

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
EXECUTIVE COMMITTEE AND ISFMP POLICY BOARD

February 21, 2002
Swissotel Washington, The Watergate
Washington, D.C.

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Summary of Motions
February 21, 2002

On behalf of the Legislators and Governor's Appointees, I move to recommend to the ISFMP Policy Board the establishment of an Advisory Panel Oversight Committee to provide leadership and guidance to the Commission's advisory panel process.

Motion made by Mr. Tatem; Motion carries unanimously

On Behalf of the Tuatog Board, I move that the ISFMP Policy Board request the Law Enforcement Committee investigate and assess the magnitude of unreported landings, both for the live market and from non-directed gear (i.e. bycatch), and report back to the Tautog Board no later than the 2002 Annual Meeting.

Motion made by Mr. Freeman; Motion carries unanimously

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

JOINT MEETING

**EXECUTIVE COMMITTEE AND ISFMP
POLICY BOARD**

**Swissotel Washington, The Watergate
Washington, D.C.**

February 21, 2002

The Joint Meeting of the Executive Committee and ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Monticello Room of the Swissotel Washington, The Watergate, Washington, D.C., on Thursday, February 21, 2002, and was called to order at 7:30 o'clock, a.m. by Chairman Susan Shipman.

-- Welcome; Introductions --

CHAIRMAN SUSAN SHIPMAN: Good morning. This is the Joint Meeting of the Executive Committee and the Policy Board. I'd like to welcome everyone. I would like to take this opportunity to make a couple of announcements.

We have a new agenda which should be passed around to everyone. Make sure you get a copy of that. We have a few items that have been added during this week to that. We will finish at 9:00 o'clock. We'll get as far through this agenda as we need to.

Action items that need to be taken care of today, if you would give the Chair prerogative to move things around, I would appreciate that.

A couple of other introductions. I want to announce at this point -- most of you know this -- I want to thank Laura Leach for serving as our Interim Executive Director since Jack has departed and gone over to the National Marine Fisheries Service.

Laura, thank you very much. I didn't even have to hold a gun to her head to get her to agree to do this. I think, really, since Jack has left us on the 28th, things have pretty much gone on without missing a beat, and I think

that's a reflection of Jack's good work in laying a firm foundation for our operations and the leadership of the commission and also a reflection of the outstanding staff that we have there.

And along those lines, I think you also received the announcement, but I want to here at the Policy Board also reiterate that Bob Beal has been named our permanent Interstate Fishery Management Program Director. Bob, congratulations.

MR. ROBERT E. BEAL: Thank you.

-- Approval of Agenda --

CHAIRMAN SHIPMAN: With that, everyone should have your agenda in front of you. Are there any objections to approval of the agenda with the latitude to the Chair to move things around? Seeing no objection, we'll adopt that by consensus.

-- Public Comment --

I'd ask at this point if we have public comment, if anyone from the public would like to address the Policy Board. Seeing none, we'll move on.

**-- Introduction of John V. O'Shea, Executive
Director --**

At this point it's a real pleasure to introduce to your our incoming executive director, but before I do that, I want to just make a couple of remarks. As you know, since our last meeting -- gosh, it seems like it was forever ago but it was only a quarter ago -- in Rockland, Maine, a lot of activity has occurred since that time.

And many of you commissioners, twelve of you, in fact, stepped up to the call to do really arduous duty, particularly during the holidays. We began our leadership succession planning process in mid-November, worked through the Thanksgiving holiday.

We worked through the Christmas holiday. We worked through the New Year's holiday. That group of twelve was broadly representative of the commissioner interest, our geographic interest. I cannot say enough good things and thank you all enough, those of you who served on both the Leadership Planning Committee and our Search Committee.

Also, we had two executive directors from the Regional

Fishery Management Councils, one of whom served on each of those two groups. So, they pitched in and helped us during a very busy time but a very important task for this commission. I'm very grateful and I'm very pleased with the outcome of that work.

We received applications from 29 candidates, from which a select group of very highly talented and respected individuals were interviewed in early January.

I carried a recommendation to the Executive Committee by conference call on January 17th, who unanimously ratified my recommendation. As a result Captain Vince O'Shea, who has been with us this week, has agreed to come aboard as our new executive director in mid-April.

As you saw in our news release and in the memo to the commissioners, Vince is certainly no stranger to fishery management. He served in Washington for a five-year period as head of fisheries enforcement prior to going out to Alaska.

He has been very involved in fisheries in Alaska for the last six years. He has extensive experience with the Regional Fishery Management Councils on the East Coast as well as the North Pacific. Vince also served on our Law Enforcement Committee back in the years when he was here in Washington.

So it's with great pleasure I'd like to introduce to you Captain Vince O'Shea. Vince, I'd like to see if you'd like to say a few words. There's a microphone in the back next to Melvin Shepard.

EXECUTIVE DIRECTOR JOHN VINCENT O'SHEA: Well, good morning, Madam Chairman, ladies and gentlemen. I just wanted to thank you all very, very much for the honor and the opportunity to follow such a terrific guy as Jack Dunnigan.

I'm really excited about accepting this position. I think my initial impressions of this being a relevant and professional organization that is meaningful in the important work of conserving and managing fisheries resources has just been overwhelmingly confirmed this week in the short time I've been with you all.

The other thing I would like to thank everybody is just for the very, very warm welcome. Even though I've

only been here three days, it seems like I've known most of you for a lot longer period of time than that.

Susan, I'd like to commend you for the terrific job that you did as Chair of the Hiring Panel, not necessarily because of the decision that came out of it, but I think the total, professional way that that whole process was handled was very, very impressive and reflects very highly on the high standards that the commission has. So, thank you very much for that. Thank you all for being so warm and friendly to me. I'm looking forward to coming back in April and rolling up my sleeves and going to work.

My last comment is just thanks so much to Jack Dunnigan. He was a terrific supporter and cheerleader to me during this process and he's leaving me a situation that's in terrific shape. That's not the way I've been making my money in the Coast Guard.

I usually come behind somebody that hasn't really been watching the knitting very well, and those jobs are always a lot easier than the job that Jack has given me, and that's a smooth-running machine and everything going great and just a terrific staff.

So, I've got big shoes to fill, and I'm looking forward to trying to measure up to that. Thank you all very much.

CHAIRMAN SHIPMAN: Thank you, Vince. Most of you, I think, know this. Vince came in last week, mid-last week, and he met with the staff the latter part of the week and also was up on the Hill meeting people.

He has been working very hard during this time that he has been with us this week and also, I think, meeting and talking with you all. I just hope -- please, Striped Bass Board and Scup Board, don't run him off. I mean, behave today, please; don't run him off. Okay, thank you very much.

We're going to move on into the agenda, and I think what we're going to do is go ahead and maybe take John's report and give Tina a moment. She was stuck in traffic this morning. She's next on the agenda, but with your agreement we'll move here down a little bit and go ahead and take John's report of the Administrative Oversight Committee.

-- **Administrative Oversight Committee Report** --

MR. JOHN I. NELSON: Thank you, Madam Chair. The Administrative Oversight Committee met yesterday morning. We went over a number of issues. The main ones are listed on the agenda. I think I'll probably stick a couple more in there just to provide an update.

