

PROCEEDINGS  
of the  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
54TH ANNUAL MEETING  
ISFMP POLICY BOARD MEETING

COPY

November 1-2, 1995  
Hawthorn Suites Hotel  
Charleston, South Carolina

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ATLANTIC STATES MARINE FISHERIES COMMISSION

54TH ANNUAL MEETING

Hawthorn Suites Hotel Charleston, South Carolina

October 29 - November 2, 1995

ISFMP POLICY BOARD MEETING

WEDNESDAY AFTERNOON SESSION

November 1, 1995

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The Wednesday Afternoon Session of the ISFMP Policy Board Meeting of the 54th Annual Meeting of the Atlantic States Marine Fisheries Commission convened in the True Laurel Room of the Hawthorn Suites Hotel, Charleston, South Carolina, November 1, 1995, and was called to order at 2:43 o'clock p.m. by Chairman Gordon Colvin.

CHAIRMAN GORDON COLVIN: We will call to order the meeting of the Atlantic States Marine Fisheries Commission ISFMP Policy Board.

I will ask the ISFMP director to call the roll.

(Whereupon, the roll call was taken by Mr. George Lapointe.)

MR. GEORGE LAPOINTE: Mr. Chairman, you have a quorum.

CHAIRMAN COLVIN: I have some announcements to make, agenda announcements and others. The first and most important announcement is that you are urged to turn in your fishing tournament forms ASAP if you're at all interested in being in the competition for the prizes. They are due this afternoon.

The second announcement, as I indicated at the luncheon, is that we do anticipate accelerating tomorrow's meeting schedule. If people will keep in touch with the reception area, we'll be able to give you our best guesstimate of how we are progressing and at what time we expect to convene the Executive Committee and the Business Meetings of the Commission.

I have some agenda changes. The agenda has been distributed. Agenda Item 5, Report of the Committee on Economics and Social Sciences, will actually be heard as the fourth agenda item.

The item that appears as Item 4, Status of ISFMP Fishery Management Process, will be merged with Item 11, Review and Approve 1996 Action Plan. And they

will appear in that order, where Item 11 appears on the agenda.

It will be my intention to address the recommendation of the Weakfish Board on Maryland compliance during that agenda item.

I also want to announce that members of the Law Enforcement Committee had hoped to be with us this afternoon to participate in discussions and to respond to questions that members of the Policy Board might have on enforcement issues. However, they had another scheduled activity this afternoon and were unable to stay.

I couldn't do it with a straight face; I really tried. But I'll have to tell Bob and Wayne later that I did my best. But they did in fact have another scheduled activity. They will be with us tomorrow, and they will be pleased to respond to our questions at that time. They will, of course, make their report to the Commission during the Business Meeting.

The next agenda item -- well, before I go on, are there other additions, corrections or concerns about the agenda? Dick Schaefer.

MR. RICHARD SCHAEFER: Mr. Chairman, I just would like to know where on the agenda we would discuss the item I brought up at the Weakfish Board meeting regarding recommendations for the Secretary on EEZ regulations?

CHAIRMAN COLVIN: Agenda Item 11, Dick. Bruce Freeman.

MR. BRUCE FREEMAN: Gordon, I have an issue I'd like to bring up sometime on the agenda. It deals with states having access to technical information in order to run their own analyses, some problems we're running into. And I'd just like to bring it to the Board's attention.

CHAIRMAN COLVIN: Other Business acceptable for that purpose, Bruce?

MR. FREEMAN: Yes, fine.

CHAIRMAN COLVIN: We'll recognize Mr. Freeman under Other Business on access to data.

Other agenda issues? Jamie Geiger.

DR. JAMES GEIGER: Mr. Chairman, I notice under the agenda for the schedule for the Executive Committee we have funding priorities under the Atlantic



Coastal Fisheries Cooperative Management Act. I believe last year at the Policy Board meeting, we had a recommendation or a meeting or briefing on recommendations.

Is it the intention to at least have some preliminary discussion of that in or during this Policy Board meeting?

CHAIRMAN COLVIN: No. Discussion will not be lengthy, let's put it that way.

Anything else?

The next agenda item is Public Comment, and I will be recognizing at least one party in this section, but let me also emphasize at this time that it is the intention of the Chair that as our guests and all attendees to our meetings would like to have opportunities to be recognized on the issue, the agenda item issue that we're on, if they would make that known, we will recognize them at any time during the meeting on issues that we are discussing.

While we do have this one item at the top, this is not the last opportunity to comment on matters that will be before us.

At this time, I would like to recognize Mr. Manus to introduce one party that would like to share some comments with us.

MR. ANDREW MANUS: Okay. And I am going to pass the baton to my good friend, Charlie Lesser, who'll make the introduction.

MR. CHARLES LESSER: On behalf of the Delaware Audubon Society, I'd like to introduce Jane Lareau to speak on behalf of the National Audubon Society.

MS. JANE LAREAU: My name is Jane Lareau, and I represent 3,000 members of the South Carolina Coastal Conservation League, the organization I work for, and 1,000 members of the Charleston Natural History Society, which is a chapter of the National Audubon Society.

I was asked to speak by the National Audubon Society because I live here, and in fact am nearby, and so it was possible for me to do this, regarding a resolution that was passed by the National Audubon Society, the American Birding Association, the American Bird Conservancy, Cornell Lab of Ornithology,

and many other organizations. And I believe that resolution is being passed out to you now.

The resolution asks for emergency regulations to effect a moratorium on the live catching and dredging of horseshoe crabs on land and in the waters around Delaware Bay until a joint study and a comprehensive management plan can be implemented on the population of horseshoe crabs in Delaware Bay.

The connection between horseshoe crabs and migratory shorebirds is well known. Each spring, more than a million and a half shorebirds move up the Eastern Coast of the United States. Two of the most important refueling stops for these shorebirds are here on the coast of South Carolina in the Cape Romain, Bulls Bay and Santee Coastal Reserve area just north of here, and Delaware Bay.

In both instances, the birds' stopover is associated with the presence of spawning horseshoe crabs and their eggs, which are an irreplaceable food source for them. Delaware Bay and Cape Romain have more shorebirds stop over than anywhere else on the East Coast.

The birds that move through here in the spring are on their way to Delaware Bay, where they will refuel once more before moving further north to nest in the spring. In the fall, the birds that move through Delaware Bay come through here later.

Because these are the two largest and most critical refueling stops, if one were to decline, scientists are not sure the other would be able to sustain the loss.

Studies at Fordham University, the University of Delaware College of Marine Studies and other research institutions are revealing a rapid decline in the horseshoe crab population in Delaware Bay in the past five years. Commercial catching by dredging is the leading cause of this decline. If this continues without an understanding of how much loss the horseshoe crab population can sustain, there could be an irreversible crash in the Delaware Bay population with harmful consequences for all the migratory birds that depend on their annual spawn.

Clearly, this will affect the populations that we here in South Carolina look forward to every

year and have implications beyond that also.

On behalf of my organizations and all the undersigned organizations of the resolution, I would ask you to seriously consider the request and take whatever action is necessary to forestall a collapse in the horseshoe crab fishery, and a resultant trauma to millions of shorebirds along the Atlantic Flyway.

Thank you very much for this opportunity. I'll try to answer any questions.

CHAIRMAN COLVIN: Thank you. Are there any questions? I do understand that this issue will be addressed later during the presentation of the Management and Science Committee as well.

Thank you very much, Ms. Lareau.

Bruce, sorry.

MR. FREEMAN: I do have some questions, but they certainly could wait until the report of the Science and Management Committee.

CHAIRMAN COLVIN: Why don't we do that? I think that might be best, because we'll have some suggestions coming at us at that point as well. Thank you.

Are there any other persons or guests who would like to make comments at this time on any matter that might be of interest to the Board? Thank you.

The next agenda item will be the Northeast Biological Sampling Program. Mr. Dunnigan.

EXECUTIVE DIRECTOR JOHN DUNNIGAN: Thank you, Mr. Chairman. I'm going to be very brief, so that we can give Alan Peterson, if he's still got two minutes left, an opportunity to say something.

At the Policy Board meeting in Washington a couple of weeks ago, the staff was asked to begin to work with the Northeast Fisheries Science Center to put together a cooperative program for biological sampling in the Northeast. We have started talking to the center about that. I think that indications we're getting are that they're very open.

Lisa Kline and I are planning on heading up to Woods Hole within the next couple of weeks to sit down with the center director and his staff and begin to see what we can work out.

That's an update as to where we've come since the meeting in Arlington, and Alan, if you still

have a minute or two before you have to run to the plane, I'd ask you to just say a couple of words about what your intentions are. Sorry it's taken so long to get you here.

MR. ALAN PETERSON: That's one way to keep my words few, isn't it? Very briefly, I'd just like a couple or few points for the Commission. There were some misunderstandings perhaps early on what was happening to the biological sampling program when the statistics program was transferred from the Research Center to the regional office. That has caused a change in how we do business.

We will continue to collect biological samplings. That's a basic requirement of the Research Center, and it's fundamental to the work that we do. How we do that is open to question at this point in time, and we will need to either reprogram our internal resources to do the work or seek some kind of a contract arrangement with outside parties. That's what we would like to do.

The second myth that was circulating, there is no pot of money. Any money to support this

work comes out of our basic operating budget. And quite candidly, right now, from the line item that we support this kind of work with, it would probably mean the loss of sea sampling work. That'd probably be the trade-off.

Our interest is working with the states through the Atlantic States Marine Fisheries Commission. We believe the states have a proprietary interest in the information, and that's where we believe we would like to work cooperatively with the states to collect this information.

However, we cannot enter into agreements with each and every state and try to justify those through the system on sole source contract arrangements. It would be extremely complex and difficult to do. So we are hoping -- and I've talked with Jack to some extent about the ability to make the agreement with the Atlantic States Marine Fisheries Commission, and then agreements with the states through the Commission in order to accomplish this.

That's where we are at at this point in time. We're discussing. As Jack indicated, they'll be coming up to the Center. We'll be putting pencil to



paper, working out the details on how we can make this work. I hope we can. If it can't work for whatever reasons through this organization and with the states, I can assure you we will have a sampling program in place. The information is not going to be lost. As I said, it's a basic requirement for us.

But we'd like to do it in a cooperative venture. We think that's the best way to go.

So that's where we're at, Mr. Chairman. I thank you for giving me this brief time. I apologize for having to leave, but I have to be back in Woods Hole tomorrow morning, and unfortunately there aren't that many planes that are going to get me from here to there on any reasonable time frame.

CHAIRMAN COLVIN: Thanks, Alan. Glad we were able to get to this before you had to leave.

MR. PETERSON: And certainly my boss is well versed and can continue in my absence. Thank you.

CHAIRMAN COLVIN: Thank you, Alan.

Are there any questions for Jack on this issue?

EXECUTIVE DIRECTOR DUNNIGAN: We will be

apprising the states of the progress we make shortly after we get to Woods Hole and before the December meeting.

CHAIRMAN COLVIN: Thank you.

The next item is the report of the Committee on Economics and Social Sciences. Dr. Kline will introduce that report.

DR. LISA KLINE: The Committee on Economics and Social Sciences has met twice, once last May and this morning from 9:00 till noon. We did elect a chair and a vice-chair this morning. Lee Anderson was elected chair, and Bonnie McKay was elected vice-chair, and I will turn it over to Lee to give the report for the committee.

DR. LEE ANDERSON: Thank you very much. I was elected this morning after the document was already written, so I requested that Lisa stay and act as staff here to make sure I don't make any mistakes.

Mr. Chairman, this is my first time at one of these meetings, so I may not know all the proceduress, but as I've been instructed, I will go through the recommendations from our committee one at a

time and allow the Board to act.

CHAIRMAN COLVIN: We all know, Dr. Anderson's really alien to this whole management process. He'll have a great deal of difficulty addressing us, because he's so shy and retiring. He's not at all.

DR. ANDERSON: That is indeed an apt description.

CHAIRMAN COLVIN: There is information behind Tab 12 in the briefing book relative to the committee's work.

DR. ANDERSON: And on Page 33 of the item behind Tab 12 is a copy of our draft recommendations. I'll just go through those. Some of them remain as they are. Others have been changed as of this meeting.

The first recommendation is that -- we adopted the recommendations of the 1994 Workshop on Socioeconomic Data Collection and Analysis in Recreational Fisheries Management with some minor modifications. That was one of the tasks that we were asked to do. And the modifications are technical. Substitution of zip codes for travel time, and the

deletion of residence.

DR. KLINE: If you turn to Page 28 of that report, you'll find two tables. The first ones are data elements that are recommended to be collected through the MRFSS on an annual basis; and Table 3 on Page 29 are data elements that are recommended to be collected on a periodic basis.

Some of these data elements are currently collected in the MRFSS; the ones in italics we would like to recommend that they be added to the survey. And this would support some basic analyses for social and economic information.

CHAIRMAN COLVIN: This constitutes the committee's recommendation that the Board, presumably that the Board communicates to the National Marine Fisheries Service these recommendations for data elements to be collected under MRFSS. So there is a recommendation before the Policy Board to communicate these recommended data elements be added to MRFSS.

DR. PAUL SANDIFER: So move.

CHAIRMAN COLVIN: Moved by Dr. Sandifer.

MR. MANUS: Second.

CHAIRMAN COLVIN: On the motion? We will take the question. All in favor, please signify by saying Aye; opposed, same sign. Motion carries.

MR. SCHAEFER: Abstain.

CHAIRMAN COLVIN: Abstention by the National Marine Fisheries Service.

DR. ANDERSON: Moving on, the second recommendation grew out of our discussion of your charge, Mr. Chairman, of what is the role of our committee, and one thing we did was review the contents of the Commission's Management Program, the outline, which is on Pages 24 and 25 of that document.

The committee reviewed it and made some suggestions for changes, some of them not very substantial, but we thought useful. And those are listed on Page 26 where we've actually said, "Include social and economic benefits in the plan."

There was a major one that I'd like to take a little bit of your time to discuss, and that has to do with the Section 4.2 and 4.3, where, according to this outline, you will describe recreational management measures chosen and the commercial management measures

chosen.

And as the committee read the plan here, nowhere does it require that the teams list the options that were considered while making a decision, nor list the various social, economic, biological impacts of the various options, and then stating the reason why the particular option was chosen.

And we thought that that was a significant problem with this current content, and recommend that the general outline for management plans be modified to include that procedural change. It's fairly standard practice in council organizations.

And so that is essentially the major thing that we would recommend, along with these other ones that are listed, which we can pass on to George and other people that we would want to put in there.

On Page 26, there's a paragraph that says that "The committee suggested a section be included to list and compare alternative management measures prior to Section 4.2 and 4.3, which describes the preferred recreational and commercial management measures. The section should list all options, including the chosen

option and document why the preferred management regime was chosen."

The committee didn't want to say you should put in that paragraph or other paragraphs. We didn't want to do all of your editing. But we thought that that concept should be somewhere in the general outline, and that is the basis for this recommendation.

CHAIRMAN COLVIN: Thank you. We're trying to sort out if we were to act on this in exactly what procedural fashion, and what Commission document would be modified.

DR. ANDERSON: Lisa, will you describe what you told the committee about how this relates to the mandate in the law?

DR. KLINE: Well, this content is based on the charter, and we did present the charter, as well as this document that's on Pages 24 and 25 to the committee. They did some comparison. And I think this is mentioned in the charter.

MR. LAPOINTE: The charter, under Contents of a Fishery Management Plan -- I have the section that's called "Impacts" -- "A summary evaluation

of the biological, environmental, social and economic impacts of the requirements and recommendations included in the FMP."

What Lee and his committee were working off of was an outline of FMPs that I had developed early on when I started with the Commission. So obviously they're trying to flesh that out, so when PDTs are looking at the charter and this outline, they'll include those elements.

DR. ANDERSON: Correct. As I understand it, this is kind of an internal suggested guide --

MR. LAPOINTE: That's correct.

DR. ANDERSON: -- as the Management Boards prepare plans. And we thought it was important enough that when they are handed something to use to prepare plans, that it include that procedural change.

MR. LAPOINTE: The outline hasn't been adopted. Just because we use it as advice to PDTs and to boards, I would just take the recommendation of the committee. It's already an included element in the charter by which the ISFMP is run, so I'd take it as a technical suggestion that we -- we don't need to really



take any action on it. Or accept it.

CHAIRMAN COLVIN: It appears that we do not have an established policy or an established document that would need to be formally revised by this Board in response to this recommendation. However, there is some practice that is guided by staff that could be appropriately guided by the recommendation, and therefore it would be in order for the Policy Board to move to accept the recommendation of the committee in this regard.

MS. SHIPMAN: I move we accept the recommendation.

MR. TRAVELSTEAD: Second.

CHAIRMAN COLVIN: Discussion on the motion? All in favor, please signify by saying Aye; opposed, same sign. Motion carries.

DR. ANDERSON: Mr. Chairman, when I report back to my committee, I'll report in essence the acceptance of our recommendation, that those were the directions of George to make that modification, and I'll also say that we will be happy to work with you in building that up.

The third recommendation that you see on that Page 33 says we are recommending "The Commission hire a staff social scientist to assist the Commission and its member states in effectively integrating, interpreting, and utilizing social and economic information in the fishery management decision making process."

During our discussions today, we wanted to broaden that to say that we believe the Commission should develop the capacity to effectively integrate, interpret, etcetera, etcetera, and we believe that this will involve the hiring of a staff social scientist, but we don't believe that such an individual could do all of that work.

But at least it will have someone on staff to create an institutional memory to do the work, but we also believe that the Commission should have a policy on this which would include, as appropriate, IPAs, consultants working with the staffs of state agencies and NMFS, so that that work can be done.

So it's a little broader than saying, hire a social scientist and say, "Go thou and do the

good work," but develop a policy so that social science and social effects can be integrated in and utilized, etcetera.

So that is our recommendation.

CHAIRMAN COLVIN: There's a recommendation. Is there a desire to accept this recommendation?

MR. FREEMAN: So moved.

CHAIRMAN COLVIN: Moved by Mr. Freeman. Is there a second? As I understand it, the motion accepts the recommendation. It does no more in terms of commit the Commission or the Board to any financial obligation whatsoever.

MR. ED CONKLIN: Second.

CHAIRMAN COLVIN: Discussion on the motion. Mr. Nelson.

MR. NELSON: Yes. Just for the record, Mr. Chairman, just to clarify in my mind. Are we setting a policy that the Board at some time would hire a social staff scientist to assist in the development or the integration of social and economic considerations in the FMPs?

CHAIRMAN COLVIN: Two points. First, I think that the recommendation the committee's presenting is broader than that. As I understand it, to be a recommendation that the Commission develop a capability in this area, which may include the hiring of a staff person, and that further, secondly, that the motion accepts the recommendation and advice, but does not commit to action on it.

Dr. Sandifer.

DR. SANDIFER: Mr. Chairman, my understanding of the motion is that the recommendation is that the Commission would hire a staff member in this area and take additional steps to acquire the capability. My concern relates to the financial condition of the Commission due to the budget exigencies that we are all dealing with.

And I would feel much more comfortable voting for a motion of this type if it were worded simply to say that the Commission should do all that it could to acquire the necessary capability in the social and economic sciences, or something along that line.

I am not willing to suggest to the full

Commission or to the staff that we hire additional personnel at this time.

MR. LAPOINTE: I would think procedurally as well -- and correct me if I'm wrong, Paul -- that these are the kind of matters, hiring of people, that are handled by the Administrative Oversight Committee with recommendation to the full Commission. So should the Board make, this Policy Board make a recommendation, it would go to the AOC for their integration into, you know, our entire staffing and financial plan.

CHAIRMAN COLVIN: Mr. Freeman.

MR. FREEMAN: I would modify the motion to frame it in the words that Dr. Sandifer had indicated, that we do everything in our power to move this forward. Again, my original concept was this is a recommendation, but with the pain threshold as it is in budgets, I would have no trouble modifying that motion.

CHAIRMAN COLVIN: Is that acceptable to the seconder?

MR. CONKLIN: Yes.

CHAIRMAN COLVIN: There's a revised motion on the floor. Further discussion on the revised

motion? Robin.

MS. ROBIN ALDEN: Yes. I feel much more comfortable with the motion as it stands now. And I would say that it strikes me, looking at the part which councils have in developing adequate socioeconomic content for fishery management plans, that this is an area that, if the Commission is taking on significant -- try to develop capacity in this area, that we need to look at this from a policy standpoint and figure out what an appropriate strategy is to be able to do it effectively.

I'm concerned that we end up saying that we should do this agreement, we should do this, and then ending up basically giving it lip service in fact, and putting in a section in the plans that doesn't really adequately address the issue at hand. And that I think, does disservice to everybody in the public.

So I would urge that if we do decide to take this on, we really give some strategic thinking on how to do it adequately.

DR. ANDERSON: Mr. Chairman, could I interject here? It would seem that when we come to

these meetings, you can't hear all of the discussion that went on before, and I understand the budget qualifications. But we were asked by Gordon when he appointed us, here's our charter, here are the things that we have to do according to charter with respect to socioeconomic.

The committee deliberated on two different occasions and came to the conclusion that if you are going to do the obligations that you have, this is the way to get it done. And now, I understand the budget concerns, but that's what we're telling you. If you want to get it done, in the minds of this group of people, a staff person with social science background is a necessity.

CHAIRMAN COLVIN: I think that collectively the members of this Board understand that advice, recognize it and recognize that it has come from a committee of advisors who have outstanding credentials in the field and who have labored hard at our request to produce that advice, and given those qualifications, that it recognizes that is very sound advice.

I think what we're grappling with is our

process.

DR. ANDERSON: I've been on that round before. I just wanted to --

CHAIRMAN COLVIN: George.

MR. LAPOINTE: This discussion is good, and I just recommend people remember this when we discuss the status of the ISFMP process and integration of all these other things over the upcoming year, because they're all important issues, and integrating them in a productive and logical fashion is a challenge.

CHAIRMAN COLVIN: Dr. Geiger.

DR. GEIGER: Mr. Chairman, in regards to this recommendation, I'm assuming that the basic decision making process will still make primary concern on the best available scientific information, and that will be first and foremost in the decision making process, and then any additional information that will be of benefit to further the decision making process, including social and economic information would also be brought to bear.

My concern is that we may be diluting the decision making process and the priorities of the kinds



of information we get to make those decisions. And that's why I'm a little unclear on this recommendation.

MR. LAPOINTE: From my perspective, the dilution will come in that the process will probably be a little longer, unfortunately, but will have more information in it. But it will be social and economic information and data supporting the conservation and management of fish resources. So I don't see those as contradictory at all.

DR. GEIGER: Further question, Mr. Chairman. If we had very elementary biological information, yet we had some social and economic information, would we rely on the social and economic information to make the management decision, or wait and postpone it until we had the basic biological information? That's some of those scenarios that I can see, depending on how one read into this recommendation, what do they pursue?

MR. TOM FOTE: As I got carried away the other day, talking about the 2,000-year-old subsistence fisherman, I realize we also need the socioeconomic and the history of what goes on, and that's what I see in

all of that as far as the technical information that we need to gather when we're making decisions and how we set priorities on who receives the allocation of fish.

