

**PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD**

April 26, 2001
Quality Hotel & Conference Center
Arlington, Virginia

ISFMP Policy Board

April 26, 2001

Summary of Motions

Move to approve the proposed Habitat Project Review Protocol

Motion Passed

Move to direct the states to develop, on a voluntary basis, SAV Conservation Plans

Motion Passed

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

ISFMP POLICY BOARD MEETING

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The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Quality Hotel and Conference Center, Arlington, Virginia, April 26, 2001, and was called to order at 7:30 o'clock a.m. by Chairman Susan Shipman.

--Call to Order --

CHAIRMAN SUSAN SHIPMAN: I'm going to call the meeting of the Policy Board to order. I'd like to welcome everyone. Before we get into approval of the agenda and the minutes, which I'd like to do as a consent agenda, I'd like to deviate from the agenda here and turn this over to David Cupka for a presentation.

MR. DAVID CUPKA: Thank you, Madam Chairman. Many of you know we had our Award of Excellence Program the other night and a couple of our recipients were not there at the time.

One of them has joined us here this morning so we have an opportunity to present this award and we'll proceed to do that now.

This person that we're presenting this award to has been involved since 1983 with the Commission's Interstate Fisheries Management Program.

She has written fishery management plans for weakfish, red drum, spotted sea trout, spot, croaker and Spanish mackerel. As a marine biologist for one of our member states, this person has worked on a variety of projects, including life history and tagging studies of king and Spanish mackerel, sampling commercial reef fish, participating in annual mackerel stock assessments with the South Atlantic Fishery Management Council and the National Marine Fisheries Service.

Now a Bureau director in another member state,

this individual is responsible for the supervision of over 50 professional, technical and administrative personnel involved in multi-disciplinary studies of marine resources.

The recipient is a highly competent and dedicated professional who has earned the respect of her peers and the public-at-large. I am very pleased, personally, and on behalf of the Commission to present a 2001 Award of Excellence in the area of Scientific, Technical and Advisory Achievement to Dr. Linda Mercer of the Maine Department of Marine Resources.

DR. LINDA MERCER: Thank you very much.

CHAIRMAN SHIPMAN: You just never know what kind of surprises we'll pull off early in the morning. Linda, thank you very much for being with us and congratulations on an honor very well deserved.

Okay, I'd like to return to your agenda, if I may. I would like to suspend with the roll call and ask staff to take the attendance. We'll be passing around the sign-up sheet so please record your attendance on that.

We'll provide that record to Joe, but I would note that we do have a quorum, for the record. What I'd next like to do is take the approval of the minutes and of the agenda.

These items were distributed to you well in advance. Without objection, I'd like to approve these by unanimous consent. I have a motion by Pat Augustine, a second by Bill Adler. Is there objection to approval of the motion? Without objection, we will approve those two items by unanimous consent.

I'd like to ask at this point if we have any members from the public that would like to address us at this time. Seeing none, we'll also, as we take items up, if there are any action items and the public wishes to speak, we will certainly recognize you.

I'd now like to go into committee reports. Before I do that, I'd like to ask, John Connell, do the Legislators and Governor's Appointees have a report for us? I know you have one for Executive Committee. Do you have anything for Policy Board?

Is Ray Rhoades with us. Oh, thank you, Ray, I couldn't see you in the back. Ray, if you'd come up to the microphone next to John Connell, we have a report from the Economics and Social Sciences Committee -- or Committee on Economics and Social Sciences.

DR. RAY RHODES: The Committee on Economics and Social Sciences, which stands for CESS

-- and some folks have other descriptions of that. But, anyway, we met on Monday and went over lots of different issues and directions.

One of the activities that we sort of have got in place and also refocusing onto other things is related to the ACCSP. We've got some pilot studies started underway.

One is in the northeast on summer flounder, collecting socioeconomic data. Again, all of these are based on the data elements that have been studied and formalized within the ACCSP process.

Also, we have a pilot study collecting the same types of data elements relative to the blue crab fishery down in Georgia. Again, these pilot studies are intended to test out the collection and establish standards and protocols for collecting socioeconomic data that could be applied to other species.

The two species that were focused on were summer flounder and blue crab. They deliberately selected those species because of the difference of the fisheries and also timeliness relative to regulatory issues, et cetera.

We're, also, you might say, refocusing our effort in terms of working in the context of the FMP process in the Commission. And, now that we've got our irons in the fire, so to speak, on the ACCSP pilot studies, we're going to focus effort in terms of red drum, northern shrimp and striped bass.

Again, within the technical committees and the PDTs, there are economists and anthropologists/sociologists appointed to the Technical Committee associated with the various species in the FMP Committees.

Ones that we are going to focus on -- and will, obviously, have to focus on immediately -- is red drum, northern shrimp and striped bass. Again, this is intended, as was established in the mid-90s, to integrate socioeconomic analysis into the FMP process.

Part of that -- and we realize that just with population dynamics, there's a need to help people understand the concepts that the sociologists/anthropologists and economists bring to the table and to the process.

We would like to look at setting up a series of seminars in 2002 that are similar to what has been done relative to population dynamics and stock assessment techniques.

We will be coming forth with some recommendations on this, and this would be aimed, again, like the series that we just finished up on

population dynamics -- would be aimed at committees and the commission.

Last but not least, we've been a working committee for several years now, and we want to go back and revisit some of our operating guidelines and look over the membership composition, et cetera, and establish or re-evaluate guidelines and bylaws for operating the committee. So, that's the long and short story on the activities we were involved in and discussed on Monday.

CHAIRMAN SHIPMAN: Thank you, Dr. Rhodes. Does anyone have any questions of Ray? Bruce.

MR. BRUCE FREEMAN: Thank you. The question I have involves your comments on collecting information on summer flounder in the northeast. Could you just briefly indicate where that's occurring?

DR. RHODES: The data ranges from North Carolina to Maine. I probably know enough to be real dangerous about the details of that survey. I might ask Darren -- if you want more details, we'd be glad to get back to you on that.

CHAIRMAN SHIPMAN: Darren, do you want to add to Ray's comments on that? What little I know of it is it's an ACCSP-funded project.

DR. RHODES: Right. We've had a subcommittee that's worked on it. I was not on that subcommittee so I don't know all the nitty gritty details of it. Do you want some details on what data elements we're collecting and the gear or --

MR. FREEMAN: Well, I could talk to them after this session.

CHAIRMAN SHIPMAN: Okay. That would be great, Bruce, if you'd just get with Darren. Other questions or comments? Okay, thank you very much, Ray. We appreciate your being with us this week.

The next item we have is the Habitat Committee report and Carrie Selberg, I believe, is going to give that. We've got two items.

One is approval of the Project Review Protocol, which we had before us last October at the annual meeting, and then we'll be discussing SAV and gear impacts. Carrie.

MS. CARRIE D. SELBERG: Good morning, everyone. Typically, this report would be given by the Chair of the Habitat Committee, Bill Goldsborough, but he can't be here this morning, so he asked me to go ahead and give you an update on some of the things that we're working on.

First, we'll be discussing the project review

protocol by the ASMFC Habitat Program. This is a one-page document and should be in the back of your briefing book materials, behind the minutes.

If you don't have this, please let us know because we have extra copies. It's a chart with boxes on it. This should be familiar to the Board because the Habitat Program presented this to you last October in Florida. There was much discussion on it at that time.

Many of you wanted an opportunity to revise some of the language. We gave you that opportunity and I did hear from a few of you.

I wanted to highlight what changes were made. The box, which is the third box on the left, which says, "Does the project meet all the following criteria" and there are just two bullets; in the first bullet we added a phrase which says, "In the case of trans-boundary waters, the commissioners from all affected states must agree to Commission involvement."

