need to look at. I'm going to go through each of these. A is should the cap be in Chesapeake Bay or coast wide; B, what gear should be included in the cap; C, what should be the amount or tonnage of the cap; and, D, what should the length/number of years be of the cap?

Going to this first issue, Chesapeake Bay vs. coast-wide cap. The PRT wanted to include a couple of statements that setting a cap in the bay may direct the effort into other areas. They wanted the Board to be aware of that.

A coast-wide cap may allow the difference between the coastal and bay caps to be taken in a small location outside the bay and the possibility of area management is included.

Option 1, the cap should be in Chesapeake Bay only, which would end at the Chesapeake Bay Bridge Tunnel; Option 2, the cap should be coast-wide.

The gears to be included in the cap -- as I just went through the menhaden fishery, the reduction fishery uses purse seines; however, there is a bait fishery as well. So to go through the options, the cap should be on the reduction fishery only.

Option 2 is the cap should be on all purse seines, which means bait and reduction. Option 3, the cap should be on all gears, which would include pound nets in Maryland as well, and trawls and all the miscellaneous gears.

Three goes into the amount of the cap. The original motion took the number from the mean of the last five years of the reduction fishery only in Chesapeake Bay. At the discretion of the board, we included some other options to look at.

Option 1 is the mean of the last three years. Option 2 is the mean of the last five years. Option 3 is the mean of the last ten years. Option 4 is the highest landings in the last three years. Option 5 is the highest landings in the last five years. Option 6 is the highest landings in the last ten years.

Just to note, the original motion that came out used data from 2003. We now do have the data from 2004; so, when we have the discussion, I'd like the board to be aware that if we're working on the addendum, that we've updated the table to include landings through 2004, and that would be different from the original motion.

D is the length of the cap. It was originally stated that the cap should be for two years. The PRT just put in some other options. Option 1 is the cap should be in place for two years. Option 2, the cap should be in place for three years. Option 3 is the cap should be in place for five years.

When we had the PRT first conference call, members of the PRT determined that there were a lot of issues that they just wanted the board to be aware of, other things to think about for public comment; or, just when instituting a cap, these things may come up so we put everything in the document.

One thing to think about is overages and underages. What should be the penalty for an overage in a given year if a cap is instituted? And, in the same sense, what should happen if the cap is not exceeded in that year? If there is leftover, what should happen with that?

The next issue is what defines menhaden harvest. There was some concern of anytime you institute a cap, what about the discard rate. Should the cap be a total allowable landings or a total allowable catch?

The PRT thought that a total allowable catch would help with discards in that they'd be counting everything that was actually caught, but obviously it's harder to enforce. Some of the options they came up with, if there is a total allowable catch, you could have the fishery ending at 100, 95, 90 or 85 percent. The same with the total allowable landings; the fishery could end at 100, 95, 90 or 85 percent.

And just one other thing, if we're talking about total removals of menhaden, there is a recreational catch for menhaden that we don't have any data for, but we just wanted to make sure that the board was aware that there are removals of menhaden by recreational fishermen that are used for their own personal bait use.

A board member at the last meeting asked to have a description of the age and harvest availability of Chesapeake Bay included in this document. We did do that. Sort of an overview, the smaller, younger fish occur in rivers and creeks; larger, older fish occur in the bay proper.

The Virginia reduction fleet is prohibited from fishing in river systems except for the lower portion of the Rappahannock. Age 2 menhaden are generally the dominant age class in the reduction fleet catch in the bay.

So that was all Issue 1 for this document. Issue 2 is the research program for Chesapeake Bay. Right now what the PRT has done was taken what the technical committee came up with last year as the highest priorities for the research to determine if localized depletion in the Chesapeake Bay is occurring.

The four issues that they came up with that they thought were the most important were to determine menhaden abundance in Chesapeake Bay, determine estimates of removals by menhaden by predators, the exchange of menhaden between bay and coastal systems, and to look at larval studies to look at the problem with recruitment to the bay.

These are the four issues that we put in the document so far. I know that we're going to have a discussion later on more research issues, and there is some funding that the Atlantic States has for menhaden issues and the Chesapeake Bay Program. We were waiting to find out what was happening with those before we put them in the documents. So with that, that is the end of my presentation of what is in the document.

CHAIRMAN TRAVELSTEAD: Okay, that's very good, Nancy. I think you all have done a good job of putting a document together. Are there questions of a clarifying nature for Nancy on this? Howard.

DISCUSSION OF DRAFT ADDENDUM II

MR. HOWARD KING: Thank you, Jack, and thank you, Nancy, for compiling that information. Your work and the work of other staff members is quite remarkable, by the way.

I think everyone would benefit from a clearly worded statement of the problem up front, and so I would like to propose to substitute under "Statement of the Problem", as it appears in the draft, some new language and to format the history of state fishing regulations as an appendix at the end of the draft.

With that, I will try to read this motion with feeling. You won't be able to read it up there on the screen unless you're very close. I believe you will be provided with copies of this as I move along. The new statement of the problem should read:

The proportion of total coast-wide reduction fishery landings harvested from Chesapeake Bay has increased 18 percent from the 1985-1995 period, when landings averaged 47 percent of the coast-wide harvest, to 1996-2004 when 55 percent was attained.

Sixty to 70 percent of the total coastal landings are currently being harvested as the menhaden enter and exit the

Chesapeake Bay. The potential for localized depletion exists in Chesapeake Bay as a result of this concentrated harvest.

Possible outcomes of localized depletion include compromised predator-prey relationships and chronic low recruitment of larval menhaden to the Chesapeake system.

Reviews of existing data suggest that predator-prey relationships could currently be compromised and recruitment of larval menhaden has chronically declined during the last two decades.

Sufficient scientific data are not available to satisfactorily address the potential for localized depletion in the bay or to identify specific reasons for predator finfish deficiencies or low larval menhaden recruitment.

To address concerns of localized depletion and related potential effects, the management board is initiating a public process to inform the public of the issue and required research and to solicit input concerning a proposal to implement a risk-averse cap of menhaden that may be — and we should insert the word "be" there — that may be harvested by the reduction fishery from the Chesapeake Bay annually while a comprehensive research agenda is implemented to assess whether localized depletion of the menhaden population is occurring in Chesapeake Bay.

I offer that as a motion.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion?

MR. GORDON C. COLVIN: Second.

CHAIRMAN TRAVELSTEAD: Seconded by Gordon Colvin. Again, this is offered as clarifying language to the statement of the problem. Howard, did you also suggest that the history portion of the document be sort of compiled as an attachment to the addendum?

MR. KING: That seems more appropriate

just from a formatting standpoint than including that up front in the body of the addendum.

CHAIRMAN TRAVELSTEAD: Okay, everyone understand the motion? Are there comments on the motion? Yes, Eric.

MR. ERIC SMITH: This is a long one, so I thank Mr. King for getting the handout to us. I would not want to wordsmith and terribly I would leave it to the staff. In the last paragraph, the last three lines there is referenced to this as a proposal for a cap on the reduction fishery from the bay.

And, to be consistent with the various options and alternatives in the document, I would just suggest that language be changed to say that it's a proposal for a cap on the fishery either in the Chesapeake Bay or coastwide, and then it tracks the options as they flow from the document. Thank you.

CHAIRMAN TRAVELSTEAD: Howard, any objection to that change?

MR. KING: My language is preferred, but I would be friendly to that change.

CHAIRMAN TRAVELSTEAD: Okay, Gordon.

MR. COLVIN: No objection.

CHAIRMAN TRAVELSTEAD: No objection, okay. Anyone wish to speak against the motion? Niels.

MR. NIELS MOORE: Thank you, Mr. Chairman. I don't know if I'm necessarily speaking against the motion. I do have some concerns about not necessarily what the motion contains here in terms of language but what it omits.

It seems to me, in defining the problem, if we do believe the problem is this potential for localized depletion, then I would hope that we would address the root cause, the apparent root cause of the problem, which is the compression of the fishery over time due to the unilateral closing of state waters. That would be my first hope and suggestion.

Secondly, I would hope that in defining the problem, we would also examine predation, which seemingly is the greatest source of mortality for this fishery, and for the natural stock I should say, the stock as a whole.

I would hope that you would consider amending this proposal to include both a specific — you know, recognizing that it's the unilateral state water closures that are causing compression; and, secondly, that predation would also be a potential cause of this localized depletion. Thank you.