As you mentioned, since the last time we met, we've been pretty well tied up in a number of things, but yet work has progressed, primarily because the staff keeps chugging along, certainly not because of anything that I've done.

But, the first thing that we have on our agenda is a Compliance Efficiency Report, and that is one of the issues that came out of our overall, if you would, closed session just as a general discussion. There was a situation as far as would we take a look at how compliance works for the ASMFC.

So staff had put together a draft for us to take a look at. We had some revisions that we suggested to them based on the various experiences of the folks on the AOC.

Last night around one or something like that, I think Bob finished putting it together, and I think that has been distributed now, so you all have a copy of the new white paper on compliance efficiency.

What we'd like is for folks to take a look at that and over the course of the next month, that is by the end of March, to get any comments back to staff so that we can compile that and see if we can't come up with an appropriate recommendation to the commission in May. Why don't we have Bob run through it and give us a quick overview of that.

MR. BEAL: Okay, thank you, John. As John said, there is a draft white paper on compliance efficiency. This came out of the realization that some of the short-term non-compliance situations that have presented themselves over the last two to three years have made the commission realize that its compliance -- big surprise -- our compliance process isn't perfect.

It takes a long time. The short-term non-compliance situations usually work themselves out before anything could be done through a non-compliance process through the commission as well as the federal

government.

So, basically this paper is based on the realization that it takes a long time to go through our current process. There are a couple of case studies included here that spell out what has occurred in the Spiny Dogfish Fishery as well as the Black Sea Bass Fishery over the past couple of years.

In table 1, you'll see the range of closure dates for the Spiny Dogfish Fishery under emergency action that the commission has.

The states were required to close on the 22nd.

You can see there's only about a seven- or eight-day range of closures; however, those seven or eight days have the potential and actually have caused a lot of strife between the states.

If your state is closed and your neighboring state is still open, your fishermen end up very unhappy, and we've had a lot of problems over the years. But, the fact is that the commission's current compliance process really can't handle this situation.

These closure dates -- and there's a lot of reasons for these closure dates varying. Some of them are state processes, some of them are concern over what the neighboring states are doing and some states just don't want to be the first one to commit, not knowing what their neighbors are doing. So, that's just an illustration of how that fishery worked.

Case study number two is black sea bass. There's a Table 2 here that illustrates how long it takes for states to make closures to the quarterly quota system that's in place right now for black sea bass.

The middle column in that table is how long it takes for the states technically to make closures. The far right column is how long the states usually try to give their fishermen fair warning that the fishery is about to close, allow them to haul their pots, their passive gear that's used in this fishery as well as return from multi-day trips with the fish on board.

So there's a little bit of difference between those two columns. The paper goes through some further explanation of the Black Sea Bass Fishery and why the current management system doesn't discourage states from closing a few days after a closure announcement is

sent out from the commission or the National Marine Fisheries Service. So that's a quick summary there.

The final paragraph in the Black Sea Bass Section explains the problems with if one state stays open for x-number of days and catches 10,000 pounds, that 10,000 pounds comes off the quota for next year, and all the states involved in the Black Sea Bass Fishery are negatively impacted.

So, on Pages 4 and 5 are just quick conclusions and recommendations of what we can do in just these case study examples. These recommendations are based on the realization that we can't really speed up the federal - - we can speed up the commission process a little bit if our meetings line up properly and the Policy Board and the Full Commission are meeting.

However, once it's turned over to the federal government, that's a pretty complicated process, and we really can't speed that up any more than it is right now.

So, the realization is that we probably have to do something within our fishery management plans to set up contingencies that if a certain short-term non-compliance situation occurs, then we can go through the plan, and there are some penalties already written into our plans to address these situations.

The black sea bass, there are three things that could be done right now through our fishery management plan. Some of these need to be done in conjunction with the federal government, so that's something we'll have to discuss further with the Mid-Atlantic Council if that's the direction the board chooses to go in.

But these are just examples of ways that if a state were to close a few days late, that state would be penalized during that quarter in the next year either by -- if you closed four days late, you're not allowed to open until four days later next year.

Then there's another example of your trip limit is cut in half for the first time certain at the beginning of that quarter the following year. So those are just a couple different scenarios that may work.

The black sea bass situation has caused a lot of problems up and down the coast over the last couple of years with quarterly closures as well as reduced trip limits, some of the states taking a little bit longer to

implement those.

So some of these time frames may seem like a short amount of time, but they do cause big problems. That's where this paper came from. The solutions, the recommendations in this paper focus on commercial fisheries; however, there have been situations where recreational fisheries in the past have been out of compliance for short periods of time, and those situations need to be considered within the management plans as well.

So, this is a first cut at this paper. There are definitely a lot of improvements that could be done. It's something that probably needs to be addressed on a case-by-case, species-by-species basis, but it will take some time, and I think we need to work them into our FMPs rather than try to fix the compliance process that we have at the commission.

CHAIRMAN SHIPMAN: Thank you, Bob. I think where we left this -- John, correct me if I'm wrong -- we'd like for you all to take a look at this paper and specifically Page 4.

There are probably other options that can be folded in there for a more thorough discussion, which we could do at a later time. But we'd like to get all the ideas in here, and then perhaps have a more deliberative discussion on this in May at our spring meeting when we have a little bit more time, and come up with some firm recommendations to make to the board.

So, as John said, Bob would like your comments back by the end of March. If anyone wants this electronically, I'd say let Bob know. He can send it to you electronically, and then you can insert your comments that way. Bruce.

MR. BRUCE FREEMAN: Thank you. John, just for clarification. It was the consensus of the committee that the process we have to find a state out of compliance should not be changed or could not be changed, the resulting change should occur within the plans; is that correct?

MR. NELSON: It looked like much of the problem revolved around that area, and we thought that if that could be resolved and see how that works out, that would smooth out the overall compliance process probably significantly even though -- I hate to use the

word "significantly" -- even though there really isn't, as far as we could see, anything totally out of whack. So, this is the attempt to try to address what we perceive as the major component that might need to be fixed.

MR. FREEMAN: I think you're aware that there are other situations. There were two used here, but there are many more instances, for example, when we take action to implement a new addendum, some states implement it immediately, some states, weeks or later, and that has tremendous implications.

Now, some of that results in a state's inability -- I mean, they may get a statutory change. Therefore, it's not the fact that a state wants to delay for some advantage to their fishermen, It's just that it takes that amount of time, or a regulation has to be changed.

Sometimes it takes a long period of time. But, nevertheless, during that interim, some states are advantaged and some states are disadvantaged and we need to determine how we deal with that.

MR. NELSON: We had some discussion on that, and I think staff had probably more discussion on that. A lot of that problem, I think, revolves around how we develop an amendment or addendum and putting in the time lines associated with that and perhaps being more sensitive to what states can do and cannot do. I think that's how we were trying to look at dealing with that particular component of the compliance process.

MR. FREEMAN: And then the most recent incident were scup and sea bass where the -- well, scup where the federal agency made a determination to implement differently than the commission which created a tremendous amount of confusion and, quite frankly, a lot of difficulty. That needs to be clarified as well.

