

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUMMARY MINUTES

ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD

DATE: March 9, 1995
~~LOCATION: Doubletree Club Hotel~~
~~800 N. Military Highway~~
Norfolk, Virginia 23502

~~REPORTED BY: Victoria L. DeBerry~~

ORIGINAL

1 CHAIRMAN COLVIN: ~~Good morning. I'd like to~~
 2 call the policy board to order. ~~There are a couple of~~
 3 introductory announcements. The first is that we'd like to
 4 remind everyone when you're called on, to state your name and
 5 speak loudly because our acoustics are not great and we need
 6 our reporter to be able to hear everything. Secondly, if
 7 people don't have copies of the agenda, if they would make that
 8 known and staff will give out some extra agendas.

9 MR. LAPOINTE: It's the same agenda that you
 10 were mailed.

11 CHAIRMAN COLVIN: While that's being done, I
 12 want to call the meeting to order and ~~ask the executive~~
 13 ~~director to call the roll,~~ George to call the roll.

14 MR. LAPOINTE: I'll call the roll and then
 15 hand out the agendas. Ms. Alden, Maine?

16 MR. FLAGG: Mr. Flagg for Ms. Alden.

17 MR. LAPOINTE: Ernie Beckwith from Connecticut?

18 MR. BECKWITH: Here.

19 MR. LAPOINTE: David Borden from Rhode
 20 Island?

21 MR. STOLGITIS: John Stolgitis representing
 22 Rhode Island.

23 MR. LAPOINTE: Larry Cantwell, governor's
 24 appointee's representative?

25 MR. CANTWELL: Here.

1 MR. LAPOINTE: A. C. Carpenter, Potomac River
2 Fisheries Commission?
3 MR. CARPENTER: Here.
4 MR. LAPOINTE: Phil Coates from Massachusetts?
5 MR. COATES: Here.
6 MR. LAPOINTE: Pete Colangelo from
7 Pennsylvania?
8 MR. SNYDER: Dick Snyder representing
9 Mr. Colangelo.
10 MR. LAPOINTE: Gordon Colvin from New York?
11 CHAIRMAN COLVIN: Here.
12 MR. LAPOINTE: Ed Conklin from Florida?
13 MR. CONKLIN: Here.
14 MR. LAPOINTE: Jamie Geiger from the Fish and
15 Wildlife Service?
16 DR. GEIGER: Here.
17 MR. LAPOINTE: George Gunther, legislative
18 representative?
19 MR. FOTE: Tom Fote representing Dr. Gunther.
20 MR. LAPOINTE: Pete Jensen from Maryland?
21 MR. JENSEN: Here.
22 MR. LAPOINTE: Andrew Manus from Delaware?
23 MR. MANUS: Here.
24 MR. LAPOINTE: Robert McDowell from New
25 Jersey?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FREEMAN: Bruce Freeman representing Bob McDowell.

MR. LAPOINTE: John Nelson from New Hampshire?

MR. NELSON: Here.

MR. LAPOINTE: Ira Palmer from the District of Columbia?

DR. ZGLOBICKI: Louis Zglobicki representing Ira Palmer.

MR. LAPOINTE: Bill Pruitt from Virginia?

MR. TRAVELSTEAD: Jack Travelstead for Bill Pruitt.

DEL

MR. LAPOINTE: Paul Sandifer from South Carolina?

MR. CUPKA: David Cupka for Dr. Sandifer.

MR. LAPOINTE: Dick Schaefer from the National Marine Fisheries Service.

MR. SCHAEFER: Here.

MR. LAPOINTE: Susan Shipman from Georgia?

MS. SHIPMAN: Here.

MR. LAPOINTE: And Dennis Spitsbergen from North Carolina?

MR. SPITSBERGEN: Here.

~~CHAIRMAN COLVIN: Thank you.~~

MR. LAPOINTE: ~~Everybody is here.~~

quorum was present

1 *asked Mr. Dunnigan for*
 CHAIRMAN COLVIN: ~~Jack, I believe you have any~~
 2 announcements

3 MR. DUNNIGAN: ~~Thank you, Mr. Chairman. I~~
 4 just wanted to ~~take a brief minute here to~~ bring the policy
 5 board up-to-date on some staff changes that have occurred since
 6 the last time we met.