CHAIRMAN TRAVELSTEAD: Any other comments on the motion? Yes, Edward.

MR. EDWARD GOLDMAN: I would just like to add on that last comment that although it has been suggested that the reduction in harvest landings for bait reduction up and down the coast is the cause for this, I don't think that has ever been proven anywhere as a fact.

CHAIRMAN TRAVELSTEAD: Any other comments? I really was hoping to not go to the audience today but, Jeff, if you could keep your comments real brief, we'll hear from you.

MR. KAELIN: Jeff Kaelin with Omega Protein. You can't look at this on a percentage basis because you've got to look at the overall harvest levels and what the mortality impact is.

If you look at, you know, this dramatic increase by percentages against the addendum table Page 1 currently through '04, which was handed out to you, I mean, that's not the story at all. I would encourage you to consider actual harvest numbers, not a percentage to try to prove a point that probably is impossible to prove. Thank you.

CHAIRMAN TRAVELSTEAD: Any other comments? We have a motion. I guess we're ready to vote. Is there a need to caucus on the motion? There is a need? All right, we're going to take about a minute to caucus and then we'll vote.

(Whereupon, a caucus was held.)

Are we ready to vote? Bruce.

MR. BRUCE FREEMAN: I'm trying to get clarification. As I understand it, this is a motion to substitute the statement of the problem. But, looking through the document, is the problem of the statement on Page 14, that paragraph in the middle of the page? Is that what this is going to be substituted in?

The statement of the problem starts on Page 4, but then it goes through 13 pages of state regulations, and there's a paragraph on Page 14 that I suspect is the statement of the problem. Is that correct?

MS. WALLACE: The statement of the problem is pretty much everything after that statement, so after the heading "Statement of the Problem", we can definitely move the history of fishing regulations to an appendix. That will be much clearer.

But, my understanding is that this -- and I'll obviously get clarification from the maker of the motion, but would be put in -- take out the history of the fishing regulations, put in this new language, and then move into the rest of the document. I would ask for clarification if he does want that paragraph removed.

CHAIRMAN TRAVELSTEAD: Howard.

MR. KING: The new language would be inserted under statement of the problem. The history of state regulations would be pulled, and the document would continue with Roman Number I, "Capping the Atlantic Menhaden Harvest."

CHAIRMAN TRAVELSTEAD: So, Howard, your motion includes elimination of the paragraph in the middle of the page on Page 14? Can you look at that?

MR. KING: That's correct.

CHAIRMAN TRAVELSTEAD: Okay.

MR. KING: It doesn't have to, but I associated that with the history of the state regulations.

CHAIRMAN TRAVELSTEAD: Okay. I thought we were ready to vote. John, you had a comment, question?

MR. JOHN I. NELSON: Yes, Mr. Chairman. My sense was that the motioner had agreed to dealing with some language changes associated with the -- I guess dealing with the reduction fisheries, so that's taken care of because that shows up in both Paragraph 1 and 2.

And then we've got the request of not just including percentages, but also poundage, which seems like a reasonable request. If it's agreeable with the motioner and seconder, I would ask that staff would be able to include that type of information in the statement of the problem.

CHAIRMAN TRAVELSTEAD: Thanks,

John. What I was going to do, after we voted on the motion, was to see if there would be any objection from the board to allowing the PRT to include some language consistent with the information we have from the technical committee that identifies actual harvest numbers in addition to the percentages that are listed here, and perhaps also mentions the issues of predation and closures of state waters, again consistent with information that our technical committee has provided us.

Would there be any objection to allowing that? I recognize you don't have the information in front of you, but again it would be some allowance for the PRT to add this. Howard.

MR. KING: I just wanted to make sure you capture the essence of the 18 percent as framing the increasing concentration of the catch in Chesapeake Bay.

CHAIRMAN TRAVELSTEAD: Yes, I don't think anybody is proposing to eliminate that provided your motion passes. We're going to keep that the way it is, but we want to just add some additional language. George.

MR. GEORGE LAPOINTE: And consistent with what you've been talking about giving the PRT some leeway to include those things, the board will be given another look at this before it goes out for public comment, I assume.

CHAIRMAN TRAVELSTEAD: Well, not necessarily. We're kind of hoping we will end today's meeting with a vote to send this out to public hearing as amended. Jaime and then Eric.

DR. JAIME GEIGER: Thank you, Mr. Chairman. I notice in the status of the stock paragraph above that we make reference to 2003 stock assessment. Is it the intention of the staff to include as an attachment that 2003 assessment to the document? I think by doing that, it may allow a total picture of the exact composition and help put this motion that Howard has put on the table in better context. Thank you.

MS. WALLACE: The document is about 150 pages. If it would help to do a summary of the document with the Website where it can be reached, if that would be a good compromise.

CHAIRMAN TRAVELSTEAD: Eric.

MR. SMITH: Thank you. Mr. Chairman, I

agree with your suggestion on adding the number information. I also would point out that in my view a statement of the problem we should try our best to have it capture all elements of the problem. I actually think that paragraph in the middle of Page 14 is appropriate in the statement of the problem and not relegated to the appendix.

If there is no real disagreement with that, perhaps we would leave that up there in that section; and if there is disagreement, I'll go with the will of the majority.

CHAIRMAN TRAVELSTEAD: Okay, is there any objection to keeping the paragraph in the middle of Page 14? There is objection?

MR. FREEMAN: I have a comment on that.

CHAIRMAN TRAVELSTEAD: Well, wait a minute. I'll get to you, Bruce. I don't see any objection to that, so we're going to keep the paragraph in the middle of Page 14. That stays. Niels then Bruce then Pres.

MR. MOORE: Thank you, Mr. Chairman. I would echo your sentiments of hopefully having the PRT -- allowing them some latitude in terms of examining this and adding where appropriate to what the exact problem is.

And to that effect, if the maker of the motion would be willing to have the PRT review the specifics, for example, of the comparisons of percentage that's being harvested from the bay, I don't necessarily agree that going from 47 to 55 percent represents an 18 percent change.

I think I understand how that math is working there, but if the PRT could review the specifics of how this is outlined, I would appreciate that or recommend that, please.

Secondly, during the last meeting, our technical committee provided I think some very specific language that could be appropriate here for inclusion, and that was in answering this board's charge to determine or advise the management board on the likely causes for low recruitment in the Chesapeake Bay and a comparison of recruitment trends in other estuaries along the coast.

So if indeed this concept of localized depletion is real, certainly, low recruitment would be part of that equation and they have outlined here four potential causes of that low recruitment, which I feel would be appropriate to include within this as well. Thank

you.

CHAIRMAN TRAVELSTEAD: Thank you. Bruce.

MR. FREEMAN: In this statement on Page 14, the paragraph that I referred to earlier, it doesn't capture the real world as it involved restrictions put in place by New Jersey.

Our initial regulations moving purse seines away from the coast had to do with spatial conflicts. It wasn't a biological issue. It's that we had problems with very large boats setting very large nets and encircling smaller boats -- at the time it happened to be recreational vessels.

So, in the beginning, for our regulations, they were predicated on spatial conflicts or gear conflicts. I understand the issue in the Chesapeake, but if you go through the historical change in this thing, there are other reasons for this that really had nothing to do with the resource.

It simply had the problems of large vessels being very close to shore, and in our instance it was the prohibition of the size of the nets and the way they operated. Again, it wasn't a resource issue so much as a gear issue.

CHAIRMAN TRAVELSTEAD: So, Bruce, would you be happy with some additional language that indicates New Jersey's prohibition was in response to spatial conflicts and gear conflicts?

MR. FREEMAN: Yes, I would because there is some wording concerning New Jersey's regulations, and I think it needs to be understood to the reader as why they were put in place.

CHAIRMAN TRAVELSTEAD: Any objection to that? Seeing none, we'll make that addition. Pres.

MR. PRESTON PATE, JR.: Thank you, Jack. Your suggestion of allowance of the PRT some latitude in amending this motion started out as being a good one, but we seem to have gotten far afield as to exactly how they're going to amend this motion.

Your original suggestion included several points that they could include in the proposal prepared by Mr. King. I had a problem with only one of those and that was a suggestion that the Commission would consider a requirement that the state re-examine -- I forget exactly how you worded it -- re-examine their

reasons for closing state waters or having some element of the plan make a compliance requirement to bring all the states consistent with each other. Could you clarify that?

CHAIRMAN TRAVELSTEAD: Let me clarify.

MR. PATE: Yes, because I do have a problem with that.