CHAIRMAN SHIPMAN: The other thing we had asked Bob to do is canvass the states and see how quickly they can act in some cases. What is the best case scenario of how quickly you can act, because, in the case studies, for instance, it's reflecting the states from the Mid-Atlantic north, and those of us in the South Atlantic have different intricacies as well.

So that's one thing we have to look at. And then if we have that laid out, I think we can make some

recommendations to the boards overall. Gordon.

MR. GORDON C. COLVIN: I just want to thank the staff for getting this out. I know this is something that I've been concerned about the need to do. We don't have an effective deterrent for late compliance.

Late compliance will not -- you can't deal with it through the ordinary compliance process. A state will not be found out of compliance once it has adopted the rule. We need to derive some penalty-based way of dealing with late compliance.

There's another way of looking at it, too, addressing some of the issues that Bruce brought up. As I've pointed out, it's becoming increasingly difficult to secure approval within the states for emergency rulemaking which is sometimes necessary to do what we have to do.

It is sometimes difficult to secure the support of the legislature for developing regulations in some areas when you need to. What do you tell them now? What are you saying now when you're challenged on the need to do an emergency rule?

What's the penalty if you don't get this done on time? Well, there isn't any, really. The only penalty is the other states are going to be upset. Well, that's not a hard penalty.

But, frankly, if we're in a position to say that if we don't get our fluke regulations in place by day X, next year we're going to have to close our season down for a month because we were late, that's much more likely to result in an executive approval of an emergency rule, frankly.

So there's an incentive potential here that we need to be aware of, as well, to help us operate a little bit quicker. I think it will ultimately be much more effective, so I think this is a good start, and I look forward to getting it done.

CHAIRMAN SHIPMAN: Thank you, Gordon. It's known as the "Colvin Commemorative Compliance Paper."

MR. COLVIN: I just want to point out for the record that Ernie Beckwith really was the guy that first

brought this up; and if anything, it should be the "Beckwith."

CHAIRMAN SHIPMAN: It could be the "Long Island Sound Commemorative Compliance Paper." Seriously, Bob has laid a very good straw document for us I think to work from.

This is your homework assignment, so please give this some thought, those of you who have found yourselves in very difficult situations with regard to compliance. Take a look at this; give us your ideas; and we'll deliberate this and discuss it further in May. Okay, John.

MR. NELSON: All right, one of the other items that came up during this meeting was the District of Columbia and Compliance Report. Our discussion centered around having the staff meet with Ira to discuss the late reports and see what we could work out as far as where the problem actually was.

So staff is scheduled to meet with Ira and deal with that, and I think we also had a chance to talk to Ira last night, which was very nice to have him in a social setting, and I think that should be a very brief but nice luncheon.

But, Ira, if there is anything else you would like to point out, we'd be happy to hear from you.

MR. IRA PALMER: Sure, good morning. I guess I want to first say in spite of my absence in a number of the meetings the last couple of years, it doesn't reflect on my commitment to the commission. There are a number of things that have changed in the District and the time simply isn't there quite often.

I also want to just mention in reference to some of the reports that the District is delinquent on, without making excuses for them but basically sort of point out the reality of the situation in the District.

Some reports, for example; I mean, I was just informed yesterday about horseshoe crabs, the District doesn't simply have horseshoe crabs nor do they land horseshoe crabs. I pointed this out, I guess, last year but I was told that I was supposed to say this each year. So, that's something that I guess we have to work out.

On a more serious note, the District basically gets 98 percent of its funding to do fisheries research from the

Sportfish Restoration Fund from the Fish and Wildlife Service which deals with basically game fish, sports fish.

Fish like eel and sturgeon aren't part of their list, and so, therefore, there's no direct funding to actually do any kind of work on them.

I understand that the National Marine Fisheries Service through Bill Hogarth is interested in providing some funding to do that and we look forward to doing that. But in the interim we will work with the commission to provide at least some documentation on the reports that are delinquent. Thank you.

CHAIRMAN SHIPMAN: Thank you, Ira, and we appreciate you being with us today and coming last night. We did have a good opportunity to talk with Ira and find out some of the difficulties the District is facing.

I think staff will probably sit down with them. We may want to revisit the plans that the District of Columbia is a stated jurisdiction of interest in. So we will work with you in any way we can and appreciate your commitment to continue to work with us toward our collective process. Thank you, Ira.

MR. NELSON: The next item, Madam Chair, is the so-called, "pink paper" on the ISFMP restructuring. As, I think, everyone recalls, we had a draft that we had provided to folks last year and got various feedback as far as how extensive did we really want to pursue this.

Based on those comments, we asked the, at that time, still current executive director to redraft that pink paper, and he was very gracious as he was exiting to continue to do that. He had left it in the office, which we finally found after clearing out all the other papers that were there -- at least, that's what staff tells me.

What we have done is to look at what are the ISFMP Policy Board and the Executive Committee roles and structuring. We reviewed the redraft of the paper, thought there were additional components that should be provided to it and have then selected an individual -- or actually an individual volunteered -- to finalize the recommendations so that we could send it to the commission for their consideration.

We do thank "Federal Jack" for continuing that role of revising that paper. We are not passing it out now, again, because we, again, are looking at the revision to take place before we submit it to the commission for their review.

The time line for that is that we're looking to have the revision back to us in March and have that revision submitted to the commission certainly by April. I know that Jack's got it on tape so we don't have to worry about that time line. Again, Jack, thank you very much for all of those efforts in that.

We also had a white paper that looked at the commission involvement in the MRFSS, and that was looking at the state contact in that survey. There are various ways in which states may wish to be involved in it, and we had a number of options developed by staff to see if that covered or provided enough alternatives for the Coordinating Council to review.

Lisa will give us a brief overview of where we're at, and then she'll be taking that and developing a couple more options that we felt were necessary for the paper to be as complete as possible, at least at this time. Lisa.

DR. LISA KLINE: Thank you. The current white paper discusses two options. One is status quo where the National Marine Fisheries Service would continue to contract with private contractors on a three- or four-year basis.

The second option is that the ASMFC would serve as the administrative body for the conduct of the MRFSS. The AOC has asked for two more options. One would be that the ACCSP would be the administrative body for conducting the survey.

The second would be to look at various grant mechanisms to -- this goes more towards the funding -- to get the funding directly to the states as opposed to a pass-through through either ASMFC or ACCSP. So I'll go ahead and work with the ACCSP staff, and we'll develop those two additional options.

Just for the benefit of the states, under this new system, the Coordinating Council has given the go ahead for staff to take the next step. The next step would be to work with the individual states to find out exactly how you would want to have this new system work.

There are essentially three different options that the states would have. The first option would be that the states would actually do the hiring of supervisors and creel clerks and would be directly involved in conducting the MRFSS intercept survey within their states.

This is the issue with the funding, how to get that funding directly to the states with as little overhead as possible so that the states have the money to conduct the survey.

The second option would be that the states would hire or provide the supervisory personnel and that either the commission or ACCSP or some organization would hire the creel clerk that would work within that state.

The third option would essentially be status quo where the administrative body would hire the supervisors and the creel clerks and put them out in the states to conduct the survey.