So that's the way I look at it. I look at resource construction to protect the resource, and then we make the allocations of what is available to harvest on the resources we're protecting.

CHAIRMAN COLVIN: At this point, I'd like to ask Mr. Freeman if the words at the bottom of the screen accurately reflect his intent as the mover.

MR. FREEMAN: Yes, that would be adequate.

CHAIRMAN COLVIN: Mr. Conklin?

MR. CONKLIN: Yes.

CHAIRMAN COLVIN: Further discussion on the motion? Mr. Beckwith.

MR. ERNEST BECKWITH: Yes. To the motion. I really don't know what it means when it says "everything in its power" to address the issue. I mean, that's awfully broad, and I don't know where that could possibly lead us. Perhaps we might want to phrase it, "the Commission should strive to improve their

capability in addressing social and economic sciences in the fishery management process."

MR. FREEMAN: Mr. Chairman, in reply to that, we have indicated already the budgetary constraints under which we're operating. I think people agree the need for such information if we're going to make these management decisions, be it biological and economic and social. But the two latter factors have to be considered more than we have previously.

The discussion was certainly within budgetary constraints and manpower needs of the Commission, as Dr. Sandifer had indicated. And that wording is nebulous, but quite frankly, I think the record is clear it's committing us to move forward within the constraints of the Commission, and we know we have those constraints.

I'm trying to make certain that we have something on paper, so that in the event we could increase our manpower needs, this would be something given serious consideration.

CHAIRMAN COLVIN: Further discussion on the motion? Susan.

MS. SHIPMAN: Mr. Chairman, isn't the intent to acquire expertise basically in the social sciences?

CHAIRMAN COLVIN: I think that's the intent of the recommendation, and to put it --

DR. ANDERSON: Capacity and expertise process.

MS. SHIPMAN: Okay. To me, that's what that means.

CHAIRMAN COLVIN: If there's no comment, we'll take the question. Will the mover tell us when he's ready with the question?

MR. FREEMAN: I think that it is somewhat nebulous, as Ernie indicated, but the discussion that has gone along with this certainly has caveats that we have to consider, the Commission has to consider, the Executive Committee has to consider. We're not going to act foolishly or hastily without those considerations. I feel comfortable the way this is drawn.

CHAIRMAN COLVIN: The motion's on the board. Is there any further discussion? Dr. Geiger.

DR. GEIGER: Mr. Chairman, should it be

social and economic sciences or social and economic information or data? Consideration of social and economic information and/or data in the fishery management planning process.

DR. ANDERSON: Issues and impacts.

CHAIRMAN COLVIN: Consider that a suggestion to the mover.

MR. FREEMAN: That would be fine with me as a friendly modification. That would be fine.

CHAIRMAN COLVIN: For "sciences" substitute "information and data." Acceptable, Mr. Conklin?

MR. CONKLIN: Acceptable.

CHAIRMAN COLVIN: Dr. Rosenberg.

DR. ANDREW ROSENBERG: I don't certainly have any problem per se, but I hear some discomfort with perhaps its generality, and I would suggest that maybe for later consideration by the Board that you focus on essentially a pilot project within a particular fishery management plan, focus your resources on looking at trying to integrate social and economic information under one of the plans and see how it works out.

But it's difficult at this stage to see how that would specifically work in the fishery management planning process, and it may be appropriate to designate, okay, let's try it in this specific, particular circumstance to address some of the concerns that I think Robin Alden raised and Ernie Beckwith raised that this rather a general procedure.

So I would just recommend that the board consider that as a pilot study with one -- and I have no particular suggestion as which fishery management plan, but that may be a better way to proceed to see how this would work in terms of detail.

CHAIRMAN COLVIN: Thank you. That's a very helpful suggestion. It's reminiscent of how we plunged into habitat by using the Winter Flounder Plan in a similar fashion.

Are there further comments on the question? If none, we'll take it. All in favor, signify by saying Aye; opposed, same sign. Motion carries.

DR. ANDERSON: Mr. Chairman, I'm going to have to turn the mike over to our co-chairman, Bonnie

McKay. I have a plane to catch. I thought I could do this beforehand.

MS. BONNIE MCKAY: Thank you very much. Mr. Chairman, Number 4 on Page 33. It has been revised to have two parts, and rather than read the original, if you allow me, I'll read the two parts. The first part is:

The Commission should ensure the involvement of social scientists from the policy through the technical levels in the design and implementation of the Atlantic Coastal Cooperative Statistics Program.

The second part of this is:

The Commission should ensure liaison between the Statistics Committee and the Committee on Economics and Social Sciences through member appointments to each committee.

The original recommendation referred to the participation of members of our committee in a Statistics Committee meeting, but we deliberated on how important it is that we actually be involved in a regular basis. And the intent of this recommendation is

to realize that.

CHAIRMAN COLVIN: The two parts of the recommendation, I think, may not require Policy Board action. The first part involves ensuring involvement of social scientists in the ongoing development of the Cooperative Statistics Program. I believe that I would turn to the chairman of the Statistics Policy Committee, Mr. Travelstead, and ask him to work with staff and the co-chairs of the Committee on Economics and Social Sciences to endeavor to so incorporate that recommendation.

The second calls on the Commission to establish a liaison between the two committees, presumably through committee appointments. And I believe that it falls to the Commission chairman to appoint members to those two committees, and it would be my intention to make such appointments in response to this recommendation.

I'd be happy to hear the suggestions of both committees as to best how to do that. Without objection, that is how I intend to proceed with that recommendation.



MR. FOTE: While we're talking about appointments, I have a request from the Legislative and Governors' Appointees that they might also be considered for appointment there, to be a representative on the Social and Economic.

CHAIRMAN COLVIN: It's out of order at this point in time, but we'll consider it, Tom.

DR. SANDIFER: Mr. Chairman, may I point out that you have just taken the first action under the successful motion by Mr. Freeman.

CHAIRMAN COLVIN: Thank you.

MS. MCKAY: All right. The fifth recommendation as written on Page 33 is quite long, but as revised is quite short. The recommendation is -- this is really an urging. We urge the Commission to appoint social scientists, and by social scientists we include economists, to the species Technical Committees and Plan Development Teams for each of the species Management Boards.

The intent of this is to avoid the situation which has occurred in many other fishery management regimes whereby the social and economic

issues are an add-on, sort of an afterthought, and we've received input from people who have been -- not social scientists -- who have been very much involved in fisheries management, who recommend that we have very early and meaningful involvement in plan development and the technical matters of fisheries management.

CHAIRMAN COLVIN: We have a recommendation for the inclusion of social scientists on species Technical Committees and Plan Development Teams. I'm just scanning the relevant sections of the charter. I don't immediately see anything that requires revision if we were to act on this recommendation.

Dr. Sandifer.

DR. SANDIFER: I would so move, with the caveat that based on the availability of such expertise amongst the respective Atlantic Coast states and/or Commission staff, or our service partners.

CHAIRMAN COLVIN: Is there a second to that motion?

MR. FREEMAN: Second.

CHAIRMAN COLVIN: Discussion on the motion.

MR. SCHAEFER: Could the motion be -- could I just ask Dr. Sandifer to repeat what he just said. I want to make sure I understood him clearly.

CHAIRMAN COLVIN: Could you just repeat your caveat?

DR. SANDIFER: So long as such expertise is available within the respective Atlantic states, the ASMFC staff or the staffs of our service partners, the National Marine Fisheries Service, the U. S. Fish and Wildlife Service.

MR. SCHAEFER: Could I comment?

DR. SANDIFER: To explain -- I was asked quietly down here by the states, does that include universities? From my standpoint, Yes. I did not say "state agencies." But I am trying to ensure that the people who might be brought into this would have some knowledge of the region and fisheries that we're working with, and not bring in somebody from the West Coast to deal with Atlantic Coast issues.

MR. SCHAEFER: That makes me feel more comfortable with the general understanding -- you know, we have two social scientists in the whole National

Marine Fisheries Service, and I know the states -- I don't even know if there are social scientists in some of the state fishery agencies. We have to rely on universities and the private sector to provide that kind of input.

And then, of course, it's an issue for the Commission as to whether that's pro bono or whether or not somebody's trying to fork up the bucks.

That's all. I just wanted to make sure we understood it.

DR. SANDIFER: I said "states" to include universities, not state agencies.

MR. SCHAEFER: That's fine.

DR. SANDIFER: Do you want to clarify that, state agencies and universities, whatever?

CHAIRMAN COLVIN: I think it's clear on the record.

MR. LAPOINTE: And it would be my intention as ISFMP program director, to work with Lisa, the respective species Management Boards and the Committee on Economics and Social Sciences to make sure that when we get those folks here is when they need to

be there, those early meetings, and as the FMP develops.

But say the Weakfish Technical Committee is meeting to hash over technical changes to the compliance schedule or the Evaluation Manual for Weakfish, we don't want to waste their time or ours necessarily. So we'll just have to work with that to make it as efficient as possible.

CHAIRMAN COLVIN: Is there further discussion on the motion? All in favor, please signify by saying Aye; opposed, same sign. Abstentions. The motion carries.

MS. MCKAY: Number 6, Page 33, "A member of the Commission's ISFMP Policy Board should serve as liaison between the Policy Board and the Committee on Economics and Social Sciences." And that remains as written here. We think that is very important to the effectiveness of this committee.

CHAIRMAN COLVIN: You have the recommendation. Reaction of the Board? Mr. Freeman.

MR. FREEMAN: Gordon, I would move that.

CHAIRMAN COLVIN: Moved by Mr. Freeman that we accept that recommendation. Is there a second

to that motion? Mr. Palmer.

MR. IRA PALMER: Just a clarification. Isn't the committee under the Board and why would we need a liaison between the two?

CHAIRMAN COLVIN: Lisa.

DR. KLINE: The discussion at the committee and the concern is that the other policy committees that report to the ISFMP Policy Board are typically a subset of the Policy Board and commissioners that are on that committee. The Committee on Economics and Social Sciences does not have anybody or any of the commissioners as members of that committee.

So they just felt it would be more effective to have the liaison between the Policy Board and their committee.

CHAIRMAN COLVIN: I have a motion. Do I have a second?

MR. MANUS: Second.

CHAIRMAN COLVIN: Thank you. Seconded by Mr. Manus. Discussion on the motion? Mr. Borden.

MR. DAVID BORDEN: Yes. To follow up Tom's question -- Tom, were you suggesting that in lieu

of the Policy Board, that there be representatives, four representatives from the Governors' Appointees as a substitute? Is that what you were suggesting?

MR. FOTE: That was before. My question on this was, Management and Science, I don't think, has a commissioner or Board member on that committee, or if there's a liaison. What I'm just trying to say, there are other committees that don't have commissioners on them.

DR. KLINE: There's a concern, I think, on that committee as well that the majority of the committee is made up of university people that are not that familiar with the Commission process. And we only have four state economists that are members of that committee, and they are somewhat familiar with the process. But I think that was a great concern to the committee as well.

MR. FOTE: Now, to follow up on Dave's comment, I think it would be appropriate, since a lot of us are fishermen or involved in the fishery, or someone who really understands the fishery, that a governor's appointee or legislative appointee from the state, it

might be appropriate for them to serve on that committee in that capacity to offer some insight on what goes on in their fisheries.

CHAIRMAN COLVIN: Mr. Freeman.

MR. FREEMAN: Gordon, relative to the motion that I made, the ISFMP Policy Board is made up of state directors, but it also, Tom, includes governors' appointees and legislators, and I have no problem with it, to encourage them to be part of this process. It was not meant to exclude them.

MR. FOTE: I never said it was, but that was brought to my attention.

MR. FREEMAN: And I understand that, and I would encourage them to participate fully in this process, and they may well be the liaison member.

CHAIRMAN COLVIN: Is there further discussion on the motion? Jamie?

DR. GEIGER: Mr. Chairman, it would seem to me that basically the chairman of the Policy Board is a de facto liaison on the Policy Board, given the organizational structure that I see here -- Committee on Economics and Social Sciences. It appears that's a



normal linkage as it is.

I don't really understand the purpose or the rationale of this. I'm assuming the chairpeople of those individual committees are and will continue to serve as the natural liaison and communication interphase.

CHAIRMAN COLVIN: Further discussion? Ready for the question? All in favor, please signify by saying Aye; opposed. Will all in favor please signify by raising your right hand; opposed, same sign. The motion is not carried.

I think it would be in order for the Board to give some further consideration on how to address the issues that concerned the committee relative to the recommendation they made, short of designating an individual Policy Board member as a permanent liaison. There may be other ways to accommodate those concerns.

It will be my intention to ask Lisa Kline to spend some time in conference with the co-chairs of the committee and to develop a recommendation on an alternative way in which the committee can be more in touch with and closer to the Board, and the Board can be

more involved in the committee's activities. I think that's really what the spirit of the recommendation is. I think we can find another manner in which we can address it.

Are there any further questions or issues to come before the Policy Board on behalf of the Committee on Economics and Social Sciences? Mr. Schaefer.

MR. SCHAEFER: Just a comment on your last statement, Mr. Chairman. While I realize there's always a problem in terms of the amount of work we've done in time compression -- as an example, if many of us, including myself, hadn't been sitting in on a Weakfish Board this morning, I would have gone to the Committee Meeting on Economics and Social Sciences and listened to what the debate was and so forth and so on, as I think other members of this Policy Board would also.

So one of my suggestions might be to see, rather than have concurrent sessions, to have sequential sessions where you can sit and listen, even if you're not a member of the board or the committee.

CHAIRMAN COLVIN: Thank you.

MR. LAPOINTE: Including evening sessions?

MR. SCHAEFER: Whatever is necessary.

CHAIRMAN COLVIN: I want to thank the committee and its co-chairs. We appreciate your report. Thank you.

MS. MCKAY: Thank you.

CHAIRMAN COLVIN: The next agenda item will be the report of the Management and Science Committee. That will be Mr. Street.

MR. MIKE STREET: Thank you, Mr. Chairman. We are going to slightly rearrange the report of the Management and Science Committee, and the protected species discussion will be the last part of our report.

CHAIRMAN COLVIN: And there will be a break prior to that part of the report being presented.

MR. STREET: The Atlantic States Marine Fisheries Commission Management and Science Committee met three times this year, April in Washington, in Richmond during July, and on Monday here at the Annual

Meeting. Attendance has been good at all of our meetings. Membership of the committee has increased with the addition of the Potomac River Fisheries Commission and Washington, D. C. this year.

Much of the committee's energy early this year was to go over a discussion of our role within the new ASMFC. We have successfully determined our role and begun working on several activities which serve the entire Commission.

We reviewed the status of the American eel and its fisheries along the Atlantic Coast and find that very little is known. Fisheries have declined greatly, and cooperative efforts are necessary to promote stock and fishery restoration.

A copy of a memo dealing with yields is in your packet for this meeting. It's a one-page memo behind 14, which is all blue. It's a one-page memo from Charlie Lesser to me dated July 11th. They're all blue tabs in this section. It's there. I'll go on. It's not necessary for you all to read it at this point if you don't want to.

Okay. We formed an ad hoc committee to

examine eels. As I said, they've done it. Our discussion at our meeting on Monday included concerns expressed by the Audubon Society on the use of horseshoe crabs as bait in eel fisheries. The unusual nature of the eel's life history and extremely high value for the youngest life history stages will make restoration of eel stocks a very unique challenge for the Commission.

We recommend that the Atlantic States Marine Fisheries Commission accept that challenge and initiate an Interstate Fishery Management Program activity to prepare and implement an American Eel Fishery Management Plan.

CHAIRMAN COLVIN: You've heard that recommendation. I want to ask George if the staff would like to offer any comments on that recommendation in light of how it might fit with Agenda Item 11.

MR. LAPOINTE: American eel is certainly something we discussed. I brought it up to the Policy Board at the spring meeting because we heard a lot of concern about the overfishery up and down the coast and exploitation levels on American eel. At the meeting, the MSC took concurrent action to bring forth

recommendations to the full ISFMP Board.

We will do the best we can on the entire action plan you laid before us. Obviously, the more that's in that action plan and the busier we get, the less attention each individual FMP gets, and we have a busy schedule right now.

I have talked to Jamie Geiger, and he said that the Fish and Wildlife Service could commit, if you decide to do an Eel FMP, they can commit a plan writer, which is a significant action.

Jack Dunnigan proposed perhaps formation of an Eel Board, a Symposium on Biology and Management at next year's Northeast, just trying to get people together on eel, because right now the ISFMP staff knows very little about eel, to provide some base line on biology of the animal and what's being done, as a precursor to a full-blown FMP, just to see if in fact that's a logical action and to fit it into our schedule.

I've not done this before as a staff member, so I don't know how to proceed beyond that.

CHAIRMAN COLVIN: Dr. Sandifer.

DR. SANDIFER: Could you restate the

recommendation of the committee?

MR. STREET: The recommendation is that the Commission initiate an Interstate Fishery Management Program activity to prepare and implement an American Eel Fishery Management Plan.

DR. SANDIFER: So move.

MS. ROBIN ALDEN: Second.

CHAIRMAN COLVIN: Seconded by Ms. Alden.

I did not yet recognize Mr. Manus who may also have been ready to say something in support of this concept.

MR. MANUS: Well, I was going to ask Mike if he would expand upon the issue of horseshoe crabs and eels.

MR. STREET: Okay. Horseshoe crabs -- and Charlie, may I just call on you? You headed up the group that prepared this, and you are familiar with the situation.

MR. LESSER: The implication is the eel fishery itself depends upon the horseshoe crabs' fate. The horseshoe crab reached a phenomenal price of 85 cents apiece this past summer. All indices we've found

are fishery independent, but substantiate the fact that the horseshoe crab is vastly on the decline. And it's those neighboring states on Delaware Bay, the coastal offshore trawl fisheries that are harvesting the majority of horseshoe crab.

The eel fishery depends on the horseshoe crab as a bait, and it has significant impact. We would ask that in the development of the FMP for eel, that due consideration be given to the horseshoe crab as a part of that plan relative to the connection as a bait.

And we are prepared to help in that endeavor with a staff person who's currently doing graduate work on the horseshoe crab, and he would participate as a plan writer, if need be.

CHAIRMAN COLVIN: Mr. Freeman.

MR. FREEMAN: I'm trying to get a feel. I don't have the schedule for plan development, but how -- what do we have scheduled now for plans we set priorities on for the next several years, and how would the eel fit into that schedule?

MR. LAPOINTE: The ISFMP Action Plan is at the back, I think, of Tab 14, and American eel has



been on the list of priority species to be addressed -- well, for the last year anyway. I don't know how long it's been on there. Mike says from the beginning. It's been on there a long time.

If you just look at the plans we currently have in place and the work load associated with those and the plans that have been proposed for -- getting the ISFMP Action Plan -- the plans that are proposed for amendment, Croaker, Northern Shrimp, Atlantic Herring, Bluefish, I mean, it's a big schedule.

But eel has been on that list of species to be addressed behind blue crab and black drum for quite a while.

MR. FREEMAN: As I understand the motion, Mr. Chairman, it's to do an Eel Plan. My recollection is we voted on that several times. Every time it comes up, it's put back because of some other priority. But my question is, what would this motion do? Would it move it up to Number 1 priority or just reaffirm what we've reaffirmed?

CHAIRMAN COLVIN: I believe that the practical effect of the motion -- I would ask Mr.

Lapointe or Mr. Dunnigan to confirm this -- would be that if it passed, we would begin the process of formally designating a Management Board for Eel, appointing a Technical Committee, beginning on the process of identifying the needs for advisors, and getting started with a Plan Development Team.

The actual progress of work towards the development of a Management Plan would be dependent on staff's ability to compile the resources and the available information to actually begin that effort.

And I think what Mr. Lapointe has recommended is that that process would be appropriately kicked off with a workshop to be scheduled at next spring's Northeast Fish and Wildlife Conference. That's the staff's recommendation on how we'd proceed.

But I think -- I don't know if that answers the question -- I think that's what would happen. We would undoubtedly be looking to the possibility, when we discuss this tomorrow, of some modifications to the Action Plan for 1996, subject to the availability of staff and resources.

Is that reasonably on target?

MR. LAPOINTE: Yes. I see the list -- the part of the Action Plan that eel belongs on now is kind of a wish list of species that we would like to have addressed in time, and this would elevate that to a more active list. It would then have to be integrated with the 18 other plans on that active list for action in the coming -- I'm not going to say "year" -- two years probably.

MS. ALDEN: This is a high priority for the State of Maine. Our eel fishery last year was about a \$3.8 million fishery. And we've done a lot of work over the summer to try to come up with our own plan for this next year.

What I was going to say was that I think that there are resources certainly in the academic community that we can use to help us, and I think we should try to -- because those resources do exist out there, I think we should try to come up with a strategy that minimizes the staff time, but uses those --

CHAIRMAN COLVIN: We would certainly want to reach out to those people for purposes of assisting us with the workshop in particular, to get us started in

compiling that information.

Mr. Manus.

MR. MANUS: A question for George on those 18 other plans that you mentioned. Do you have some plan writers that have already been volunteered and staff assigned to those?

MR. LAPOINTE: Some of those are inactive plans. I mean -- not inactive. They're not inactive. Revision or amendment. We have -- I guess it depends on the plan. Atlantic herring, Maine donated a plan writer; for weakfish and striped bass, the Fish and Wildlife Service has let us use Wilson Laney; for shad and river herring, Carol Markham.

So for the species that are really front-burner plans, we do have plan writers generally to help, to do the rote work of the word processing and compiling information.

MR. MANUS: And Jamie, you have volunteered a plan writer for eels?

DR. GEIGER: Yes, sir. I believe we have several draft or active American Eel Management Plans, I believe, as developed by our Chesapeake Bay Field

Office, and certainly I think we have several individuals within the Fish and Wildlife Service that can serve as a plan writer, and I will volunteer them for this activity.

MR. MANUS: And again, I'll reemphasize Charlie's point that we will dedicate a staff member from our group for the horsehoe crab component to that.

CHAIRMAN COLVIN: And that would certainly be appropriate for participation on the PDT as well.

Dr. Sandifer.

DR. SANDIFER: The intent of my motion is to definitely move this up to a higher priority and to include the horsehoe crab component. I think they are inextricably related. They certainly are in this state, perhaps a little less so than in Delaware, but not much. This is a fishery that in those states where it's legal in any form, is exploding.

We have very little information, and we're going to be doing something about it individually. Yet the fishermen are going to be moving from state to state to state. If we do not prepare to do this as the

Atlantic States Marine Fisheries Commission, we're going to have a serious problem on our hands very, very quickly.

And I think that the deliberative nature of this body can help buy us a little time and make sure that we are acting in that resource or those resources' best interests instead of very small communities of individuals. I've got some real concerns about that and the interaction of the horseshoe crab situation clearly pointed out to us this afternoon

I definitely want it to move up on the list.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: With all due respect to Andy and Charlie, the connection between the horseshoe crabs and eels I understand, but there's also a big biomedical use of horseshoe crabs. So staff would like to retain the right to come back and argue like hell that those may need to be separated if we explore that a little bit, just because I'm a little uncomfortable with it at this point.

DR. SANDIFER: May I respond to that?