CHAIRMAN TRAVELSTEAD: If that's what you thought I said, I didn't say that. Let me go back and list what I thought we should include in addition to what Howard has proposed. Again, this is latitude for the PRT to modify the paragraphs that you see here to include harvest numbers in addition to the percentages you see here and how they have changed over time.

Two was some description of the predation issue and how that is possibly affecting the resource, and three was sort of just a brief description of the history of closures in the other states and how that has resulted in some concentration of harvest in Chesapeake Bay, nothing more than that, just a historical description consistent with the advice of the technical committee.

MR. PATE: I guess I'm okay with that. I'd be real interested in seeing the information that they put forth to try and substantiate the argument that the state closures resulted in a concentration of effort.

I think intuitively you could make that leap, but there may be a lack of empirical information to support that. I'm just concerned without seeing exactly how it's presented in this motion, what it might imply to the readers of the addendum.

I don't want to make a big deal out of it, but I don't want us to get too far afield in allowing the PRT latitude to put something out that we haven't had a chance to look at.

CHAIRMAN TRAVELSTEAD: Right. Okay, Gordon, on that issue.

MR. COLVIN: To that specific point, Mr. Chairman, is there anything that you had in mind that is not covered by the paragraph on Page 14 we agreed to put back into the problem statement?

CHAIRMAN TRAVELSTEAD: Actually, I think that gets at a lot of what I had in mind, yes, on that particular issue.

MR. COLVIN: I thought so, too, and that was my thought. My thought is that statement would suffice for what the chairman had in mind.

CHAIRMAN TRAVELSTEAD: With the additions that Bruce suggested.

MR. COLVIN: Correct.

CHAIRMAN TRAVELSTEAD: Yes, does that help you, Pres?

MR. PATE: Yes, I'm fine with it, Jack; more of a cautionary statement than anything.

CHAIRMAN TRAVELSTEAD: I understand. I had Tom Fote and then A.C.

MR. THOMAS FOTE: I still have a little bit of a problem with the paragraph of 14 because if we look through the document, there is a whole bunch of other states that basically do not allow the purse seining, and they're not listed in here and just to single out one state that does that where there are a whole bunch of states that basically has the same requirements.

I mean, they're listed in there but this paragraph just kind of describes it after we go through everybody, so it singles out New Jersey where it doesn't single out the other states.

CHAIRMAN TRAVELSTEAD: Any objection to adding a couple of other sentences that describe — where are the closures? I know in previous plan reviews there are paragraphs that were done by I guess the PRT or the technical committee that describe very briefly sort of the history of closures, and they might be able to pull a couple of sentences from that and put in here. Would there be any objection to that? Okay, seeing none, do you understand? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Well, one of the things that is happening to you here, Mr. Chairman, it seems to me is what the PRT and the staff did for you is gave you a list, a specific list of the state regulations.

And now you've agreed to pull that out and put that in an appendix, and I'm just wondering if that alone doesn't cover the concerns that have been expressed. My understanding the proposal is not to remove that list of action out of the document; it's just to relocate it in an appendix. Thank you.

CHAIRMAN TRAVELSTEAD: Right, why don't we just add a sentence then to the paragraph on Page 14 that refers the reader to that appendix for a more detailed description of the history. Does that work for everyone? Okay, let's do that. A.C.

MR. A.C. CARPENTER: That was my suggestion.

CHAIRMAN TRAVELSTEAD: Well, okay, A.C., from now on you have my permission to interrupt me and get us through these things.

MR. MOORE: Thank you, Mr. Chairman. Just as clarification, would this appendix be an amended appendix or as it reads now? What's the motion?

CHAIRMAN TRAVELSTEAD: I don't recall anyone making any suggestions to change the language from Page 14 forward. Okay, are we ready to vote on that motion? Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. There were several mentions made here -- Jaime had one -- of adding some stuff into the section, maybe on the status of the stock.

I was going to wait on that, but then I just said the technical committee at the last meeting gave a very good explanation under status of the stock and predation was mentioned, as was mentioned just now.

I just wanted to see if somehow they could incorporate a brief summary of what they said at that technical report at the last meeting, very summary -- you know, it doesn't have to be long -- somewhere in here.

The predation which was mentioned already is one of those things, and the status of the stock of not being overfished was one of those things, but there were other things mentioned. If they could just look at the other things they said to us and maybe list them somewhere in there, anywhere you want. Thank you.

CHAIRMAN TRAVELSTEAD: Nancy, go ahead.

MS. WALLACE: Just in response to that, I think if the PRT has leeway to look at that technical committee report, some of the parts of that report directly would relate to the addendum. Some other things they talked about don't really have anything to do with this addendum, were more in relation to the

stock assessment clarifications. I just want to have clarification from you on that.

MR. ADLER: All right, I listed them on Page 47 and 48 of the minutes basically in a couple of paragraphs, so maybe just take a look at that and whatever of those things is pertinent, they could maybe add it in somewhere there. Thank you.

CHAIRMAN TRAVELSTEAD: Any objection to that? Seeing none, Jaime.

DR. GEIGER: Mr. Chairman, I fully support Mr. Adler's suggestion. And, again, just a brief note of where you can get the full report on the internet. The internet site would be very valuable as well. Thank you.

CHAIRMAN TRAVELSTEAD: **Okay, thank you. All right, I think we're ready to vote now. All those in favor of the motion raise your right hand; opposed, like sign; null votes; abstentions; two abstentions. The motion carries. Thank you.**

I think we've got through that pretty well. Let's keep moving through the document now. Are there other changes that people have in mind? Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. On Page 8 and 9 of the document, it describes the regulatory changes in New Jersey. My comment applies to here that in the very early '80s the regulations were based upon spatial conflicts. We did not prohibit the taking of menhaden except close to shore where those spatial conflicts occurred.

And, indeed, even after the statute was passed to prohibit the taking of menhaden for reduction, we do allow the use of purse nets in state waters within limited areas, but we also control the size of those and how they're operated. My point is that there is not an accurate reflection of why at least in New Jersey some of these rules were put in place.

CHAIRMAN TRAVELSTEAD: Bruce, the language that we have here was provided by New Jersey, and I would suggest if you want to submit something more clarifying in nature, that would be fine. You know, I would allow that of any state if they're not quite happy with what's there.

MR. LAPOINTE: Jack, what time should that be done within? I mean, it should be compressed, I would suspect.

MS. WALLACE: I would say within the next week or so.

CHAIRMAN TRAVELSTEAD: Everyone clear on that? Okay, does that take care of your problem?

MR. FREEMAN: Well, that takes care of one of them. There are others.

CHAIRMAN TRAVELSTEAD: Keep going.

MR. FREEMAN: On Page 17 there, at the very top of that, the very first paragraph on Page 17 talks about bait landings in New Jersey, and on the second line there is a sentence that says, "Purse seine bait fishermen are permitted", and you could take permitted as allowed or in this instance a permit is required, and I just think there needs clarification depending on who reads this what the meaning is.

And then the other comment I would have, the last comment on Table 2, where it is the reduction in bait landings, I think it would be much easier to --

CHAIRMAN TRAVELSTEAD: What page are you on, Bruce?

MR. FREEMAN: Twenty-five.

CHAIRMAN TRAVELSTEAD: Okay, now this table has been revised, correct?

MS. WALLACE: Yes.

MR. FREEMAN: Well, my only comment, it would be much easier for the reader, for the public, to have the purse seine catches listed and then the bait seine. Right now the way the table is constructed, you're going to have to subtract purse seine from all gear to get up with the bait. I just think it's ease of reading for, again, the public to have a column describing what the bait harvest numbers are, just reconstruct that.

CHAIRMAN TRAVELSTEAD: So you're suggesting one column for the reduction seine, one column for the bait seine.

MR. FREEMAN: Right, and then a total. It would be much easier to read.

CHAIRMAN TRAVELSTEAD: Okay, any objection to that? Vince.

EXECUTIVE DIRECTOR O'SHEA: I just want to make sure, do we have the data presented in that way, Nancy?

MS. WALLACE: Not right now, but I'm sure we can get it.

EXECUTIVE DIRECTOR O'SHEA: Well, I guess it would be contingent with that understanding, then.

CHAIRMAN TRAVELSTEAD: Tom.

MR. FOTE: I mean, the data is in this table. All you have to do is subtract one from the other, so that's all that needs to be done.

CHAIRMAN TRAVELSTEAD: Okay, anything else, Bruce?