There are various benefits of moving from the scale of the states actually out there conducting the survey with their own personnel, and as you fall down to status quo you're essentially looking at what currently exists with the National Marine Fisheries Service and the private contractor.

So we'll be going ahead and fleshing out these new options. The next step would be for ACCSP staff and, I assume, commission staff to work individually with the states to figure out which option you would want to fall under and then to develop some very detailed budgets for what it would cost to move into this new system. So that's where we are and where this is heading.

MR. NELSON: Okay. Thank you, Lisa. Any questions? Jack.

MR. JACK TRAVELSTEAD: Lisa, the options that are listed in that document, do they assume once an option is chosen, that all states move to that option or is it state-by-state basis?

DR. KLINE: It's going to have to be on a state-by-state basis. We currently have about seven states that are directly involved in conducting the MRFSS as subcontractors to the NMFS contractor, so we know that those seven states will most likely continue that option. The other states will have to

choose which option, and it will be a mix and a match.

MR. NELSON: Any others? Bruce.

MR. FREEMAN: This is a corollary to this particular issue, but we've been using the MRFSS information more and more. It's been told to us and it's been told to the councils that MRFSS perhaps works on a coastline basis but often not on a state-by-state basis. It's predicated on the amount of samples that are taken, yet we continue to use it on a state-by-state basis, and it's becoming more and more important.

It seems to me it would be very useful for us to know what level of samples would be required to do what we want it to do on a state-by-state basis.

I mean, we're seeing some states with major fisheries that have 24 samples over the course of the season, and we're making decisions based on those samples. If that sample is picked and chosen to be an unusual sample, either they're going to be way above quota or way below quota.

We're holding those numbers inviolate and, quite frankly, we shouldn't be. But I think it would be very useful. Maybe we could do it internally or request that be done by the Service to give a degree of the sample size that each state would need in order to make these decisions that we're thrusting upon ourselves.

MR. NELSON: I was just checking with the Chair and the Service -- I don't know if the Service wants to make any comments on that, but the Service certainly can provide the information on what is being done.

I would think they would also be able to provide the information on what would need to be done to reach a certain level of precision. Now, I know we went through that several years ago and have -- I forget where we're at now, but we're at a substantially higher level of interviews to have a certain confidence level associated with that.

So it's probably something that the ACCSP program would certainly want to look at as data is starting to come into that and make sure that we are at a precision level that is appropriate for that type of data gathering. Lisa, did you want to comment further?

DR. KLINE: Just to follow up, NMFS does have programs to optimize sampling and they have gone out and worked individually with the states and essentially asked the states to choose a number of priority species.

And what they do is run the programs working with the states and optimize not only for the priority species but also for the waves within the sampling period. So, I think the mechanism is there to make that happen.

MR. NELSON: Ken.

DR. KENNETH HADDAD: As you know, Florida has been in the system for a couple of years now on the Gulf side, but we're taking the whole state. NMFS has worked very well with us. Just as an insight, we've been able to decrease the cost per sample by 40 percent.

So with the dollars given, we've actually been able to significantly increase the sample size and fill a great void in resolution that I think all the states have a problem with. NMFS, however, is very rigid on their specific need for sampling. There's no give or take there, and that's something we've found.

MR. NELSON: Anyone else? Ken, I think we in New Hampshire also saw that same type of efficiency and cost-effectiveness, which was interesting.

I kept wondering why my budget had extra money in it at the end of the first year and finally found out that's what it was all about, which is always nice. Okay, let me go through a couple more items.

CHAIRMAN SHIPMAN: Quickly.

MR. NELSON: Yes, Ma'am. One of the issues that came up in the past and, actually, most recently at the Lobster Board meeting yesterday was the conflict of interest and whether you recuse yourself or excuse yourself, whichever you happen to prefer.

We looked into what we have written down as far as the guidelines for folks to abide by, and we determined that what we needed to do is to have a little bit more complete criteria for that to be looked at by the commission and finally adopted.

So the staff is going to be pulling together conflict-of-

interest guidelines that have been used elsewhere, and we're going to have that package ready for the commission to take a look at in May. Gordon.

MR. COLVIN: Did the committee discuss the applicability of each state's own public officer's law or equivalent with respect to this issue? We are, after all, here as representatives of the states that employ or appoint us and are subject to the laws of those states.

MR. NELSON: No, we actually didn't do that. We were looking at more of a blanket approach, but I think that's a good point to give to the staff.

MR. COLVIN: I would hope the committee would look to that issue, as well.

MR. NELSON: We'll have staff take a look at that.

MR. COLVIN: I know that, for example -- and I'm only speaking of state directors now and not the secretarial appointees to the regional councils -- state directors are, in fact, governed by state ethics laws in all of their conduct as professional employees in all of their functions, including before regional fishery management councils.

I would submit that the members of the state legislatures, their employees and the appointees of the governors who appear here appear subject to the laws of the individual states, and that with a little bit of research the documentation of that may well be sufficient to address this issue.

MR. NELSON: Okay, it's something that has arisen. I think we need to make sure we've addressed it so that everyone understands what the guidelines are that we all have to abide by and make sure that we avoid the perception of any conflict of interest. Susan.

CHAIRMAN SHIPMAN: It may be as simple, Gordon, as including a statement in the rules of our Compact, the rules and regulations that the state delegations are bound by their state ethics laws or guidelines.

What I think would be beneficial is for each of the administrative commissioners to get a copy of those and share that with each of the complete delegation, the governor's appointee and the legislative appointee, and

each of you take a look at that. I would ask that the administrative commissioners do that for your delegations. Thank you, John.

MR. NELSON: Just a couple other points, just to summarize briefly. We looked at the budget performance report, noted that the commission continues to be functioning smoothly as far as finances. We noticed that the reserve fund maintains its balance.

Also litigation and legal contingency last year, we did not use our legal funds fortunately for any legal action, so we were able to deal with having a legal contingency set aside for any legal aspects for this year.

Hopefully, we won't have to use that, but that money is already set aside and actually in an MOA with our attorney so that if need be we can call him at a moment's notice and not have to go through any legal haggling. Anything else you want to add to that? Okay.

Video conferencing, the staff was able to attend a video conferencing conference and came away with a lot of information on that. They actually went to it rather than -- that's a type of video also, directly -- but they came away with a lot of information and we're proceeding on our next phase of that, and that is getting the inventory done as far as what is available to the states now, how compatible are the various systems and then starting to look at where we might do some experimentation with this.

We have started the planning for the strategic action planning. I'll leave it at that. We also looked at the staff career track and looked at how we are addressing that.

That is something that we are continuing to look at to ensure that we have an appropriate career track for staff. So I think, Madam Chair, those are the items that we went over. Again, I thank the AOC Committee members for their help in going through all of those items.

CHAIRMAN SHIPMAN: Thank you, John. That's a very good, thorough, thumbnail sketch of what we dealt with yesterday. Any questions of the AOC of that report?

-- Law Enforcement Staffing Update --

Okay, seeing none, what I'd like to do now is request that Bob give us an update on the law enforcement staffing. You'll recall at our annual meeting, when we worked through the action plan, there was a very stated and emphasized party of the Policy Board and all the commissioners, in fact, to try to find staffing or some staff support for our Law Enforcement Committee. Progress has been made in that area and I'm going to let Bob tell you about that.