There is a large biomedical use of horseshoe crabs. At least in this state, the animals that are so used are required to be returned to the water alive. They are not consumed as the case that they're talking about and has happened on an experimental basis in this state, the horseshoe crabs are taken and sacrificed for bait. A big difference between the two fisheries, entirely different kind of operation.

CHAIRMAN COLVIN: Tom McCloy.

MR. TOM McCLOY: Yes. As other states last spring, I guess, New Jersey experienced an influx of fishermen primarily for the glass eel fishery. As a result of that, the Marine Fisheries Council of the state put together a committee to look into that to see what could be done to address that particular fishery.

We are moving forward with some regulations that would limit that type of activity but allow it to continue at a certain level. And the chairman of the Eel Committee in the Marine Fisheries Council wanted to express his support for the Commission developing an Eel Plan because of the nature of the resource.

However, I would have to comment that I'm not sure at this point in time it would be appropriate to include the horseshoe crab component and whatever that may be -- it hasn't been defined yet -- in that particular plan, the reason being, yes, I think they are used for eel bait pretty widespread. I don't think they're used for glass eel bait, at least to the best of my knowledge. They're also used for conch bait, so maybe this plan should include conchs also.

I appreciate the concerns of Delaware, and I appreciate the concerns of Audubon, because we had our own concerns with horseshoe crabs. I don't know whether that we want to get into discussion right now where New Jersey stands regarding that, and what we're attempting to do, at least as an interim measure. But if the Commission so desires, we can do that. Thank you.

CHAIRMAN COLVIN: Thank you.

Is there further discussion on the motion? Bruce.

MR. FREEMAN: Gordon, I understand the need for this and the events leading up to it. My



concern perhaps is somewhat procedurally and also staff time. I'm looking at behind Tab 14, behind the third set of blue pages, the Action Plan, the 1996 Action Plan, and it has the species listed, I guess the 19 that George, or 18 --

MR. LAPOINTE: Twenty-seven.

MR. FREEMAN: Twenty-seven? And under Issue 2 we have development of FMPs. We have a number of species listed here. One includes American eel; another includes horseshoe crabs with brackets. I'm not certain what that means.

But now, moving these up to action levels, I've no difficulty so long as, as was indicated, that the existing plans we have in the schedules continue to move forward with the expectation that various states will volunteer people and the agencies volunteer people to start the work on American eels.

It's not explicit in this motion, but I think it's important that that be noted so far as North Carolina is concerned in its vote.

CHAIRMAN COLVIN: Thank you.

MR. LAPOINTE: And my executive director

said it's not just the function of our staff work loads, but your staff work loads as well and your own, because this will be tagged on, the American eel, conch, horseshoe crab, toadfish meetings will be tagged on to our meeting weeks, and it will make our process a little busier. So, I mean, that will be worked in -- when we develop a schedule, we'll take that into account because, well, we're already overwhelmed, and we don't want to make it worse.

CHAIRMAN COLVIN: Dr. Sandifer.

DR. SANDIFER: Those of us who have responsibilities for managing fisheries understand that our personal work loads have nothing to do with what is required of us on any given day. And I feel like the same situation applies here.

My sympathy is with the ASMFC staff and my own staff. Nonetheless, we are required to deal with this and these fisheries. And we're going to be dealing with it, regardless of ASMFC. I would prefer it that we do it in concert amongst the states, because I think the resource, the resources are going to be the loser in the not very long term if we don't do it this way. So I

still strongly urge adoption of this motion.

I've consulted with my colleague in the rear of the room from our Freshwater Division. They support us on it, because this is an issue that transcends, goes certainly beyond just the marine side. We're trying to work within our state to get our act together a little bit better.

But it's going to take more than just us to do it. I can't volunteer a whole body, but I have heard that the Fish and Wildlife Service will volunteer a plan writer, that the State of Delaware will volunteer staff to work on horseshoe crabs. I don't think anybody else needs to worry about that component for the moment. And we will certainly volunteer some folks on our staff who deal with eels on a regular basis and have some history with this resource matter.

I don't think we're asking to add a huge burden to the staff of ASMFC. We're asking for this organization to recognize the importance of this resource, and for us then to pool our collective expertise together to go ahead with appointing a board and a Technical Committee and move this particular item

off the bottom of the list into an action item.

CHAIRMAN COLVIN: Dr. Geiger.

DR. GEIGER: Mr. Chairman, again, I fully support this motion. Again, I do want to make a difference between, you know, work load factors and resource priorities. Again, I think the Commission has done an excellent job in looking at allocation of work load factors. What we have not done, and I will continue to point out to the Board, is look at resource priorities in terms of fisheries management plans.

I mean, at some point in time -- I think Dr. Sandifer alluded to the same situation -- at some point in time, I think we have to look at the priorities in front of this Board and Commission and make some priority calls on what we're going to address.

I mentioned this at the spring meeting. I will mention it again for the record, is I think that this is one issue that again, we have to determine, is American eels more important than weakfish, more important than bluefish or whatever.

At some point in time, we need to look at the evaluation criteria, address those criteria, agree

on those criteria and rank those priorities, especially in a situation where we're all doing more with less, and the intent of this Board, as I've heard through the last three days, is to work more closely together on those resource issues.

Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Thank you.

Further discussion on the motion? Seeing none, we'll take the question. All in favor, please signify by saying Aye; opposed, same sign. Abstentions? Abstention by New Jersey. The motion carries.

At this point, the Chair would like to formally welcome Rollie Schmitten to our meetings. Rollie, it's really good to have you here, good to see you. We're going to interrupt the Management and Science Committee report for a minute to formally welcome you and ask you if you'd like to share a few comments with us on arrival.

MR. ROLLAND SCHMITTEN: Let me first of all say it's a pleasure, in fact, it's indeed a pleasure to be here and to see so many folks that I've worked over the last two years. You know, as difficult as it

is to leave Washington, D. C. right now -- there's a lot of risk in doing that -- there are certain priorities that are worth taking that risk, and being here at the Annual Meeting is one of those, primarily because I want to underscore what's going to happen tomorrow morning, and that's the signing of the MOU that we've entered into for the statistical arrangement. That's something that I had a hand in a year and a half ago, and to see it come together is really worthwhile. It's something that I want to do more of.

And tomorrow Jack asked if I could say a few words, and I'll do that, but I'll tell you what I'm going to say is that we need each other. Simply your budgets, the federal budgets are in such a shape that we can't do it alone any more. And if ever we needed a cooperative spirit, it's now. And before I turn into the great pumpkin or better yet, I hope, a simple fisherman, I want additional agreements. I'd like to see some enforcement agreements, more than we have, and I'd like to see more efforts with the Commission and the states.

So, it's a pleasure to be here. I look

forward -- tomorrow, if you like, I'll talk a little bit about the fate of commerce, the budget, maybe a note or two on Magnuson. But again, delighted to be here. Thank you.

CHAIRMAN COLVIN: Thanks, Rolland, and we look forward to that.

At this point, we're going to take a five-minute break while staff sets up a presentation for our next agenda item.

(Whereupon, a short recess was taken.)

CHAIRMAN COLVIN: The Policy Board will come back to order, please. We will resume the report of the Management and Science Committee. Mr. Street.

MR. STREET: Thank you, Mr. Chairman. The committee has established several ad hoc committees to examine a number of emerging issues which we feel will affect the Commission in the near future. Several of these groups have been quite active, and I would like to very briefly present some preliminary information from some of these groups which we believe are germane to the Interstate Fishery Management Program.

Our Mariculture Subcommittee surveyed the

Atlantic Coast states concerning various aspects of current finfish and shellfish mariculture. Among the species now under culture are oysters, hard clams, striped bass, and red drum. There's also considerable interest in culture of summer flounder. An emerging generic issue concerns the potential for different length limits for cultured and wild stock seafood. Use of different size limits, which could be very lucrative for mariculturists could result in serious law enforcement problems.

Copies of this committee survey are available from the Commission staff on request, and this committee does not plan at the present any further activity in this area.

Our Stocking Subcommittee also conducted a survey to obtain information, examining the role of stocking fish in coastal waters as a management tool. General reasons for such stocking include stock enhancement, stock restoration and research of migration, growth, mortality, utilization by different segments of the fisheries. The principal species being stocked included red drum, striped bass, short-nosed



sturgeon, American shad and river herring. There's considerable interest in Atlantic sturgeon and summer flounder as well.

The Management and Science Committee recommends that all ASMFC fishery management plans consider stocking in public waters as a management tool, including guidelines and protocols for such stocking if it occurs, to protect genetic integrity of local stocks and ensure that appropriate evaluations of stocking are conducted when stocking is done.

And that is in keeping exactly with what was done with striped bass. I'm not asking for a motion on that. That's up to you all. But I think this is something that should just be considered in any FMP program.

Copies of that report, of the draft report, are available also from ASMFC staff.

Our Fishery Independent Sampling Subcommittee will conduct a survey to identify ongoing surveys and features of those surveys, such as target species, gear design, history and availability of data. We discussed the coastal research vessel surveys which

collect basic data from most species of concern to the Commission and councils. Our concerns for the maintenance of these essential surveys were conveyed to the Legislative Committee, and a resolution on this topic will be presented for consideration by the full Commission.

Another activity under way from our Fish Public Health Advisory Subcommittee, which reported to our committee on EPA guidelines and an advisory in the State of Delaware, both concerning PCPs. The fisheries agencies traditionally have had little activity concerning public health issues, but such agencies often must enforce restrictions implemented for public health reasons. The National Research Council has recommended that state fishery management agencies take a greater role in public health issues.

We anticipate making specific recommendations to the Commission next fall in this area.

We reviewed the document outlining the work conducted under the ASMFC Research and Statistics Program, and there's a handout. The Management and

Science Committee also developed a process for prioritizing unmet research needs as identified through the Interstate Fisheries Management Program, and our recommendations for this process are in the handout, which is slightly different from what is in your briefing books.

First, staff of the Research and Statistics Program will compile a list of research needs outlined in each Commission FMP, amendment or annual plan review, or as identified through the Stock Assessment Review Committee process, or by Management and Science Committee members. What I'm doing is just the steps in the process.

Research and Statistics Program staff will circulate the list to the relevant species Plan Review and Development Teams, Technical Committees, Stock Assessment Committees, Advisory Panels and Management Boards. All these groups, including the Management and Science Committee and Commission staff, should identify research needs that have been addressed since FMP amendment or development.

Each species Management Board shall

prioritize the remaining research needs within species in their Fishery Management Plan. Then the Research and Statistics Program staff will compile the remaining prioritized species for specific research needs. The Management and Science Committee will evaluate that list on the basis of research that crosses the boundaries of specific species Fishery Management Plans.

The Management and Science Committee will annually forward recommendations to the Policy Board on species specific research needs, as well as on broader topic-based research needs.

The Commission will publish and distribute these listings to state and federal fishery resource agencies, universities, fishing organizations and other relevant organizations.

CHAIRMAN COLVIN: Mike has made this report on the MSC recommendations on how they will proceed. This will be a joint endeavor between the committee and the Research and Statistics Program staff. It is my understanding that it is their intent to proceed in this fashion, and I fully expect that they will do so.

I would pause at this point, however, and ask whether any of the Policy Board members have any questions or comments with respect to this four-step process they would like to offer at this time. Obviously, I'm sure that either Lisa or Mike would be happy to entertain your comments and suggestions for improvements of the process at any time. Dr. Sandifer.

DR. SANDIFER: Mr. Chairman, does this process need a vote of the Policy Board?

CHAIRMAN COLVIN: The Chair does not perceive it as requiring our specific vote. I believe that it's certainly within the purview of the charter of the Management and Science Committee to work as outlined here with our staff. I would certainly commend them for their initiative in establishing this procedure, and I think though we don't need to, we certainly can do so.

DR. SANDIFER: That's sufficient. I would like to recommend that the materials, the reports dealing with the mariculture survey and the recommendations regarding stocking as a tool, those reports be provided to the various species boards and

Technical Committee chairs for their information and consideration.

MR. STREET: Right now, they're in draft form. When we get them revised, we will distribute them to the species boards.

CHAIRMAN COLVIN: Further comments? Yes, Dr. Geiger.

DR. GEIGER: Mr. Chairman, I see this four-step plan, and I commend the committee, for I think they've done a very good job. My concern right now, as I see it, is somewhere within each fishery's Management Plan, do I read into this that within each fishery's Management Plan we will have prioritized research needs?

MR. STREET: Yes, and we will examine them on a regular basis. One of the main things we need to do in keeping FMPs up to date is recognize when unmet needs are met, so that we know what the remaining priorities are.

DR. GEIGER: Thank you. Mr. Chairman, again, I commend the committee. Again, it's my concern to raise this point, mainly to make sure that when we address research needs, whether it be met or unmet, that

we recognize that they are fully in support and response to management needs. And by having the research need addressed within the fishery's Management Plan, that clearly establishes that linkage, clearly establishes the necessity of research and development, provides that support to management.

CHAIRMAN COLVIN: Thank you.

Mike, why don't you continue to go to the next area of your report?

MR. STREET: My final area is comments involving protected species. In conjunction with our July meeting, the committee convened a workshop on interaction between coastal fisheries and protected species. I would like to thank the National Marine Fisheries Service for their assistance in both financial support and planning of the workshop, along with Tina Berger, of the Commission staff, and Lou Flagg of the committee who chaired the planning group.

The committee members, researchers, state and federal managers and ASMFC staff shared a tremendous amount of information and experience leading to the report and recommendations that are in your briefing

book, and I would like to just comment that there was a very interesting group dynamic. Whereas at the beginning of the meeting, the ASMFC people, the members of the committee sat in one area, the protected species research folks sat in another area, by the end of the meeting they were sitting together. So I think we accomplished quite a bit of information sharing.

We have a presentation to give you, if we may, on the report and our recommendations relative to protected species. Okay. The workshop was entitled, "The Management of Protected Species: Interaction in State Waters." There will be a proceedings in a few months available to everyone.

I'm going to cover four areas: background, the issues, findings and recommendations.

Background. The Endangered Species Act and the Marine Mammals Protections Act require the National Marine Fisheries Service and U. S. Fish and Wildlife Service to implement measures to manage protected species in U. S. waters. That is all waters, from the EEZ to internal waters wherever these species may occur.



Protected species are taken as by-catch in coastal Atlantic waters fisheries, including fisheries within states waters. The protected species are present at least seasonally in the waters of every Atlantic coastal state.

And protected species do interact with most Interstate Fishery Management Program fisheries.

Some of the protected species of concern include the Atlantic coastal stock of Atlantic bottle-nosed dolphin; humpback whales, which have particularly been increasing in abundance in the Mid-Atlantic; harbor porpoises, which are seen taking the fisheries from Maine through North Carolina; sea turtles, especially Kemp's Ridley and loggerheads in the southern shrimp fisheries, the summer flounder fishery and others, gill-net fisheries and pound-net fisheries; and short-nosed sturgeon.

Some of the problems. Some of the problems include high levels of fishing effort and high density of protected species which overlap in state waters. Mortalities of protected species have been documented with many fishing gears used in state waters,

especially gill nets and trawls.

Data indicate that several protected species cannot sustain current levels of fisheries related mortalities; that is, the mortalities, the documented mortalities from fishing alone as by-catch exceed the reproductive capacity of those stocks without considering other forms of man-induced mortality.

Effective protected species management in state waters cannot be achieved without expanding cooperation among the federal agencies and the Commission. And the Atlantic States Marine Fisheries Commission is uniquely organized and functions uniquely to expedite cooperation, as we're all aware.

The Commission, however, has not established policies relative to protected species interactions within the Interstate Fishery Management Program.

Findings of the Management and Science Committee as a result of the workshop include the following. Fisheries' protected species interactions result in mortalities of protected species among many gear types and fisheries in states' coastal waters.

Seasonal movement of protected species and of coastal fisheries resources necessitate the regional coordination to address these interactions.

State and federal fishery monitoring for by-catch of protected species, for by-catch in general, is inadequate. We're all aware of that.

Improved communication among protected species managers, state and federal fishery managers and fishery users is essential. And the Interstate Fishery Management Program should address fisheries' protected species interactions.

Next, let me just mention some of the relevant fishery management plans which involve species' interactions, species and protected species interactions. Atlantic herring, American shad and river herring, Atlantic croaker, sturgeon, bluefish, red drum, spotted sea trout, spot, summer flounder, weakfish, winter flounder. That's 11, several others as well.

The common theme among these fisheries is a predominance in use of gill nets and trawls, and those are the gears that are of most concern.

We have four specific recommendations in

this area for the Policy Board to consider. The Policy Board should establish policies and programs to address the by-catch of protected species by taking the following actions.

First. Amend the ISFMP Charter, Section 6(b)(2) so that protected species interactions are addressed in the Commission's Interstate Fishery Management Program. If you will turn in your books, behind Tab 14, where the Interstate Fishery Management Charter is located, on Page 17, bottom part, paren (2), "Supporting Summary Information and Analyses," we recommend adding in this section required consideration of protected species.

The Management and Science Committee's intent here is that protected species be considered by a process equivalent to that accorded habitat issues.

And such specific wording, which I can provide, would be, a capital possibly (F), "a review of protected species/fisheries interactions which may occur within the fisheries addressed in the FMP."

CHAIRMAN COLVIN: Slow down and repeat it, please, Mike.

MR. STREET: Right. "A review of protected species/" --

CHAIRMAN COLVIN: Too fast, Mike.

MR. FREEMAN: Mike, what number is this?

MR. STREET: Okay. This is on Page 17. It would be (F) at the top of Page 18. "A review of protected species/fisheries interactions which may occur within the fisheries addressed in the FMP."

CHAIRMAN COLVIN: Mike, what I want you to do this time, I want you to go through all four of your recommendations to the Policy Board.

MR. STREET: Okay. That's the first recommendation. The second recommendation is procedural, to include protected species representatives from National Marine Fisheries Service and U. S. Fish and Wildlife Service on species Technical Committees and Plan Development and Review Teams.

Third. Coordinate protected species activities with the regional fishery management councils.

And fourth, to address protected species issues on a plan-by-plan basis, using the Shad and River

Herring Fishery Management Plan as a model.

Those are the four specific recommendations relative to the Policy Board.

MEMBER: Is this a model or a pilot?

MR. STREET: Either, model or pilot. The reason we selected shad and river herring, first you have to remember this was in July. And secondly, it was just getting under way and we felt it was one that did have interaction to serve as a good test case.

CHAIRMAN COLVIN: Mike, do you have anything further to add at this point?

MR. STREET: Not on those points, no, sir.

CHAIRMAN COLVIN: There are four recommendations that imply a much larger recommendation for acceptance of a greater role in this area on the part of the Policy Board and the ISFMP Program. I guess I would open the floor up for discussion of the issue and questions of Mike.

I sense a certain concern on the part of the Board. I feel just as all of you do. This is the second major issue that's been laid before us today as a

substantive addition to the fishery management planning process, and I think it would be in order for the Board to give careful consideration to all the implications of this recommendation.

Dave.

MR. BORDEN: I would speak in favor of adopting the programs as recommended by the committee, and I'm willing to make a motion to that effect. But I would like to qualify that this is the second major change that we have made, and what I fear, here all of these things are honorable and justified and desirable, but to the extent that they should take place within the constraints of staff time and funding and above all else, I don't think that any of these things should ultimately slow down our principal charge.

And I'll make a motion to adopt this.

MR. SCHAEFER: I'll second it.

CHAIRMAN COLVIN: That's good. We have a motion and a second on the floor that will serve as the basis for discussion. I'll recognize Dr. Sandifer.

DR. SANDIFER: My concern is the second item on including representatives, the same concern I

raised earlier with regard to social scientists and economists. In this case, you mention the particular areas in which this expertise is to be derived, that is, the National Marine Fisheries Service and U. S. Fish and Wildlife Service. But we are presuming that they will be able to, under all circumstances, send such biologists or such personnel to the various meetings of these teams. And I would suggest that we at least consider modifying that recommendation to something along the lines that we solicit input or solicit review by or participation by, or something of that sort, rather than require participation on every Plan Development and Review Team.

MR. STREET: The intent is that there be a federal protected species presence, not both agencies on every team. They have indicated in the discussions that they're prepared to participate just as fully as they can. The burden will be on them to provide the bodies.

DR. SANDIFER: I don't have a problem then.

CHAIRMAN COLVIN: Dick.

MR. SCHAEFER: Well, just to elaborate on



some of Mike's comments there. We obviously consider this to be a very important concern of ours under our authorities that have been provided to us by the Congress. And it's been discussed many times over the course of this meeting, particularly as it related to my concerns about getting guidance from the Commission earlier on EEZ regulations.

This is a partnership between the Feds and the states, and it sort of works both ways. We need your help. We want to work with you up front. We want to get on top of these issues early and not have to deal with them after the fact. It just creates more work and more problems for everybody else.

And I think with the, if you will, weasel words -- but they're not intended that way -- "to the maximum extent possible," that we have the staff resources that we can provide, and where they're appropriate we will do so. To say that we're going to have a person at each and every meeting, I can't make that commitment. I don't think any of the other people here from the Fisheries Service can make that commitment, any more than I think the states can.

But we are committed to try to work this out in a cooperative, up front way, and we will do whatever we can to make the system work.

CHAIRMAN COLVIN: Jamie.

DR. GEIGER: Mr. Chairman, I share the remarks of Mr. Schaefer again. You know, given the fact, and especially given the comments that I made at the Legislative Committee about the importance and priority of the Clean Water Act and how that serves as a unifying holistic umbrella by which we should do business within the fisheries management plan process, I think also I could make similar concerns regarding the Endangered Species Act, as a second bulwark act, the touchstone, so to speak, of conservation efforts within this country.

However, certainly within the Department of Interior and especially within the Fish and Wildlife Service, all our endangered species activities have been severely addressed by Congress in terms of massive reductions.

And again, I agree with Dick, within some reason, yes, we will come to the table, we'll try to

participate. But I cannot see it in each and every fishery management plan at this point in time.

CHAIRMAN COLVIN: George.

MR. LAPOINTE: I talk, not surprisingly, to the protected species folks a lot, and frankly, we don't want them at every meeting. I'll tell you what: they don't want to be at every meeting. And I'll make the same comments I made with the social science and economic section is that early on in plan development or plan amendment, it's appropriate that they be consulted, and however we do that, I don't really care, but that they be consulted.

And if you will look in the draft Weakfish Plan, there's a little section on protected species in there, because it's something we need to address.

I talked to Mike Payne. I said, "Can we fax that to you, and can you flesh that out for us?" And he said, "Yes." They'll send it back with hopefully a good discussion of protected species concerns, which we all have to address, whether we want to or not. That will give the Board the chance to address it

forthrightly and the public as we go through the plan amendment process.

That's how I see this working. If there are recommendations that come out of the take reduction teams that are mandated by the Atlantic Coastal Act, that will provide an avenue for the Commission and the states to get information on the impacts of those, the recommendations from the take reduction teams on the fishery management process. So it is dealing with it up front, and, of course, rightly, but not making it overly burdensome.

I do recommend that ISFMP Board members, because of this concern, as we advance in this process and social sciences and economics and all these other things, if you think we're getting off track, you absolutely have a means of correcting that, and I recommend you do that as well.

CHAIRMAN COLVIN: Dr. Sandifer.