MR. FREEMAN: No.

CHAIRMAN TRAVELSTEAD: Pete.

MR. W. PETE JENSEN: This is on a different subject and it's a question but may lead to a change in the document. Omega has presented us with a proposal, and I don't think we need to respond to that proposal in terms of accepting or declining it.

However, I do think that perhaps we ought to include in the document the essence of their proposal -- I think they made four major points -- under the heading of industry voluntary cap for public comment. I think it would make the document more complete and also recognize that Omega has made a proposal. So at your pleasure, Mr. Chairman, I would make a motion, if you think that's appropriate.

CHAIRMAN TRAVELSTEAD: Well, let me ask the board, is there any objection to including the essence of Omega's proposal in the document? Gordon.

MR. COLVIN: Well, no, because I had a similar thought. I would include more than the Omega proposal. We've got quite a number of pieces of correspondence here today that range from different limits and it's -- kind of where I'm coming from on all this is I want to get this cotton picking thing out to the public for them to review and comment on, coastwide from Florida to Maine let's get that done.

And let's get as wide a range of public input as we can get. If we already have indication that there are

some other proposals that stakeholders would like considered and we know what they are, maybe we should in fact consider putting them in.

I would certainly welcome putting Omega's in just as I would welcome putting in proposals like what's in the Greenpeace letter, which is all the way to a moratorium. If it's going to come up and get discussed, let's get it in the -- and we know what it is today, let's put those proposals in here.

CHAIRMAN TRAVELSTEAD: Pete.

MR. JENSEN: Well, I agree with Gordon. My next question was how do we handle other options? Do we put them in or do we wait until somebody suggests them in the public comment period? I basically agree, but that one is a very specific proposal and they're a major player, and that's why I suggested it.

CHAIRMAN TRAVELSTEAD: Yes, John.

MR. JOHN DUREN: I agree with the recommendation to include these proposals from Omega and from other sources as options that might be considered during the public comment period. I didn't get a chance to review the other proposals before today, so I've only looked at them very casually, but I did receive Omega's in advance, and I would like it to be clarified a bit.

For example, they proposed a cap of 135,000 metric tons, but does that mean just the Chesapeake Bay or does that mean coast-wide so I think the proposal should be clarified. I would recommend that same thing for any other public input that we might include in the document.

CHAIRMAN TRAVELSTEAD: My understanding on that, John, was that number was intended for Chesapeake Bay. It's the Chesapeake Bay cap. I guess the question I have for the board is, you seem to be in favor of including other options in the plan identified as either industry options or others.

At what point do we cut those off? I mean, is it what we have before us right now? Okay, is everyone clear on that? Okay, we've got a number of hands up so let me just start here and go around. Tom.

MR. FOTE: Yes, I'm not comfortable with that because we never went out to the public and said, well, if you have a proposal and you want to put it in this plan that you should be there. There might have

been other states, other organizations that would have done that.

We have a public hearing process. That's when all these proposals will come back. We'll come back and sift through it. I think we should stick to what the PDT put together and go out there and everything else should be part of what we hear when we go out to public hearings.

Again, we didn't say to all the public that if you brought something in as a proposal, we're going to include it to the document.

I think if the public would have known that, you would have had a lot more letters and things like that. I'm not sure that's the right way to go. I think we really need to go with the PDT as it put the document together, go to public hearings and then we'll have all these proposals, bring them back and we can sift through them at that point. We're not just being fair to everybody.

CHAIRMAN TRAVELSTEAD: Everett.

MR. EVERETT PETRONIO JR: Thank you, Mr. Chairman. I think that the document that we have is the result of some of the comments that we've gotten from other members of the public. I think that the document that the PDT came up with is a result of public comment that we've already had, and I would be in favor of attaching what we have to date.

I think that this document is already 150 pages last I checked or I think Nancy made reference to that. I think that we should include Omega's. I think we should include Greenpeace. Anybody who was highly enough motivated to have something to us here today should get the benefit of that.

I would be in favor of adding things that we presently have. Again, the people will have plenty of ample opportunity in the public comment process to add additional things for this board's consideration as we move through the process.

CHAIRMAN TRAVELSTEAD: Absolutely, good points. Vito.

MR. VITO CALOMO: Thank you, Mr. Chairman. I'm just wondering, we went out to see if it was 110,000 tons or 135,000 tons in the Chesapeake Bay. Where are we going, Commissioners? Where are we going Board?

What is the red alert all of a sudden? The stock is not overfished. Overfishing is not occurring. The statements from our technical committee from time to time is that fishing has no problem to do with the stock.

I'm just looking for where is this red alert coming from? What are we doing all of a sudden? We have a document in front of us that looks like it has been pretty thoroughly done. We have added what commissioners have wanted, and all of a sudden we seem to be growing.

For what apparent reason, where are we going? I'm beside myself trying to figure out the direction we're heading into, Mr. Chairman. Is overfishing occurring? Is the stock overfished? Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Vito, you know you and I agree quite a bit on this issue, but I think the board at its last meeting decided that there were issues here that they wanted public comment on, and now we're trying to decide what should the document look like that we send out to the public.

And apparently there seems to be -- we're pretty close to a consensus that it ought to include a wide range of options that the board will have some ability to consider at its August meeting and then make a decision where we are going with this. Right now I don't know. Pres.

MR. PATE: Jack, I don't have any great problems with adding options that have been presented to us prior or at this meeting except for the one that Omega is proposing that would require the states to reopen their waters.

That is so clearly inconsistent with the Commission's Compact and the statements that occur in two places in that document that I don't think it's proper for the Commission to even entertain that as an option, because, first, the Compact would have to be modified.

The foundation document says that it's the prerogative of the state to implement measures that are more conservative than that adopted by the board, and the mere suggestion that we want to change that or impose something contrary to that in one of our FMPs concerns me a lot.

CHAIRMAN TRAVELSTEAD: I think to get us through this, Pete, I think we do need a motion. Then if people want to amend the motion,

that's the only way because we're hearing some different opinions now, so would you be willing to make a motion?

MR. JENSEN: Yes. I'm not sure I can articulate it as well as it should be articulated, but my motion would be to include as an option in the public document a voluntary cap -- well, let me stop right there.

I would move, because I think it would be consistent with the way some of the other options are stated, that we include in the public document an option of a voluntary industry cap on the catch in Chesapeake Bay.

CHAIRMAN TRAVELSTEAD: **All right, is there a second to that motion? A.C., you're seconding the motion?** All right, discussion on the motion. Gordon.

MR. COLVIN: I don't understand that to be the Omega proposal, and so accordingly I'm not sure what status it has as an option. Omega's proposal I understood to have four parts, all of which needed to be -- unless I misheard -- needed to be considered together. It was all or none.

I would not object -- as I said before, I would support a motion, and I understand and respect the chairman's comments, but either it's a proposal or it isn't.

And if the proposal consists of four parts, I have no objection to including it in the public comment draft of the addendum, because I think if that's the industry's position going in, it merits making stakeholders from Florida to Maine aware of that through the addendum process, enabling them to comment on that proposal, all four parts of it.

I don't think I can support picking one or two of the four parts and putting those in as an option, because I don't think that's what I heard. And the other thing I would say, as I indicated earlier, I would only be open to adding the industry option if we also at the same time and hopefully as part of the same motion added any other specific options that we are aware of today.

The only one I'm specifically aware of is the Greenpeace option, which I understand to be a moratorium on purse seine fishing in Chesapeake Bay.

CHAIRMAN TRAVELSTEAD: Gordon,

do you want to make a substitute motion?

MR. PATRICK AUGUSTINE: Yes, he will.

MR. COLVIN: Sure, being so invited, Mr. Chairman. I'd offer a substitute motion that we add two options to the public hearing draft, the first option to include the essence of the four-part Omega Protein proposal, as we heard it today, and the second part to include the Greenpeace option, which I understand to be a moratorium on purse seine fishing in Chesapeake Bay.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by Jaime Geiger. Comments on the motion? I skipped over some people who had their hands up earlier. Let me catch them. Dennis, you had your hand up quite a while back.

MR. DENNIS ABBOTT: Yes, thank you, Mr. Chairman. I'm not sure if this is exactly the right point for me to jump into it, but I've been sitting here looking at Page 19 of the document and asking my colleagues beside me about the amount of the cap.

I didn't come to the last meeting -- I was engaged elsewhere -- where we have six options, three of them discussing the mean of the previous three, five and ten years, and three caps for the highest landings of the three, five and seven years.