MR. BEAL: Okay, thank you, Susan. Yes, actually for the first time in a while we have positive news on this front. The commission has signed a contract with Mike Howard, who is retired from the Maryland Department of Natural Resources Law Enforcement Group.

Mike is on board now. Myself and Laura and Vince O'Shea and Bruce Buxton, the Chair of our LEC, and Lisa Kline and I think some others had lunch with him this week, and Tom Meyer from the National Marine Fisheries Service, who has been doing that responsibility.

We all had lunch with him this week, went over what responsibilities he'll have and what he will be able to do in coordinating the Law Enforcement Committee and moving that process along.

So, we have funding for this year for that position, through the remainder of the calendar year, through some creative budgetary maneuvers both at the National Marine Fisheries Service and within the commission on the Atlantic Coastal Fisheries Management Act monies.

So we've got it secure for this year. The question is where do we go from here and how do we continue to keep this position funded and keep Mike on board?

We're still exploring the option of using some interjurisdictional law enforcement money that has been allocated to the National Marine Fisheries Service.

We've sent a letter and a description of the responsibilities of this person and what they'll bring to the interjurisdictional law enforcement efforts. This letter is currently -- I believe it's up on Capital Hill being reviewed by those folks to determine if this is an appropriate use of that money.

So, we look forward to an answer on that question relatively soon. Depending on the outcome of that, we may have to search around a different avenue to find some ways to creatively fund this position in the long term, but I think it was pretty obvious that the commissioners wanted to fund this position on a continuing basis, and we just need to figure out how we're going to do it.

I suppose we'll have some ongoing updates at later meetings as to what the status of this funding is and what other options we need to explore or we might be all set. It's hard to say at this point.

CHAIRMAN SHIPMAN: Thank you, Bob. We do want to clarify "creative" does not translate into "creative accounting". No, this is a very legitimate pursuit of funds. Eric.

MR. ERIC SCHWAAB: Could I just ask Bob to say a word or two about what Mike's primary responsibilities will be?

MR. BEAL: Sure. Mike's going to be responsible almost on an FMP-coordinator basis. What they do for the species, Mike will be doing that type of effort for the Law Enforcement Committee.

He'll make sure that information is flowing from the ISFMP Department and the Research and Statistics Department as to what projects are going on, what input has been requested from the Law Enforcement Committee, and he's going to be the go-between between the Law Enforcement Committee and the rest of the commission's board and panels and technical committees and everything else.

As I said earlier, Tom Meyer from the National Marine Fisheries Service has been doing that but it's only one small part of his many responsibilities so he just hasn't had the time to keep up with everything.

More and more, we're sending our plans through the Law Enforcement Committee, as they should be, prior to implementation and prior to approval to make sure everything in there is enforceable and a realistic management program is being developed. So, Mike is going to be the go-between between all the different groups.

CHAIRMAN SHIPMAN: I had Ernie and then Pres.

MR. ERNEST E. BECKWITH JR.: Thank you, Susan. Another question for Bob. Is Mike going to be on staff fulltime? Will he have an office at the commission?

MR. BEAL: No, right now he's under contract with the commission; he's not a commission employee, technically. The plan now is for him to work about two days a week on this project. It may not be two days every week.

He may work five days one week and take the next week and a half off, whatever. There are going to be peaks and valleys, but he'll be around as much as possible.

We will send out his e-mail and we'll talk to him about how he wants communications from commissioners to be handled. Obviously, he's a resource for all of us to use, and he has made it very clear that he's willing to work with anyone. If you have any ideas on how the process can be improved, he's definitely willing to hear from you.

MR. BECKWITH: Just as a follow up, I think it would be very helpful if the commission had a law enforcement resource that our law enforcement people can work with on a daily basis.

CHAIRMAN SHIPMAN: It is a part-time position, and I think we will better see how we can all take advantage of this position as the year progresses and find out what kind of funding we're going to need to support it and at what level of activity. Pres, I had you next.

MR. PRESTON PATE, JR.: Thank you, Susan. Based on the conversation we had yesterday about North Carolina's creative weakfish management, it might be helpful to have Mike serve on the PRT for plans.

It's somewhat the same point that Ernie was making that could establish a law enforcement presence in that process to bring back any concerns to the Law Enforcement Committee about something that he might see in the plan review, the review of individual fishing proposals.

CHAIRMAN SHIPMAN: That's a good suggestion, Pres, that we can look at. It may be, depending on what the compliance issues are in a report that is submitted to the PRT, he could kind of be on call to participate in their conference calls if there are enforcement issues that they need his input on.

But thank you for that suggestion. We'll refer that to Bob and let him work with Mike to see how we can incorporate him into those reviews for the enforcement component of compliance.

Other questions on this? Staff went back right after our meeting and really started working hard on this. They worked with the Law Enforcement Committee. Bruce Buxton, Laura, Bob, Lisa, Jack, everybody worked together.

I am really pleased, and I'm sure I reflect your pleasure in how they have worked to get this done, and so thank you all very much for getting that done -- and the National Marine Fisheries Service. We would not want to forget our partners who actually brought the check to the table, and we do appreciate that very much.

-- Protected Species Issues --

The next item, I'm going to ask Tina to give us the update on the protected species issues. You'll recall this is an issue we discussed, also, in Maine and asked Tina to work with Pete Jensen and to go back and find out a little bit more about the issue of what the National Marine Fisheries Service might want from us. She has developed a paper that was on your CD-rom and in your hard copies. So, Tina, I'm going to let you lead us through this.

MS. TINA BERGER: Thank you, Madam Chair. I would like to thank Terese Konat from the Office of Protected Resources over at the National Marine Fisheries Service for helping me develop this paper.

Briefly, the paper sort of lays out the challenges and opportunities in sort of cooperative work of state and federal agencies in endangered species management.

The focus of the paper is the development and implementation of cooperative state and federal Section 6 agreements under the Endangered Species Act with a

particular emphasis on the impacts of these agreements on state marine fisheries activities.

In December, at the request of the ISFMP Policy Board staff, the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission met to discuss our mutual interests in working more closely together on cooperative endangered species management issues.

There were two primary reasons that brought us to the table on this issue, one being the increasing number of endangered species issues facing the Atlantic coastal states.

Some examples of these issues include: right whale and lobster pot interactions throughout the Gulf of Maine, Maine through Massachusetts, and have extended into New Jersey in some cases; and also gillnet interactions with sea turtles, particularly in Virginia and North Carolina.

The second reason that this group met stemmed from the congressional recognition about this problem of cooperative state and federal agreements as addressed in the July 20, 2001, report of the Senate Committee on Appropriations.

In this report the committee recognized that, in essence, Section 6 agreements have been an unfunded mandate with very little financial assistance provided to the National Marine Fisheries Service in conducting this important task.

It also recognized that NMFS has had limited success in implementing the program in a coordinated, holistic fashion.

The report went on to recognize the unique traits that the states and the federal partners bring to the table on these issues and the vital importance of them working together.