DR. SANDIFER: Mr. Chairman, the procedure that George has outlined is clearly what I think ought to happen, and it also showcases why we have such a good staff in their intellect. Thank you,

George.

CHAIRMAN COLVIN: Is there further discussion on the motion? Ms. Alden.

MS. ALDEN: I support the motion, but I wanted to point out that I think it's important that we keep our eye on the fact that the purpose of our management plans are fishery management, and that the take reduction teams and so forth, the Environmental Protection Act arena is where the actual plans for reducing protected species takes should take place.

Obviously, this coordination effort is essential, but I think it's very important that this process stay with its eye on the ball for fishery management.

CHAIRMAN COLVIN: Ms. Shipman.

MS. SHIPMAN: I agree with Ms. Alden's point and Dr. Sandifer's. I think it is important to integrate all of this in our management planning, as we heard this morning. Some of our efforts through the by-catch may well be compromised by measures down the road resulting from endangered species. And I think as we set up the table to formulate the strategies, we need

to know the interactions of those measures and the trade-offs involved.

So I think it's very important that we do take this under consideration.

CHAIRMAN COLVIN: Thank you.

Mike.

MR. MICHAEL PAYNE: My name's Michael Payne. I work with the National Marine Fisheries Services. I'd just like to address Robin's comment. It is the mandate of the National Marine Fisheries Service to address MPA. We're not trying to shift that mandate off onto the Atlantic States Marine Fisheries Commission. But as we develop these take reduction teams and take reduction plans, we look for the appropriate avenue to develop a mechanism to address the issue we discussed. With regard to coastal fisheries, this is the best, by far, mechanism, the Atlantic States Marine Fisheries Commission and the Policy Board.

In a simple word, we could not do our task without you, at least on two of the teams that I perceive being involved. So I have pushed this within the agency. I've pushed it here. I don't think we can

do our task. I think it's to the advantage of everybody to work together. If we do it on a plan-by-plan basis, as suggested, at least we won't get into the concerns that were addressed earlier about overwhelming staff.

In terms of the Office of Protected Resources, I think -- I can't say for certain, but I will probably be one of the focal people, and I will do everything I can to work with regional center staff and bring the best information to this particular Policy Board or to the committee for each plan by plan.

So I guess my recommendation or my concern -- I think your concerns are founded, but I would recommend strongly personally to move forward with the recommendation on the board, and that we step into the fire, if you will.

I think this is going to be a very profitable relationship. We have a lot of information that I think you need for your plans. You guys have a wealth of information that we need desperately in order to do our mandate under the MPA and the Endangered Species Act. And I for one, and I think I can speak for my office director, Bill Fox, and probably speak for

Rollie, but he's sitting right next to me -- better not say too much -- that we welcome this relationship.

CHAIRMAN COLVIN: Thank you, Mike.

Further discussion on the motion? Jamie.

DR. GEIGER: Mr. Chairman, just a brief comment. Recommendation Number 3 coordinates protected species activity with Regional Fisheries Management Councils. Can I have a little more capsulation of what that would entail, please?

MR. STREET: The councils are already addressing protected species issues within any new plans and, of course, amendments to plans, and we need to ensure that, again, we're operating as a whole system. And there are a number of Commission plans that are joint or are coordinated with separate plans. Red drum is in that category.

And the idea is that on a plan-by-plan basis, we ensure that there is coordination with the councils where there are plans that are both in the EEZ as well as coastal waters. Avoid duplication of effort.

CHAIRMAN COLVIN: Ms. Shipman.

MS. SHIPMAN: The procedure, since I see



it already allows for it, this is, I guess, a reiteration, if you will.

CHAIRMAN COLVIN: Is there any further discussion? Hearing none, we'll take the question. All in favor, please signify by saying Aye; opposed, same sign. Abstentions? Motion carries.

Anything further, Mike?

MR. STREET: That completes my report.

CHAIRMAN COLVIN: Mike, thank you for an outstanding job.

Mark.

MR. MARK HOLIDAY: Mark Holiday with National Marine Fisheries Service. I'm here representing the Office of Senior Scientists. On the prioritization on the research needs, could you help clarify whether the definition of research is solely on the biology, or if it would include other attributes of research that would contribute positively to the fishery management process?

MR. STREET: In my view, it would include those recommended research efforts that are included in the FMPs, so what is research may well vary among FMPs.

It is based on the ISFMP plans. It would include biological, gear, social, economic, whatever's there.

MR. HOLIDAY: I was curious whether at the time the committee met and approved the recommendations, whether or not the ISFMP Committee on Economics and Social Science was a part of the arena where this question might get raised?

MR. STREET: No. Right now, the intention is to review all of the existing plans and cull from that what the needs are, and then follow the process from there.

CHAIRMAN COLVIN: Thank you. Mike, thanks again.

Before we go to the next item, I think the Chair would just like to offer one perspective that clearly a number of us have some concern that the recommendations that we've accepted today from two of our committees may well pose some substantial additional responsibility and work load relative to completing our fishery management planning process. I certainly have that concern.

One of the beauties of the Atlantic

States Marine Fisheries Commission's process has been that we have been able to complete our management plans and develop appropriate coordinated recommendations for conservation of management of interstate marine fisheries on a timely basis without a lot of excess baggage. I'll use those words.

I'm not suggesting that the incorporation of the social and economic sciences and protected species interactions constitute excess baggage. I'm thinking of other things, and I think we all know what they are. Nonetheless, these issues can entangle us, and we all are rightfully to be cautious about anything that will impede the outstanding progress we've made.

It is my intention to direct staff -- and they don't really need directing on this, because they've already whispered to me they're going to do this anyway -- but it would be my intention to assure that our staff does monitor carefully any difficulties that we may encounter in incorporating the recommendations that we've had today on social and economic sciences and protected species interactions into our management planning process, and give us a "heads up" if we feel

that we're getting in over our heads on some things or that the kind of progress and success that we've had in the past might be affected by this.

Hopefully that's all that's needed, and we will report to you on this. But I want to assure you that none of us intends to slow down our progress.

The next agenda item is the report of the NMFS Project on Identification of Essential Habitat for Fisheries Management. We're going to have a report by Ramona Schreiber of -- Dianne, do you want to introduce this item for us?

MS. DIANNE STEPHAN: Sure. The National Marine Fisheries Service, in anticipation of some amendments to the Magnuson Act, has been working on identifying essential habitat. Since that's one of the things that we're looking at doing in our fishery management plans also, I talked with Ramona and Tom Bigford at the headquarters office about applying some of the things that they had come up with to our Weakfish Plan so that we could develop essential habitat maps for that.

Ramona's going to talk about the work

that she's done on a pilot project on summer flounder, and then talk about where they plan to go with this process. Ramona.

MS. RAMONA SCHREIBER: I'd like to thank you for inviting me to talk to you today about the essential fish habitat activities that we're doing within the National Marine Fisheries.

Well again, I'm very glad to be here in the interest of the National Marine Fisheries Service. We're very interested in collaboration, well, cooperating with the ASMFC, especially in the essential habitat area. And I'll speak to that a little more in a few moments.

The importance of habitat conservation for NMFS depressed resources has been recognized by numerous constituents and committees involved in the fisheries agenda. Substantial efforts have been directed towards developing initiatives to improve habitat conservation in the legislation.

With the opening of the 104th Congress, we saw a number of those proposals, which included, in the Magnuson Act, reauthorization. The Senate is now

working on their proposals, and the House has recently passed their bill, H.R. 39, which includes several habitat provisions.

I'll just briefly go over some of these provisions as they identify activities within the councils and Secretary within H.R. 39 passed by the House. Included in this is that the Secretary of Commerce will establish guidelines for identification, to help the councils in identifying essential fish habitat.

Following, the councils will amend fishery management plans to describe essential fishery habitat. The Secretary will identify essential fish habitat based on these descriptions. Following, the federal agencies will consult on activities that may impact essential impact. The Secretary will then comment on proposed actions.

Now, at this time, councils also have the opportunity to comment on these activities that may affect the essential habitat.

And finally, federal agencies will be required to respond to comments within 15 days.

Again, this isn't the final legislation. This is just what recently got in there in H.R. 39. And the Senate is currently working on their interest with their bill.

With the inclusion of these provisions of essential fish habitat, the Habitat Program has elected to move forward and begin work with this concept. Essential fish habitat initiative began in FY '95 with a one-year demonstration project for a single species.

This effort is focused on developing methods that identify essential habitat in a geographic manner. We identify data availability within NOAA with a one-year time constraint and obtain training in Jerier software, as well as software within the Office of Habitat Protection.

Finally, we developed this prototype methodology, which is our first start at identifying habitat, but certainly is not a completed effort at this time.

The work is done in conjunction with National Ocean Service, Strategic Environmental Assessment Division. We're deeply appreciative of the

help that they've done based on their abilities in data assessment, GIS technology, computer technology, and helping to get started.

Our first step involved selecting a species as well as a region to focus our first-year project. Summer flounder, *Paralichthys dentatus*, was selected at this time, based on a number of reasons. Summer flounder, as you know, has both an estuarine and offshore component, so we thought the broad breadth of habitat ideas and information would be a good place to start.

In addition, it's one of NOS's, National Ocean Service's, species that they use in their ELMR data, which is the Estuarine Living Marine Resources data. In addition, it wasn't a contentious issue. We thought about including salmon or shrimp at this time, but thought it was better with summer flounder, which is a relatively safe place for us to start.

Although our biological data was available from NOS and from NMFS for the entire region, the entire distribution of summer flounder across the Atlantic coast, most of the habitat information was



readily available within the Mid-Atlantic Bight, and that's where we focused the most of our attention as far as the mapping.

The physical data we collected for the prototype of the salinity, sediments and wetlands, wetland habitat characteristics. The salinity and sediments came from a natural estuary near Victoria, NEI, which is one of the NOS data bases. It was selected because, again, it was a natural component, a consistent data base for information across the entire U. S. coastline.

For wetland habitat characteristics, we used the NCWI, or National Coastal Wetlands Inventory, which is based on the NWI, or National Wetlands Inventory, prepared by the Department of the Interior. The comparison between these two is that the statistical or aerial summaries are provided in the NCWI by counties, and we decided that just a general description of where the habitats are at this point would be more useful for us, rather than a very quantitative, descriptive level on NWI maps.

For our biological data collection,

again, we mention the ELMR data, Estuarine Living Marine Resource data within NOS. This is a data base which is national. It's consistent data. It's based on quantitative information categorized by different levels ranging in relative abundance from highly abundant, abundant, common, rare and not present.

We looked at all life stages as far as five, from A to adult, including spawning, and it's broken down by month. This is done for our 135 estuaries and 122 species, so we thought this would be a good data base that we could use now as well as in the future.

We looked at GRM data from the NMFS trawl surveys, so we could see an idea of where the species are distributed on the inshore and offshore areas. And again, this data base is very good for us as summer flounder has data going back to 1964, so we felt very comfortable with using this.

For the most part, most of our data came only from within NOAA, NOS and NMFS, although we did understand that we would want to use state data at a later time for consideration. And we went to the

Maryland Department of Natural Resources in order to get a little idea of what they had available and incorporated that into some of our mapping.

From this first year prototype project, we had several products that were completed. This included a species range and relative abundance maps. These were done for summer flounder for all life stages and by month. We also included some summer tables of life history characteristics. I think these will be very useful in the FMP process. They included information to expand the data that is included in the FMP.

This came from literature reviews of summer flounder. We're very thankful for the Coastalation Program which was recently completed by Ken Abel on summer flounder habitat parameters. We also used information from Calstek MP amendment, FMPs and amendments for summer flounder and the scientific literature.

What I'd like to show you now are a few of our example maps that were completed for this project. And for your information, we used Mapping Co.,

a desktop mapping system, and it was a Windows-based program that was relatively easy to use. It was fairly inexpensive and was a good way for us to get our feet wet pretty quickly and come out with some nice products.

This is just our distribution, our study area. Note the white areas are the estuaries that are included in the ELMR reports. They extend throughout the Atlantic area, but again, we focused for our mapping within the Mid-Atlantic. The light gray shaded areas are counties, and these are included because, as I mentioned, the wetlands data, the NCWI, which provides county summaries for total tidal wetland categories.

This is NCWI county wetland summaries for what we call total tidal wetlands. This was included from the report, the Coastal Wetland Report in 1990. For this purpose, total represents the tidal, fresh, salt marsh and tidal flats, and it's referring to a total tidal, so it's not all-encompassing, but that's what we used for this report.

The information we could obtain from this type of map is to give a general qualitative idea of where the areas of higher habitats are, and we wouldn't

expect to get detailed information from this. And in future iteration, where we deem it necessary, we could take a closer look within a region ecosystem and watershed. The NWI maps would be extremely useful, and we could incorporate those fairly easily.

We identified sediment as the key habitat characteristic for summer flounder based on the different life stages, utilizing different types of substrates and their habitat preferences. This information came from the NEI again, the national data base, and it was from a report that was completed for the Atlantic estuaries with sediment distribution.

The highlight of our mapping process was getting to the biological data, based on the ELMR and NMFS data bases that we used. From this map, you can see the point data over here as being the NMFS data indicating adult summer flounder distribution and relative abundance for April.

Again, this is just a few of the example maps from different life stages and the monthly distribution. From this information we can see that the summer flounder adults in the northern part of the

Mid-Atlantic were heavily on the outside parts of the shelf, whereas in the lower part going down towards North Carolina, they are beginning to move inward, and the estuaries were likely an important area for feeding.

The colored areas within the estuaries, ranging from orange to a light yellow is the ELMR data. Again, this is classified into five categories of relative abundance, from a highly abundant, the darkest color, down to abundant, common. The predominant color here is orange. A light yellow indicates rare.

This data is coordinated with the salinity data that we use. You see some of the lines going to the estuaries. This is broken down into the three types of salinity zones that are included in the ELMR data, from tidal crash mix into sea water. So we can actually look within the estuary to see what area would be closer to the riverine area where a tidal crash compared, with relative abundance there compared to sea water at the mouth.

From this information, we see in April the predominant area for a common relative abundance is in the mid to lower part of the Mid-Atlantic, whereas

the northern estuaries at this point in time were indicating rare, according to the ELMR data base.

As far as comparison, this again is adult summer flounder, this time in August. Within the NMFS data, you see that the adults have been moved further inshore, closer to the shoreline, as opposed to on the outer shelf where they tend to overwinter later in the year as well as spawn.

With ELMR data, we see a much larger area or region of common relative abundance in distribution. And although at this scale in the map, it's a little hard to identify it, we see down in North Carolina and South Carolina estuaries is actually a darker color, indicating a very highly abundant for that month and that life stage.

As I had mentioned, we did incorporate a small amount of state data, and this is a zoomed-in version of the Maryland Coastal Base, looking around the Chincoteague Bay, Tangier, Pocomoke Sound of Chesapeake Bay is off to the side, and up into the Delaware inland bays.

The state data, we thought, was a very

important part that we should be including to bridge the gap in between where the NMFS data shows some close-up to the coastline, but it's a less reasonable area where we could fill in, compared to the ELMR data which excludes anything out on the offshore or inshore areas. It covers only the estuaries.

And we saw a good correlation between the ELMR data and felt comfortable with incorporating the ELMR data and state data together. We saw high abundance, or actually very high abundance in the Delaware inland bays and Chincoteague Bay, and this matched up with the juvenile trawl data and seine data that was supplied to us from the Maryland information.

This certainly isn't meant to strain your eyes, but just to give you an indication of what we pulled together for our life history categorization and information. The table that we pulled together shows several going vertically down, life stages for the species, including a greater background than we included earlier, from five to about seven life history, from early larvae, late larvae, inshore larvae, offshore larvae.



We also looked at additional habitat characteristics and physical characteristics, such as location, temperature, substrate, salinity, wetland type, down to depth and dissolved oxygen.

As I mentioned earlier, we thought this is a good information source to base our data on, or base our mapping on, as well as the potential for inclusion in the fishery management plans to benefit the habitat sections of these.

Where are we with the close of fiscal year '95 and going into '96 with essential fish habitat? Well, we're very excited with what we've come up with at this point, but we recognize that there is indeed a large need for us to expand and improve on what we've come up with.

In '96, we're going to look for additional data sources to round out what we have and improve this. This will include state data, working with academia where possible, as well as the recreational fisheries data within National Marine Fisheries Service, which we didn't incorporate in our first year.

We also want to improve our methodology and expand it. For this first year, we worked with a small group within headquarters, between NMFS and NOS. We're going to look to our science centers, our region and our field, as well as outside constituents to improve this as best possible and move forward.

We also plan to address the further assessment of scale, and what we are meaning by this is that not all species are as nice as summer flounder to work with. So we've started thinking about pelagic, especially as we have life of rock bottom and surf plans to work with. We're going to have to come up with some kind of project with some type of methodology to work out this type of habitat identification.

We're very excited to work with the Atlantic States Marine Fisheries Commission on the weakfish work that's going on. We hope to be doing some mapping with you and moving forward in this area. We're very excited about this collaborative effort.

Likewise, we will be participating in the Habitat Workshop that's upcoming in the spring, sponsored by Atlantic States. And within our own group,

we're going to organize an essential fish habitat working group in order to have a more focused group to move forward in this area.

And in time with legislation, pending, of course, our final outcome, we hope to be developing guidance where necessary if this becomes a prudent thing to do, and phase in fishery management plan amendments with essential habitat areas.

I think I have exhausted my maps, and I appreciate again having the opportunity to come forward and speak on this today, and I'll be happy to identify any questions.

CHAIRMAN COLVIN: Thank you.

Tom Fote.

MR. FOTE: As chairman of the Habitat Committee, I'm really excited about this process of pulling everything together. I was wondering, I'm looking at that map there, and I realize that we have Long Island Sound, Barnegat Bay, Delaware Bay, Chesapeake Bay, a little part of EPA's estuarine system, and did you use any of their information? Since we're putting a lot of information together, and we're using a

lot of money to get that information, and we're going to incorporate it all together.

MS. SCHREIBER: Yes. At this point, for the first year, we didn't go to those specific areas to get additional information. We definitely plan to do that as we go. There'd be great benefit to span that area and really fill in some of the gaps where we might be missing data.

MR. FOTE: As I said, we have always looked at -- we realize that we don't have the comment, commentability on permits and everything else that goes on in the states, but there's people in the states that will comment if they have the information available. And if we can show them where fish habitats are, they can do the fights that we can't do.

CHAIRMAN COLVIN: Are there other questions? Bruce Freeman.

MR. FREEMAN: The states have various surveys, not every state, but many of them. How do you plan on integrating that information into your system?

MS. SCHREIBER: We haven't identified a precise methodology for that, but we'll definitely want

to work closely with the state representatives that know the data and work with our science centers and our people so that we can come up with a consistent -- that's something that's very important that key species have a very consistent plan and all the data is attributed in the way it should be.

CHAIRMAN COLVIN: Other questions or comments? Jamie.

DR. GEIGER: I really appreciate your report. I thought it was excellent and very timely, and I would encourage you also -- as Tom mentioned, the EPA has an estuarine program, of which the Service is a partner, as well as our own operational bay/estuary programs.

I would urge you to look at more interaction and cooperation with those folks to get them in the loop, because again I think we're talking partnerships and interaction here, and I think certainly we have an excellent track record as part of the Chesapeake Bay Program to do that, and I think we need to look at all these avenues in terms of who has what to help in the system process, so that we get better

information to make resource management decisions.

CHAIRMAN COLVIN: I think that point is very well taken. I think the example of summer flounder is a good one in that regard. There is quite a bit of information being developed in the New York Harbor, New York-New Jersey Harbor and the New York Bight Restoration Program by the Fish and Wildlife Service with habitat inputs to that that will fall flat on top of some of the overheads that we saw in that area.

I think Bruce's point is also well made, and I know that we do this anyway, but coming out of the Long Island Sound Study, we've had access to the Connecticut Trawl Survey data base for Long Island Sound, which -- I see Eric is in the back of the room -- which its staff conducts. And I know that if that data were incorporated in here, you would not see Long Island Sound, at least not the whole Sound, in light yellow for fluke in August. You would certainly have some orange and maybe some darker colors in there in part of the Sound.

So I would strongly endorse the comments that the Board members have made.

Are there any other comments? Wilson.

DR. LANEY: Yes. Just one, Gordon. I talked a little bit to Ramona last night, and I had started conversations with the ELMR staff I guess a year and a half ago at the Halifax AFS meeting about the very sort of thing that she's describing to us.

Ultimately, I think what would be desirable, and I think what would be of great interest to the Board would be once you can get all these different data bases in some sort of common units, like density per cubic meter or square meter, whatever is appropriate, then you can really start doing exactly what you just said, and homing in on those specific areas that are really preferred by the fish for spawning or for nursery areas or whatever.

That's what's really exciting to me. I know it's going to take a long time to do that, but I'm looking forward to when we get to that level of precision.

CHAIRMAN COLVIN: I would add one thing to that from a personal perspective, and I'll say it just because it's something that I see. But I have no

idea personally of how complicated it would be. But at some point, trying to develop a little more coordinated base mapping system so that we're all working off the same base maps would really be helpful, too.

Other comments? Thank you very much, Ramona. Very much appreciate your presentation.

We're going to try, with your cooperation, to get a couple more agenda items under our belts, and I think we can do that in a fairly short time, and still have plenty of time to get ourselves ready for our event at 6:30.

I'd like to turn now to Phil Coates for a report of the Striped Bass Board.

MR. COATES: Thank you, Mr. Chairman. Recognizing the lingering but diminishing irresistible masochistic attraction striped bass has, I was pleased to see that we had this item on the agenda of the Policy Board.

CHAIRMAN COLVIN: Well, I do note, Mr. Chairman, that a year ago, there was much ado made out of the fact that we went through an entire Annual Meeting without a report from the Striped Bass Board, and it



created 12 months of withdrawal for all of us. We just could not pass another year by.

MR. COATES: We'll do our best to satiate your desire for this information. For those that are interested in the plan, there is a brief summary of the Striped Bass Plan as implemented in your ASMFC Fishery Management Plan Summary.

We do have a board meeting, I believe, scheduled for our December ASMFC Week. We have a couple of items we will address at that time.

And I think the only item to bring before you today is behind the next-to-last blue tab, and it's an issue related to by-catch. It came up as a result of concern expressed by members of the Striped Bass Advisory Panel last year. And we took a look at it, and the board decided it was quite an item that should be passed along to the full Policy Board for an examination.

And I'm going to ask John to lead us in this discussion, if you would.

MR. JOHN FIELD: Okay. If you flip to Tab Number 14, the second-to-last item in that section

is draft by-catch reduction language for consideration by the ISFMP Policy Board.

During the development of Amendment 5 -- forgive me if Phil's already said this. I was talking and wasn't listening. But during the development of Amendment 5, the Striped Bass Citizens Advisory Panel became very concerned about the lack of rigorous qualitative ways to assess severe by-catch problems and ways to curtail them, perhaps even as a compliance measure in the Striped Bass FMP.