That was to address some of your concerns about projects which may fall in waters between states or projects which spanned various state boundaries.

Then on the last box under "recommending a course of action letter", at the end of the first sentence, we added the phrase "all of the project's home states" so it now reads, "Commission staff gathers more information on the proposed project and drafts response consulting with Habitat Committee members and commissioners from all the project's home states."

CHAIRMAN SHIPMAN: Thank you, Carrie. You'll recall we did have considerable discussion about this at the annual meeting, and those individuals, I think who had some additional input, my understanding is they have provided that.

Is there further discussion on this? What we'd like to do is take a motion for approval of this protocol. We have a motion by Pat Augustine. Is there a second? Second by Bruce Freeman.

Discussion on the motion. All those in favor, signify by saying aye; opposed; abstentions. The motion carries unanimously. Thank you very much. Carrie.

MS. SELBERG: Thank you. One last thing on the project protocol, I just wanted to let you know that the Habitat Committee is going to be tracking the progress of how this process works and re-evaluating this at a later point to make sure that this process is working, looking at how many times we are asked to comment on things, how many times we send different types of letters, how many times commissioners from a state do agree on a letter that we write and how many times they

don't; just so the Habitat program and anyone else who's interested has a good feel for how this process is working for us.

The next document I'd like to talk about is one that we just passed out and it's titled, "Evaluating Fishing Gear Impacts to Submerged Aquatic Vegetation, What are our Next Steps to Implementation at the ASMFC?"

As you will recall, most of you will recall in 1997 the Commission adopted a policy to -- it's called, "The Submergic Aquatic Vegetation Policy."

In this policy there's a component which addresses protection of existing SAV and identifies many sources of adverse impacts to SAV such as dredging, dock placement, moorings, impacts of vessels and fishing gears.

One of the more important areas of focus for the Commission under this component of the policy was the adverse impacts from fishing gears.

The reason the Habitat program places this of higher importance is because the Commission has the ability to affect these impacts through its fishery management planning process and authority. It's something we do have control over.

As a part of this policy, the ASMFC developed technical guidelines and standards to objectively determine fishing gear impacts to SAV. We developed this report which was approved by this Board last February which is entitled, "Evaluating Fishing Gear Impacts to Submerged Aquatic Vegetation and Determining Mitigation Strategies."

In the report implementation was not addressed. The Habitat program decided to keep the technical guidelines and the implementation separate. So, once this report was approved by the Board, the Habitat Program started looking on ways that they could implement it.

For those of you who were at our June meeting in Maine, the Habitat Program forwarded ten possible ways to implement the report. At that time this Board asked for additional input on all these ten implementation ideas, which included best management practices, SAV state conservation plans, as well as many other things.

In order to get that input, we developed a survey which we submitted to all of the commissioners, the Habitat Committee and all of the advisory panels that the Commission has.

We got a good response rate and an overwhelming support for implementing the report. The Habitat Committee discussed the survey results and

implementation at both their October meeting in Florida as well as their April meeting a few weeks ago.

What they have put forward to you today is that they feel the best way to implement this report is developing what they have titled, "SAV State Conservation Plans."

The reason for this is that each state has different SAV species, fishing gear types, jurisdictional issues and current SAV protection policies. Any action that the Commission takes needs to account for all of these different things.

The Habitat Committee proposes that each state write an SAV conservation plan outlining their SAV work and policies as well as any necessary plans for improving these policies.

These would be flexible enough, allowing each state to address their own SAV and gear interactions and take into account the differences between states.

On the second page of this document in front of you there's a section titled, "Elements of a Plan." So, I'd just like to outline what the Habitat program envisions this plan looking like.

It would have five main components, and for the first four components each component would outline where the state is; where they would like to be in three years if they feel improvement is necessary; barriers to reaching where they need to be and ways that they expect to surmount those barriers.

The first section would be public education. What has the state done currently and in the past three years to educate people in their state about the importance of SAVs and ways the fishing gear interacts with SAVs.

The second section would be identifying where the SAV is in their state, and that could include working with your coastal zone program, doing identification of SAV within your own fishery management program, working with universities in the area.

The third component of the plan would be identification of gear. What gear is used within the state waters that causes impacts of concern, which is defined in our report, to SAV and where these interactions are located.

The fourth section would be steps taken to address interactions between SAV and gear. So, what step is your state taking to minimize interactions between SAV and fishing gear and do you think they've been effective?

The final component of the report would be outlining recommendations for the ASMFC. How can the Commission assist each state in improving their

SAV protection policies and efforts? Are there things we should be looking at for a coastwide analysis?

Under a time line, the Habitat Program has outlined how they expect this to work. Currently, the Habitat Program is asking this Board to ask each state to write an SAV conservation plan on a voluntary basis.

There was much discussion about asking for these SAV conservation plans to be compliance criteria in the next FMP of a species which relies heavily on SAV.

The Committee, as a whole, decided that they would rather start by asking for this on a voluntary basis and then in the fall of 2002 take a look at how the voluntary process worked and analyze whether or not compliance criteria is a necessary step from their perspective or not.

We believe that asking for this to be a voluntary step in the beginning would allow states to better understand the requirements and have an opportunity for the Habitat Committee to give them some feedback on their plans at that time.

There are several steps that the Commission staff and the Habitat Committee could take to assist the states as they write these plans. The first would be training and assistance in plan writing.

A detailed outline of expectations would be provided as well as an example plan. We do have a volunteer on the Habitat Committee who is willing to write that plan on a little more accelerated basis with the help of the Habitat Committee and Commission staff so they could provide that for other states to see what would be required.

They also discussed a half-day workshop being held during a meeting week for those people who will be writing the plan so that they could outline what the goals and expectations for the plan were during that workshop.

The second is plan review. The Habitat Committee will review a state's SAV conservation plan and provide feedback to the states.

The next is ASMFC staff is currently developing an SAV brochure that could be distributed by the states.

Finally, we do have SAV reports which outline the importance of submerged aquatic vegetation to our managed species which are available for a state's use.

CHAIRMAN SHIPMAN: Thank you, Carrie, for an excellent report. Mr. Adler.

MR. WILLIAM A. ADLER: Thank you, Madam Chairman. On the elements of the plan, which section in here deals with the idea of pollution as being part of

the plan to stop the pollution of "too clean a water" in this case, not the bad water, that destroys the vegetation? Is that in one of these elements of the plan or is it just fishing gear?

MS. SELBERG: Currently, it's only fishing gear, and I'd like to explain why it is only fishing gear that we're focusing on. When we first started looking at submerged aquatic vegetation as a habitat program, we looked at all the adverse impacts on submerged aquatic vegetation. There were many adverse impacts.

The reason we started focusing on fishing gear is because it's something that this Commission has jurisdiction over. Many of the other adverse impacts are impacts that this Commission has less control over.

So, we started focusing on fishing gear impacts at that time. That's why this will focus on fishing gear impacts. I'd also like to make one point that I don't know if I made clear during my presentation.

What the Habitat Program is asking for the development of the plans. There's no expectation that each plan has to include these specific components, like a percentage of mapping and then there "has" to be this level of improvement.

They're asking for each state just to sit down and look at their SAV planning and decide what is best for their own state.

CHAIRMAN SHIPMAN: Bill, did you have additional --

MR. ADLER: Yes. I just think that this plan would be remiss if it didn't mention the fact of those other causes of damaging to the habitat which -- you know, it almost rings from the old whale thing where 17 ships kill whales, three fishing gear things -- this is in 30 years, and yet it's the fishing department that gets the hammer.

In this case here, I think, also, that at least this plan or plans should at least call attention to the fact that submerged aquatic vegetation is also damaged by -- and list some of these other sources just so it doesn't appear that the fishing gear is the only source of habitat -- you know what I mean? I mean, it's just not fair. They pick on one side all the time. Thank you.