The first question I had is why aren't there Options 7, 8 and 9 at a lower figure than any of the means or the extremes? Why don't we have a lowest, for instance, of the three, five or ten years as an option to go out to public hearing?

It would seem logical that we would have some figures below the six that are offered, and I would like to see that entered into the paper.

CHAIRMAN TRAVELSTEAD: Can we come back to that point after we get through this motion?

MR. ABBOTT: **We can. I would like to add that as a part of the substitute motion at a proper time if necessary.**

CHAIRMAN TRAVELSTEAD: **There has been a request, I guess, for a friendly amendment to the substitute motion to add additional caps on Page 19 that are consistent with the lowest harvest in the last five years, three to five years?**

MR. ABBOTT: **Three, five and ten years.**

CHAIRMAN TRAVELSTEAD: **Three, five and ten years. Is there objection to that? Is the maker of the motion willing to accept that as a friendly amendment?**

MR. COLVIN: Yes.

CHAIRMAN TRAVELSTEAD: **And the seconder was Dr. Geiger.**

DR. GEIGER: Mr. Chairman, could you repeat again the suggested amendment?

CHAIRMAN TRAVELSTEAD: Dennis.

MR. ABBOTT: Thank you. We have six options which discuss means of three, five and ten years. We have three options which discuss a cap being the highest of three, five and seven.

My Option 7, 8 and 9 would be the cap should be the lowest landings of the previous three years or five years or ten years.

DR. GEIGER: **Mr. Chairman, I agree with that.**

CHAIRMAN TRAVELSTEAD: Okay, so we have a modified agreed-to substitute motion. While the staff is getting that up here, I had Niels.

MR. MOORE: Thank you, Mr. Chairman. I would generally echo many of Gordon's comments and suggestions. I would like to point out that the Omega initiative, their proposal, several times emphasizes that this is a proposal in its entirety and should not be piecemealed apart. I think that's important in terms of presenting it as an option.

Secondly, I would certainly support the inclusion of all proposed alternatives that have been presented, including the Greenpeace proposal. And, thirdly, I would hope that the board would be willing to respond to the Omega proposal at this meeting.

It does contain time-sensitive components in terms of moving forward specifically this summer. As I understand it, with the time frame where we stand right now, if all goes as planned, this would not be implemented -- this particular addendum would not be implemented until the fall. I would hope that the board would be willing to address and respond to

Omega's proposal as it stands right now. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, thank you, Niels. George.

MR. LAPOINTE: A couple comments, Mr. Chairman. I favor the motion generally. I don't agree that we can respond to Omega's proposal now because we've just put it in the public document for going out to the public, so we can't grade it and then ask the public what we want about it.

But, to Pres' comment, and I agree with it, I would hope that we can include some language saying that if the section about state waters proposals is in fact inconsistent with the Compact, we say that in the public hearing document so that people know that as well. That's just in the interest of going out honestly to people.

CHAIRMAN TRAVELSTEAD: Yes, I think there will be language inserted that makes it clear what would need to be done in order to implement that provision, yes. Paul.

MR. PAUL DIODTAI: Thank you, Mr. Chairman. I guess I have two feelings on this discussion. One is that I think it's appropriate for the board to be open minded and develop a draft addendum for public hearing that's comprehensive, somewhat dynamic, and includes a lot of public concerns.

On the other hand, I feel strongly that we should never go to public hearing with options that the board feels that it's not going to implement. There's a couple of things in here. When we talk about complete moratorium, as I read the whole purpose of the addendum, it was to cap landings in Chesapeake Bay.

We've gone from a concept of a cap to a reduction in landings all the way down to a moratorium, so now this addendum has changed I think in direction considerably. I think that needs to be addressed.

Does this board intend to select that option? Are you all capable and ready to make that decision? If that's the case then, yes, that's an option that belongs here. The item about states reopening their waters is an important issue.

That's another issue that just does not belong on a public hearing document because states always have the opportunity to be more restrictive than any of the ASMFC requirements, so this puts a level of pressure

and predictability pressure on the states and predictability on the public expecting states to go ahead and do these things once we go to public hearing.

I think it leads to a lot of confusion, and I'm very uncomfortable with the motion as it reads right now. I don't think that I can support it. I don't know how my delegation feels.

CHAIRMAN TRAVELSTEAD: Thank you. Pres then Dennis.

MR. PATE: Jack, I'll oppose the motion for the same reasons that I stated earlier and for those that Paul just expressed. I just don't think it's wise for the Commission to go out to public hearing with an option that includes something they don't have the authority to do.

It would be tantamount to us going out to a public hearing with a management proposal on a species-specific plan to reduce fishing and part of that plan be to continue to allow overfishing, which is clearly inconsistent with the charge of this group.

I think it's unfortunate that the Omega proposal is being presented as a four-part document, and it's all or nothing. The other three aspects of their proposal I don't have that much concern with. I would be willing to invite public comment on those ideas, but I cannot support it as a whole as long as it includes the state reopening suggestion.

CHAIRMAN TRAVELSTEAD: All right, Dennis and then Niels.

MR. ABBOTT: Thank you, Mr. Chairman. I know the hour is getting late. As a point of order, would it be wise for us to divide the question and quickly vote on the three, and we'll see how the members decide?

CHAIRMAN TRAVELSTEAD: Well, anyone can offer an amendment to the motion. I've heard people speaking for and against, but you have an opportunity to amend the motion. Niels.

MR. MOORE: I understand the concerns that have been expressed in regards to the concept of the one-mile-and-out reopening of state waters that are currently closed. I understand the concept that a state reserves the right to be more conservative in harvests that are conducted in state waters.

However, I would point out that the ISFMP charter

mandates that there is equivalency in management measures throughout the range of the stock.

I think that the way things are right now this particular fishery is the poster child for unusual and different management measures throughout the range of the stock. So, if anything, I think the Omega proposal takes a positive step forward in that it's proposing we have consistency and equivalency, which as I understand it is what the intent is of the ISFMP charter. Thank you.

CHAIRMAN TRAVELSTEAD: Is there anyone who wishes to amend the motion at this time? George.

MR. LAPOINTE: Yes, well, actually let me come back.

CHAIRMAN TRAVELSTEAD: Dennis.

SENATOR DENNIS DAMON: Thank you, Mr. Chairman. Regarding the reopening of the state waters and as a legislator and as the chair of the committee of jurisdiction in Maine, I'm very concerned that this proposal would seem to take away from legislative oversight that reopening. That bothers me from that perspective. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, George, now? Does anyone wish to amend this motion? I think we've heard enough and can vote on this thing unless somebody wants to amend it. Pat and then Jaime.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. It just seems to me that these are two proposals that are brought forward and we've talked about them pretty extensively. I would almost suggest that if they go forward and this motion is approved, that maybe there will be a -- I'll call it a preamble statement similar to what we do at the council whereby these are two options that have been brought forth for consideration, having been reviewed by the board.

However, the board has decided not to take action on either, but are allowing the public to see what those are. Therefore, I think it stops the consideration for states having to be concerned about the possibility of opening up their waters again. I think that would be counterproductive, also.

But, it just seems as though a preamble statement before this that these are other options that were considered, they're aired to the public and we go

forward from there. And with that, I'd call the question, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Jaime, you had a question.

DR. GEIGER: Mr. Chairman, Mr. Augustine made my point. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, let's vote on this issue.

MR. ABBOTT: Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Dennis.

MR. ABBOTT: Yes, being concerned about my Part 3, I would like to divide the question, a vote on Parts 1 and 2 and vote on Part 3 if possible.

CHAIRMAN TRAVELSTEAD: **There is a motion to divide the question so that we would vote on Items 1 and 2 separately from Item 3. Is that your motion?**

MR. FREEMAN: **Second.**

CHAIRMAN TRAVELSTEAD: Seconded by Bruce Freeman. I need some help on Robert's Rules here now. Do we just vote whether to divide the question? Okay, all those in favor of dividing the question, say aye; opposed, no. **The motion carries. We are going to divide the question. Are we ready to vote on -- Pete.**

MR. JENSEN: Just one point of clarification. The Greenpeace proposal proposes a moratorium in Chesapeake Bay and coastal waters, so I don't know if the mover intended to do that. If it's going to be the Greenpeace proposal, it ought to be complete.

CHAIRMAN TRAVELSTEAD: That's right. That's right, we'll add that. Are we ready to vote? All those in favor of the motion that has been highlighted on the board, please raise your right hand; keep them high, we're trying to count them -- does everyone understand what we're voting on?