The Striped Bass Management Board at that point last year didn't feel like they could elevate this to that level without giving it some consideration by the full ISFMP Policy Board. They did end up beefing up the language in Amendment 5 that talked about by-catch, described ways in which serious problems could be brought to the attention of the Management Board, and ways in which the Management Board could work with the state or states involved to reduce by-catch, but not get to the detail involved in this submittal that you have in your briefing book.

This submittal was drafted by our

advisor, Fred Schwab from New York, who's a recreational fisherman, very concerned about by-catch issues. And he felt that if FMPs, not just the Striped Bass FMP, but all of our FMPs, could describe by-catch problems in terms of percentages of directed catch, ways of paying back by-catch, excessive by-catch, by subtracting it from directed quotas, things of that nature, we'd be well on our way to curtailing by-catch problems coastwide, and he felt really getting at the root of one of the major problems in coastal fisheries management.

Some of the things in this section are a little misleading, and maybe I could guide you through it real quickly. On the first page in Fred's introduction, the second-to-last paragraph indicates that the FMP "contains no mention of meaningful measures which might be taken, should a state or jurisdiction fail to effectively resolve a serious by-catch problem or issue."

That's not the case, as I see it, in the Striped Bass Plan. We do have a very specific fishery trigger which involves excessive harvest, whether that's directed or nondirected. That's our so-called F rate

trigger in which the estimated fishing mortality rate statistically exceeds the target rate for two years running, and there's a very lengthy recipe involved. But essentially, if it exceeds it for two years running, there are specific steps that shall be taken. If it's three years running, there's another set of steps that shall be taken spelled out in detail by the Technical Committee and the board.

The Technical Committee, by the way, felt that that was quite a good way to get at by-catch problems which might be lurking in the background but not quantified by at-sea observers, and things of that nature.

On the second page, down towards the bottom of the page, the paragraph beginning, "Jurisdictions having excessively high by-catch," and Fred inserted some blank percentages. Originally -- I think you can still read it -- he had written in 35 percent or more of allowable catch. He believed that constituted excessively high by-catch.

I think when the Board is examining percentages like this, we have to keep in mind, for

instance, under Amendment 4 to the Striped Bass Plan, by-catches exceeded 50 percent of the directed catch. Our estimate of nonharvest losses was about .1 in terms of F rates, where our directed fishing mortality was less than that. It was .09. For a total of .19 in our estimated fishery mortality rate.

So, when you start realizing that for every fish landed, another fish was going to the bottom, it starts to shed some light on what may or may not constitute an excessive by-catch problem. And as you all know, under Amendment 4, the fishery recovered and did quite well, even with, evidently, half the fish not even being realized.

That's really all I had to say. Fred is aware that this has been submitted to the ISFMP Board. I'm sure he looks forward to hearing the outcome. And with that, I'll leave it up to the Board to discuss and resolve.

CHAIRMAN COLVIN: Thank you, John.

Phil, do you want to add to that at all?

MR. COATES: Well, just that I think what we're attempting to do here today is just get your

comments specific -- not just specific as it might apply to the Striped Bass Plan, but also look at it from the perspective of your own boards that you chair and think about how this might be used or might be applicable to a more generic fishery in terms of being included in every plan.

So I think we'd like to hear comments on this as it applies specifically to striped bass, and then I think you ought to take a look at it from the perspective of broadening its application.

CHAIRMAN COLVIN: The Chair will not look to any formal action on the part of the Board with respect to this. I don't think that's what's being suggested. I think perhaps some discussion and commending these ideas to the attention of the staff for further development in consultation with the various boards and PDTs.

For purposes of discussion and question, Mr. Freeman.

MR. FREEMAN: Two points that strike me in reading this, Gordon. One is the definition on the bottom of the first page, where it has by-catch

reductions. The definition of by-catch includes a large grouping, including discards or illegal retentions or incidental mortality, discard mortality and nonmarketed. And that definition, I think, needs to be looked at, or the definition of by-catch needs to be looked at and defined.

One reason we talk about this -- and everyone has a different idea what they mean -- there is a lot of confusion. So it may be very useful to come up with a definition that we can agree to, so at least we know what we're all talking about.

In the plan itself, some of these aspects that are included under this definition are partitioned, and at least F rates are given to these, as was indicated by John. There's some confusion here, and that needs to be clarified.

The other issue deals with monitoring. The states do monitor, but quite frankly, in order to get a very good handle on this whole issue of incidental mortality, it takes a tremendous amount of effort and time and money if you're going to do it properly. And that concerns me. We need to know that information.

But in order to obtain it will require a considerable increase over what we're doing now.

And if we're going to make that commitment, then we should all understand what that means.

CHAIRMAN COLVIN: Mr. Borden.

MR. BORDEN: Yes. Bruce just raised my concern about monitoring. I have no objection to the intent of this, but I wonder about how it would be implemented, whether or not states have the resources to implement it.

The other point I would raise is that -- and it's a question of Phil. Page 2, halfway down the paragraph that begins, "Where appropriate," there's a sentence in there that says, "the Management Board may recommend remedial steps to be taken by the involved jurisdictions." Is this getting down to the point where the Management Board will target specific measures that the state has to take within state waters? Is that the intent here? Or are you looking at it more in a generic sense that you have to reduce the discard mortality down to X level, and then it's up to the state to accomplish



the task? Which way is it being looked at?

MR. COATES: I'm trying to recall the discussions we've had based on recommendations or discussions of the Technical Committee. It seems to me that there were thoughts -- I don't think the board ever took a specific action, but I think there were concerns expressed about the fact that it was a significant persistent problem. There needs to be something done within the plan to address that. And if it becomes a compliance issue, we may need to develop a procedure.

I'll ask John if he could give more specifics on this. I know that the board was concerned about a persistent and unaddressed source of by-catch mortality, and they basically wanted to see this become a compliance situation through the plan development process.

MR. BORDEN: If I could follow up, Mr. Chairman. My concern is not with addressing the problem with the gear that's prescribed and certain measures to be taken. It seems to me the appropriate role of the Commission is to say, "This is a problem the state has, you've got to go do something about it." And then what

I would envision is the state coming back with some plan to address that problem.

MR. COATES: In other words, you're suggesting that the Board shouldn't be suggesting micromangement measures.

MR. BORDEN: Right. That's just my own personal view.

The other question I have is on the paragraph below that which relates to where states fail to take action then the fishery responsible for the excessive by-catch will be closed. What mechanism is the Commission going to use to accomplish that?

MR. COATES: That obviously becomes a compliance issue.

MR. BORDEN: Compliance, so it's a moratorium --

MR. COATES: Just remember, this language was given to the board, and I don't believe it's been heavily resigned at this point. It was provided basically by members of the advisors that felt that this was one approach towards addressing the by-catch issue. So, you know, that's why these comments are very helpful

to us.

I note, too, in regard to the definition of by-catch, there is something in the charter regarding that, and that's going to have to be reconciled with this definition.

MR. BORDEN: Mr. Chairman, just a comment that I think this is a very useful iteration and promotes more discussion on the subject. Given the level of concern that was voiced last year about striped bass discards, I think it's very beneficial.

MR. COATES: That's what prompted it, that and persistent rumors about by-catch in striped bass throughout the region.

MR. FOTE: Looking at -- after our discussing it this morning on weakfish and the last three discussions I've had on scup, sitting on both boards, I realize that the amount of by-catch mortality rate on the Scup Plan is equal to the recreational catch, only a third of the catch of very small fish by pound, not by numbers.

It's an issue we have to deal with in a generic manner in my estimation. I mean, we're sitting

here with little micromanaging states, how to do recreational, commercial fisheries, and sometimes the by-catch makes up the largest part of the fishery, especially when I'm looking at scup. And I've got to have very serious concerns.

It should be a generic plan developed that we can use for scup, for weakfish, and for striped bass.

CHAIRMAN COLVIN: John.

MR. FIELD: I was just going to say, Mr. Chairman, that during the last phases of the development of Amendment 5, a serious by-catch problem was perceived in the North Carolina dogfish fishery. As you remember, there were several meetings in which this was discussed. And, quite frankly, the process in which that problem was identified, discussed and finally resolved followed some of the language that you see here and some of the language that you'll find on Page 28 of the fishery management plan.

There were several citizens, recreational fishermen mostly, that brought the potential of high by-catch to the attention of ASMFC. The Board requested

formally that the Technical Committee look into possible problems in that fishery. The Technical Committee contacted not only federal and state people in their region, but people in North Carolina.

The Technical Committee did a very thorough analysis of their estimates of striped bass throwbacks and discards in that fishery, based on at-sea observer data. And it was determined that that poundage being discarded in that fishery provided almost an immeasurable impact on the fishing mortality rate, and the Board let it go with that, with the direction to continue to monitor that fishery in the coming years.

So there was a process established, at least in the Striped Bass Program, that seemed to work fairly well. It was a very thorough scientific analysis, and the problem was dispensed with, probably not to the satisfaction of a lot of people, but it was certainly dealt -- all the best available scientific information was used, and it followed the recipe that was laid out in the plan.

CHAIRMAN COLVIN: Further observations?

Robin.

MS. ALDEN: Just a couple of observations. First, to pick up on what John said and what David said about monitoring. I think we've got to incorporate science into this process, because as we start monitoring more, we are going to know more about discard mortalities, and that has got to be figured into the stock assessments and the plan development at the same time, because I think we've got a measurement problem here that will skew what perceptions are of the situation.

I also want to point out that on Page 2 in the paragraph that starts with "Jurisdictions," it does talk about deducting this from the commercial quota. There are some states which don't have commercial quotas, and also there is -- and the definition of by-catch is defined as a recreational by-catch as well as a commercial by-catch. So we still have to be more particular about that.

And finally, I just might add, since I am from Maine, that in the introduction, it's not only all finfish species, but all species which are subjected to by-catch.

CHAIRMAN COLVIN: Are there any other comments folks want to make on this issue today? Okay. I think it's certainly appropriate to continue to express your views on this, or your staff's view when you've had a chance to share it with them, to the staff, and also appropriate for the various boards to take these ideas under advisement as they go about their work in FMP development.

I'm sure the staff will continue to look to these kinds of ideas as suggestions in the development of management plans, particularly for those plans where by-catch issues need to be addressed.

A. C.

MR. CARPENTER: Mr. Chairman, I'd suggest that you as chairman of the Policy Board, write to the author, Mr. Schwab, let him know that his efforts were not in vain, and his efforts are appreciated by this Board and the various management boards, because that gentleman took a lot, energy and effort on his own part to do this and bring this to our attention. And we need to acknowledge that and encourage that kind of thing.

CHAIRMAN COLVIN: Thank you. A. C. Yes.

That is how he is, and I'm sure that Fred did do this out of concern for the resource and wanted to make a contribution on a matter that concerned him. We will do that, without objection; we will certainly acknowledge our appreciation for his work and indicate to him what we're doing with it. Thank you for that suggestion.

I think it's probably appropriate that we call it a day. We have only a few agenda items to cover tomorrow, and we'll confer with the staff tonight and give us our best estimate of an adjournment time, but I would think that we would be able to dispose of our agenda well before the lunch break tomorrow, so that we would be able to convene the Executive Committee some time mid- to late morning tomorrow.

Is there any further business that anyone wants to bring before the Policy Board this evening, or anyone who cannot be here tomorrow who would like to put something before us before we adjourn?

Seeing none, we stand adjourned until 8:00 o'clock tomorrow morning; 7:30, I'm sorry.

(Whereupon, the meeting recessed at 5:40 o'clock p.m., November 1, 1995.)



THURSDAY MORNING SESSION

November 2, 1995

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The Thursday Morning Session of the ISFMP Policy Board Meeting of the 54th Annual Meeting of the Atlantic States Marine Fisheries Commission convened in the True Laurel Room of the Hawthorn Suites Hotel, Charleston, South Carolina, November 2, 1995, and was called to order at 8:45 o'clock a.m. by Chairman Gordon C. Colvin.

CHAIRMAN GORDON C. COLVIN: Good morning and welcome to the meeting of the ISFMP Policy Board.

Two introductory announcements. Number 1. If anyone has misplaced their briefing book, an extra was found in here last night. It's on the table next to Joe.

Secondly, it would be the chairman's intent to endeavor to complete the business of the Policy Board by around 10:00 o'clock and to convene at that point, after a break, the Executive Committee meeting. I think that's a reasonable blueprint, and we can assess that at the time we arrive at that point on

the agenda, but I would ask staff to please indicate out on the board next to the reception desk that we expect to convene the Executive Committee at approximately 10:15 to 10:30 this morning.

Are there any questions or agenda issues that folks would like to raise at this time before we resume our agenda?

Seeing none, let's proceed to Agenda Item 9, Procedures for Technical Working Sessions. Mr. Lapointe.

MR. LAPOINTE: This is a question I want some guidance on from Board members, and the genesis of it is that we've heard a lot of discussion about the speed with which our process works, and this came up through the Weakfish Plan, and the number of times we've tried to get the Technical Committee together and the amount of work we give them.

And I'm concerned -- and our Technical Committees are open sessions right now, and there are times when interaction with interested people slows down the process so much that one meeting has to become two. And I'm just looking for guidance on the part of our

state members and the federal service on how and if we could hold some kind of closed technical working sessions just for some of those early iterative sessions or discussions that the Technical Committee needs on, for instance, with the Weakfish Plan, how we tie all the components of the Weakfish Plan that we discussed yesterday into a package.

It's in no way to deny the public a chance to look at the package, but I want to let the Technical Committee work efficiently to put the package together.

So with that as an introduction, I'm just looking for -- and I don't need it today, but I welcome your guidance -- if it's a good idea and how to proceed.

CHAIRMAN COLVIN: Are there any comments or questions on the issue that George has put before us? Perhaps it would be useful to ask if some of the member states believe that there would be legal difficulties with members of their staff and their ability, whether they're in state or out of state, to participate in meetings that were not open to the public. Not necessarily advertised meetings, but meetings from which the public was excluded.

MR. COATES: Ones that are advertised as not being open to the public, then we're all right.

CHAIRMAN COLVIN: Andy.

DR. ROSENBERG: Mr. Chairman, can I suggest a middle ground, because I know this can be a very sensitive issue on technical sessions, and that would be the agenda identify particular periods of the meeting where public comment will not be provided, although people can sit in.

I know that sometimes in a council or there's places where you just don't take public comments, but that doesn't exclude people from listening in on the discussion. And that might address the issue of working efficiently without, you know, people feeling excluded.

CHAIRMAN COLVIN: Thanks, Andy.

Tom Fote.

MR. FOTE: I agree with Andy on that point. I think it's a lot better if you say there'll be no public comment accepted, back to the days of old, and basically hold the meeting but open it to the public, because you don't want to have a meeting closed. And I

really have problems with closed meetings, unless it's for the Executive Committee when we have to do salaries and things like that. But I think you're asking for trouble.

CHAIRMAN COLVIN: Paul Perra.

MR. PAUL PERRA: Well, I think it's good to have an open process with the public, but in my experience in the past -- and it's only rare -- the Technical Committees do discuss confidential data, which has been given from the National Marine Fisheries Service to the different states, which is supposed to remain confidential, and that is difficult to do when you've got a wall full of public watching.

So there are times when it may be appropriate to close the session.

CHAIRMAN COLVIN: Mike.

MR. STREET: Mr. Chairman, that happened at the AMAC meeting this last April. We had confidential data, and there were a couple of people there who were not members of AMAC, and we passed the data around to the AMAC members, and in our discussion we just didn't mention any numbers. And so they were

there, and I told them, "You're not receiving this. We're dealing with confidential information." We just managed to not say what those numbers were. But that's not always possible.

CHAIRMAN COLVIN: The one point I would note is that, in the question of the use of data which is confidential by federal regulation, it's a very serious matter, extremely serious matter, and one that perhaps one need not be apologetic about creating a situation in which only people who are legally authorized to view that data are present. I don't see that as the kind of problem that Tom Fote alluded to in those circumstances, provided that it is made clear to people.

George.

MR. LAPOINTE: I'm less concerned about the confidential data portion of this, because we can handle that already.

And I am very sensitive, Tom. I don't want to close the process to the public. But I want to allow the committees to work effectively and efficiently so that we can get that information to the public in a

timely fashion, and so that -- I know when my thought processes are beginning, I'll throw out ideas, and other people in a technical session or in a policy session will shoot those down, and that can look fairly ugly.

And if we're challenged, or if people, as happened recently, wrote a press release based on that early ugly discussion, an inaccurate picture of the meeting comes out, and that doesn't help our process either.

MR. COATES: I'm sensitive to Tom's concerns. In Massachusetts, our commission operates in an open forum, but their discussions are basically closed to public input, unless one of the commission members identifies someone in the audience that he wants to provide information on a technical point. And we've gone through some fairly contentious discussions, internal discussions that I've seen people almost falling out of, jumping out of their seats. But generally those things can be controlled.

So I'm not concerned. You know, the rare instances or relatively rare instances when you need to discuss sensitive data, things like that, that can be

addressed beforehand. But I think you can operate with an audience, and just with the understanding that this is a session that's designed to get information or discussion from the participants, and public input will not be solicited unless requested. I think you can get through it.

CHAIRMAN COLVIN: Susan.

MS. SHIPMAN: And I think a lot of the key to that is good guidance to your Technical Committee chairpersons. If you provide them with guidance and sort of coach them in how to handle those things.

MR. LAPOINTE: I was just going to make that suggestion, and this was -- I mean, I'm glad we had the conversation. And I will draft some guidance to those Technical Committee chairs, talk to Jack and Gordon about it before it goes out to the chairs, to make sure that we handle it well. Thank you.

CHAIRMAN COLVIN: Thank you. If folks have other suggestions or things that George might include in that kind of a guidance document, please communicate them to him. Thank you.

We'll move now to the report of the



Committee on Advisors. Tom Fote, do you want to introduce staff for this purpose?

MR. FOTE: Yes. Larry Cantwell, as I say, couldn't make the meeting, so I chaired the meeting, a joint meeting of the Committee on Advisors and the Advisory Committee. It went very well. Four of the members were able to attend: Damon Tatem, Ernest Bowden, John Norton and Patricia Jackson.

The only problem I had was -- and I haven't had a chance to talk before because I was away last week -- was really the board chairmen should have been there to listen to their comments. The Committee on Advisors is not setting policies how those individual Advisory Committees work. Basically we appoint people, we look at their qualifications, and vote to approve them, but we don't tell that committee how it works. That's the direction it gets from the board that's basically directing that Committee on Advisors.

So it would have been good if all the chairs were there of all the boards. There were three chairs, and the dialogue went on real well.

Damon Tatem was elected chair of the

Committee on Advisors. He expressed how the Striped Bass Committee worked and really said that he felt that a lot of their input was included in the management plan, in Amendment 5. And so it was refreshing to hear that.

In your packet under the Committee on Advisors are the guidelines for the size and composition of the Advisory Panels. That was passed. And I don't know whether this Board has to approve that, the Policy Board or not, but I wish you would review it, see if you have any more comments on that, and get it back to us if you don't see any problems with it.

I don't know, Jack. Does it have to be approved or not, our guidelines?

EXECUTIVE DIRECTOR DUNNIGAN: No.

MR. FOTE: Basically we went through a bunch of nominations. One or two are provisional, on hearing from Massachusetts and Maine. I don't think I've heard from them, so I guess those -- from the Lobster Committee. We never got any word back, so they're still discussing that.

MR. COATES: I don't think we've had an

opportunity to get together and discuss that, but we will.

MS. ALDEN: And we're in the process of -- we have the list almost ready to submit.

MR. BORDEN: On the lobster issue, Tom, Tina has a slate of candidates, a formal slate of candidates that have been submitted. We've already taken action on at least one of the recommendations, but at some point I'd like to discuss the composition of that Advisory Panel, but I don't know that right now is an appropriate time.

MR. FOTE: We're trying to get more and more direction of the board as to how to do this, and basically we kicked it back to the board. We were really there to approve, go through the Advisory and make sure they meet the qualifications, but not to really decide pretty much how the board operates. And that's what we're leaving to you. And if you want to make changes, the changes really have to go back to the management board.

And as for, like, Shad and River Herring, North Carolina requested an extra person. That has to

go back to the board and the request has to be put before the board, and then they'll come back to us with the request, and if that's so, we'll do that.

Understand that if you didn't get it in by this meeting, there's nothing to stop the Committee on Advisors meeting by phone and something like that to approve this, so we can get those appointments on. We don't want to hold up the process. We just want to review it.

Tina took a lot of notes, and anybody who has any questions on who was appointed and everything else, we'll get them out in the mail as soon as possible.

A. C.

MR. CARPENTER: Mr. Chairman, did you say that North Carolina was requesting a third person for the Shad and River Herring?

MR. FOTE: Yes, and we turned it down.

MR. CARPENTER: Mr. Chairman, there is the possibility that the PRFC interest could be represented by the gentleman from D. C., and as soon as I can confer with him, we may be able to relinquish our

position with North Carolina in that regard. I do need to confer with our board.

CHAIRMAN COLVIN: I understand. Let me reinforce the observation made by Mr. Fote that I think it's the perspective of the Chair that the composition and size of Advisory Panels is a matter that ought to be determined by the recommendation of the species board. And this is not a matter that has typically come before this Board. It is not my desire that it do so.

It is my desire that the species boards work these things out to the extent that they can, and that there ought to be some consultation and communication with the Committee on Advisors in that regard in reference to standing policy.

I would ask everyone to be aware of the documents that Mr. Fote referred to, particularly Mr. Cantwell's August 21 memo to me that expressed guidelines for determining the size and composition of the Advisory Panels. This was an effort by the Committee on Advisors in response to concerns I had expressed that arose from the spring meeting.

You will recall there was considerable

discussion at the spring meeting by the species boards and by the Policy Board about the manageability of the Advisory Panel process, and the manner in which we were apparently identifying the structure of the Advisory Panels. That led to the effort on the Committee on Advisors to develop guidelines which basically, as Mr. Fote correctly indicated, placed the responsibility for framing requests and ascertaining the overall structure of Advisory Panels and their nature and the kind of advice we want, the kind of uses we would make of Advisory Panels with the species boards.

And I think that's where it ought to stay. So I would suggest that that kind of consideration or any consideration, as I indicated to Mr. Borden a moment ago, about nominees to the Lobster Panel, should most appropriately go back to the species boards.

I would ask everyone to be familiar with the contents of Larry's August 21 memo, because I think that the Committee on Advisors has accepted those guidelines and intends to operate consistent with them. That means that the species boards need to be aware of

them and to operate within those parameters.

MR. FOTE: Larry really wishes he could be here. Larry's put a lot of time and effort into getting this smoothed out. We realize he really fought hard for a number of people to get committee advisors set up, these Advisory Panels set up, and wanted to make sure that the processes ran smooth. And a lot of time and effort went in, a lot of phone calls, to try and get a process that will work.

We're still working on it. Anybody has any suggestions, the committee's always open for those suggestions, how we could correct the process a little better.

One other suggestion and then I'll finish my report is that the Committee on Advisors is going to meet with the Advisory Committee. Maybe that meeting should be moved up closer to the Policy Board meeting in the future, since those individuals have a chance to sit through the Policy Board and make comments. That means -- they were here on Monday. Most of them couldn't stay three or four days to wait around for this meeting of the Policy Board. And actually maybe they could be

there and sit in and talk. You could ask them questions how they feel about it, the different chairs.