I think it's important for me to read into the record some of the dialogue from that committee report and you can see this on the first page of your white paper:

The committee encourages NOAA to examine the existing and potential role of state agencies in carrying out recovery program tasks for Hawaiian monk seals, right whales and other endangered or threatened marine species under the jurisdiction of the

Secretary of Commerce.

Where appropriate and not already in effect, the committee encourages NOAA to develop cooperative agreements with states under Section 6 of the Endangered Species Act to establish or clarify state agency involvement in those recovery programs.

The committee expects NOAA to request appropriates in their fiscal 2003 budget under Section 6 to support cooperative state activities that contribute to the recovery of endangered marine species.

The report further states:

That the committee recommendation includes \$7 million for North Atlantic right whale research and management activities.

Of the amount provided, \$1.5 million is for Atlantic coastal states to implement cooperative federal-state right whale recovery plans such as those concluded under Section 6 of the ESA.

The committee strongly encourages NMFS to conclude ESA Section 6 agreements with coastal states of concern prior to fiscal year 2002.

Given the strong congressional support and the growing number of endangered species issues facing Atlantic coastal states, it appears that we're in the unique position to move forward on more cooperatively working with our federal partners in developing a coordinated, holistic approach to endangered species management.

I'm just going to give you a brief background of the issues and where staff has recommended that the commission may want to go.

Briefly, the states of New York, Massachusetts, Maryland, Georgia, North Carolina, and South Carolina have active Section 6 agreements with varying levels of funding from the National Marine Fisheries Service.

A problem, at least from the perspective of the state fisheries agencies, is that there is a lack of agency involvement in the development of the agreements.

In most states the state's wildlife or non-game endangered species programs have jurisdiction over endangered species issues and, therefore, are the lead agency in the development of these Section 6

agreements.

In many cases there's very little communication between the fisheries and non-game programs within a state agency. The situation is further compounded by the fact that a majority of the impacts to endangered marine species occur as a result of fishing activities which occur in state waters.

So while the state fishery agency is not involved in the development of the program, many times they are left with the implementation part of it and the impacts of this implementation on their fisheries.

It's believed that in order for Section 6 agreements, particularly on marine endangered species, to be effective, the state fishery agency must play an equal role in the development and implementation of this agreement.

The white paper further lays out some general information on Section 6 agreements. I'm not going to go into it in a lot of detail, but basically it authorizes the Secretary of Commerce, which is delegated to the National Marine Fisheries Service, to cooperate with the states in carrying out programs under the ESA to develop conservation and recovery programs for endangered species in state waters or state lands.

In order to enter a Section 6 agreement, states must demonstrate in part that they have the authority to conserve fish and wildlife and that they have established conservation programs consistent with the purposes and policies of ESA.

Section 6 also authorizes certain funding levels. When a single state-federal agreement is entered into, that funding cannot exceed 75 percent. In a situation where more than two states join in a Section 6 agreement with the National Marine Fisheries Service, that funding can be increased to 90 percent.

It's important to note that, as I said in the beginning, this is still largely an unfunded mandate so there is very little money that is dedicated to actually provide this support.

From the states' perspective, it's not always required that the states provide financial commitment but in-kind contributions as their share of the resources. It lays out a number of items that need to be included in the

Section 6 agreement.

I won't go into that right now. You can read that for yourself.

We also include some information on the strategy for sea turtle conservation and recovery in relation to Atlantic Ocean and Gulf of Mexico fisheries.

This past summer the National Marine Fisheries Service released this strategy, and its intent was to begin to address sea turtle bycatch issues on a coastwide gear basis as opposed to specific fisheries.

I think the recognition is that NMFS has been trying to address these issues sort of in a reactive manner on a fishery-by-fishery basis, and it hasn't been terribly productive in doing so, so they're trying to reshift their focus and look at it from a gear-specific perspective.

Something that you want to note in this is also that additional appropriations identified for Section 6 agreements may facilitate the states in their ability to participate, coordinate, and implement the gear-based strategy as part of a Section 6 agreement. So, there is some way to unite these two initiatives to address, at least, sea turtle issues.

CHAIRMAN SHIPMAN: Tina, excuse me, in the essence of time, if I could, I think everybody has had a chance to read this. We can go over to the last page and take up the -- I think you say there are three major issues that the states may need to address.

MS. BERGER: Great, that's fine. There are three major issues, as Susan identified, the first being whether the states collectively want to go forward and develop some kind of coastwide approach or policy on endangered species management.

It can be as simple as a guiding policy or principles on endangered species management, or it could be something as detailed, possibly, as a coastwide state-federal cooperative Section 6 agreement, although there's general consensus that this would be a very difficult thing to implement.

The second issue that needs to be addressed is the need for greater coordination between state fishery and endangered species programs, particularly in the development and implementation of Section 6 agreements.

The third issue has to do with increased funding and support for existing Section 6 agreements as well as the development of new agreements.

The overall recommendation for states to move forward, if they intend to do so, is probably look at this at a workshop level perspective, either one national or one coastwide workshop that brings together the state fisheries and endangered species representatives as well as representatives from the National Marine Fisheries Service and U.S. Fish and Wildlife Service to discuss these issues, or this approach can be broken out regionally.

This may have some added benefit in that if we have one coastwide approach, it could be a large number of people and be very difficult to handle in an effective manner. I list below what the goals of that workshop would be, and in the essence of time I'm not going to repeat that.

CHAIRMAN SHIPMAN: Thank you, Tina. What I'd like for us to address are the two issues -- well, there are several issues Tina has laid out, but whether or not we proceed further with this, I'd like some discussion on that; and, also, if we do elect to proceed forward and go the route of perhaps setting up some workshops, do we recommend that we go the route of a single, large workshop or regional workshops.

So I'd like to see if you have questions for Tina and to get your input on that. Thank you for putting together a very thorough paper for us. This lays out the issues very well. Jack.

MR. JOHN H. DUNNIGAN: Thank you, Madam Chair. Let me just sort of add my own take on this because I have talked to you about it a number of times in the past.

The staff of the Atlantic States Marine Fisheries Commission, over the years, has only been able to do a little bit in following issues relating to marine mammals, endangered species and other protected resources.

We've known for along time that this was a sleeping giant on the outside of our policy radar that we were going to have to deal with at some point. More and more, I think it's coming home.

The paper highlights a couple of specific issues that have come up within the last 12 to 18 months that affect us in our capacities, just as what we've been doing for the last 15 years, managing directed fisheries.

More and more, it's going to be harder and harder not to deal with these from the states' perspective. Secondly, the Congress has now given very clear direction that they expect that the National Marine Fisheries Service will reach out to the states and try to involve the states in the programs that they're trying to carry out for protected resources.

I think the Section 6 ESA language that Tina referred to was very important. So, the other problem we have is recognize that a lot of our agencies represented around the table are not the places where these issues are handled in many of our states.

What we need to start doing is use the good offices and capabilities for facilitation that we have and start bringing all of these different folks together and begin working on these issues.

Bycatch is going to be the next big political issue. If we get seriously into Magnuson-Sevens reauthorization this year, I expect that bycatch is going to be the dominating theme -- that's just my own perspective -- and these issues for fishery managers tend to be bycatch-related issues.