We're voting on the portion of the substitute motion that adds options to the draft addendum as follows: 1, the essence of the four-part Omega Protein proposal which was presented today; and 2, the Greenpeace proposal of a moratorium in the Chesapeake Bay and coastal waters.

That is the question, do you want to add those to the addendum. All right, are we ready to vote? All those in favor, raise your right hand; opposed, like sign; abstentions, two abstentions; null votes, none. The motion fails.

The second part of the question, the second part of the substitute motion was to add additional caps that are consistent with the lowest landings in the past three, five and ten years. Does everyone understand what we're voting on?

Are you ready to vote? All those in favor of that motion raise your right hand; opposed, like sign; abstentions; null votes; one abstention, no null votes. The motion carries. Pete.

MR. JENSEN: I think we have a bit of a procedural difficulty here because the substitute motion didn't really deal with my motion in terms of the proposal from Omega. That part of it was defeated, so I'm not sure how to handle it because I still think we ought to have something on the — and it is an industry voluntary cap.

CHAIRMAN TRAVELSTEAD: Well, most of the comments that I heard around the table dealt with the third provision of the Omega proposal. That was giving people the most heartburn. I'm wondering if there is any willingness to accept the other three parts and the Greenpeace proposal. Gordon.

MR. COLVIN: A point of order, Mr. Chairman. I'm wondering if we're in a parliamentary morass at the moment because the motion that failed is actually a substitute motion, and I'm not quite sure where we are at this point.

I think Pete is correct in pointing out that in effect his original motion is still on the table. When we divided the question, I think we only covered the division of the substitute motion into two parts and the subsequent vote was really to amend the main motion.

I don't think we've taken final action on Dennis Abbott's motion at this point as a parliamentary matter nor have we taken action on the original main motion that Pete offered, so I wonder if we don't have a little bit more cleanup to do here.

CHAIRMAN TRAVELSTEAD: The chair is open to any kind of parliamentary advice. I'd like to keep things simple and try to get us through this. I mean, it's clear that the board was in favor of adding

the additional caps that Dennis wanted. That's done with.

Now the question is do we want to add an option that deals with a voluntary cap, which was Pete's original motion. We've decided we don't like the full Omega proposal and the Greenpeace proposal together, but are there pieces of that that are more consistent with Pete's motion?

MR. JENSEN: May I move to postpone action on my motion until immediately after we vote on the substitute motion we just adopted?

CHAIRMAN TRAVELSTEAD: So what do you want us to vote on, Pete?

MR. JENSEN: On adding the caps at the lowest past three, five, ten years, which was adopted as a substitute motion, and I'm suggesting to postpone action on my original motion until we vote on that. Then we'll pick up my motion.

CHAIRMAN TRAVELSTEAD: Okay, I thought we had already voted on that but we can vote again. Does everyone agree we've already voted on that? All right, we've accepted Dennis's suggestion to add those additional caps for consideration.

MR. JENSEN: Okay, well then my motion is still up there.

CHAIRMAN TRAVELSTEAD: All right, then let's vote on Pete's motion. Gordon.

MR. COLVIN: I just need to ask this question. How can it be a voluntary cap if it's only volunteered with three other things that aren't part of the motion and aren't agreed to? That's the problem I have with the -- that's why I made the original substitute motion.

CHAIRMAN TRAVELSTEAD: Pete.

MR. JENSEN: Well, Gordon, I was really trying to be as flexible as possible. I don't know that we're bound to accept their proposal without change in our public document. So if we simply include an option, then let them come in and define it in the public record as to what it is and then we'll vote on it.

CHAIRMAN TRAVELSTEAD: George.

MR. LAPOINTE: I supported taking the Omega proposal out of the motion because I have concerns about that proposal as well. Could we leave

our public information document as is, but during the public presentation present the essence of that so it's not part of our document, it's not inconsistent with our charter.

We could present the four points on the Omega proposal and the Greenpeace proposal to follow the presentation of our public information document, so the public is aware they're out there and they can comment on those things if they see fit during the public information meetings, but they wouldn't be part of our public information document. It would be part of the presentation but not the document.

CHAIRMAN TRAVELSTEAD: Nancy.

MS. WALLACE: My only concern with that is some people don't attend public information meetings; they only go through written comment off of what is posted on the Website. I just wanted to make that clear.

MR. LAPOINTE: And I understand that and I can't help that, but it would get the proposal out, because it is a complete four-part proposal. A lot of us didn't like it, but it is clearly a point of discussion. It would allow some discussion during the meetings.

CHAIRMAN TRAVELSTEAD: Let's get back to Pete's original motion, which I guess we have not dispensed with. Bob.

MR. ROBERT E. BEAL: Vince and I are debating over here and I think where we actually are is the substitute motion was divided. There were two votes. The first vote on Subsection 1 and 2 failed.

The vote on Subsection 3 passed; therefore, the passing of that subsection actually replaces the original motion; therefore, the original motion made by Mr. Jensen has been replaced by the three-year, five-year, ten-year cap that was proposed by Mr. Abbott.

Therefore, the only outstanding vote right now is to vote whether the three-year, five-year, ten-year cap should be included in the document. That's the only outstanding vote that we think.

CHAIRMAN TRAVELSTEAD: The last vote we took, then, was to merely replace the original motion with a substitute motion that consists of Number 3.

MR. BEAL: Yes, that's right.

CHAIRMAN TRAVELSTEAD: And now we're going to vote as to whether or not to include those provisions in the addendum. Is everyone clear on that? All those in favor of that motion, say aye; opposed, no.

Okay, let's have a show of hands. All those in favor of the motion, raise your right hand -- the motion is to include Item 3, the caps at the lowest landings of the past three, five and ten years in the addendum.

All those in favor of that motion, raise your right hand; opposed, like sign; abstentions; null votes. The motion carries 13 to 3 to 1 to 0.

All right, there are no motions on the floor at this time. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I think one of the things that the board needs to keep in mind is the perhaps wisdom or flexibility of sending out a public document that has a full range of alternatives in it that you may consider regardless of what qualifications may have been stated today by various people.

Opinions can change depending on facts and public testimony and what have you, so I think the caution here to the board or reminder is to be comfortable that what you have in this document today gives you the flexibility that you want to have in taking action on this item. Thank you.

CHAIRMAN TRAVELSTEAD: Thanks, Vince. Pete.

MR. JENSEN: With that in mind, Mr. Chairman, I move my motion again.

CHAIRMAN TRAVELSTEAD: I think we've already voted that down, so I don't think we can reconsider it at this point. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, maybe I'll say maybe what others won't say, and that is there are four issues of a proposal that came out. One is a total non-starter. There is agreement around the table because of that, and so I think one of the other options you have is to include three parts and include that in the public comment and make a motion to that. In my mind that would be different.

CHAIRMAN TRAVELSTEAD: Which is

what I suggested about fifteen minutes ago, but I didn't see any hands go up on it. Ritchie.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. I have no problem including that, but it should not be labeled as an industry proposal because it would not be an industry proposal leaving one of the pieces out.

CHAIRMAN TRAVELSTEAD: Do you want to make a motion?

MR. WHITE: No.

MR. LAPOINTE: Mr. Chairman.

CHAIRMAN TRAVELSTEAD: George.

MR. LAPOINTE: I would be interested in a response from somebody from Omega because they've said it's an all or nothing proposal, and we've suggested we're taking three of the four options.

I'd be happy to make that motion if they think that's a worthwhile way to advance this discussion, but if somebody from Omega could say whether they're willing to advance Portions 1, 2, and 4, I think that would help clarify the action the board could take.

CHAIRMAN TRAVELSTEAD: Mr. Gascon is arriving at the table.

MR. TOBY GASCON: Sure, I'd be happy to do so. Toby Gascon with Omega Protein. The reason we put this proposal in front of you today was mainly I went back and looked at this over the last year and a half that this has been going on.

The biggest concern that I saw that was a legitimate concern out there is that we were going to triple our catch in the Chesapeake Bay, that we built this new facility and we were going to triple our catch.

What we're willing to do here is show a good faith effort and put a voluntary cap on ourselves beginning immediately with nothing further to ensure that that will not occur in the Chesapeake Bay.

That voluntary cap we want to put on ourselves is much lower than a fishery that has been occurring over the last 100 years in the Chesapeake Bay, and nothing has changed. However, if we do that, that is a substantial commitment on our part.