CHAIRMAN SHIPMAN: George.

MR. GEORGE LAPOINTE: Thank you, Madam Chair. This is a question for other states. The state of Maine contracted with a couple researchers in conjunction with a mapping program, looking at the impacts of mussel dragging specifically on eel grass; and not surprisingly, mussel dragging impacts eel grass.

I'm being pushed to put a regulation in place to

protect eel grass. Well, if you try to delineate, write a regulation to protect eel grass and make it enforceable, I see some problems with that. Are there experiences in other states about folks who have regulations for protecting eel grass and has it been enforceable?

CHAIRMAN SHIPMAN: Eric.

MR. ERIC SCHWAAB: Back to that point, we have in Maryland, specifically, quite a bit of experience in recent years with legislation to protect submerged aquatic vegetation.

We have had tremendous difficulties in establishing effective delineation and enforcement procedures that basically keep up with the movement of the grasses over time. I'd be happy to discuss that in detail with you, George, at some point.

I'd also like to agree wholeheartedly with Mr. Adler. I also believe that in some cases we are put in the position of focusing directly on things that we can control because we can control them and not because they are the most important thing to address.

I would suggest further that this might be a perfect opportunity to go back to the previous agenda item and if, in fact, in the development of these plans we identify other impacts, that this would be a perfect place for implementation of this project review and commenting process on maybe, perhaps, a wide-scale basis.

CHAIRMAN SHIPMAN: Thank you, Eric. Other comments or responses to George? Bruce Freeman.

MR. FREEMAN: I think perhaps, George, most of us have experience, and I think it has probably been the same as Eric indicates, but one aspect we've been involved in is controlling the gear.

For example, we have a shrimp fishery and we have crab dredge fisheries in certain areas where there's aquatic vegetation. By looking at the gear, whether, in fact, it has teeth, the weight of the gear, it can be constructed so it certainly would have minimal damage if it has damage at all. But, as Eric indicates, to delineate areas and keep people out, it gets to be very difficult.

CHAIRMAN SHIPMAN: Just an observation back to Mr. Adler's point. Carrie, it would seem to me that it would not be inappropriate for a state, if they want to make a more comprehensive plan to address those other issues, what I hear you all suggesting to us are sort of minimum elements to implement the gear issue but that you could certainly expand your state plan and include other elements, if you wanted, could you not?

MS. SELBERG: I'm sure the Habitat Committee

would love that idea.

CHAIRMAN SHIPMAN: Mr. Augustine.

MR. PATRICK AUGUSTINE: Thank you, Madam Chair. The way we're addressing the issues of sea grasses or eel grasses and the various components of SAV, in New York we have three major estuary programs.

I'm not sure a lot of your states have estuary programs already in place. A lot of the attention is being brought to pollution, run-off, wetlands habitat protection, everything that we're talking about that is not in this document.

I wonder if a comment could be made in here to the effect that what your plan might include is those elements of any estuary programs that are addressing those issues and maybe make that as a suggestion.

I know we have the Paconic Bay Reserve which is in deep, deep trouble with eel grasses. Again, it's a combination of dredging and water quality and so on.

The South Shore Estuary, we're losing, I think, 12 acres a year strictly to it being washed away and tidal movement and so on. In Long Island Sound the quality of water has changed and some other things have been created there and we're seeing some reduction in SAV.

But the only way we're addressing it is, again, through estuary programs. As I say, I think maybe something to that effect should be put in here to reflect that this -- your program -- should dovetail with or could be a part of, congruent with, this program. Thank you.

CHAIRMAN SHIPMAN: Carrie.

MS. SELBERG: I believe that the New York plan could then highlight all the things that they are doing which they feel benefits their SAV protection policy.

CHAIRMAN SHIPMAN: Other discussion on this item? What I understand is the Habitat Committee is bringing to us a request that the Policy Board direct the states to prepare an SAV conservation plan on a voluntary basis.

Is there a motion to that effect? We have a motion by Pat Augustine. Is there a second? I have a second by Dennis Abbott. Further discussion on the motion? George.

MR. LAPOINTE: This is the danger in not coming to some meetings. I seem to recall this has developed over the course of a number of years. I feel like Maine, with the endangered species issue with salmon where it's incrementally putting more issues on the table; I mean, the issue of compliance in fisheries management plans in habitat is going to be an

incredibly tough issue in this Commission and, more selfishly, in the state of Maine. And we shouldn't go there lightly.

CHAIRMAN SHIPMAN: Thank you, George, for that observation. I think that's recognized in the discussion on the time line on this. Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Susan. Personally, I think this is good. Every state should have a SAV conservation plan. I would just point out, though, that at least in the state of Connecticut, the authority for SAVs is in a different agency.

I would work very hard to try to make that happen, but I can't get guarantee that it can happen. Any plan that we produce in fisheries that addresses SAVs cannot be considered "the state conservation plan."

CHAIRMAN SHIPMAN: Thank you and I would suggest that can probably be reflected in your cover page as to what agency is preparing and communicating this document on behalf of your state. Other discussion? Bruce.

MR. FREEMAN: I was going to make the same comment Ernie does, and this is a continuing problem. I think most of us not only have to deal with the fact we don't control the policy but often the fishery agency is at odds with the other agency over what it would like to see for that policy and comment continuously and perhaps not all the comments being recognized.

But it may be-- I think, in this document, Susan, it would be very helpful to put in a section dealing with what agency has that responsibility because that, I think, is going to be a key.

The plan itself may help that other agency in that it's being looked upon on a coastwide basis, perhaps not having the best management practices in place.

CHAIRMAN SHIPMAN: I think that's an excellent suggestion, Bruce. And perhaps under "elements of a plan", we could just add in "state authorities for protection of SAV" as an element, if I see no objection to that. I have Pres Pate next.

MR. PRESTON PATE, JR.: Thank you, Susan. A question for Carrie, but first a little bit of an explanation of the process that we're deeply into in North Carolina to develop comprehensive coastal habitat protection plans for all of our coastal habitat, not just SAVs.

Embodied in each one of those habitats are recommendations for management and mitigation of impacts from a variety of sources. One of those is the potential for degradation by the use of certain types of fishing gear.

We've chosen as our management units, water basins. There are five that we've identified that have enough different characteristics to warrant some segregation geographically of our planning effort, and within each one of those management units there are different types of SAVs that have different types of impacts being foisted upon them.

My question is, after that explanation, has there been any discussion about a proxy for this format? We will have most, if not all, of the elements of the requirements of development of these plans within those five plans.

But it appears to me if we are to be in -- I hate to use the word compliance so I'll use the word consistent -- if we are to be consistent with the intent of this, we'd have to pull the elements of SAV protection out of each of those five plans and develop another plan specifically for SAVs. That seems to be a little bit duplicative of our efforts and maybe not necessary.

MS. SELBERG: There has not been talk of using other reports instead of developing this specific report. That is something I could bring back to the Habitat Committee. But it wasn't something that we did discuss.

CHAIRMAN SHIPMAN: It would appear the contents are the major thing and perhaps y'all could just submit a letter with your companion report that says you have incorporated these elements by reference in that plan and submit that.

MR. PATE: Charlie suggested that we have a provision for conservation equivalency within the guidelines. That's probably a good idea.

CHAIRMAN SHIPMAN: Carrie.

MS. SELBERG: We would hope in these plans that there are references to many other documents because that would demonstrate that the state is developing SAV protection policies within all of the other things that they are doing.

While I can't speak for the Habitat Program, I would think that referencing other reports at length throughout the document would be a beneficial thing.