That's all I have to report so far.

CHAIRMAN COLVIN: Thank you. I'd like to add a couple of observations, because I was able to sit through the joint meeting of the Committee on Advisors and the Advisory Committee, and I'd like to share a couple of observations with you. I think a couple of these things are important.

For this meeting, the newly constituted Advisory Committee did meet jointly with the Committee on Advisors, and the majority of the issues they discussed focused on the operation of the Advisory Panel process, and the reactions and recommendations of the Advisory Committee members who are the chairs of their respective Advisory Panels as to how that process was working and how it could work better.

There are only five of them now, but shortly there will be a significantly larger number, and by the time of next year's Annual Meeting, there may be a dozen or more members on the Advisory Committee.

I think it's likely, and it's very



appropriate, that we begin to turn to the Advisory Committee for advice on matters beyond the operation of the Advisory Panel process alone. To that end, I think I would like to request the members of the Policy Board to give thought to the question of what sorts of issues would we ask our Advisory Committee for advice on. What kinds of overarching or coastwide or Commission process issues could the Advisory Committee be helpful in giving us advice on?

And those suggestions to myself and the staff between now and the spring meeting at least, and on a continuing basis, would be most helpful.

Secondly, to pick up on another aspect of Tom's report, because we will be broadening the sphere of advice that we get from the committee, they will probably be meeting by themselves in the future. Now, that may take some time to transition into that, but I don't think they will always be meeting jointly with the Committee on Advisors, because they'll be dealing with lots of other issues.

And the likelihood is that that committee will be reporting back to this Policy Board, and I just

want to make everybody aware of that, that will be another committee, and an extremely important one, I hope, that will be reporting to us and providing suggestions to us in the future. And we can expect to have at least the chairman, if not a number of members of our Advisory Committee, joining us for our meetings.

Lastly, particularly during the discussions that the Advisory Committee members had on the operation of the Advisory Panel process, I agree with Tom's observation that the more board chairs who can be present during those discussions the better. I think it would have been very -- we had a couple of board chairmen there, and I think it would have been even better to have as many of the Board chairs who could possibly be present there for that discussion.

I think any time the Advisory Committee is going to be talking about the Advisory Panel process, the board chairs ought to try to be there if they can. There's a great deal to be said about how to improve that process. There were some very constructive things said during that meeting that I hope will be reflected

in the meeting minutes that everyone will take a look at.

Are there any questions or comments on this report?

Okay. Let's move on then to combined Items 4 and 11. Mr. Lapointe.

MR. LAPOINTE: Thank you, Mr. Chairman. Behind Tab 14 is a draft 1996 ISFMP Action Plan, and it's not easy to find. I think it's behind the second piece of blue divider in your book on Tab 14.

And I also provided people yesterday something called ASFMC Fishery Management Plan Summaries, and I provided this because I have not yet gotten all the FMP reviews done, and I wanted to provide the summaries along with the actual plan to get the discussion, never having done this before, on first the '96 Action Plan and, more importantly, probably for me is I've been here almost a year, and I've got some staff members who have been here longer and shorter times -- Frank and John Carmichael have been here six months -- and we're in an incredibly busy and increasingly complex, as evidenced by yesterday's suggestions to

modify the ICFMP Charter, a complex time.

So I'd like people's comments on the Action Plan, but I'd also, if we have time -- and I don't think we need to belabor the point -- to get people's constructive criticism on the ISFMP process and how to make it run more efficiently in the coming year.

How has this been done in the past? I can run through it broadly. The Action Plan was modified from last year, and I can run through that briefly with folks. I'm not going to run through the individual meetings at this point.

Gordon provided me with a memo that David Kieffer had written on the schedule for the Mid-Atlantic Fisheries Management Council over the upcoming year, and I briefly went through that, and our Action Plan, the number of meetings for the species that are joint with the Mid-Atlantic Council, jives pretty closely, so I'm not too concerned about that.

As I go through the Action Plan, the first plan that's listed is the Bluefish Fishery Management Plan, and the goal on both the part of the council and the Commission is for approval in the fall

of 1996 so that the plan can be changed in time for the 1997 season, recreational and commercial. It's been made abundantly clear to us that that's a high priority.

The joint planning process is a cumbersome one. Council members and Commission members have told me that, so that will be an ambitious schedule, and we need to work openly and closely with the council to ensure that gets done.

Striped Bass, God willing, will have some board meetings. We'll be in a monitoring mode on that. And we will not need to change the plan until the VPA allows state-by-state quotas in 1997.

A. C.

MR. A. C. CARPENTER: To that point, Amendment 5 expires at the end of '96, and I'm wondering if you have one Advisory Panel meeting and one -- we don't even have a Technical Committee meeting here. Is that going to be sufficient to write Amendment 6 to be effective the 1st of January? We would essentially have to adopt that thing at next year's Annual Meeting, I would think.

MR. LAPOINT: Chairman Coates.

MR. COATES: I was done with Striped Bass yesterday. That's a good point. I think we need to look at that. We're going to have to write a new amendment and have it implemented in time for 1996.

CHAIRMAN COLVIN: May I offer a suggestion. We have a Striped Bass Board meeting scheduled for December. Perhaps the question of what exactly we need to do in light of the plan's current implementation schedule could be placed on the agenda for discussion.

MR. COATES: It will.

MR. LAPOINTE: Staff certainly didn't envision a full-blown top-to-bottom amendment on Striped Bass in 1996.

MR. COATES: I don't think it's that big a deal, but we'd better make sure we understand how big a deal it is.

CHAIRMAN COLVIN: I think it's also going to be incumbent on us to assess progress on the VPA, and, if nothing else, even if the VPA will be available during the year, to address the question of at what point during the year will it become available and what

kinds of things do we have to decide as a result of it and how long is that going to take.

MR. COATES: The VPA should be available, Mr. Chairman. I believe it's being done by some state other than Maryland.

CHAIRMAN COLVIN: I'm not going to rise to the bait this morning. But I do thank Mr. Carpenter for bringing this matter up.

MR. LAPOINTE: I'll modify the schedule to include Technical Committee meetings and increase the number of Advisory Panel meetings, and we'll fine-tune that in December.

The next plan listed is the Red Drum Plan. Oh, excuse me.

MR. BORDEN: Not a specific question on Striped Bass, but just a general observation throughout the document. Given all of the time constraints we operate under in terms of, you know, regulatory context, I would hope that all of the schedules could factor in a lead time that all of the states need in order to promulgate regulations, so that, in fact, it's clearly understood what the time frame is when we have to take

action on it, so that we don't come back here, and immediately hear states plead, "Well, I can't do that, because it's going to take me six months to do us through." The system should be set up to accommodate that is my own perspective.

MR. LAPOINTE: Good observation, and we'll work on pushing that idea as the plans go forward, and reminding all of ourselves as we get near the end of plans, that it may take some extra time, in spite of the fact that we don't like that.

The Red Drum Plan, we had planned on doing an amendment, but I gather -- and Susan and other members of the South Atlantic correct me if I'm wrong -- there's new stock assessment information that shows that we have in fact met the interim target of a ten percent spawning stock biomass per recruit, and there's a general agreement that until the trammel net studies that are being done to allow a better stock assessment, until those studies are completed, that a plan amendment would be premature.

And I don't think that's going to -- those studies won't get done until 1997?



MS. SHIPMAN: 1998.

MR. LAPOINTE: 1998. David.

MR. DAVID CUPKA: That's correct. The chairman of the South Atlantic Board -- we did discuss that, and George is correct. We have met the first goal of the 30 percent SSBR. In fact, we've exceeded that. And we're waiting for the next stock assessment, which will be completed after the 1998 Trammel Net Survey. And we will decide at that point whether to go toward Amendment 2.

So we've kind of put it on hold till we get the results of that survey in.

MR. LAPOINTE: The next FMP listed is the Weakfish FMP, and I think most people were here for that discussion yesterday. We are targeting having a draft FMP available for a public hearing, a draft of the FMP available or approved by the board in December for approval of the -- that's the last day we can run through our process, public hearing process and revise that for plan approval in March of 1996 to get the plan approved before the April 1 deadline.

If we don't meet the deadline of April 1,

we go to F20 in the fishery, it equates to a 75 to 80 percent reduction in fishing mortality past where it is now. That's going to be an incredibly ambitious schedule, but that's what we've lined up.

Bruce.

MR. FREEMAN: George, I have a comment. One on the number of meetings. We have a Plan Development Team. They will meet in November of this year. Then the board will meet in December, and then based upon that, I suspect, the Plan Development Team will have to meet again.

MR. LAPOINTE: This is just for '96.

MR. FREEMAN: I understand. But that means for all of '96 we have one Plan Development Team meeting. We will then have public hearings. I believe after the public hearings, there will probably have to be some modifications. So I would think the Plan Development Team would have to meet at least twice --

MR. LAPOINTE: All right.

MR. FREEMAN: -- I think realistically. Although that's not a large expense. I just think realistically --

MR. LAPOINTE: Sure No. And that's exactly the kind of comment I want, so that's good.

MR. FREEMAN: The Technical Committee will be meeting -- we have three meetings over the course of time. We have four board meetings. Normally, the Technical Committee would meet prior to a board, because the board gives them tasks to do. And I would think perhaps move the Technical Committee from three of the board meetings, and I think that probably will do it.

MR. LAPOINTE: All right. Other comments on weakfish? Susan.

MS. SHIPMAN: The Plan Review Team is no longer the Plan Review Team. And according to the procedures, that's to be maintained while Amendment 3 is under way.

MR. LAPOINTE: Thank you.

Other questions?

The next plan listed is the Summer Flounder Fishery Management Plan, which is a joint plan with the Mid-Atlantic Fisheries Management Council. We currently are working on -- well, we have submitted an

Amendment 7, and we'll be working on Amendment 8 to deal with more issues than I can remember.

The public hearing document, the public information document we went to hearing with midyear. I think we had 13 issues that were going to be included in Amendment 7. Because we wanted to change the rebuilding schedule, we broke out the rebuilding schedule into Amendment 7, and the approval process for that on the part of the council is still ongoing.

But that leaves the other dozen odd issues that have to be dealt with in Amendment 8. Importantly for our states, that includes how to handle the quota allocation question. It's now currently a state-by-state quota. There's interest in changing that. There's a lot of divergent ideas on how to change that. So that alone will take a fair amount of time on the part of the board to handle.

CHAIRMAN COLVIN: Tom.

MR. FOTE: Mr. Chairman, when you look summer flounder, you look at scup, you realize that those are joint meetings outside our meeting weeks, which is become very difficult, especially when you

schedule scup -- like we're going to have a scup meeting next week, and we're going to have a summer flounder meeting jointly with them the week before Christmas. And usually that takes another two days' time.

Somehow when these meetings are scheduled, they should be scheduled -- at least, if we're going to have to do outside our meeting weeks -- should be scheduled the same day so we can kill two birds with one stone. First of all, to save the expense of having to travel to the Mid-Atlantic Council, the motel bills and everything else; secondly, we're meeting six times a year -- that's what we wanted to do -- and look at some of these plans which are joint. That winds up being another eight or ten meetings, which end up being meeting weeks for a lot of us, because there's a lot of travel, and you maybe wind up two days at a meeting.

I don't know how we're going to deal with it. It's tough. But I really wish we could try and look at -- at least, if we're going to have scup and summer flounder, have them on the same day, officially meet with the council. Maybe as we make any more

progress, meeting with the council as a whole instead of with the committees, so we basically have one meeting.

That's what I'm asking.

MR. LAPOINTE: I think the joint planning process is difficult for that reason among many. Jack and I went over and met with council staff to discuss how to work this process more efficiently. We are going to try to hold some of those joint meetings at our meeting weeks to help out with that very issue. That will be a partial fix, Tom, not a complete one.

The reason that the council has broken out different boards on different days is there are times, like the Scup FMP, where the entire day wasn't enough time to deal with the issue of scup specifically at the special meeting, so trying to scheduled a summer flounder meeting wouldn't have worked.

I mean, we're sensitive to that, and we'll do our best, but the complexity of the plans, and the amount of work we need to get done in a day, I mean, makes for a longer meeting.

MR. FOTE: But George, if we had had it at one of our weekly meetings, we could have done both

of those before we got out of there. By putting in the council schedule, it drags it out to two council meetings, because that's the way they do business.

CHAIRMAN COLVIN: Well, let me address that comment as well. The fact is that while we have certain joint plans, in most cases the plans that we are developing jointly with the council, with the Mid-Atlantic Council at least -- and I think to some degree this is true with the South Atlantic Council -- the council has assumed the lead role in our partnership of actually writing the management plan. That means that their staff are the people who are most actively involved in doing all of the work that's necessary to create the plan.

It has been our practice over the years to conduct the joint meetings with the council and on the council's schedule in recognition of that fact. It is not just the ASMFC board members who have to travel; it is also the members of the Mid-Atlantic, New England and South Atlantic Councils who sit on their committees who would also have to travel. So it depends which side of the fence you're on in terms of looking at the

difficulty and the inconvenience associated with additional travel.

To that end, we have tried the mechanism that you suggested, Tom, with the scup meeting of attempting to deal with the entire issue in a single day of the council's meetings. We're going to try to continue that to maximize efficiency, if for no other reason, and to try to, perhaps even most importantly of all, to try to do a better job of having the council and the boards end up on the same square.

We've had a little problem with things getting disjointed over time, as you know all too well, and by having single meetings, we've done a little bit better job in ending up in the same place.

So that's a process that's going to continue to work. It works apparently quite well in South Atlantic. It works less well in Mid-Atlantic. Hopefully we will do better.

MR. FOTE: Thank you.

MR. LAPOINTE: Any more comments on summer flounder? Ernie.

MR. BECKWITH: This is a comment on the



process for joint board and council meetings. An issue came up before and we dealt with it in terms of notice. And in the past, the Commission board members were assumed to be notified of a joint meeting from the Mid-Atlantic Council, and that process didn't work very well. And we had brought that issue up before. We had asked for a separate notice for joint meetings to be sent out from the Commission. And that worked a bit, but it seems to have fallen down again.

I'd just like to make that point and make sure if there is a joint board/Commission meeting, that specific notice comes out from the Commission to the board members.

CHAIRMAN COLVIN: It needs to come out. It needs to also come out timely, and that has been a concern of the chairman. I know that Jack and Dick Kieffer have been working to try to improve that process. I'm confident that it will be improved.

MR. LAPOINTE: Do you have other comments on summer flounder?

CHAIRMAN COLVIN: I'm having some difficulty -- and I was looking to see if Dave Kieffer

or Dennis Spitsbergen were here. Is Dennis here? He's gone. And Dave has as well.

I've been through the Mid-Atlantic Council schedule, and I cannot find on that schedule Amendment 8 completion. And I'm going to have to ask the council for further elaboration on their schedule relative to Amendment 8, because it just isn't here, and I'm not sure why.

We have Amendment 8 only going as far as the development of management measures in December of this year, and there was nothing indicated for 1996. It may be that Dave still hasn't completed this program for 1996. I'm not sure.

MR. LAPOINTE: I'd be very amazed if we got Amendment 8 done before year's end.

CHAIRMAN COLVIN: Well, the point is that it's probably moot to do it before year's end because of the key issues are quota management issues which will turn on the calendar year anyway. But I'll have to check that out, and we'll have to perhaps make some appropriate adjustments.

MR. LAPOINTE: The next plan that's

listed is another joint plan with the Mid-Atlantic. That's the Scup Fishery Management Plan. I have two board meetings to develop and implement the FMP. This was written in mid-September when I put it out for viewing in my office. We had a meeting on the 18th of October to try to get that plan ready for approval by the Commission and submittal to the Secretary on the part of the Mid-Atlantic Council. We are meeting again next week to do that.

I think it's people's intentions to get that done so that will be more of an implementation schedule than an approval schedule. There are some substantive issues that remain to be resolved. That grin from Phil Coates, a bit of an understatement. But I think this is a minimum schedule for 1996 to deal with the Scup Fishery Management Plan.

Comments?

Turning the page, the next plan that's on there is another joint plan with the Mid-Atlantic, and that's the Black Sea Bass Plan, which I thought we were going to push for approval next year. I don't remember seeing it listed that way in that schedule. We'll have

to check that with the Mid-Atlantic. Oh, it is in there. Approval by year's end of 1996. The chairman says it isn't going to happen.

Nonetheless, I think that --

CHAIRMAN COLVIN: Of '95.

MR. LAPOINTE: Of '95?

CHAIRMAN COLVIN: Yes. It's not going to happen by year's end of '95. That's not remotely possible. So we do have some serious questions for the council on this schedule. I don't understand it.

MR. LAPOINTE: The Atlantic Sturgeon Fishery Management Plan, I think, is just in the monitoring mode. I have one meeting of the Species Management Board if we need that, and a Plan Review Team meeting. If people think we need a Technical Committee meeting for some reason, we can schedule that as well. But that will be a back burner plan in 1996.

Susan.

MS. SHIPMAN: What is the coordination of coastwide tagging?

MR. LAPOINTE: That was added by my staff member who's now fishing on the Outer Banks. The

Sturgeon Tagging Program, there's some interest on the part of the Commission to help with coastwide tagging, to do the coordination of coastwide tagging for sturgeon, shad and river herring and striped bass. I would think that's where that's coming from.

But if you have other ideas, I would -- or I could find out and get back to you on that.

MS. SHIPMAN: That'll be fine.

MR. LAPOINTE: Wilson.

DR. LANEY: Gordon, I could shed a little light on that, and Rick and Jamie may be able to. But the Maryland Fishery Resources Office has been coordinating that Coastwide Atlantic Sturgeon Tagging Program, and members of your staff were contacted several years ago about participating in that program. We're still putting out tags, and those tag returns are being reported to Annapolis, and being maintained as part of the same data bases as the Coastwide Striped Bass Tagging Program.

MS. SHIPMAN: So it's ongoing; it's not a new one? It's not a new one. Thank you.

MR. LAPOINTE: On the Winter Flounder

Fishery Management Plan, I've got the beginning of an FMP amendment, because I've been told that's necessary. I might ask Eric Smith to comment on that.

MR. ERIC SMITH: Thank you. This schedule is, I think, appropriate, if we do not go to major amendment to the plan, but the board has been apprised of the fact that the Technical Committee is looking at a VPA based assessment. That, with some changes in the substance that go into the management model, may result in the need to change our management strategy.

If that happens, it would be ambitious to think in this number of meetings that we could accomplish that in the next year. So I don't know how to project it now, because I'm not not sure what the assessment will come up with. But we need to stay tuned. We'll have a board meeting in December, and we'll get a better sense of where we're going in 1996 at that time.

MR. LAPOINTE: Other comments on winter flounder? We'll continue working with Eric on that, obviously, and we will adjust that schedule if we need

to. If we do begin a winter flounder amendment in 1996, I don't think we'll complete it in 1996, given, I mean, just the calendar, the clock that our amendments take. So we may add one board meeting. I'm not sure if that's that far off base.

The next plan that's listed is the Atlantic Sea Herring Fishery Management Plan. The Herring Plan is managed by the Herring Section, which is made up of the states from New Jersey through Maine. We'll continue monitoring the current plan. This year, our section worked with the National Marine Fisheries Service and the council in developing a preliminary management plan for herring in federal waters, which went through very fast because of all the good, cooperative work that was done.

The Herring Section and the council then committed to a joint planning process to amend the Herring Plan to deal with the issue of what's done in federal waters after the FMP and changes that may be needed in state waters as well. So this process will begin the herring amendment -- next year we'll begin the herring amendment process.

Questions or comments? Robin.

MS. ALDEN: I guess the only thing I would say is that we have an interest in some fairly rapid action, and I'm not sure whether it's going to be possible under either process. But I just would like to say that for the record. I'm not sure that monitoring the ASMFC FMP is the proper way to describe what we're actually going to be doing.

MR. LAPOINTE: Robin and I have talked about this. If we plan or try to attempt to get changes made to our management regime by next June, it's going to be an ambitious schedule, and I don't know how to pull it off at this point. But I'm open to suggestions on what kind of changes need to be made and how to come to consensus on those issues, and how to push that calendar forward.

MR. BORDEN: Just to follow up on Robin, both on the part of the board representatives and a number of council representatives and the industry, there's really a consensus that we need to get on with much more comprehensive sea herring management planning. So I would concur with what she says, and I'm not



suggesting you change anything here, but just to be put on notice we may require additional meetings, particularly Technical Committee meetings, in order to take the type of action that I think we're going to have to take.

MR. LAPOINTE: Thank you.

The next fishery management plan that is listed is the Speckled Trout Plan, Spotted Sea Trout. And I just have that the Plan Review Team will meet once to monitor that.

The plans that are managed under the auspices of the South Atlantic Board, I didn't put South Atlantic Board meetings in there, because they meet regularly with the South Atlantic Council, so that's an ongoing process that they do.

Comments from South Atlantic Board members?

The next plan that's listed is the Atlantic Menhaden Plan, and I might ask Mike Street for comments on this. But I believe we'll be in a monitoring and not an amendment mode for menhaden?

MR. STREET: Yes, that's correct. One

thing to note is the Action Plan lists Advisory Committee. There is none. And industry is fully represented on both the board and the Technical Committee, AMAC. And so there's no need for an additional group.

MR. LAPOINTE: Thank you, Mike.

The next plan that's listed is the Shad and River Herring Fishery Management Plan. We're developing Amendment 1, and I have three Species Management Board meetings, three Technical Committees, three Plan Development Team meetings. We're trying to get the plan ready for approval in the fall of 1996, including running the stock assessment through the spring SAW SARC process.

That's certainly one of our high priority plans for this year.

The next plan that's listed is the Northern Shrimp Plan. But to my understanding, there's an interest in amending the FMP over the course of the next year. That will be discussed at the upcoming Shrimp Section meeting in mid-November in Maine. If the plan is amended, we would go for approval in the fall of

1996, so that the amendments -- and one of the big amendments is to allow some flexibility for the dates that the seasons are open and closed. We would like to get the plan amended so that the changes can be taken into account by the section for the setting of the 1997 season.

The last plan that's listed is the American Lobster Plan, and obviously we've had -- there's another page, excuse me, that I haven't been paying attention to. Obviously, we're going to be working hard on developing Amendment 3. I have changed the number of meetings because of my realization of the work that's going to be involved in that. I have pencilled in on the side "approval of a fishery management plan in spring of 1997 at our spring meeting."

And as I've discussed with a number of board members, I intend to develop a schedule to backdate from that spring 1997 meeting to present to the board for their discussion and hopefully approval at the next Lobster Board meeting.

MR. BORDEN: I missed a particular

schedule. Depending on what happens in the next few months on various issues, I can assure you the number of meetings is grossly inadequate. If we're going to meet that schedule, it will require a lot more work than I think you've outlined here in terms of committee meetings.

MR. LAPOINTE: Should I double those numbers? Again, this is --

MS. ALDEN: More than that.

MR. BORDEN: I don't think it would be unreasonable to double them.

MR. LAPOINTE: I'll double them and leave it at that, because these are targets we work under. Certainly the Commission staff and I have adjusted this schedule over the last year to accommodate the contemporary needs of the fishery management development process, so I will double the number of meetings and then just take your comments into account as well.