To us that is the beginning of a research agenda and looking at the problems. We feel that all four of

these proposals together, inclusively, will begin to look at the legitimate problems, and we feel that it's give and take on both ends.

I understand the board saying that it's not in the ISFMP charter that the ASMFC mandate that other states open their waters. I would suggest it's in the charter that management measures be based on science, and we're not discussing that today.

So, that is the company's position; that is what the company is willing to do. I think it's a good faith effort from the company. It would cap the harvest in the Chesapeake Bay immediately so we can all sit together, use the money that we're going to use to go out and do these public comments and sit down and come up with a research agenda that we can go forward and collectively put a research agenda together, prioritize it, get the funding for it, do it just like this board envisioned last May. I'll be happy to answer any questions.

MR. LAPOINTE: That was a long answer that said no to me.

CHAIRMAN TRAVELSTEAD: Thank you, Toby, for those comments. George.

MR. LAPOINTE: Well, I asked if the company was willing to allow us to divide, and the response we got was no, so I don't think it's worth putting in as three of the four options.

CHAIRMAN TRAVELSTEAD: All right, Jaime.

DR. GEIGER: Mr. Chairman, I was hoping to have a little more flexibility and, again, I would hope that we could have been more flexible and inclusive and allow the public to see the proposals as they stood.

We took a vote. That motion failed. It's unfortunate that we're still not able to somehow show the range of options that have been suggested to this board in some forum to allow meaningful discussion and comment. Thank you.

CHAIRMAN TRAVELSTEAD: I couldn't agree with you more, Jaime. Everett.

MR. PETRONIO: I'm going to need a lawyer to answer this question, but is there any way to simply attach the proposal from Omega. I'm thinking of some form of addendum or not. Is there a way to attach it when it is circulated that does not

require it to be -- that's going to answer the concerns of the board, which I certainly understand, but will still allow the public to see the proposal in its entirety?

I'm very much agreeable that the proposed action by Omega should be seen in its whole, and that's only fair to the company. I'm just struggling for a way to do this without crossing our mandates or our constitutional mandate. I'd really like some suggestion from people who have been here longer than I if that's a possibility in any way.

CHAIRMAN TRAVELSTEAD: John.

MR. NELSON: Thank you, Mr. Chairman. I almost feel like I'm back at the New England Council. We can become somewhat convoluted on this to try to accommodate everything that we possibly can accommodate.

However, we're not the council, and we've kind of stated that before, that we didn't want to become like the council process. I won't just pick on the New England Council. I would suggest that we move ahead with our addendum.

If somebody wants to come to a public hearing and make a presentation and ask for consideration of their position, that's what a public hearing is all about. I think that's where you have any further consideration of other options before the board.

We've already voted on this particular one. We do not see the desire by the board to include a somewhat rigid proposal. We don't see any flexibility associated with that proposal. We have voted on this, Mr. Chairman, and I suggest we move forward.

CHAIRMAN TRAVELSTEAD: John, I think that's very good advice. I think I, for one, would certainly encourage industry and any other group who has a proposal of their own to attend the public hearings and present those proposals as their own.

You know, that way they will get back to this board whether they are a part of this addendum document or not. I think that's the best we're going to be able to do on that issue today. With that, are there any other changes anyone wishes to make to the addendum at this time? Seeing none, can we have a motion. Gordon.

MR. COLVIN: So moved, Mr. Chairman.

MR. LAPOINTE: Second.

CHAIRMAN TRAVELSTEAD: The motion is made to send the document to public hearing as amended here today. It was seconded by George. Are there comments on the motion? Seeing none, all those in favor of the motion -- is there a need to caucus? We just need a real quick caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Are we ready to vote? It looks like we are. All those in favor of the motion, please raise your right hand; opposed, same sign; abstentions; null votes. The motion carries. **The count was 14 in favor, 2 opposed, 1 abstention and 0 null votes.** Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Just in way of expectations here and clarification to the staff, the motion you just approved was to amend the document per the discussion today and send it forward.

I'd just like to get a sense of the board's expectation of whether the staff and PRT would do that and then send it out or whether there is an expectation that electronically you would see that document before it went out. This is a question, not a recommendation.

CHAIRMAN TRAVELSTEAD: Anyone wish to see an electronic version of the document before it goes to public hearing? Seeing none, you're free to proceed.

EXECUTIVE DIRECTOR O'SHEA: That's a good answer. Thank you.

CHAIRMAN TRAVELSTEAD: Can we have a count of those states that would like to have public hearings with staff attendance. Hold your hands up so Nancy can get them. Okay, if you don't need staff, please let them know before the day.

MS. WALLACE: Yes, if you can just get with me to schedule kind of before the week is over, that would be good.

CHAIRMAN TRAVELSTEAD: All right, we're going to move on with the agenda, Item 7, discussion of Atlantic menhaden research. I'm going to ask Bob Beal to give us a brief on where we are with that, and then I think Steve has some additional

points that he wants to make.

DISCUSSION OF ATLANTIC MENHADEN RESEARCH

MR. BEAL: Thank you, Mr. Chairman. As everyone on the board is aware, the Commission received an additional \$2 million in funds under the Atlantic Coastal Fishery Cooperative Management Act. That additional funding was appropriated by Congress.

The Executive Committee of the Commission has put together a spending plan for the additional funds. Under the menhaden topic, there are two general activities. The first is the two activities in the spending plan will be funded through the additional \$2 million.

The first is a pilot program of LIDAR for the Chesapeake Bay. This is based on the recommendation by the Menhaden Technical Committee that the LIDAR study is the highest priority study to be conducted to get a handle on the population levels within the Chesapeake Bay and find out what the flow of menhaden in and out of the Chesapeake Bay are.

The first year of the study is designed to be a pilot study within the Chesapeake Bay to determine if this approach or this technology is feasible to evaluate the stocks of menhaden coast- wide.

There are three components to the LIDAR proposal as we have received it now. The first is the actual LIDAR portion, which is flying over the Chesapeake Bay, sending down a beam of light and the bounce back or signal that comes off the schools will be -- you know, is received by the airplane that flies over. The size of the school are estimated and the makeup of the schools are estimated as well.

The second component is a hydro-acoustic component which would be similar to what is used to assess the Atlantic herring population up in the Northeast. The third component would be a biological sampling framework where the actual school or a portion of the school that is hit by the LIDAR survey technology or the hydro-acoustic study would then -- we'd biologically sample that school to determine what the population is and determine what sort of signal we're getting out of the other two survey techniques.

The state of Maryland and the U.S. Fish and Wildlife Service have put together a proposal to do that study.

The technical committee is currently looking at that proposal. We've gotten a number of favorable comments from the technical committee.

They have raised a couple of concerns. The designers of the LIDAR study are going back and forth with the technical committee right now to resolve those concerns.

The second activity that is to be funded is somewhat more general. It's an overall predator diet composition study, some menhaden larval studies, ingress-egress of larvae and menhaden into the Chesapeake Bay.

The selection of these studies is going to be done in cooperation with the Chesapeake Bay NOAA Office that has some funding to be used for menhaden studies, so we're going to determine what they're funding.

There is some indication that the states of Maryland and Virginia may also have some funding available, so we're going to work with all those entities to make sure that the suite of options or the suite of studies that the menhaden technical committee would like to see conducted are conducted in as timely fashion as possible. That's the update of where the studies are right now and the proposals.

We should probably know what studies will be funded through the Commission's process as well as the NOAA Chesapeake Bay Office and the states of Maryland and Virginia, probably know that by the middle of summer sometime.

It's a relatively quick timeline. Hopefully we can get these studies started in the very near future and get some results and figure out where we are with respect to the Chesapeake Bay menhaden.

CHAIRMAN TRAVELSTEAD: Thank you, Bob. Any questions of Bob? Niels.

MR. MOORE: Thank you, Mr. Chairman. A question in regards to the prioritization of these research projects. It's my understanding that the TC created a list of approximately six or seven different research projects in June 2004, I believe. Has the TC prioritized these projects by importance at this point? Thank you.

MS. WALLACE: I believe they have, and the LIDAR study was the highest priority on their list. Alexei is here. He is the vice chair of the technical committee because our chair could not be

here today, so I'd defer to him as well.

CHAIRMAN TRAVELSTEAD: Alexei.

MR. ALEXEI SHAROV: Well, I'll just agree with Nancy that the committee has prioritized the research needs. The LIDAR proposal was at the top of the list followed by four or five additional studies.