CHAIRMAN SHIPMAN: Okay, further discussion on the motion? The motion is on the board before you. Yes, A.C. Carpenter.

MR. A.C. CARPENTER: After the report is compiled and presented, do we have enough library space to keep them?

CHAIRMAN SHIPMAN: You could submit it on a CD-ROM, I might suggest. Okay, other discussion? All those in favor of the motion, signify by saying aye;

all those opposed.

We have one vote in opposition. Any abstentions? Okay, the motion carries with one objection. Thank you very much, Carrie. Other items from the Habitat Committee?

MS. SELBERG: That is all, thank you very much.

CHAIRMAN SHIPMAN: Okay, thank you very much for an excellent report. Next, we will have the report of the Law Enforcement Committee and Dieter Busch is going to be giving that on behalf of Major Bruce Buxton.

MR. DIETER BUSCH: Thank you, Madam Chairman. Law Enforcement requested that I do this so that they could go out and capture some more law breakers.

The Committee felt that they had another very successful meeting and they wanted to pass on to the Commission, also, their appreciation that some monies have been made available for them to have an executive committee meeting and have some work sessions.

They really appreciated those opportunities. The report is being passed out to you. I want to address four or five highlights in this report.

The Law Enforcement Committee has been trying to identify a process and funding to have a half-time person as the Law Enforcement Coordinator. This is an ongoing activity.

They have prepared some documentation as to what is needed, estimated cost and also have submitted this to the National Marine Fisheries Service for potential funding. It's moving through the process.

It may receive funding but right now the projection is that if it does receive funding it will be a one-year activity. Again, they are still pursuing this. They hope that this can move forward and they really appreciate any assistance that the Commission could give them on this process.

The Law Enforcement Committee is a little concerned about conservation equivalencies; not the concept, per se, but its application in that as you realize law enforcement is very difficult when you have different regulations for micro zones and not just state-by-state zones and so on.

They're concerned that conservation equivalencies could further fragmentize law enforcement regulations which would confuse the public, make enforcement difficult and confuse the process. So, they just wanted to express or just talk about this issue and how to get involved.

The other part that they have been a little bit

frustrated with is the quickness in that conservation equivalencies may go through our process since it's really outside of the FMP development. It's an implementation process in many cases.

So, they have talked with ISFMP staff, and we are going to try to make sure that they have a chance to comment on those issues when the tech committees address them.

The Law Enforcement Committee quickly touched on the Marine Mammal Protection Act. They felt that this was really not something that applied to recreational fishing and therefore -- I guess there's an opportunity to comment on this right now and they felt that comments should be addressed that exclude recreational fishing.

Recreational fishing was not just identified as hook and line but all recreational fishing activities. Our new concept or our expanded concept of using trap tags to monitor harvest or harvest effort, this is something that is still being implemented, and the Law Enforcement Committee is a little concerned that the implementation is not complete yet.

I guess four states are looking at ways of enforcing this and the federal government also has some issues in the EEZ. This last one is an interesting concept that was brought to us by the new Assistant Regional Director for Law Enforcement in Atlanta.

The agent's name is Tom Riley. In a recent meeting he suggested that the Law Enforcement Committee look at the option of working with the judges and the prosecutors on major natural resource law enforcement activities to see if the fines could be directed to the Commission to be used either as a trust fund or as a pot of monies to mitigate or help recover the resource if it's species-specific or if it's a habitat issue or so on.

Now, they realize that this has to be worthwhile, that, you know, we're not talking about the \$25 no-license fee fine, but when you're talking about tens of thousands, hundreds of thousands or even millions of dollars, there could be significant money.

This was brought to the Law Enforcement Committee and actually the agent for NMFS was quite excited about this and immediately identified a current activity that could result in \$200 or 300 -- \$300 to \$300,000 in fines that would fit into this category.

Now, they're examining this and if this is something that can be done, of course, the Commission would have to be comfortable in how to handle the funding and the support that this would require.

The process would work, I guess, quite quickly in that in the settlement or pre-settlement discussion, the prosecuting attorney could provide wording to the judge that would more or less be the boilerplate language that the Commission would want in this package.

That's the report for the Law Enforcement Committee, Madam Chairman.

CHAIRMAN SHIPMAN: Okay, do we have questions of Dieter? David Borden.

MR. DAVID V.D. BORDEN: Thank you, Madam Chair. Not a question for Dieter but just an observation. I just note that under Item 2, this issue of the contractual staff assistance, as I said in the past, I think that's an excellent idea to do that and, in fact, I think that activity should be expanded.

I can't help but reflect on the fact that there is a \$15 million appropriation that went for enforcement assistance to the states, and I can't help but think that some of that money would be appropriately used to coordinate this and, in fact, possibly expand what the Law Enforcement Committee is proposing here.

I think it would be advantageous to have the Committee look into that. It would only result in a very minor deduction from the state allocations and yet they would accomplish the task they want to accomplish.

CHAIRMAN SHIPMAN: Dieter.

MR. BUSCH: Madam Chairman, that's exactly the route that they're looking at, and the estimated cost for this on a yearly basis is a total of \$50,000. They have approached NMFS to see about getting the money out of the state allocations.

CHAIRMAN SHIPMAN: Also, I believe I recall that in their report to us last week they are taking a certain amount of money off of the top for administration. If they would want to consider that activity part of administration of the joint project agreements, I think that would be a very legitimate use of that money.

Now, they've requested the states to submit project proposals that, if they involve personnel services, could be on a two-to-three year basis and I don't see why this couldn't as well when you could possibly get funding for two to three years. But I think your point is excellent, David, and it would be a very good avenue to pursue. Other questions? George.

MR. LAPOINTE: Comments more than questions. Certainly, last week's meeting -- it was a state-federal meeting -- highlighted making sure we keep enforceability as one of the criteria we pay

attention to as we do management and that's a reminder that we need to do in this program as well.

On the Law Enforcement money, specifically, did Mr. Jones last week say they were taking a small amount for administration, because Joe was under the impression that the small amount was about 10 percent, and I'm going to clear that up.

I'm going to call Mr. Jones because a million five isn't small, still. And then last is on Item 7, shouldn't that read "Amendment 4 to the Lobster Plan" and not "addendum"? It's a minor issue, but it should be corrected before we get this in the record.

CHAIRMAN SHIPMAN: Thank you, George. I'll defer to you lobster experts on whether that's "addendum". Y'all have got so many addendums and amendments going, I can't keep up. Amendment 4, so that does need a correction. Thank you, George. Dick Schaefer.

MR. RICHARD SCHAEFER: Thank you, Madam Chairman. With respect to Item 6, I'm just trying to understand the context in which this issue was raised. What prompted this on the agenda of the Enforcement Committee? Can somebody explain that to me?

MR. BUSCH: To the best of my recollection, I think it was a request for comments. And they discussed this, but --

MR. SCHAEFER: A request for comments from the National Marine Fishery Service?

MR. BUSCH: From the Law Enforcement Committee.

CHAIRMAN SHIPMAN: George.

MR. LAPOINTE: Dick, I heard that -- and I heard this second hand -- that there was some discussion in some fisheries of charging a \$25 marine mammal permit fee to recreational fishermen because of potential impacts. I don't know a lot more than that, but you can imagine the discussion that caused.

CHAIRMAN SHIPMAN: I'm going to ask Tina Berger to comment on this for you, Dick, because I believe she brought this to them as well as to us earlier in the week.

MS. TINA L. BERGER: Last fall the MSC directed its subcommittee, its Protected Species Subcommittee to review a proposed change to the MMPA.

That subcommittee came up with a recommendation that we then forwarded back to the full MSC, as well as the LEC, for the potential implications

of law enforcement on that proposed change.