So, I just don't see any other alternative. We've got to start getting on top of this, and I think that the proposal that has come from the working group that put the paper together is a good start.

I won't comment on which of the approaches might be best, but I think it's time that the states and the commission have got to start stepping up our involvement.

CHAIRMAN SHIPMAN: I had Pete Jensen in the back who brought this issue to us in October, I guess it was. Pete, would you like to come and add to Tina's comments? You were part of the working group. And then, George, I'll come back to you.

MR. W. PETE JENSEN: Yes, there are just a couple of things I want to add. Jack did ask me to look into this issue and I have had discussions with the protected resources people and some of you around the

table.

I guess, rather than repeat what's in the document, what I'm hearing from NMFS is that they do have a serious intent to partner more with the states.

That's where a little bit of the problem comes in when they talk to the states. They say, "Well, we want to be a real partner. We don't just want to be carrying out NMFS responsibilities for salvaging animals and enforcement."

So I think that's a major point, that if you do in fact engage in this discussion, it needs to be on a real partnership basis. I probably don't need to say it, but, obviously, if the states come together with an agreement, then there's always opportunity to go influence the 2003 budget and get more money than is in there now.

If you really want to get a feel for how endangered species activities can affect fisheries management, just take a brief look at the West Coast and see what's happening out there with salmon.

That whole regional economy is virtually impacted by salmon issues. You can't repair a bridge or fix a road or do hardly anything out there without touching base on an endangered species issue. So, Jack's right, it's coming, and it's going to be fairly significant.

The only other comment I would make is that I did talk specifically about a coastwide agreement, and that is a strong preference from NMFS if, in fact, it can be worked out through the commission.

CHAIRMAN SHIPMAN: George. Thank you, Pete.

MR. GEORGE LAPOINTE: I agree with Jack and Pete that we need to move forward with this because we all have endangered species issues.

We've been working on the whale issue with the other New England states, and we have actually entered into an agreement with NMFS outside of Section 6 agreements to work on state-specific plans, which are just starting in Maine's case, and those are useful.

I think the idea of a workshop is a good one. I like the coastwide as opposed to a regionally based approach just because I'd like to learn what was going on elsewhere and to be able to take advantage of learning

more what's going on in the southeast.

My Endangered Species Act people might tell me they're doing that already and that would argue -- you could convince me, otherwise, but it strikes me that learning what's going on in the other 15 or 14 Atlantic coast states is worthwhile.

CHAIRMAN SHIPMAN: I'm taking really good care of your whales down there this winter, George.

MR. LAPOINTE: And we appreciate it.

CHAIRMAN SHIPMAN: Pres.

MR. PATE: Thank you, Susan. I'd just like to express my appreciation for the interest that the commission has expressed in this and the work that the staff has done to put this good paper together.

I think it's encouraging to me that we've realized that on this issue a comprehensive approach involving all of the states through the commission is going to be the best way to proceed. I certainly strongly support the coastwide agreement with NMFS.

We've worked with them very closely the past three years with the problem that we have in North Carolina with sea turtles. I have not been totally satisfied with the outcome or the cooperation that we've gotten from them through our Section 10 management approach.

They certainly have shown that their idea of cooperation is do what we tell you to do, which has its advantages in some respects, but some tremendous disadvantages in others.

I say that not being completely derogatory, because we have over the last years come to some higher level of agreement and cooperation and compromise on some of the major management issues that they had originally thought were necessary.

So we're making some progress, and I hope the future will bode a greater degree of cooperation than that we even have now. In fact, Dr. Hogarth is bringing his protected species staff to Morehead City next week to address our Marine Fisheries Commission on this very issue with the goal of trying to improve their level of understanding of how serious the issue is and what role the individual states and the states collectively can play

in it.

So it's going to be something that needs to be on our radar screen very brightly for the next few years in order for us to stay ahead of the curve on it.

CHAIRMAN SHIPMAN: I'm hearing a general interest in continuing forward, and with the board and committee's agreement, I'd like to task this work group to continue forward. We do have some money in the commission budget.

I think we're going to have to explore with our sister agencies to see the logistics and feasibility of getting those counterparts together with all of us and see what we can work out. Tina.

MS. BERGER: I just had one question to find out -- there was general discussion that this kind of workshop should probably occur outside of meeting week. I was wondering whether the board would want to give us guidance on how we should proceed with that.

CHAIRMAN SHIPMAN: Well, we may have to canvass people outside this. We are running short on time. We've got some more issues to take up. Gordon, do you want to make a quick comment on this?

MR. COLVIN: Well, I wanted to say what you just said, Susan. I think you're absolutely right. We need to reach out to the wildlife folks and make sure that they are as interested in doing this as we obviously are.

I would also encourage that we, in discussing this with the individual states, consider the prospect of involving some of the NGO partners who in some states are very actively involved in these programs and would be a necessary part of a successful workshop.

CHAIRMAN SHIPMAN: Thank you, Gordon. What I'd ask, Tina, if you could, let's just canvass everybody by e-mail and sort of get a sense of the commission as to what their availability would be for a meeting outside of this; also canvass our counterpart agencies, the contacts that are in this table.

-- Other Business; Adjourn --

If the work group would continue working on this, we'd appreciate it. Thank you for your good work on this. Okay, the next item we're going to move on to, we have a request from the Tautog Management Board. Yes, we have a motion on the screen. Bruce, I'll turn it over to you.

MR. FREEMAN: Thank you. The Tautog Board met the first day, I guess it was Monday, and as a result of our discussion, came forth with a motion that we want to bring forth to the Policy Board, and I will read that:

On behalf of the Tautog Board, I move that the ISFMP Policy Board request that the Law Enforcement Committee investigate and assess the magnitude of unreported landings both for the live market and for non-directed gear; i.e., bycatch, and report back to the Tautog Board no later than the 2002 Annual Meeting.

The reason for that was the lengthy discussion that the board had dealing with necessary cuts or reductions in the fishery because of the most recent stock assessment.

There was considerable discussion that a large quantity of mortality is occurring outside the normal channels of the legitimate commercial and recreational fisheries.

This so-called live market illegal catch has been identified in a number of states as a major problem. What we'd like to do is canvass the entire enforcement committee to get their feel of the magnitude of this problem and some estimate of the possible size of this illegal fishery, to give us a better handle on what may be occurring and how that influences the entire stock.

CHAIRMAN SHIPMAN: Thank you, Bruce. You've all seen the motion. You've heard it read out. Is there discussion on the motion? It would occur to me this would be a good thing to task Mike Howard with, if this motion passes, to work with the Law Enforcement Committee. This would be a good first task for our law enforcement support staff.

Okay, all those in favor of the motion, signify by saying aye; all opposed by like sign; any abstentions; any null votes. The motion carries unanimously. Thank you very much, Bruce, appreciate that. Damon Tatem, you're going to report for the Legislative and Governor's Appointees.

MR. DAMON TATEM: Yes, Ma'am. Thank you, Madam Chair. If you remember, the LGAs have been working for some time on the advisory panel process, trying to improve it.

We had a facilitated meeting in December last year, shortly before Christmas, in Washington where we discussed a variety of things, organizational issues and ideas on how to improve this process.