7 First of all, ~~although he was working for us~~
 8 ~~at the time, he wasn't able to attend the full policy board~~
 9 ~~session in December, and that's~~ George Lapointe who is now the
 10 director of the Interstate Fishery Management Program. George
 11 is, ~~by this stage,~~ well into full swing in managing the
 12 management boards and working with new staff. George will be
 13 now the principal staff person for the ISFMP policy board as
 14 well as all the various management boards formed under the
 15 ISFMP charter.

16 Two other staff people who are new to us are
 17 here this week. I'm sure you've had a chance to meet them; I
 18 just want to formally ~~acknowledge their presence and~~ introduce
 19 them. First is Lori Rosa, ~~who is sitting in the back.~~ Lori is
 20 working directly with me as my ^{special} ~~specific~~ assistant. ~~She's~~
 21 ~~specifically been hired to do all of those things that I~~
 22 ~~volunteer to do and then go home and say my goodness, how am I~~
 23 ~~going to get this done.~~ ^{OK, Kim H.?} ~~Wonder how it will get done~~ Lori is responsible for the work
 24 product you have this week on the lobster fishery management
 25 plan amendment. She did a great job in putting that together.

1 And you will be hearing from her ~~specifically~~
2 in the next couple weeks about the question of state funding.
3 ~~We've talked about this a number of times.~~ One of the issues
4 that we have on a continuing basis to maintain a handle on is
5 what is the investment that the states are making already in
6 this partnership effort that we have to address important
7 coastal fisheries. We get a sense from time to time about the
8 investments that the federal government is making because we
9 see it in the National Marine Fisheries Service and Fish &
10 Wildlife Service budgets every year. But we all know that
11 there's an awful lot that the states are putting in through
12 general funds, ~~through~~ license fees and other sources of
13 revenue to protect these resources, and we need to get a good
14 handle on what those are so that we can talk to people in
15 Washington about how the burdens of this partnership ought to
16 be shared amongst us. That will be an even more critical issue
17 given the changes that have happened in Congress this year.
18 Lori ^{will} ~~is going to be working on that project.~~
19 ~~She'll~~ be in touch with you and your staffs ~~specifically~~ to
20 talk about what your budgets look like, where your money comes
21 from, how it gets spent. And it's difficult to do because your
22 budgets are all 15 sets of apples and oranges. Some of you
23 have the responsibility for law enforcement, some don't; some
24 have shellfish, some don't. ~~So it's going to be a difficult~~
25 ~~study for her to do and you'll be hearing from her.~~ I know

1 that you'll give her all the ^{cooperation} ~~corporation~~ you can in getting
2 this information together.

3 You'll probably hear from her on a number of
4 other projects too. Lori is probably the person who is going
5 to be able to get to me the quickest on anything if I'm on the
6 road or something. ~~I know~~ ^{DEF} a lot of times there's been
7 frustration that I'm not as available as I should be. Please
8 work with -- if you need to get ahold of us and I'm not there,
9 be sure to talk to Lori.

10 The other person, ~~I don't see him actually~~
11 ~~sitting here at the moment~~, who is new to the staff this week
12 is Frank Lockhart. Frank just joined us on Monday morning. He
13 spent the last two years working for the House Merchant Marine
14 and Fisheries Committee. He ~~does~~ have a graduate degree in
15 fisheries biology. He brings a tremendous reputation from
16 Capitol Hill, and I worked with him on a number of issues
17 myself and I know that he's going to be a tribute to the staff.
18 He will be the principal staffer on weakfish, so he's got his
19 work cut out for him immediately. ~~I'm sure George will assign~~
20 ~~some other things to him as well.~~

21 ^{Importantly,}
MR. LAPOINTE: He has a great reputation off
22 Capitol Hill as well.

23 MR. MANUS: That gives him some credibility.

24 ~~MR. DUNNIGAN: I wanted to make those~~
25 ~~introductory comments.~~ Thank you very much, Mr. Chairman.

1 CHAIRMAN COLVIN: ^{We have} ~~Thank you.~~ Just a couple
 2 of changes and additions to the agenda. John Bullard is good
 3 enough to be here with us this morning. ~~to discuss a pilot vessel buyout~~ John, if it's ^{program}
 4 ~~acceptable, we're going to slot you in right after agenda Item~~
 5 ~~No. 4.~~ And he'll be discussing the new NOAA proposal for a
 6 pilot vessel buyout program.