MR. SCHAEFER: Okay, I guess my only comment would be I certainly don't take issue with the findings of the committee on this issue as it applies to the Atlantic Coast, but let me tell you this is a big issue on the Pacific Coast in terms of marine mammal interactions and recreational fishing.

So, as long as I know that the commentary here is directed at our area of responsibility, I understand it better, but it is a national issue. Thank you.

CHAIRMAN SHIPMAN: Dick, did you want to comment on the monies with regard to the joint project agreement? I don't know to what degree you've been involved in any of that with the law enforcement monies.

MR. SCHAEFER: I'm sorry, I don't know anything about it, nothing.

CHAIRMAN SHIPMAN: Okay, thank you very much. Other questions, comments on the Law Enforcement Committee? Okay, seeing none, we'll accept this for information.

There's no action required and thank you very much, Dieter. Next we have a report from the Management and Science Committee from Charlie Lesser.

MR. CHARLIE LESSER: Thank you, Madam Chairman. The Management and Science Committee had four action items and any of the updates should be on the handout coming around. I'll defer discussion on those unless there is a question.

The four action items consist of the first one, the regulatory discards. There was a workshop held in February, and the report will be forthcoming this October. They identified or prioritized five different methodologies that may help to reduce regulatory discards.

They list as: reduce over-capitalization in the FMPs; minimize derby fishing; establish national gear research lab and program; reward harvesters using gear to reduce discards; and involve the industry in data collection and monitoring.

There is \$20,000 left in that budget, \$10,000 of which comes from the National Marine Fisheries Service, which must be expended by September, and \$10,000 from the ACFCMA, monies which must be expended by the end of December.

That subcommittee is recommending that there be additional facilitative meetings with the technical committees, the advisory panel members and some of the fishery management board members to select

weakfish; on weakfish, I should say, specifically, on weakfish and/or American shad and river herring to incorporate some of these prioritized methods in that FMP and see if there is a feasible way to incorporate these to reduce regulatory discards in that specific fishery and also to identify less prioritized methods that may be used in that fishery.

These facilitated meetings may lead to a second workshop if it is felt that by applying these prioritized methodologies to a specific fishery, that they may be expanded to other fisheries in the FMPs.

So, the only action required is, if this Policy Board would agree, to loan those funds to be used for additional facilitative meetings and possibly a second workshop.

CHAIRMAN SHIPMAN: I think what I'd like to do is just ask if there's any objection? I think we can agree to this by unanimous consent unless I hear objection to this approach. David Cupka.

MR. CUPKA: Thank you, Madam Chairman. No objection, I just had a question for Charlie, if I may, is are they planning to use a portion of those remaining funds, the \$20,000, to publish the workshop report?

MR. LESSER: Yes, that will be coming out. You'll have that report by October.

CHAIRMAN SHIPMAN: Is there objection to approval by consent of their request? Okay, seeing no objection, you have our blessing to go forth and do good things, Charlie.

MR. LESSER: The second action item required is the peer review priorities. In 2002 and 2003 there are five species up for review; in 2002, none of them by the external review, but there are four by the SAW/SARC and one by the TRAC.

However, in 2003 there are five species for external peer review, two of which, the black sea bass and bluefish, are up for the SAW/SARC review; and three, the American shad, river herring, menhaden and Atlantic sturgeon, are scheduled for external peer review.

The ASMFC staff feels that three may be overwhelming and has asked for consideration that the Atlantic sturgeon be postponed until such a time as the review would provide more meaningful results due to the 40-year moratorium in that fishery.

So, I think what they're asking for is to allow the external review of the Atlantic sturgeon be postponed indefinitely until such time as it seems to be better appropriate to do so.

They are also asking for reconsideration -- in 2004

and 2005 there are scheduled six species each year for external peer review, and they are recommending that the Atlantic States Marine Fisheries Commission staff review and revise the peer review schedule for those years to fit the staff's time in a more timely consideration to species management requirements. So, do you want to discuss that one?

CHAIRMAN SHIPMAN: Yes, I'd like to take that one. Pat Augustine.

MR. AUGUSTINE: Thank you, Madam Chair. Is the suggestion that they would possibly come up with a staggering schedule so there wouldn't be so many in one particular year?

MR. LESSER: Yes, I think Lisa may be better able to describe it, but I think they feel overwhelmed with more than two or three a year; that they just wouldn't have sufficient time to devote to them.

MR. AUGUSTINE: What kind of a time line would it take to get ourselves on some kind of a balance where we could do that? Maybe Lisa could answer that. I guess the question is how many reviews come up every five years or during that cycle; or, is there any way that we could look at a chart and say here are the 17 species or however many there are and figure out how we can go ahead and peer review three a year, external peer review three a year, or what's the maximum number?

I think Charlie said three would be ideal, but what's the maximum number of years it would take to get us on a cycle where you could do that?

CHAIRMAN SHIPMAN: Dr. Kline.

DR. LISA KLINE: We've set out a schedule. We started the external peer review process a couple of years ago and that was kind of the start of it.

The five-year trigger with the 20-some species that we have would be about four species per year. The problem is we've now just kind of backlogged.

We've been working with Terry Smith on the SAW/SARC and they're actually scheduling their peer reviews on a three-to-five year basis and they're doing a long-term planning.

Some of our species are included in that; some of the joint species as well as striped bass, shad could go there. And we've kind of left the SAW/SARC end a little bit open and asked them to accept one or two species during every SAW/SARC, so two in the spring, say, two in the fall.

That takes some of the workload off of us. Terry and I tried to coordinate that, but it's also trying to fit our species into the SAW/SARC schedule, so there's

not only our own external peer review where we have to coordinate the fully external, but the coordination with the SAW/SARC schedule and that's kind of the planning that we'd like to do.

What we'd like to do is work with the management boards, have maybe staff work directly with the boards and see if we can fit in those peer reviews based on the management schedule and the needs of the management boards.

But the schedule that I've run takes us out to about 2006; and as we postpone, we just keep jamming the next year. So, I think we need to look at a much more long-term plan and coordinate this with the SAW/SARC process.

CHAIRMAN SHIPMAN: I think it's an excellent suggestion. Other comments? Bruce.

MR. FREEMAN: I support the suggestion. It's just ludicrous to try to meet an unrealistic schedule and do a poor job of it. So, I have no difficulty.

I do have one comment relative to the sturgeon. The fact that there is a moratorium and there is no taking, there, essentially, is no information so far as any state contributing to the taking of sturgeon. Are we ever going to be in a position of doing another stock assessment? I mean, what information do we use?

CHAIRMAN SHIPMAN: There are some fishery-independent studies going on that are reported on every year in the compliance reports that the states submit.

The U.S. Army, for instance, is doing quite a bit of work in Georgia and we submit those data. But, I mean, it's an excellent question.

MR. FREEMAN: But on a coastwide basis -- I mean, that was one of the aspects we looked in the very beginning is that essentially you're not going to have any information or it's only going to be fragmented. Therefore, I'm just curious as to how we could actually do another sturgeon stock assessment.

CHAIRMAN SHIPMAN: I think that's a question probably better answered by the Technical Committee and our staff than the Board. It's an excellent point. George Lapointe.

MR. LAPOINTE: My comment was going to be about sturgeon as well; and not that I'm opposed to postponing it, but that we should review that at some time. "Indefinite" sounds too indefinite.

With a moratorium and trying to maintain support for that, if we do nothing for years and years, we'll look like we've just taken it off our radar screens, and I don't think that's appropriate. So, I think the idea of going to the Technical Committee is a good one, Susan.

CHAIRMAN SHIPMAN: Okay, without objection, we'll refer that particular issue to the Technical Committee. Is there objection to approving postponement of the Sturgeon Peer Review and approving their recommendation that staff be allowed to review and revise the peer review schedule?