CHAIRMAN COLVIN: Andy.

DR. ANDREW ROSENBERG: Thank you, Mr. Chairman. I agree with the comments from Mr. Borden about doubling the number of meetings, and I presume

he'll be preparing a schedule. I'd just like to ask one question concerning the list you have here, George. There's no Plan Development Team listed, but I had some understanding that there was a Plan Development Team. I would imagine that PDT will need to be working very extensively in the coming year if you're going to work within whatever time frame you're planning.

MR. LAPOINTE: Right. Good comment.

DR. ROSENBERG: So hopefully that will have a fairly substantial number of meetings for a Plan Development Team. Thank you.

MR. COATES: I call to the attention of all the Board members, we have discussed the fact that the unique process that brought us this far, or wherever we are in regard to lobster management, is very specific with regard to geographic considerations, that we've already talked about the fact that it's going to be difficult to have lobster meetings outside New England.

And to that end, we're talking about doubling, you know, the meeting numbers on top of an ASMFC Week. It's just a work load consideration. I hope everybody's cognizant of that. I totally support

George's schedule of '97 as an implementation, spring of '97 as an implementation.

CHAIRMAN COLVIN: New York and New Jersey will have to create field offices somewhere in New England.

Dave.

MR. BORDEN: I was just going to say that it's my intent to have a board meeting as early in December as I can schedule it. I think we need to get on with the process.

MR. LAPOINTE: The comments about location I think are valid. And because of Tom Fote's earlier comments about having too many meetings, I welcome people's ideas about how to do that efficiently. We may do that the day before, day after New England Council meetings, because people will already be together. I'm open to suggestions about how to minimize the number of meetings but tailor it to the needs of the fishery.

The last page, I think it's the real last page, on the Spanish Mackerel FMP. I have developed an amendment, and I ask Susan's or David's guidance from

the South Atlantic Board perspective. I can't remember why I had that on there.

MS. SHIPMAN: The South Atlantic Board always approves, kind of reaffirms whatever action the council takes with regard to Spanish mackerel. We do plan to approve Amendment 8 in February of '96. So instead of developing Amendment 8, it just needs to be approved, Amendment 8.

MR. LAPOINTE: Thank you.

The next fishery management plan that's listed is the Croaker Plan, and I'd again ask the South Atlantic Board members for input. But I believe there was a desire to amend the plan. The current plan was approved, I think, in 1987, and it has no compliance criteria and nothing else.

So the South Atlantic Board, I believe, has a desire to amend the plan. They requested an Advisory Panel be formed, and I believe -- Tina, has that been formed?

MS. TINA BERGER: It's being formed.

MR. LAPOINTE: The Advisory Panel -- we'll finish the formation process, and we'll meet with

advisors on the South Atlantic Board to kick off that amendment process.

David? Comments, Susan?

MS. SHIPMAN: That's fine. I was just checking with David to make sure that -- the Plan Review Team needs to be in there.

MR. LAPOINTE: And Gordon reminded me that I left out the Spot Plan. The Plan Review Team will need to meet for spot as well.

MS. SHIPMAN: With that one, I believe we said we wanted an Ad Hoc Stock Assessment Committee formed.

MR. LAPOINTE: That needs to be formed?

MS. SHIPMAN: Yes.

MR. LAPOINTE: Thank you.

The last plan that's listed is the Tautog Fishery Management Plan. We're in the process of plan development. We hope that the board will approve that for a public hearing draft in December, and we'll move to approval of the plan at the spring 1996 meeting.

DR. TIMOTHY TARGETT: I think we need a couple of Advisory Panels scheduled there.



MR. LAPOINTE: Good comment.

And we'll have to develop a schedule for American eel, horseshoe crabs. The chairmen appoint board members, do they not?

CHAIRMAN COLVIN: The chairman will call for the states to redeclare interest and name board and Technical Committee members. The board will convene when it can be scheduled and will select its chair and vice-chair, and will go from there.

MR. FREEMAN: Gordon, I have an issue that I'd like to raise dealing with blue crabs. I know a number of states have their own Blue Crab Management Plan. North Carolina is in the process of doing one. And what we find, when we look at what other states have done coastwide, there's a great discrepancy over biological philosophy; the fact these are crustaceans, whether you need to protect them and how they should be protected, vis-a-vis, minimum sizes, protection of egg-bearing females.

We need to give at least thought to putting together, so far as the Commission is concerned, some mechanism where we could better distribute the

information coming from individual states so that we develop a sound biological philosophy on how these particular organisms should be managed.

CHAIRMAN COLVIN: Well, what kind of New England lobster come January?

MR. FREEMAN: I know, and that's what's interesting because of the stock assessment that was done and the assumptions that are made so far as develop a spawning stock biomass. And you look at blue crabs, and, quite frankly, some states have a diametrically opposed philosophy.

It would seem that this would be something that could certainly benefit states from New Jersey southward, obviously, the Gulf Council as well.

CHAIRMAN COLVIN: Well, I am aware -- I suspect some of us are aware -- that next year there is a Symposium on Blue Crab Biology being conducted, I'm not sure by whom. It's being conducted at the time of the annual meeting of the National Shell Fisheries Association, if I recall. I know that at least one member of our staff has been invited, and I'm certain that many experts in the biology and management of blue

crab throughout the East Coast have been invited. I think most states have been invited to send a representative to make presentations,

Perhaps that meeting might be a good kickoff for some kind of follow-up on management issues. At least, I would propose that as an option perhaps to -- I'm not sure how the Commission would necessarily plug into that, Bruce, or even if we need to. But that's a suggestion I put on the table.

Bill.

DR. WILLIAM HOGARTH: Thank you, Mr. Chairman. I was at the Gulf Commission meeting last week, and they discussed blue crab for a long time. In fact, it sounded like I was back on the East Coast, the same problems, same discussion. And as a result of that, they said that they would be probably contacting Jack to see if there may be some type of joint meeting to which the state directors -- there was some talk about whether they were trying to reinvent the wheel.

It seems like they were going to talk about effort, they were going to talk about the same problems on both coasts.

Dick Schaefer, I think it's Alan Rosenfeld, isn't it, that --

MR. SCHAEFER: Yes. Alan Rosenfeld from Oxford.

DR. HOGARTH -- is doing this supposedly. We got a copy of that. I'll get it to Jack and send it to the Gulf Commission, too. It may be a good time.

But it just seems like to me that everyone is facing pretty much the same problems, and I hate to see each group going in separate directions, when I think if we get together, we can --

CHAIRMAN COLVIN: Let me offer this suggestion, Bruce, and see if this covers your concern. This is a matter, of course, of extraordinary sensitivity in Chesapeake. We all need to acknowledge that fact. Perhaps the staff could take Bill up on his offer to obtain information about the upcoming symposium and distribute that information to the Board.

And we could ask the staff at the same time to discuss this issue with the various Board members informally, to look into the possibilities, and to give some suggestions at the spring meeting on what

kinds of approaches to blue crab biology and management issues the Commission might want to explore.

That will also give some time, frankly, to engage in some discussion with the Maryland representatives who aren't here, as well as the Virginia folks, in light of ongoing issues in the bay, which really need to be looked into. Is that --

MR. FREEMAN: Yes. The point is, blue crab's now becoming the Number 1 commercial species in the South, and it's slowly gaining from state to state. In addition to that, there's a great number of recreational fishermen, probably the major recreational fishery of certainly the Mid-Atlantic and certainly probably some of the Southeast. And yet, because of this problem with DJ money, it's kind of been left off on its own.

But the public continues to demand that we deal with these issues, and we're trying to do it, but we need to do it in an organized manner. I think this would be very helpful.

CHAIRMAN COLVIN: I think also the results of the symposium may be helpful to all of us who

have the need to review our management ideas, Bruce.

MR. LAPOINTE: And I believe that an ex-commissioner, Al Getz, distributed a letter to all commissioners saying that he was interested in the Commission doing a Blue Crab FMP. I was less than enthusiastic with Al, but he's used to that.

CHAIRMAN COLVIN: Relative to the review of the schedule that we've just gone through, I'm going to ask the various board chairmen to review this document again, and you give comments back to the staff on any final changes and additions they would like to consider putting into the final action plan.

The staff will be adding an Eel Section to this, consistent with our action yesterday, as George indicated. I'm also going to ask the staff to consult with the Mid-Atlantic Council staff to try to resolve these questions relative to summer flounder, scup and sea bass, where the council's schedule doesn't seem to reflect our understanding of what's going to be accomplished and when.

I'm also going to ask the staff to get a little bit more specific in the final schedule about the

completion dates for some of the key items like plan amendments and, in time, the timing of the annual plan reviews and compliance determination recommendations that will come.

With that, I think I'd like to move on if we're at that point. Now, there are two subsidiary items under this agenda item that we wanted to return to. Dave.

MR. BORDEN: Yes. Just a short point. My understanding is that this basically lays out our intent of action for the Commission, and not relative to lobster. I think it may clarify our position on how we intend to proceed here if in fact, we would send a letter to the National Marine Fisheries Service, either you or Jack send a letter to include the statement of our intent to meet a deadline of spring '97, and include in that a statement that, "This is our Action Plan."

It's really a further elaboration on the letter that was sent in.

CHAIRMAN COLVIN: And it would be consistent with the motion passed by the Board at its meeting yesterday, and I'll want to talk with you more

about the details and the contents of that, but certainly that would be appropriate.

There were two subsidiary issues that we said yesterday that we would address during this discussion of this agenda item. The first one relates to the action of the Weakfish Board relative to a noncompliance issue. I'm going to ask Bruce if he would report on that, and then the staff will have some follow-up information.

MR. FREEMAN: Thank you, Mr. Chairman. The Weakfish Board met yesterday, spoke about a number of issues dealing with moving the Weakfish Plan forward to Amendment 3. We talked about scheduling other items. But the item of importance at the present time is that of compliance.

At the last board meeting, it was indicated that a number of states, three states, New Jersey, Virginia and Maryland, the regulations were not in compliance with the provisions of the plan. As of July, those three states indicated they'd take necessary actions. We've heard back from the States of New Jersey and Virginia that indeed they have moved to correct the



situation that prior to the opening of the fisheries, these measures will be corrected for the active participation of the fishermen.

We have not heard from Maryland on this issue, and we were unable to contact them. And therefore, as a result of this, a motion was made, and we report that motion to the Policy Board. I think it's up on the screen, or it should be. But I will read it.

And for the Weakfish Management Board, I will move that the Weakfish Management Board recommends to the ISFMP Policy Board that Maryland be found out of compliance with Amendment Number 2 to the Fishery Management Plan for Weakfish under Section 7 of the Interstate Fisheries Management Program Charter as follows: Paragraph 2 of the Schedule for Compliance for Weakfish Amendment 2 states, quote, "After July 1, 1995, each state from New Jersey through North Carolina, including the Potomac River Fisheries Commission, must implement appropriate mesh size restrictions in gill nets and finfish trawl nets in appropriate times and areas to achieve 75 percent escapement of that state's minimum size weakfish."

Maryland's otter trawl fishery presently has a three-inch minimum mesh size inside measure for both diamond and square mesh otter trawl nets. According to the Table 3 of the Compliance Evaluation Manual for Weakfish a minimum mesh size to allow 75 percent escapement of the 12-inch weakfish is three and three-quarters inches inside measurement for diamond mesh and three and three-eighths inches for square mesh inside measurement.

Failure to implement this requirement will jeopardize conservation of the weakfish resource by increasing fatality on below-minimum size weakfish, and in order to come into compliance with Amendment 2 for the fishing year ending March 31, 1996, Maryland would have to increase the minimum otter trawl mesh size to three and three-quarters inches diamond inside measurement and three and three-eighths inches square inside measurement.

Alternatively, Maryland could increase total seasonal reductions to 40.5 percent for the diamond mesh otter trawl fishery and 35.8 percent for the square mesh otter trawl fishery. Maryland's plan

for 1995-96 currently establishes a potential reduction of 33.6 percent.

Any combination of these two options would have to be evaluated by the Weakfish Plan Review Team and forwarded to the Weakfish Management Board for reevaluation.

CHAIRMAN COLVIN: Is that your motion, Mr. Freeman?

MR. FREEMAN: That is my motion, Mr. Chairman.

CHAIRMAN COLVIN: You recommend that finding to the Policy Board. Is there a second to that motion?

MR. BORDEN: Second.

CHAIRMAN COLVIN: At this time, before we go to general discussion, we recognize that Maryland's representative on the board was not present during yesterday's discussions. Staff of Maryland DNR have submitted some material by fax to our staff last night. I'm going to ask George to review the material that he has and report on the status of this matter in the State of Maryland.

MR. LAPOINTE: Thank you, Gordon. As I mentioned at yesterday's board meeting, I called Maryland DNR and Harley Speir faxed me some materials on what Maryland plans to do. The first page of this is a public hearing notice. Maryland will be acting on this -- and Bill, correct me if I'm wrong -- at their joint legislative hearing process on the 3rd of January, 1996. And the proposed regulations to change the trawl mesh size to three and three-quarter inch mesh in the gill net size to three and one-eighth.

CHAIRMAN COLVIN: That is a proposal that will go to the hearing --

MR. LAPOINTE: On the 3rd of January, 1996.

CHAIRMAN COLVIN: I think I understood yesterday that hearing is a special legislative hearing relative to emergency rule making procedures in the State of Maryland, so that following that hearing, regulations could be adopted via an emergency adoption process.

MR. LAPOINTE: I believe that's correct.

CHAIRMAN COLVIN: I believe that's what

was represented yesterday. Now, there was also some question as to what the current season, trawl season in the State of Maryland is, George?

MR. LAPOINTE: Yes. There's other information in this proposed rule on the current season, which I believe is now -- I'll read it. This is a section on the seasons in the regulatory package that was sent. Current regs. "From July 1 through September 30th, a person may not catch weakfish or spotted sea trout for commercial purposes from Maryland waters of the Atlantic Ocean or its coastal bays. For Maryland waters of the Atlantic Ocean, its coastal bays and their tributaries, open commercial season is the 1st of October through the 30th of November."

And they are proposing that that be changed in these regs from, for trawls, the 18th of October through November 30th, but I believe the current regs are that the season is open from October 1 through 30th of November.

CHAIRMAN COLVIN: So the season will close on December 1? It's presently open for the balance of the month.

MR. LAPOINTE: That's my understanding.  
Is that your understanding as well, Bill?

MR. WILLIAM GOLDSBOROUGH: No, it's not.  
Actually, you probably had better information than I,  
but as I related yesterday, I called Pete Jensen to get  
some clarification on this, and he told me that both the  
gill net and trawl fisheries were now closed. That's all  
I can tell you.

CHAIRMAN COLVIN: Unfortunately, that  
information does not correspond with what the staff  
faxed over here. Whether there's some other regulation  
that we don't have is a possibility.

We will now open the floor to discussion  
on the motion. Is there any discussion on the motion?  
Mr. Dunnigan.

EXECUTIVE DIRECTOR DUNNIGAN: I guess  
somewhat reluctantly, but I think it's important to get  
this out. I am concerned on this issue on something  
that doesn't really have anything to do with weakfish.  
I am concerned about process, and I am concerned about  
how we as states treat each other.

The problem that I have with the

recommendation of the Management Board is that this is an item that was not put on the agenda for notice to be brought up at this meeting. The state in question is not here. The state director from that state looked at the agenda and made an evaluation about priorities and determined that he couldn't be here. How he would have evaluated that if he had known that this was going to be coming before the Management Board and Policy Board this week may well have changed.

If a state has notice that a compliance issue is going to come up and then doesn't come to a meeting, then that's their problem, it seems to me. If a state is here and able to defend itself, then I think that our states are quite capable of doing that.

I'm very concerned from a purely process issue about a situation where a compliance issue comes up with respect to the state, and they were not aware that it would ahead of time, and secondly, where they are not here to defend themselves.

Everybody around this table at one time or another has had a very good reason for not being able to make a meeting, and I think we need to respect that.

The other problem that we have is, even sitting around here this morning and getting communications from Maryland DNR, it is apparent that we're not really sure about what the current situation is, and that probably could have been remedied had the state been able to be here. And again, I think that they might have if they would have known that this was coming up.

So I guess what I'm raising for the purposes of the Policy Board is not a question specifically relating to the management of weakfish. Why this wasn't on the agenda isn't really the issue. The fact is, Maryland DNR was not put on notice before yesterday that this was something that could actually be done at this meeting.

I'm very concerned about whether that is the fair way for states to be treating each other. So what I'm raising is a procedural concern that I believe the Policy Board must be very sensitive to in order to look out for all of our interests as states as these matters proceed. Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Thank you, Jack.



I think I'd like to say one thing, just so that all of this is available to people as they think about this situation. And this is almost a personal consideration from the Chair. A week ago today, I talked to Pete Jensen on the phone, and it was at that time that I learned that he would not be at the meeting. And I expressed some surprise. Pete told me that there were some very difficult issues going on in the state, that he had reviewed the agenda, and felt that there was nothing on the agenda that personally required him to be here to deal with it, and that he was therefore reluctantly unable to come.

I did not know, your Chair did not know at that time that this issue would arise. I certainly would have said something to Pete had I known. And I feel a little uneasy about the situation, not having told him that.

I think that this underscores -- if you'll recall yesterday during my remarks at our luncheon, I pointed out the need for us to be a little more attentive to the details of our reviews of state compliance and a little more attentive to that process.

I think we need to do that and to make sure that every board much more clearly identifies its compliance review process as agenda items, and as a very well-publicized scheduled activity so that there are no misunderstandings or no opportunities for misunderstandings.

That said, let me reopen the floor to discussion of the motion, and I'll recognize Dr. Sandifer.

DR. SANDIFER: Mr. Chairman, I tend to share yours and Mr. Dunnigan's concerns, but for clarification for me at least, did we notify New Jersey last year of intent to vote on compliance issues at that meeting when we actually voted on three separate compliance issues for that state?

Mr. Freeman, at that time, were you notified in advance?

MR. FREEMAN: No, I was not. I was aware of the meetings because of our active participation, but there was no specific notice that the issue would be voted on.

DR. SANDIFER: I tend to agree with Mr.

Dunnigan that it ought to be, it ought to be publicized that maybe a vote relative to compliance may be taken if conditions aren't met prior to the meeting. But I want to be sure whether or not we've set a precedent before.

MR. FREEMAN: Gordon, I'd like to address the issue. The way this developed is somewhat unusual, because at least two board meetings prior, the staff reviewed how states were in compliance, particularly for the July deadline. And at that time, there were a number of states identified as being out of compliance with their regulations.

Those states indicated what actions they were about to take or were in the process of taking to bring them into compliance. And all states said, "We will take action to be in compliance prior to the beginning of the fishing year." We have since that time had correspondence from New Jersey and Virginia that indeed they took those actions, those actions are in place or will be in place prior to the opening of their season. The only state we have not heard from is Maryland, and they were not present at the last meeting, nor were they present at this meeting.

So it's somewhat of an unusual circumstance, because the board felt that because of the importance of the issue, the state would take necessary actions to meet those deadlines. And we assumed all three states would. As we're finding out, two did and one did not.

So I agree for the notification, being in the position of having moratoriums very close or have been implemented in New Jersey. I think from a procedural standpoint, it would be very good to do; there'd be no mistake. But this developed in somewhat of an unusual circumstance.

CHAIRMAN COLVIN: Mr. Conklin.

MR. ED CONKLIN: What are the alternatives before us? If, because of this procedural issue, the Board did not take action to find the state out of compliance, what would be the next opportunity to consider the issue, if we wanted to do that?

CHAIRMAN COLVIN: Mr. Dunnigan.

EXECUTIVE DIRECTOR DUNNIGAN: If you sent this back to the Management Board, the Management Board is -- we are currently planning to have a Weakfish

Management Board meeting at the ASMFC Meeting Week in December in Norfolk. And at that point, I think the state could be on notice that this is a specific issue. And if the board still believed that pursuing the noncompliance determination with regard to Maryland was important to do, it could reaffirm its motion, send it back to the Policy Board, and at that point we will schedule a Policy Board meeting to deal with it, according to the rules that we have.

MR. CONKLIN: And what would the timing be of that in your estimation?

EXECUTIVE DIRECTOR DUNNIGAN: Early January.

MR. CONKLIN: And the Commission itself would have to affirm that?

EXECUTIVE DIRECTOR DUNNIGAN: That's correct.

MR. CONKLIN: And when would that take place?

EXECUTIVE DIRECTOR DUNNIGAN: Probably at the same time. If the Weakfish Management Board came up with a motion in December saying, "Yes, we still believe

Maryland's out of compliance, and we want that determination made," from a scheduling standpoint, we would probably schedule a Policy Board meeting and put commissioners on notice that they should be there as well, and we would have a Commission meeting to affirm that determination and make the final decision for the Commission at the same time.

MR. CONKLIN: And if I may, Mr. Chairman, take this to its completion, if then, assuming that all of this found noncompliance, would the effect of that be that another fishing season would pass without action?

EXECUTIVE DIRECTOR DUNNIGAN: Not necessarily. The next fishing season, according to what we're looking at in the Maryland rules, appears to begin around April 1st. And Bill, perhaps you could confirm that. So there would be an opportunity for us to get a decision to the Secretary in the first week or second week of January, and that would leave still three months for the Secretary to impose the moratorium.

MR. CONKLIN: Thank you.

CHAIRMAN COLVIN: Mr. McCloy.

MR. TOM McCLOY: I appreciate Jack's

comments about procedure. I think everything should be done procedurally correct, giving all the states the opportunity to respond to those concerns. However, the one statement you made regarding they didn't think it may be an issue at this meeting, I find that difficult to accept, because at the last board meeting there was no question in my mind whatsoever that this was going to be a compliance issue at this meeting for New Jersey.

CHAIRMAN COLVIN: Dr. Geiger.

DR. GEIGER: Mr. Chairman, I certainly am concerned about process as well as Mr. Dunnigan. And again, it seems to us that we have a charter, we have set rules by which we do operation, we follow those rules. And again, looking at the illustrious history of the Striped Bass Board and the many rocky roads and bumps that we have taken over that, certainly this charter hopefully is going to keep us on a straight and true course.

It appears to me that we are bound to follow these rules. It appears that we have a process in place. Mr. Freeman has mentioned that process. I think the state has had time to respond to that process.

And I think we need to go on and make the appropriate decision.

CHAIRMAN COLVIN: Mr. Fote.

MR. FOTE: It's a tough decision for me. I'm looking at whether they got notified. But I realize that the boards and the Commission have to operate that a situation could arise that we could determine at this meeting that because of something happening in some state, that we'd have to vote it out of compliance. And that could arise.

And notification -- they're supposed to be at the meeting to find out what's going on and to defend your actions on that.

I voted New Jersey out of compliance -- I guess because I had Doc Gunther's proxy last year -- three times. We knew about it, but we know about it through attending meetings. We knew we weren't going to be in compliance, and we had to get voted out of compliance. And it helped us move along in the process.

CHAIRMAN COLVIN: Are there any further comments? Bill.