7 There are a few items of other business and
 8 notably a discussion of the status of New Jersey's
 9 noncompliance determination which we'll ~~want a~~ report on. Are
 10 there any other suggested changes or additions to the agenda?
 11 ^{None were brought up} ~~(No response elicited.)~~

12 CHAIRMAN COLVIN: ~~Seeing none, let's move~~
 13 ~~right into the agenda.~~ At this time, I would be happy to
 14 entertain any comment from guests or members of the public on
 15 general subjects of relevance to the policy board.

16 Before I specifically ask if anyone wants to
 17 be recognized for this purpose, let me advise the members of
 18 the public who are here that for each of the agenda items that
 19 we will discuss of substance, at any time a member of the
 20 public wishes to be recognized to comment on that issue, if you
 21 will make that known to us, we will recognize you ~~before we~~
 22 ~~resolve~~ before we take a vote to resolve that issue. So
 23 that, for example, if someone wants to address striped bass, it
 24 would be best perhaps to wait until that item is on the agenda.

25 However, at this time, if any member of the

1 public wishes to address the policy board on general issues
 2 that are not on the agenda, if you would let us know and I'll
 3 be happy to recognize you ~~at this time.~~

4 ~~No comment~~ ^{by members of the public were offered.}
 (No response elicited.)

5 CHAIRMAN COLVIN: ~~Very well.~~ Let's proceed
 6 with the agenda and move right into the striped bass report
 7 from the board chairman, Mr. Coates.

8 MR. COATES: Thank you, Mr. Chairman. As you
 9 know, the striped bass board met yesterday and ~~took action on~~ ^{approved}
 10 Amendment 5 of the Atlantic striped bass plan. And on behalf
 11 of the board, ~~Mr. Chairman,~~ I'm pleased to present today ^{for} you ^{for}
 12 approval on Amendment 5 of the Atlantic striped bass management
 13 plan which authorizes the initiation of fishing on this ~~now~~
 14 restored resource.

15 Thanks to the stalwart efforts of the plan
 16 development team and Wilson Laney, our plan ~~coordinator~~ ~~or~~
 17 ~~plan~~ writer; John Field, the plan development team chairman and
 18 striped bass coordinator for ASMFC ^①; our advisory panel chaired
 19 by Damon Tatem ~~and their stalwart work;~~ and of course the
 20 management board and everybody else who was involved in this
 21 effort, the plan is now ready for the board's consideration.

22 Accordingly, ~~Mr. Chairman,~~ on behalf of the
 23 striped bass board, I move that the policy board accept and
 24 approve Amendment 5 as amended yesterday for transmission to
 25 the full commission.

① As well as Lennie Young - Duboussay
 and Pizano Stephen who were past
 striped bass coordinators

1 limit for two years that was determined to be on the
 2 recreational side, all of this is going to go into the SSB and
 3 eventually it will be to the benefit of the commercial fishing
 4 industry.

5 *no #* I think there has to be some equity involved
 6 here. And I would hope that we would put some sort of a cap on
 7 the commercial side.

8 CHAIRMAN COLVIN: There's a motion to amend
 9 on the floor. Is there a second *DE* to the motion to amend?

10 *motion seconded by* MR. NELSON: ~~Second.~~

11 CHAIRMAN COLVIN: ~~John Nelson.~~ Jack has
 12 suggested that the motion may not be in order *because* ~~on the basis that~~
 13 it may only be in the purview of the policy board to accept the
 14 striped bass board recommendation or ~~alternatively~~, to remand
 15 the matter to the striped bass board for further consideration.

16 That's the suggestion of the executive director. The chair
 17 will accept argument on that before ruling. *DE*

18 MR. JENSEN: I would urge ~~Mr. Chairman~~, that
 19 you make such a ruling. I believe it is inappropriate for such
 20 a motion to come before the policy board at this point in our
 21 proceedings.

22 MR. FOTE: (Indicated.)

23 CHAIRMAN COLVIN: *DE* Mr. Fote.

24 MR. FOTE: ~~In being a part of this process,~~
 25 there's different members sitting on the policy board that sit
 =

1 on the striped bass board and the policy board has ^{often} ~~always~~
 2 looked over and revisited ideas of the striped bass board or
 3 the weakfish board or any other management board. I mean, some
 4 of the members are the same voting members that voted
 5 yesterday, but it never hurts to put an item on for discussion.
 6 Just to stifle them and say from now on policy board
 7 representatives will not have the same option of revisiting a
 8 plan or looking at a plan, what would be a purview for making
 9 some importation decisions on that plan, I think is out of
 10 order.