I see no objection, so we'll accept that recommendation by unanimous consent. Charlie, the next item.

MR. LESSER: The third action item is the evaluation of the Technical Committee size and function. There is concern amongst the people about the roles of the technical committees, the technical committee chairs, size, makeup, et cetera, et cetera, and how they interact with the FMP Boards.

The ASMFC staff has made a recommendation to appoint a Committee of 10 to 12 members comprised of MSC members and technical committee reps, Policy Board members and, hopefully, some Policy Board people appointed by this Board to address this issue. Consequently, there has been no action taken on this other than to try to formulate such a committee.

CHAIRMAN SHIPMAN: Thank you, Charlie. If there is no objection from this Board, I would like to get with staff and see what we collectively think a good balance would be, and I would make the appointments from the Policy Board. Okay, I see no objection to that approach. George.

MR. LAPOINTE: Not an objection but a question, if I might. What is the concern about the roles; I mean, size? Are some too active? Are some not active enough?

MR. LESSER: I think it varies, George. Some are very active. Some of the technical committee chair persons have maybe a bias in how they address these different issues.

There are concerns of being over -- some states have five and six members whereas other states only have one or two. There's a lot of imbalance there, and I think it has to be taken apart and put back together again to make it run better.

CHAIRMAN SHIPMAN: Thank you. Other comments or discussion on this item? Well, I will get with staff and we will make those appointments. Thank you, Charlie.

MR. LESSER: The fourth issue has already been approached, but we took up the issue of conservation equivalency. There is some concern amongst the MSC members in adjoining waters where conservation equivalency is taken into effect; for instance, in

Delaware Bay.

If you fish on our side for summer flounder, it's 17 inches; if you fish on the Jersey side, it's 16 inches; you go out three miles, it's 15.5 inches.

So, there's not only a state of confusion, there's a state of consternation amongst our anglers of what are we trying to do. We feel that the whole subject, especially from law enforcement point of view, they're frustrated.

On-the-water enforcement may be a thing relegated strictly to shore zones because on the water where that imaginary line is would be next to impossible for the average angler to determine or have knowledge where he is.

So, we want to reconsider the whole thing as it applies to appropriate management. What we've suggested is at the October meeting there be held a half-day workshop amongst enforcement staff, scientific staff, management staff and board members, if they so choose, to address this issue and just try to get to at some of the ineffectiveness that may come from what appears on paper as equivalent, but in terms of the anglers and the fishermen it creates a state of confusion.

We know it has been addressed before but we'd like to take another stab at it. With your blessings, we'd so arrange such a meeting.

CHAIRMAN SHIPMAN: Okay, thank you, Charlie. Comments on this item? I know it's one that comes up in many board meetings and certainly is a timely issue and a very vexing one. Pat.

MR. AUGUSTINE: Thank you, Madam Chair. In view of the fact that we're retracting the length of our meetings and we're compressing more activities in a shorter period of time, I guess I'd ask the question of Jack whether or not we can find time or make time for this very important issue at our fall meeting. Is there enough time to arrange a half-day to do this?

CHAIRMAN SHIPMAN: What I hear Jack saying is if it's something that the Board would like to do, the time will be made. I would suggest that this could possibly replace one of our technical workshops, that this would be --

MR. AUGUSTINE: Oh, I'm all in favor of that.

CHAIRMAN SHIPMAN: Not that the technical workshops are not good -- don't get me wrong.

MR. AUGUSTINE: I mean, they're very good, Jack, but it's more than I can handle. I'm on overload with all that crunching stuff. In all seriousness, I think it's an important issue and it is a major concern.

I know we have it between New Jersey and we

have Connecticut and ourselves and this is the first year in quite a long time -- in summer flounder in particular - - Connecticut and New York are going to be at 17 so there won't be much confusion which side of the line you're on.

I think we may have some confusion with, again, New Jersey, but the reality of it is, I think it's an issue that has got to be addressed, and I think maybe we will come to a conclusion that contiguous states will all end up with the same size, maybe with an agreed-to season that would benefit all.

But until we get to a point where I think we can sit down and really address it, I think we're spinning our wheels. I do believe we should have this. Thank you.

CHAIRMAN SHIPMAN: There appears to be support. Any objection to this type of workshop? Seeing no objection, we will ask that time be made on the annual meeting calendar for this. Charlie.

MR. LESSER: That concludes our report on the action items. Unless there's further questions, that finalizes our report.

CHAIRMAN SHIPMAN: Tom Fote.

MR. TOM FOTE: Charlie, I've been seriously concerned and I asked some of the members of the Management and Science Committee -- I wanted to know if it was brought up -- that we're going to be spending a lot more money basically getting better statistics.

I know last year we did a study in New Jersey about one species -- I'm not going to name it because I'm not going to get into that situation -- but the National Marine Fisheries Service estimated we caught a certain amount of this fish.

We went out and did a survey for another reason, artificial reefs, and found that we caught ten times that. Now, if we had come in with our figure because we had done the necessary more intercepts, all of a sudden next year somebody would say, "Oh, your catch has gone up by that much and we have to reduce you by 90 percent."

When we start looking at doing this job better, about gathering statistics, we have to seriously look at how we basically handle those abnormalities that are going to come out of this.

I think the same thing has happened in the commercial fishery when they basically start getting -- we, all of a sudden, find fish that weren't recorded.

I think we're totally underestimating some of the stock by not counting these figures and it basically goes into a long-term situation. We've got to come up with a

method where if we find out that we were totally underestimating the catch, either the commercial or the recreational, how do we handle that?

How do we handle -- the catch just didn't go up, we just got better at recording that catch and how do we go back the five or six years in regression analysis to basically take that into effect instead of saying, "Oh, your catch jumped up 500 percent or 600 percent so we're going to cut you by 500 or 600 percent."

Because, that's going to happen when we have a half a million dollars more to spend on better statistics next year, and I think if we start sampling more docks or sampling at night in certain fisheries, we're going to come up with a whole bunch of fish that we haven't been recording.

I'm really, seriously concerned. I wish the Management and Science would look at this and I guess the Technical Committee is going to have to look at it, also, and the Atlantic Coast Cooperative Statistical Program.

But I'd like an answer because I think this is going to come one day when we're going to be sitting here and we'll wind up with another summer flounder situation just because we have all these big numbers.

CHAIRMAN SHIPMAN: Other comments on this issue Tom has raised? Well, it's certainly something I think Management and Science can discuss, but as you know, it's something the technical committees are going to have to take into consideration, and we have amendments and addenda to plans and we have to deal with them through that way.

Other discussion? Okay, Charlie, thank you very much for your excellent report. I'd like to, if it pleases John Connell, to work in a report from the Legislative and Governor's Appointees now.

MR. JOHN CONNELL: Thank you, Madam Chair. The Legislators and Governor's Appointees met yesterday morning. I would point out we had very good attendance and also excellent participation.

Two major items were discussed, both of which have some interest to this Committee. The first item was the advisory process. If you recall, back I believe it was in January, our chairperson, Susan Shipman, had directed the LGAs to look into this process and see what they could do to possibly improve it.

This meeting provided the groundwork meeting to move ahead into that. A very lively discussion took place regarding the problems and concerns with the current state of the advisory process. I don't think I have to repeat them all.

Each of you has in your own way addressed these at management board meetings, and I think you know what they are. We did receive suggestions towards taking the first step into coordinating solutions to these issues.

A recommendation to form a subcommittee to focus on improving the advisory process will be forwarded by me to our LGA chairs. As the Vice-Chair, I chaired this Committee and I'll forward this recommendation for their appropriate attention and action.

The second major item that was discussed was LGA involvement in the management process, particularly the involvement of permanent proxies in the management process.