MR. GOLDSBOROUGH: Mr. Chairman,



recognizing that a formal proxy for me from Pete Jensen has not been arranged, I'm only speaking as Maryland's governor's appointee. But from the facts as I understand them -- and I haven't been closely following weakfish for the last six months or so -- it seems to me that Maryland has had sufficient notice that this was a compliance issue, and I do believe that the integrity of the process is paramount at this point.

I can only assume that this matter has fallen through a crack somewhere in Maryland, and I do know that there are some very pressing issues on their plate right now that would suggest that.

Given that, I think that the only appropriate action is to find Maryland out of compliance and in fact, as I anticipate the events of the next couple of months, I can only view this as the way the process should work, and that I think the end result will be that Maryland will come into compliance, and in fact that as a practical matter, it won't end up meaning a moratorium in that state, because by the time that might happen, the fishery would be closed.

CHAIRMAN COLVIN: Mr. Nelson.

MR. NELSON: Thank you, Mr. Chairman. I was going to just ask Jack to review for us if a vote for noncompliance took place today, what are the opportunities for Maryland then to address that vote and then be found to be in compliance once they take remedial action.

EXECUTIVE DIRECTOR DUNNIGAN: If the Commission determines today that Maryland is out of compliance, we will report that to the Secretary as soon as we can, probably next week. That triggers a process within the Federal Government that I would defer to Mr. Schaefer to describe for you.

Within the Commission, the State of Maryland can petition at any point for a reconsideration by the Management Board under our rules once it has done something to come into compliance, or -- well, excuse me. The state can petition. At that point, the chairman can look at that and decide whether they have done what they were told to do in this motion, and at that point, he can lift the moratorium, or if there's some evaluative discretion that needs to be used, it gets referred to the Management Board.

From the way the motion's written, it would appear it would have to go back to the Management Board. I think it would be very hard for the chairman to make that determination on this motion on his own. But as soon as the state has done something, they can't just -- they couldn't petition tomorrow. They have to have taken some action first. So once that action is taken, then they can write to the Commission, ask for review and ask that the determination of noncompliance be removed.

CHAIRMAN COLVIN: Ms. Shipman.

MS. SHIPMAN: As I recall at the last Annual Meeting, when we dealt with the issue of New Jersey, I believe the motion took into consideration that the regulations to bring them into compliance were proceeding through the process.

Perhaps that would be the appropriate thing to do here, if we followed this, to ask the Secretary to take into consideration and to grant latitude to his decision and ultimate action, given that their regulation is moving through the process, because technically the fact still remains they are not in

compliance.

CHAIRMAN COLVIN: Mr. Fote.

MR. FOTE: A question. New Jersey had put forward a plan that would bring us in compliance. Has Maryland done that?

CHAIRMAN COLVIN: It is my view that, based on what we heard of the proposed regulation, that the regulation for which a hearing has been scheduled would probably result in compliance. I believe the answer to that question is Yes.

Let me turn back to Ms. Shipman and ask her if her suggestion constitutes a proposed amendment to the motion on the floor?

MS. SHIPMAN: Yes, it does. I don't have the wording from last year, though, and I would like to -- it would be a motion from the Policy Board, I assume.

CHAIRMAN COLVIN: In response to your question, I'm reminded that last year the matter was handled as a separate follow-up motion. So it might be appropriate and in order, if that's your intent, to handle it in that fashion.

Further discussion on the motion on the

floor? Mr. Coates.

MR. COATES: Yes. I'm going to support the motion on compliance, and I'm going to support Susan's subsequent motion. I think my major concern here is that Maryland is going forward with a process that, you know, used to be within the states through a regulatory process for a time thing without basically the additional omnium of the oversight process, which now is apparently affecting many states' ability to perfect a timely implementation of the regulatory actions.

So I think it's a relatively new process in Maryland, as I understand it. It's a relatively new process in several of the states. And it's something we probably have to take into consideration from the standpoint of educating these bodies that there is a process now, you know, federally mandated process under that background that they have to be cognizant of.

And I know our legislative members of the Commission will be very keen and are making sure that their delegations, their legislative bodies are apprised of this situation. And I think we can aid them in that.

I think, quite honestly, Pete's in a little bit of a dilemma right now. I think the way out of it is these two motions, this motion and the subsequent motion.

CHAIRMAN COLVIN: A. C.

MR. CARPENTER: To the point of who would evaluate Maryland's potential actions as soon as they occur, would that not be the Plan Review Team for weakfish? I mean, we have an Evaluation Manual for this particular species. It's not something that I think you would have to have the whole board. I think the chairman could seek the advice and counsel of the PDT.

MR. LAPOINTE: I think that motion contains the actions Maryland needs to take to come into compliance, which is to set mesh sizes. Those mesh sizes are included in their proposed regulation. So that's been outlined, and those mesh sizes were what the Technical Committee and the Plan Review Team came up with. So, I mean, I think they've already outlined the steps that need to be taken from a technical management perspective.

MR. CARPENTER: But there was wording

there that it would have to be evaluated by the full board. I just think that this matter needs -- it's cut and dried enough that --

MR. LAPOINTE: It needs to be ruled up or down, whatever. Down one more stream. I think that a review by the board is the alternative scheme by which Maryland would alter their season dates, you know, shrink or expand it at the closed season, and that's where the board review would be needed, not in the fact that they're going to use the mesh size, which makes the alternative scheme moot, I think.

MR. CARPENTER: I agree with you, but there seemed to be some question a moment ago about whether the chairman could make that ruling. Is there some amendment to this motion which would enable the chairman to make that determination?

CHAIRMAN COLVIN: I would be of the opinion that if the motion simply reflected the fact that the procedures for withdrawal determination is provided in Section 7 of the Manual were used, that that would be the case.

MR. CARPENTER: I think Maryland is on

the process of correcting this, and I would like to make it easy for the ASMFC to advise the Secretary of Commerce that they have acted to withdraw this thing if we can. And if the specific wording of this motion wraps us around the axle on this thing, let's try to get us unwrapped before we get too far gone.

CHAIRMAN COLVIN: Mr. Freeman, you will note that paragraph beginning, "any combination of these two options." May the Chair suggest that it simply read, "would have to be evaluated, consistent with Section 7 of the ISFMP Charter" as a substitute that would be consistent with Mr. Carpenter's concern?

MR. FREEMAN: That would be satisfactory.

CHAIRMAN COLVIN: The seconder of this motion was Mr. Borden.

MR. BORDEN: I agree.

EXECUTIVE DIRECTOR DUNNIGAN: So the bracketed material would come out.

CHAIRMAN COLVIN: That is now the motion. Any discussion on the motion as revised? Seeing none, we'll take the question. All in favor, please signify by raising your right hand; opposed, same sign.



Abstentions.

MR. SCHAEFER: Abstain.

CHAIRMAN COLVIN: The motion carries.

Thank you.

This issue will be put on the agenda of the Commission's Business Meeting.

The remaining item we have under Agenda Items 4 and 11 is a request from Dick Schaefer -- Mr. Carpenter.

MR. CARPENTER: I was wondering if Susan was going to have a motion.

CHAIRMAN COLVIN: I'm sorry. We have a follow-up motion.

MS. SHIPMAN: I move that the Policy Board recommends that the Atlantic States Marine Fisheries Commission find that the State of Maryland is out of compliance with Amendment 2 of the Weakfish Fishery Management Plan. However, in our communication of that finding to the Secretary, the Commission requests the Secretary take into consideration that Maryland is proceeding within its existing state regulatory procedures to come into compliance with

Amendment 2.

CHAIRMAN COLVIN: Is there a second?

MR. COATES: Second.

CHAIRMAN COLVIN: Discussion on the motion. Mr. Dunnigan.

EXECUTIVE DIRECTOR DUNNIGAN: If I could recommend some editing here.

MS. SHIPMAN: Certainly.

EXECUTIVE DIRECTOR DUNNIGAN: I think the initial part of your motion is really what we just passed. And up to the "however" is not needed. At the end of your motion, I would suggest, as we did last year, adding, "and therefore recommend that the Secretary use his discretion to allow an appropriate delay in the implementation of the moratorium."

MS. SHIPMAN: Whatever it was last year.

MR. COATES: I accept it.

CHAIRMAN COLVIN: Accepted as a perfection by the mover and seconder. Discussion on the perfected motion. Tim.

DR. TARGETT: I just want some clarification that the numbers given in that faxed memo

are in fact within the regulations that are required by this previous motion. We have a lot of mesh sizes and reductions that were numbers that were put up there, but I'm not sure exactly how those relate to the information in that fax.

MR. LAPOINTE: What was the question?

CHAIRMAN COLVIN: The regulations.

MR. LAPOINTE: Include the mesh sizes as we mentioned earlier going to three and three-quarters inches and three and one-eighth inches on gill nets. Additionally, the current trawl season, which is where the compliance question comes in, is from the 1st of October through the 30th of November. The proposed regulations have a trawl season from the 18th of October through the 30th of November, so a reduction of 17 days.

I'm quite certain that Maryland has been working with the Technical Committee and the Evaluation Manual to ensure that those mesh sizes and season reductions meet the mesh size requirements and percentage reduction in the motion.

DR. TARGETT: I was a little concerned that the chairman said he felt they would probably be

that however that term is defined is consistent with the Implementation Manual or the Evaluation Manual's requirement for the measurement of mesh. That would be a requirement, one of those details we would have to attend to, but we will.

The motion is clear in terms of what's needed. It says "in size mesh."

DR. TARGETT: I understand that, but I just wanted to be sure that they were in fact moving to implement an appropriate implementation of the moratorium.

CHAIRMAN COLVIN: That's clearly their intent.

Ernie.

MR. BECKWITH: Just a question, Gordon. When we did this last year, we had a similar motion, did we in that motion ask the Secretary to defer it for a specified period of time? I seem to recall it was in there.

CHAIRMAN COLVIN: I think we simply asked the Secretary to exercise the discretion that was provided for in the statute. I don't believe it was

specified time.

Jack.

EXECUTIVE DIRECTOR DUNNIGAN: The statute allows the Secretary in the Secretary's discretion, with or without our recommendation, to defer the implementation date of the moratorium up to six months after he makes his finding that the state is out of compliance.

CHAIRMAN COLVIN: On the motion. We'll take the question. All in favor, please signify by raising your right hand; opposed, the same sign. Abstentions. The Services abstain. The motion carries.

Okay. We will now continue on with the agenda, and Dick Schaefer has an issue relative to the ISFMP he'd like to bring up at this time.

MR. SCHAEFER: Thank you, Mr. Chairman. Those of you who attended the Weakfish Board meeting yesterday will recall I raised a concern and made a request to the board relating to the Secretary's authority to establish regulations for fisheries that come under the purview of this Commission in the EEZ where there are currently no existing council

regulations or council plans.

As has been pointed out in several discussions at this meeting, this is an act, the Atlantic Coastal Act, which establishes a federal/state, state/federal partnership, and we all have to work in some cooperative, integrated planning mode.

From my perspective and others in the Service, it would be extremely helpful and, I think, constructive to the entire planning process if, as a matter of routine, when the Commission prepares an FMP or an amendment to an FMP, that there be a specific section identified in those plans or amendments that provide advice and recommendations to the Secretary as to, Number 1, whether or not any federal action should be taken in the EEZ, and indeed, if it should be taken, what are the recommended actions and/or measures, regulations, if you will, that the Secretary should take.

That's a very important issue, in my mind, because if you have specific fishing mortality targets, stock-structured targets, spawning stock biomass targets, and there is a significant portion of

the stock of the fishery in the EEZ, it's quite relevant as to what the Secretary does to help this Commission achieve its objectives in the complementary role that the Service plays.

So my request, Mr. Chairman, from a generic point of view is that from this point forward that the plans and amendments contain such a section developed by the Plan Development Team in consultation with the Technical Team for that particular plan.

CHAIRMAN COLVIN: Thank you, Dick.

One way to accommodate this kind of request would be to refer to the contents section of Section 6 of the charter and ask the staff to look to the prospect for some modification, elaboration of that section in response to Mr. Schaefer's suggestion.

Would there be any objection from the Board in asking the staff to look to that sort of a modification, come back with some proposals at our next meeting? Without objection, that's how we'll proceed.

Thank you, Dick.

MR. SCHAEFER: Thank you very much, Mr. Chairman.

CHAIRMAN COLVIN: Are there other items that people would like to bring up under Agenda Items 4 and 11?

Seeing none, we'll proceed to Other Business. The first issue of other business that was brought to our attention was a request by Mr. Freeman on access to data.

MR. FREEMAN: Thank you, Mr. Chairman. This is an issue that we've been dealing with on several plans, and it's one having access to some of the models and some of the equations that have been used to make determinations how states could meet the compliance.

I know this has been a lingering issue from the Technical Board trying to get various models that have been developed by agencies, or state or federal agencies. It's become a problem in the instance where we in North Carolina have a fishery that's somewhat out of phase with the rest of the coast.

But the technical people deal with most of the plans at certain times of the year, and if information is sought or needed by a particular state, it's difficult to get, because people who are running



these models are committed to doing other things.

It's getting to the point where it's going to be very difficult, I think, in the future, particularly with plans such as shad and river herring where you're depending -- if you're in Florida that season's very different as compared to when the season occurs in Maine.

And if we don't have access to this information, it gets to be very difficult for an agency to deal with its constituents and make reasonable determinations as to what kind of management system it could have or what kind of restrictions would be allowed under the plan.

I would like to have some device included within the various management plans where all the technical calculations could be provided to any state agency or any other agency or individual where they could run these models and make those determinations, and then have that reviewed by the technical people.

Quite frankly, this is becoming more and more of a problem. And it's been a problem in North Carolina for several years, but there needs to be some

action taken to overcome this.

CHAIRMAN COLVIN: In the context in which Mr. Freeman raises the issue, I think indeed there are a couple of different problems that arise, one of which we've talked about in the context of the Striped Bass Plan, and that is that there have been analytical tools, models, data sets assembled that have been instrumental in formulating, have been in fact the basis of the management plan itself, which are not available to the member states, nor are they a matter of record, even though they represent the technical underpinnings. Nor are they a matter of record accessible to any member of the public through the Commission. And that's Problem 1.

Problem 2 is the broader problem, that there are many analytical tools which we all develop using our mutual resources, which are not equally available to all of us.

And I think both of those issues would bear some further discussion. I think certainly the former issue disturbs me more. And I've spoken on that. I won't elaborate today.

Is there a recommendation, do folks have suggestions on how we might address these concerns? Tom.

MR. FOTE: Gordon, it was also discussed last year about peer reviewing some of the models we use and make sure that -- there was some suggestion people use something 14, 15 years, they made assumptions 14 years ago, there might be some mistakes as you proceeded through the plan. And I thought we had talked about peer reviewing some of these models, and has that gone forward?

CHAIRMAN COLVIN: Well, that's almost a separate issue, but it's related. The more access people have to the analytical tools, the more likely peer-related critiques are apt to occur, and the process will only be strengthened as a result of that.

The question arises, the question before us is, is there a vehicle by which we can move forward and develop some solutions to the issue Mr. Freeman has put on the table. Is this an appropriate issue, for example, to ask for advice from the Management and Science Committee on? I'm not sure.

Lisa, Dr. Kline. When in doubt, turn to our staff scientist and ask for advice on a scientific issue.

DR. LISA KLINE: We have a proposal written to address, I think, the points that Bruce is making. What we're proposing is hopefully in 1996 to conduct several workshops to start evaluating the different methods that are out there and bring them in -- to conduct a couple of workshops, a series of workshops, to evaluate the different methods, such as analytical stock assessing methods that are out there, look at the assumptions, biases, how those models are run, and actually produce a Technical Manual that hopefully will include diskettes with those programs and distribute that out to states, basically whoever wants it.

And we think that would be a good way, not only to pool the information in one nice document, distribute it out to whoever needs to use it, particularly to states. What we'd like to do is follow up on that with some training workshops, start bringing some state biologists and using that Technical Manual to

start training some of the state biologists on how to use those methods.

And Bruce, I don't know if that addresses your concern.

CHAIRMAN COLVIN: It goes part way. Would it be possible to add to the agenda of one or more of these workshops the specific issue of broadening access to these analytical tools? I think that might help.

MR. FREEMAN: Two things. I think those workshops, Lisa, would be very helpful, and I certainly encourage those. I would think, on some plans, for example, the Weakfish Plan, an Evaluation Manual has been put together, so that people can actually make those determinations. In other plans, that's not done.

And what I would think in the interim, in order to overcome these problems on the technical side, once some of these formulas are offered, that they be offered in such a manner that anybody could use them. They should be written out, presented to the Technical Committee. In some instance, that occurs; in other instances, it doesn't.

The issue that we've been dealing with for several years with some somewhat sophisticated models, there has to be a provision in the plan that those models would have to be available. Right now, we use them. Some are being developed almost as we speak. But once a determination is made in a plan a certain model's going to be used, that needs to be available to the public, certainly to the member agencies. In most instances, that's not done.

Hopefully those workshops will develop that. But in the interim I think, Mr. Chairman, if we could have a policy on the Technical Committee, when they do present these formulas, that they actually be written out so people can utilize those. That's not always the case at the present time.

CHAIRMAN COLVIN: Mr. Beckwith.

MR. BECKWITH: Yes. Just to follow up on this conversation. I think it would be very helpful for each plan if we had a list of the models that were used in that plan. Many times we use a model, and we modify it from one plan to the next, or we assume different parameters. So if we could have that listing, and then

follow it up with the information that Lisa would put together, I think we'd be in pretty good shape.

CHAIRMAN COLVIN: I think clearly there's support from members of the Board for the issue Mr. Freeman's raised. I think the question is what do we do about it. We just a minute ago gave the staff some direction to make some changes to the content provisions of the ISFMP Charter. This is another issue.

I think Mr. Beckwith's suggestion helps us to get there. It may be that while they're at it and they're looking at what the contents of FMPs, that suggestion could be incorporated. I think that would also get to Mr. Freeman's concern about access and availability.

If there's no objection, let's just add that to the task's charge, and maybe make this move to action on this.

Dr. Sandifer.

DR. SANDIFER: One point only. I support all of this entirely, but I would request that we include some of the caveat that says proper use. Most of us are not trained in the use of all of these

mathematical models, and many states do not have people who have the training and background to properly utilize those models. Certainly most of the public does not.

These sorts of calculations are not the sort of thing that you do on the back of the envelopes. And so I think some kind of caution to the public and to ourselves that there is potential for misuse is necessary. And perhaps the training workshops that Dr. Kline is talking about will address those.

But I have been -- let's see. I think most of us have experienced some misuse of data by other people before. I don't want to just open this up to a Niagara Falls of such.

CHAIRMAN COLVIN: If there's no objection to this suggestion, why don't we proceed that way. We'll look forward to that report in the spring.

At this time, I'll recognize Dr. Geiger for the U. S. Fish and Wildlife report.

DR. GEIGER: Thank you, Mr. Chairman. Last year during the preliminary allocation discussions on monies allocated to the National Marine Fisheries Service under the Coastal Act, there was considerable



discussion about the role of the Fish and Wildlife Service and the source of funding that possibly may or should have been provided to the Fish and Wildlife Service to support the objectives and goals of the Atlantic Coastal Fisheries Cooperative Management Act.

At the conclusion of that discussion, \$100,000 was allocated to the U. S. Fish and Wildlife Service, \$50,000 to each of Region 4 and Region 5. And at that time, I made a commitment to you all that I would provide updates and completion reports on activities that were supported or otherwise produced by those funds.

I have distributed, I believe, to every Policy Board member a copy of those activities. They consist of summaries of what the funds were used for, some of the activities that are now in completion reports, interim reports, for your evaluation, comment and review.

We will have additional completion reports generated as a result of these funds during the next couple of months during FY '96. As they become available, I will continue to make the Policy Board

members aware of that, members of the Commission, as well as National Marine Fisheries Service, of what we had done with those funds.

I would also be glad to make available the same packet of information to other folks upon request, and if you would like a copy of these reports that we have generated, if you could please contact Bill Cole or Rick Bennett, we'll be glad to send you a copy of these reports.

At this time, I would like to thank the National Marine Fisheries Service, the Commission and member states for your support for guiding the Fish and Wildlife Service to actively participate to support the goals and objectives of the Coastal Act. And again, on behalf of Wally Dady; regional director of the Northeast, Warren Lambertson; Southeast regional director Noreen Clow, again, I appreciate your support. On behalf of the Service, we will continue to fully support the goals and objectives of the act, and to work with you on interjurisdictional fisheries. Thank you.

CHAIRMAN COLVIN: Thank you, Jamie. May we be as prompt in getting our reports to you as you

have been to us. Thank you very much.

Mr. Lapointe.

MR. LAPONTE: I just want to publicly, at the end of this meeting, publicly thank my fellow staff members at the Commission and the commissioners for helping me get started at the Commission and continuing the continuation and improvement of the ISFMP Program. I couldn't have done it without all of you. Thank you.

CHAIRMAN COLVIN: Mr. Cupka.

MR. CUPKA: Very briefly, if I may, Mr. Chairman, since the South Atlantic Board will not need a general report to the Policy Board, I do have one request I would like to bring to the Policy Board. And I do it in my capacity as chairman of the South Atlantic Board.

The South Atlantic Board is somewhat unusual among the management boards of the Commission in that we have oversight responsibility for five different species: Spanish mackerel, red drum, spotted sea trout, Atlantic croaker and spot. So we have a pretty full plate.

And the Fish and Wildlife Service in

Virginia have been very supportive. So we do have an offer from the Fish and Wildlife Service to provide some staff support to help the South Atlantic Board carry out its responsibilities. And with the concurrence of the Policy Board, I would like to explore with the executive director of the Commission ways in which we might be able to take advantage of this offer that we've had from the Fish and Wildlife Service.

CHAIRMAN COLVIN: I'm sure I'll hear no objection to that suggestion, and we appreciate the initiative of the board. Thank you, Dave.

Is there any other Other Business to come before the Policy Board? Mr. Fote.

MR. FOTE: Yes, Mr. Chairman. I really liked the briefing books that we got here. It was very easy to keep everything in order. I also find that when going to a lot of meetings lately, I don't carry the management plans, because they get bulky, and you wind up needing about three or four of them.

I would like staff to look at the option of putting some of this on computer disk. After weighing this, it's easier to carry a laptop than it is

to carry this briefing book. And maybe that's the way we should be going on this. Also, I think of all the trees we cut down. This is a great idea, and it was really helpful, but if we could save some trees by putting it on a computer disk, I would like to be able to do that.

CHAIRMAN COLVIN: I'm sure that many of us have suggestions to the staff on ways they can improve on their already excellent product for our future use and enjoyment. Please give those comments directly to the staff.

Is there any further business? I'll entertain a motion for adjournment.

MR. COATES: So move.

CHAIRMAN COLVIN: Without objection, we stand adjourned. We want to resume the Executive Committee meeting in 15 minutes.

I do have one announcement, and that is relative to checkout. The hotel checkout time is noon. That means those of us who have not checked out should plan on checking out during this break. I am advised that the hotel may provide, may provide, for a very

modest number of late checkouts. If you're really jammed up or need to be in your room a little longer, if you would see Laura, she'll see what she can do. But there is no guarantee on that.

(Whereupon, the meeting adjourned at 10:55 o'clock a.m., November 2, 1995.)

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