11 We're here as bodies to look at what the
 12 other boards do. The policy board makes the final decision,
 13 and it's up to us to push it on to the commission as our full
 14 approval. If we can't discuss items that are made out of the
 15 plan, which some might not have attended those meetings because
 16 they weren't here and are just coming to the policy board
 17 meeting, is I think out of order.

18 ~~CHAIRMAN COLVIN: Is there anything further?~~
 19 ~~The executive director will comment.~~

20 MR. DUNNIGAN: I don't think there's any
 21 intent, ~~speaking to MR. Fote's comment,~~ to limit the discussion
 22 at the policy board. The question is what you can do with that
 23 discussion and is it appropriate for the policy board to change
 24 something that the management board has control of or is it
 25 appropriate for ^{the Policy Board} you, if ~~you disagree with the recommendation of~~

1 ~~the management board~~, to remand it for further consideration.

2 ~~Those are separate questions.~~ Under,

3 ~~Let me read you~~ Roles and Functions, Section
4 3 of the charter, Roles and functions of the Policy Board,
5 Section 3-C, No. 5. "Policy board shall review fishery
6 management plans and amendments prepared and approved by
7 management boards and sections described in Section 4, and if
8 it finds that they are in conformity with Section 6, recommend
9 to the commission that they be adopted."

10 The whole idea behind the restructuring of
11 the ISFMP ~~that we've been through~~ in the last couple of years
12 is to leave the states who have the ^{greater} interest in the fishery in
13 charge of determining how to manage that fishery. That's why
14 we expanded the size of the management boards and went from the
15 small five-member boards to a position where all of the states
16 who had an interest were on the board, a representative of the
17 legislators and of the governor's appointees also.

18 ~~So~~ I think the amendment that was proposed ~~by~~
19 ~~Dr. Zglobicki~~ in essence put the policy board in the position
20 of second-guessing and changing something that the states'
21 representatives on the management board decided, and ~~I'm not~~
22 ~~sure that that~~ I think that's inconsistent with the way the
23 ISFMP charter was structured.

24 You certainly have every right to discuss
25 what went on and make a determination if you think the

1 management board did something inconsistent with the standards
 2 and procedures. If that's the case though, rather than change
 3 it, because it's the management board's ~~program~~, I think the
 4 appropriate thing for the policy board to do would be to remand
 5 it.

6 MR. FOTE: To that point?

7 CHAIRMAN COLVIN: Yes.

8 ~~MR. FOTE:~~ I'm not as eloquent as Jack is and
 9 I'm not a lawyer also, but I also realize that this is the
 10 policy board. And from what you read there, I do not see any
 11 statement contrary that we cannot amend the plan. I mean, a
 12 lawyer says -- is it written into that specific paragraph that
 13 we can't do that? I didn't hear you say that.

14 CHAIRMAN COLVIN: It is the ruling of the
 15 chair based on the advice of staff in consultant with the
 16 commission standards and procedures that the motion is not in
 17 order. If it is the wish of anyone here present to appeal the
 18 ruling of the chair, such an appeal can be entertained and
 19 voted on by the body.

20 MR. FOTE: (Indicated.)

21 CHAIRMAN COLVIN: Mr. Fote.

22 MR. FOTE: I'll make a motion that ^{to} I appeal. ^{re}

23 ~~CHAIRMAN COLVIN: There's a motion to appeal~~

24 ~~the ruling of the chair.~~

25 ^{The motion was seconded by} DR. ZGLOBICKI: ~~I'll second it.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN COLVIN: Seconded by D. Preglobicki.

The chair's ruling is based on Section 6, Standards and Procedures, Paragraph C, Subparagraph 7, Review and Approval. "The management board shall approve the FMP or refer it back to the PDT for revision. Once approved, the management board shall recommend that the ISFMP policy board refer the FMP to the commission for adoption. The ISFMP policy board shall review the recommendation of the management board and either recommended to the commission that the FMP be adopted or refer it back to the management board for revision. Final approval of all FMP's shall be the decision of the commission." That is the basis of the chair's ruling. Is there discussion on the

motion to appeal the ruling? *OK*

~~(No response elicited.)~~

CHAIRMAN COLVIN: Seeing none, we'll take the question. All in favor, please signify by saying "aye."