I was asked to bring forward a recommendation, which I will make to the Executive Committee but share with you. This recommendation is being forwarded without objection that the LGA group requests the Executive Committee to recommend to Fishery Management Plan Management Boards that consideration be given to permanent proxies for commissioners to serve as Chairs or Vice-Chairs of an FMP Management Board.

Again, this didn't require a motion. It is not something that's written in stone that they can't, but we're basically talking about past practice that has been followed.

The LGA group thinks that perhaps this practice should be put aside, and some of our permanent proxies have particular expertise in many of the species areas and should be considered for Chairmanship and Vice-Chair.

The only other two items we discussed very briefly -- special management zones, and we were brought to understand that our concerns with special management zones are being addressed by Habitat and Artificial Reef Committees.

Some very preliminary discussion was raised regarding concerns about the sea turtle issue that we see as a major, major thing coming up in the future. And that completes the report.

CHAIRMAN SHIPMAN: Thank you, John. Questions of John or that report? Y'all had an excellent meeting, very good attendance. John ran a jam-up meeting, as I would say, and it's very good. Pat.

MR. AUGUSTINE: Point of information, Madam Chair. Is that going to be your last chairmanship meeting?

MR. CONNELL: If past practice goes, yes.

CHAIRMAN SHIPMAN: Okay, thanks very much. We have one other item, Item 6, which is to review/discuss the results of the survey dealing with regulatory frequency. Dieter Busch.

MR. BUSCH: Thank you, Madam Chairman. Approximately a year or longer ago, former Chairman Mr. Borden requested that we send out a survey to see how frequently -- well, the timing and the pain caused by regulatory changes.

We had prepared a survey form and mailed it out and got two or three replies at that time. Then we regrouped and based on some recommendations from some of the commissioners, we added emergency regulatory changes to this process.

This was sent out again, and we came back -- we received eight replies. I'm going to present to you the information. I didn't make a handout because these were really personal notes on the questionnaires, and I honored your information and summarized it in this format instead.

Seven of you identified yes; one, no, but you also had a lot of comments on it. Frequency was not the only issue. We should reduce the number of changes in regulations that usually require emergency actions.

Needs of the fishery should drive frequency. I thought that was a very nice comment. Regulatory changes may be required each year but it should not be all species every year, plus emergency actions.

So, the pain was well described in the eight responses that we did receive. How many are acceptable; one to two and then another group of four answered "as needed."

Does your agency support favor combining proposed regulatory changes? Seven of you answered yes and one had no opinion.

One state indicated that fisheries have a limited opportunity to go to the Board for rulemaking because of the broad scope of regulatory issues that they must handle.

Tried to go to the public hearing in May; the Board, late June- August; effective late fall for new calendar year. That was one of the responses that was very detailed.

Are emergency regulatory changes processed the same as others? Two yes; six no. Six that identified no -- agency policy is to limit emergency rulemaking. Although expedited, they receive heavy scrutiny and are twice as much work; require review and approval of legislative oversight.

Are you limited by the frequency that you can

request and implement regulatory changes? One yes; seven no. The yes said if it requires statutory action, it can take up to two years.

Yesterday at the Lobster Board meeting there was some discussion about regulatory changes as far as implementing new actions, and the Chair identified that it may take up to two years to do that.

And this, again, is in line with the survey results. For those who answered no, they adopt regulations every month. I guess that's no problem with frequency in that case. Agency policy is to limit emergency rulemaking and system gets strained with too many.

When do you usually make your regulatory changes? Four states in January; three states, it varies; one state, different for each fishery species.

If the Commission through its boards tried to focus or direct the changes, four states identified January as the preferred month, three February and one November.

Summary from these results -- states would like to limit regulatory changes. January-February is the preferred general time period. Emergency rulemaking should be very limited.

My conclusions from reading all those survey reports, there is a lot of pain in regulatory changes, and as such we should respect that and we should try to limit this.

As the commissioners have talked in the past year or two, keeping regulations in place for more than one year is one of the significant actions that can be taken without trying to force the regulatory changes into a time frame which may or may not fit the majority of states.

Emergency actions should really be used for emergency purposes. Thank you, Madam Chairman.

CHAIRMAN SHIPMAN: Thank you, Dieter. Discussion on this issue? David Borden.

MR. BORDEN: Thank you, Madam Chair. The issue that has concerned me consistently in this particular regard is how we communicate with the public. Everyone knows how small the state of Rhode Island is.

In our case we put out somewhere on the order of 160,000 marine abstracts in an effort to try to keep the public up to date of regulatory changes.

I'm sure all the other states do the same thing and put out far greater numbers than we do. But the way we have done business in the past makes it almost impossible to have an abstract go out the door and have it up to date.

So frequently we find ourselves confronting, say, a

recreational angler some place, they have a copy of the abstract; the abstract is out of date. And it's only six months out of date.

So, I would have, personally, no problems putting out abstracts, for instance, twice a year, if I knew in advance that, for the sake of argument, that at the fall meeting we were going to promulgate a series of regulations that we would take actions and that would give the state, you know, "X" number of months and they would be effective, say, January 1st.

And at the spring meeting you would take action on another group of specific Board recommendations and then they would have a different implementation date. I could tie my public information process to that somehow to try to inform the public. But, I mean, failure to standardize this, I think, does all of us a disservice, and particularly our constituency.

CHAIRMAN SHIPMAN: Thank you, David. Tom.

MR. FOTE: I notice our brother from Pennsylvania is not here, but Pennsylvania runs into another situation. I mean, their striped bass regulation, because of the process they go through, that even though Delaware and New Jersey changed their striped bass regulation one year, they had to wait another year to do that because they have to go before the Boat Commission, and it starts a process that takes almost a year to get the regulatory changes.

So, if they don't have it in like August of the year before, they're not going to get it until a year and a half later. That's a shame because that, again, runs into the other problem where even though we don't have conservation equivalency, we just have different regulations, because it takes the process of that state so long to get regulations in place.

CHAIRMAN SHIPMAN: A.C. Carpenter.

MR. CARPENTER: I'd very much like to support Dave's contention that once or twice a year or at least some fixed schedule so that you knew in advance what you're dealing with would be very instrumental.

Quite honestly, I think all of the major species of major concern are relatively long-lived animals. We can live with one year of constant regulation. We don't have to have this moving back and forth every year.

I'd very much like to see a program where we could limit changes to once or twice a year or at least know that the annual meeting and the spring meeting are the times when changes are going to become effective or have a uniform set of effective dates.

While I'm on this, if we could have a uniform set

of reporting periods for all of the reports for the species that we have to submit, that might be helpful, too.

CHAIRMAN SHIPMAN: Mr. Travelstead.

MR. JACK TRAVELSTEAD: I think it would be helpful if we could have staff pull all the management plans off the shelf and look at the time frames that are specified in each one of those.

I know that a lot of them, there are different fishing years for a number of different species, and put all of that on a table and see how we might be able to shift some of them to correspond to what David is asking, you know, with regulations being done at the spring and fall meetings.

CHAIRMAN SHIPMAN: I think that's an excellent idea, Jack. And what I had in mind, there were some common themes we heard there and one was look at changes in regulations at the beginning of a year.

We do need to look at fishing year and see what we've got. Also, hold regulations in place for a considerable period of time. I think that's a common theme we're starting to hear in more boards, let's not be changing these regulations constantly.

So, I would like to ask staff to put something together for us to look at. If it can be done by the July meeting, I would like to work that into a July discussion. I had Pete next and then I've got Bob Palmer and then A.C. and somebody in the back -- Bruce, I think.