CHAIRMAN TRAVELSTEAD: Thank you. Steve, you had some additional information for us.

MR. STEVE MEYERS: Yes, thank you, Mr. Chairman. Just to let you know that last February the Chesapeake Bay Office put in the Federal Register a notice of research potential of about \$2 million for bay issues.

It's a competitive project. It's not strictly for menhaden. But as of the close-off period for the \$2 million, we have received over \$3 million worth of requests for research for menhaden alone.

And we're working, staff with the Atlantic States staff, to make sure that all this stays coordinated. The four research areas identified in menhaden are the exact same ones that came up with the technical committee, so we're very much in sync in trying to get this thing organized.

Also as part of the panel review for these competitive grants, there is staff from the Maryland DNR and also from your agency, so everything is as well organized at this stage as we can have it. We'd certainly like to have industry come and participate in this process with us.

CHAIRMAN TRAVELSTEAD: How would that happen? How would industry be involved?

MR. MEYERS: First if we could just maybe get at the same table and talk about some things, then we can figure out a process from there.

CHAIRMAN TRAVELSTEAD: All right, and would that be something that you would undertake?

MR. MEYERS: Well, I think it would be something that the Chesapeake Bay Office would probably want to take the lead on initially and then we could all be part of the process.

CHAIRMAN TRAVELSTEAD: Okay, that sounds very good to me. Niels, you had a comment.

MR. MOORE: Thank you, Mr. Chairman. I just had a follow-up question for Bob. Is it the expectation of the Commission at the conclusion of this LIDAR study, that it will be able to present to this board an answer to the question as to whether or not localized depletion is occurring in the Chesapeake Bay? Thank you.

MR. BEAL: As I mentioned in my statement, Year 1 of the LIDAR Study will be kind of proof of concept type study. It's not designed to develop an estimate of localized populations. It's designed to determine if LIDAR is a feasible technology to survey menhaden in the Chesapeake Bay.

MR. MOORE: Mr. Chairman, if I could just follow up. In the instance that this research method is proven sound, would it be the expectation of the Commission that during the second year, following the second year portion of the study, that at that point the Commission would be able to present to this board an answer to that question regarding localized depletion? Thank you.

MR. BEAL: Alexei Sharov, who is one of the main designers of the study, may be able to shed some light on that.

CHAIRMAN TRAVELSTEAD: Alexei.

MR. SHAROV: If the pilot study will show us that the map is feasible and will be able to provide reliable estimates of the individual schools, then we will design the survey for the second year of the study with an attempt to estimate the total population abundance and biomass in the bay, presumably, as we planned, on the monthly basis.

And to what extent this exercise will be successful, you can't tell right now unless you do it. But, there is a reasonable expectations that will work, but we won't know it until we complete the study.

CHAIRMAN TRAVELSTEAD: Niels.

MR. MOORE: Thank you, Mr. Chairman. So as I understand it, the answer to the question then even in the event that LIDAR is proven a feasible method to evaluate and assess the menhaden stock, the answer is no. Even if this is successful, the Commission will not be able to make the determination as to whether or not localized depletion

is occurring. Isn't that correct? Thank you.

CHAIRMAN TRAVELSTEAD: Alexei.

MR. SHAROV: No, that was not my answer. I guess what I was trying to say is that if the methodology is proven to be successful, then we would be able to provide estimates of the biomass and abundance of fish present in the bay during the summer period or the spring through summer-fall period.

If you have this information, then you certainly can compare it with the removals both by the predators and by the fishery and consequently make some inferences about the exploitation levels and whether the localized depletion exists or not.

CHAIRMAN TRAVELSTEAD: Niels.

MR. MOORE: I really don't intend us to go back and forth like a ping pong match here. I apologize for that. It's my understanding, in reviewing the minutes of the last meeting, that we had discussion with the technical committee at the table as to what was required to create a bay-specific model.

And, in reviewing those minutes, the chairman of the technical committee told us that in his opinion it would require the full suite of research proposals that the TC created in June of 2004; and that until that time and until that specific suite of research was concluded, we would not be able to create a bay-specific model.

Therefore, we would not and will not be able to determine and answer the question as to whether or not localized depletion is occurring. Thank you.

CHAIRMAN TRAVELSTEAD: Do you want to respond? Last comment on this issue. Go ahead.

MR. SHAROV: This is a direct survey method. It does not require any sort of the model. This would be a direct survey-based estimate. So if the estimates will be proven to have low variance and be precise, you don't need any other models to tell what the size of the population is. I'll stop here at this moment.

CHAIRMAN TRAVELSTEAD: Any other questions on the research? Vito.

MR. CALOMO: Thank you, Mr. Chairman.

I'll apologize because I had a nature call, and I walked out of the room here, but I want to ask you is this a cooperative research program as was suggested in previous meetings where Omega would use their vessels as platforms in some of this research?

CHAIRMAN TRAVELSTEAD: Well, I'm not sure I have the answer to that. We heard testimony from Mr. Kaelin this morning that the industry was interested in participating in a cooperative research provided they could be a part of developing that research agenda.

Now, since then we heard from Steve Meyers that the NOAA Bay Program is interested, I guess, with Derrick Warner in sitting down with industry and others, ASMFC staff, in coming to their decisions on what projects will be funded and how their research agenda will proceed.

So whether or not that constitutes the cooperation that we need, I don't know, but its heading in that direction, but I'm not sure it's going to get us there. Go ahead.

MR. CALOMO: I know Steve. I was here when Steve spoke. Is John Boreman from Woods Hole going to be part of the research project on this?

CHAIRMAN TRAVELSTEAD: I don't know who from NMFS will be involved. Steve, can you speak to that?

MR. CALOMO: Well, that's part of going to the eastern side of the coast, up towards New England. I'm just wondering if that was going to be.

I mean, I've attended many meetings here and people did not realize the 0-2 class that was up in New England for over three years, and finally they've seen some fish. I just wanted to make sure because these fish are schooling outside of Woods Hole by the tons. Thank you.

MR. MEYERS: Mr. Chairman, we'll try to be as inclusive as we can internally within the agency.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Any other issues to come before the board? Steve.

MR. MEYERS: Mr. Chairman, the Chesapeake Bay Program Office recently issued an ecological forecast for Chesapeake Bay. I was wondering if the board, through your good office, could forward this to the technical committee for

their review and consideration relative to the ecological approaches to management.

CHAIRMAN TRAVELSTEAD: Absolutely. If you provide it to staff, we can get it to the technical committee, sure. Anything else? Alexei.

MR. SHAROV: I just want to make a note on the research activity in cooperation with the industry. I was very heartened to see among the four points on the proposal from the industry that they would like to see cooperative research and see scientists working all together with the fishermen.

While in developing our LIDAR proposal, we requested the minimal but a very critical important moment of cooperation with the industry, and we've requested their support in working with us. So far as I've heard that request was denied so it's very troubling, but that's where we are in terms of cooperation at this point.

CHAIRMAN TRAVELSTEAD: Any other comments, issues? Mr. Gascon. We're going to adjourn here in about three minutes.

MR. GASCON: I want to specifically address the cooperative research that Mr. Sharov was talking about, and that's not exactly correct. Cooperative research is a two-way street.

This industry has stood available and ready to go with cooperative research since this board made the motion last May for a workshop to be held for industry and stakeholders and scientists to get together to determine priorities for a research agenda.

Since that meeting last May, the industry has not been contacted once about any of these proposals, and we're not aware of them at all. These proposals have been developed in a vacuum. Had we been contacted, we could have told you that we internally as a company tried LIDAR in the Gulf for three years in the '90s, and it just simply did not work.

We have a lot of information on that issue. We're willing and able to provide that. No one has ever asked us. We're willing to provide our vessels as we offered last May if we have an inclusive, cooperative research agenda going forward.

I just wanted to make that perfectly clear that the industry still remains committed to that if cooperative research is a two-way street, and industry doesn't feel as though once everything is decided, funded,

developed, then they come to us for our help. Thank you.

OTHER BUISNESS

CHAIRMAN TRAVELSTEAD: All right, thank you. Any other comments from the board? Is there a motion to adjourn.

ADJOURNMENT

MR. PATTEN D. WHITE: So moved.

CHAIRMAN TRAVELSTEAD: We are adjourned. Thank you.

(Whereupon, the meeting adjourned at 1:15 o'clock p.m., May 11, 2005.)