The LGAs met Monday. Unfortunately, I was in downtown Lumberton Monday so I couldn't make it, but out of that meeting came a request from the LGAs.

I submit to the board on behalf of the Legislators and Governors' appointees, I move to recommend that the ISFMP Policy Board the establishment of an Advisory Panel Oversight Committee to provide leadership and guidance to the commission's advisory panel process.

In my mind this is something on the order of the old oversight committee that Larry Cantwell chaired when I first joined the commission.

I've felt for some time that we lost something when we lost that group in oversight, handling everything from attendance to composition, just a general oversight board. Somebody may have comments about that that attended the Monday meeting but that's the motion.

CHAIRMAN SHIPMAN: Okay, thank you, Damon. My understanding is the recommendation would be that this group would be comprised of some state administrative commissioners, legislative commissioners, governors' appointees commissioners and chairs from some of the advisory panels.

Is there discussion on the motion? All those in favor of the motion, signify by saying aye; all those opposed, like sign; any abstentions; any null votes. The motion carries unanimously.

Thank you, and thank you all very much for your excellent work on the advisory panel process. They have a very good paper they have put together. I would encourage all of you to read that and to give your support to the Legislative and Governors' Appointee commissioners as they really revitalize our advisory panel process. You all are doing great work. Keep it up. Thank you.

The next item we have, we have a SEAMAP report.

There's a SEAMAP cruise report that will be passed out. I think that's just for information only. It addresses many of the species that we have fishery management plans for.

And that's just an item, I believe, for information only from the Fish and Wildlife Service. Other business. Eric.

MR. SCHWAAB: Thank you, Madam Chairman. Many of us are struggling locally with blue crab management issues. We've been comparing notes informally on that.

I wanted to raise, in front of this group, the prospect of seeing if there was interest in some sort of a more formalized opportunity for us to compare notes in the form of planning for a symposium on blue crab management issues.

That's something that I believe might be a priority worth considering for this commission, at least from an educational and information-sharing perspective.

CHAIRMAN SHIPMAN: Thank you, Eric. Yes, we commiserated last night over the status of some of our blue crab fisheries. I did have an opportunity to talk with Geoff White. Geoff is going to talk with the SEAMAP crustacean work group.

If you have no objections, we thought that might be a good venue. SEAMAP may have some funding in the current year. We were going to talk with Betty Winner, the Chair of that.

And with your agreement, I would ask that Geoff explore that for us and maybe report back to us in May and try to get some sort of workshop, maybe under the auspices of SEAMAP. Would that be agreeable?

MR. SCHWAAB: That would be great, thank you.

CHAIRMAN SHIPMAN: Okay, thank you very much. Other business. Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Thank you, Susan. I wanted to bring to the attention of the Policy Board an issue of potential interest to all Atlantic coast states, certainly to those in the Mid-Atlantic, and one that this commission might play a constructive role in.

That's the issue of *crassostrea area kensis*, the pseumeno oyster, which is being considered for use in a couple of different ways in the Chesapeake Bay.

It has undergone some very impressive control trials with sterile animals that have members of the seafood industry in Virginia, in particular, very interested in a wider application, a commercial application, that is. There's a lot going on.

There is a lot yet to be found out about this animal and a lot of reluctance to move too fast. On the other hand, there's a lot of interest in moving fast in the interest of the industry.

So, given the importance of this issue potentially to all states, I think it would behoove the commission to try and facilitate some discussion.

I would note that the Habitat Committee has chosen shellfish beds as the second major habitat type that it's investigating following sea grasses. There's a white paper being developed right now pursuant to a possible policy in the future.

So, this is important not only for states' individual oyster fisheries but also as habitat issues affecting a number of different commission-managed species.

So, I would suggest that a reasonable or constructive step that this commission could take would be to schedule a session for the spring meeting, at which we get a few folks in who can inform us of what's going on with this oyster, and facilitate some discussion, that would be a constructive action for this commission to take. Thank you.

CHAIRMAN SHIPMAN: Pres.

MR. PATE: Susan, just to reinforce what Bill said, those same types of experiments were made in North Carolina waters last year using two different types of exotics, the gyegas oyster and the pseumeno.

In fact, I did a taste test on the native oyster and those two -- was part of a taste test a couple weeks ago and one of them was pretty yucky.

But it is a matter of growing interest in the shellfish-producing states in light of all the disease problems that

we have, but it carries some very serious habitat and policy and public trust issues that need to be carefully evaluated by everyone.

CHAIRMAN SHIPMAN: What I might suggest is this does have, I think, implications within the context perhaps of the Shellfish Transport Plan. We do not have a standing committee or a board on that.

I would suggest maybe we refer this to management and science for perhaps a presentation, maybe by the people from VIMS, to management and science at the spring meeting.

That will certainly be announced in the agenda and commissioners can sit in on that and then we can hear back from management and science. Would that be agreeable to you all? I see nods of yes.

Thank you for bringing that issue up. I think it's one -- many of the states are watching and looking at the outcome of that experiment. It does have some implications for us, so we would ask management and science to explore that, Lisa. Melvin.

MR. MELVIN SHEPARD: Madam Chairman, I believe that Habitat is going to meet in the interim, between now and our next meeting, and I believe this also ought to be remanded to the Habitat Committee for consideration.

The habitat considerations for the things that were mentioned are astronomical. I believe there are implications there that habitat ought to comment on.

CHAIRMAN SHIPMAN: Thank you, Melvin. I feel confident Bill Goldsborough will assure that that takes place, and he can work with the people from VIMS to get a similar report.

The only other very quick item, I'm going to ask Bob to make a comment on the conference calls that we had with the two of the boards as a pilot.

MR. BEAL: Okay. Yes, before this meeting, we had a pilot program. We tried it with the Lobster Board and the South Atlantic Management Board where we scheduled a conference call prior to the meeting week to get the board members up to speed, all on the same page.

We just ran through the agenda real quickly as to what

we intended to do at the meeting. Conference calls are definitely not -- no decisions are made during the conference calls, no real discussion on the issues takes place during the conference calls.

It's just to make sure everybody is on the same page going into the meeting week, so we can run our meetings as quickly and efficiently as possible. So, like I said, this is just a pilot study. We're looking for input as to how this went.

Did it go well? Was it worthwhile? Is it a waste of time? Should we continue it? Should we continue it just for boards that have long, somewhat complicated agendas? We're just looking for any input.

Given that we're out of time, if you want to forward your comments to me, I suppose, just forward them to me and we'll compile them. We'll get them out to the commissioners and we'll act accordingly for meeting week in May. We may schedule some of these and we may not, depending on the feedback that we receive.

CHAIRMAN SHIPMAN: One final note before we conclude and we adjourn this meeting. I just want to again thank Jack Dunnigan for your outstanding 11 years of service to us. Thank you. We look forward to seeing you often at the table or nearby in your new role.

Okay, is there a motion to adjourn. Motion by George Lapointe, second by Bill Adler. Any objections? Hearing none, we stand adjourned. Thank you very much.

(Whereupon, the meeting adjourned at 9:05 o'clock a.m., February 21, 2001.)

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