MR. W. PETE JENSEN: I think there's another dimension to this. Every state has its own particular system. There's always a tension between who has the authority and is it enough and when is it too much between the legislatures and the agencies and the commissions and the fishermen.

One of the things I think the Commission ought to think about is which of these things that are now, I think, being considered emergency regulations really could be accomplished by notice; for example, a change in trip limit or, you know, a change of that level.

So, I think we need to think a little bit about how many of these things might be encouraged by something less than "an emergency regulation" and whether that, in fact, is possible in all of the states.

Some states I know have notice authority, some don't. But I think we need to think about that level of change in addition to the other things we're talking about.

CHAIRMAN SHIPMAN: Thank you, Pete. Bob Palmer.

MR. BOB PALMER: I just wanted to say that I'm sure we've all thought a lot about this and have tried to come up with ways to inform the public, especially recreational anglers.

If when you're thinking about this, we can try to build in some time period between the time when we are certain of our action and our action goes into effect, and that is the most important thing in terms of trying to get published information out to the public in a timely fashion.

CHAIRMAN SHIPMAN: I think that's something we may want to look at in this schedule, Bob, is, you know, when is the effective date of the plan and what's a lag time of a regulation because that is very important. I had A.C. next.

MR. CARPENTER: Yes, did I understand you to say you wanted the staff to look at it in terms of a fishing year?

CHAIRMAN SHIPMAN: I'm not familiar with all the plans, but it seems some of the plans are driven by fishing year and when changes would go into effect, and I think that's an element that has to be looked at.

MR. CARPENTER: Yes, and I think the idea of using a fishing year is really part of the problem because the fishing year for summer flounder starts in North Carolina differently than the fishing year for summer flounder starts in Connecticut.

You know, quite honestly, that's what got us into the problem with flounder to start with was that we wanted to wait until December to decide what the regulations were going to be because, quite honestly, the fish don't show up until May.

Well, we need some consistency in this thing and we need to be able to let the public know. I think Bob is absolutely right; the timing ahead of this is part of the answer. But I think fishing years is part of the problem, as well.

CHAIRMAN SHIPMAN: I think it will be enlightening to look at that on a spreadsheet of the different mix we have. Bruce, I believe you were next.

MR. FREEMAN: Two observations. In the last two years in particular, because of the inability of the federal agency to get its specifications in place, the Commission really has taken over the management of summer flounder, scup and sea bass, at least for six months of the year.

That has created a tremendous increase in administrative and scientific involvement by the states and, in my opinion, has gotten us into this crisis.

The other point is because on the federal plans, in

order to get any change, even through a framework or any other system we try to devise, it usually takes over a year. Therefore, we see the need to make a change in the fishery.

Everyone agrees a change needs to be made, but it can't be made through the Council process; the Commission ends up doing it.

So, our workload is increasing tremendously. We're running into these problems of having to change regulations every six months.

And that is, in my opinion, much of the problem and the frustration we all have to deal with. It's a tremendous increase to go back and look at the amount of time you're spending. It's amazing. So, I think that's one of the difficulties.

Hopefully, that system will straighten out. From the Mid-Atlantic Council what we're doing is looking at a two-year time frame to try to keep regulations in place. But right now it's very confused.

The other observation; it seems to me, my recollection going back four or five years, we had, I think, at one time, and it may have been in the winter where we looked at reviewing all the plans.

It got such a workload on staff we decided to break it up. Now we're breaking it up and saying, "Well, we need to put it back together." I mean, we work in circles and that's normal. But, I would simply suggest to staff is to look at this -- and they will -- but we've been around the circle once.

But I also suggest that we look at the increased workload on those several species as creating much of the problem we have. Hopefully, that will straighten out.

CHAIRMAN SHIPMAN: Thank you. Any other discussion on this issue? Charlie.

MR. LESSER: Just one comment. The most common comment we hear from frustrated anglers is they would -- like it or not is they want to set their scheduled vacations for the summer months and et cetera, et cetera, et cetera.

They're very disappointed that the major outdoor expositions and fishing shows that usually occur in January and February that we don't know yet what's going to happen.

We get a tremendous amount of correspondence of when and where so we can plan ahead. So it's very important, as Dave mentioned, to get the literature out in time so these people can make appropriate plans.

CHAIRMAN SHIPMAN: Yes, Ernie.

MR. BECKWITH: Just a follow-up on Charlie's

comment. The charter/party people go absolutely bananas every year when I can't tell them what the summer flounder regs are going to be because they have people calling them all through the winter time.

That's when they book their trips. So, it's really important that we set our regs early in the year.

CHAIRMAN SHIPMAN: Tom, did you have a comment?

MR. FOTE: Just to echo what Charlie says. I mean, it's one of the easiest ways. A lot of people that show up aren't the ones with computers. They're the easiest people to reach. We can't give out the Fishing Digest then.

It would be lovely to give it out in January with all those shows because that's when the shows are. It would be the greatest chance to reach all those recreational anglers.

CHAIRMAN SHIPMAN: Melvin.

MR. MELVIN SHEPARD: In listening to all this, I want to add the legislative element because it ought not to be overlooked. The one thing in North Carolina - - and I suspect all the other states -- that every legislature, every one listens to with sympathy are the complaints you're hearing around this table.

The ones that they, in talking to them, that they say to me, "Why are the complaints that say things like they have a regulation coming behind a regulation before the effects of the first regulation are even heard, or they've changed this so quickly that I can't keep track of it and why are you jerking the fishermen around? Why don't you do this thing right the first time?"

I suspect that goes on in every state. Those same complaints we're hearing here are voiced to the legislators.

CHAIRMAN SHIPMAN: Point well made. Well, I think there's common sentiment that this is an issue we really need to take a long, hard look at. I'm asking Dieter and the ISFMP staff to bring back to us a comprehensive overview, if you will, of our plan-specific requirements, the frequency, the timing, the schedule for changes, that type of thing, the different seasonal adjustments, you know, the whole nine yards.

We'll take a look at that in July and then, hopefully, come up with some recommendations to give back to all of the boards. If there's no objection to that approach, that's what we'll ask staff to do.

Now we're down to other business. Pat Augustine had an item.

MR. AUGUSTINE: Thank you, Madam Chair. I reviewed the minutes of the meeting, and thanks to Mr.

Jensen who brought it to my attention, there was an issue that Gordon Colvin had raised relative to the additional funding for the advisory panel meetings of \$50,000.

Then yesterday when we received our budget, I looked at that, and I compared the two and the budget has put out an amount of \$21,000. Since this was passed out and this was reviewed, we've had a long discussion about advisory panels in the LGA meeting.

We came up with some ideas as to how we might improve their involvement and getting the advisory panels more involved in the process.

So, I guess my concern is that Gordon had raised the issue to \$50,000 and we came out with \$21,000, and I'm not sure that the conversation we had yesterday had anything to do with going from \$50,000 down to \$21,000, so I'm wondering if someone could at least address the issue of the \$30,000 Delta.

CHAIRMAN SHIPMAN: What I had planned to do -- I think this is an Executive Committee discussion, which we'll be going into very quickly, I might add.

We will be going through the budget and I'm sure you may have some questions. There's also an overview sheet that talks about the new monies; and if we could, would you like to address it then?

MR. AUGUSTINE: Thank you, Madam Chair. I was concerned as to when I should bring it up, because we did approve the minutes of the meeting and then there was a disconnect between the two. So I will, again, reiterate in the Executive portion.

CHAIRMAN SHIPMAN: Okay, thank you very much. Is there other business to come before the Policy Board? If there is no other business to come before the Policy Board, is there any objection to adjourning?

Okay, we have a motion to adjourn; any objection. Hearing none, we're adjourned.

(Whereupon, the meeting was adjourned at 9:00 o'clock a.m., April 26, 2001.)

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