~~(No response elicited.)~~

CHAIRMAN COLVIN: Opposed, same sign.

THE PANEL: Aye.

The motion failed

CHAIRMAN COLVIN: The motion fails. The ruling is upheld. The previous motion is out of order. The

motion before the body is the motion of the striped bass board to adopt Amendment 5. Discussion on the motion?

~~(Indication from the audience.)~~

The Motion Failed

~~CHAIRMAN COLVIN: I'll recognize the public,~~

1 Mr. Russell, after I've had an opportunity to hear the board.
2 Discussion from the board on the motion, the board or other
3 commissioners? *DRUEK*

4 DR. ZGLOBICKI: This is the motion to accept --

5 CHAIRMAN COLVIN: Amendment 5.

6 DR. ZGLOBICKI: ~~Amendment 5?~~ *Amendment 5 base* I would move
7 to remand this ~~back~~ ^{back} to the management board to consider some
8 restrictions on the commercial fishery.

9 CHAIRMAN COLVIN: Let's get a second to that
10 and see where we are from a parliamentary perspective. Is *DR*
11 there a second to the motion to remand?

12 *The motion was seconded by* MR. NELSON: ~~I'll~~ second it.

13 CHAIRMAN COLVIN: ~~Seconded by Mr. Nelson.~~ *DR* A
14 motion to remand is ruled in order. Discussion on the motion
15 to remand the matter to the striped bass board for further
16 discussion on commercial caps? *DR*

17 DR. ZGLOBICKI: (Indicated.)

18 CHAIRMAN COLVIN: Dr. Zglobicki.

19 DR. ZGLOBICKI: ~~Again, my previous argument~~
20 ~~holds.~~ I do not feel that the management board treated the
21 recommendations of the technical committee equally ^{for recreational} on both
22 ~~sides of the fence;~~ ^{and commercial interests;} therefore, I feel it should be
23 reconsidered.

24 CHAIRMAN COLVIN: *DR* Is there any further
25 discussion on this issue?

1 MR. FOTE: (Indicated.)

2 CHAIRMAN COLVIN: Mr. Fote.

3 MR. FOTE: ~~Yeah.~~ I can't support this motion
4 because of the delay, but I can sympathize why Lou has made the
5 motion. I understand the problem here. It just relates the
6 problem to me that the next time I come before the policy
7 board, I'd better get ^{my} lawyer to look at whether I can make a
8 motion or not. And if that's the way we're going to start
9 doing business, that sends the board a message. I realize that
10 Amendment 5 has to move forward. We've delayed it too long.

11 UNIDENTIFIED SPEAKER: Can't hear you.

12 MR. FOTE: I'll speak a little louder. I
13 think we delayed this process too long already. The public is
14 waiting out there, so we have ^{to} move forward with Amendment 5
15 and get it done. So I can't support this motion.

16 CHAIRMAN COLVIN: Further discussion?

17 MR. FLAGG: (Indicated.)

18 CHAIRMAN COLVIN: Lew Flagg.

19 MR. FLAGG: I am likewise sympathetic with
20 the motion, but I do concur with Mr. Fote that we do need to
21 move along with this process. There are ~~some~~ things ~~obviously~~
22 in the plan that each individual is not totally satisfied with,
23 but as a package, it's the best we can do, ~~under the~~
24 ~~circumstances.~~ And I do feel that we do need to move on with
25 the process and get something adopted.

1 CHAIRMAN COLVIN: Anything further on the
2 motion to remand? *PRC*

3 (No response elicited.)

4 CHAIRMAN COLVIN: Mr. Russell.

5 MR. RUSSELL: I'll just go on record, as I
6 did yesterday, that ~~think~~ *PRC* in the eyes of certainly the
7 recreational fishermen all along the coast, what I'm hearing
8 from people, at least in the northeast, Massachusetts,
9 Connecticut and elsewhere, that a 40-percent cap would be much
10 more acceptable and perceived by everyone as a much stronger
11 conservation effort than allowing what you are currently
12 allowing and to move as fast as you are. I think the sentiment
13 of fishermen who have been very involved in protecting the
14 striped bass over the years is to go slow. And I don't expect
15 you're going to remand it back, but *PRC* I do want to go on record
16 as saying that.

17 ~~You know~~, I hope that the scientists are
18 right. I don't know that -- it seemed like yesterday
19 everything was taken into ~~consideration~~ *PRC* that was said by the
20 technical committee and was deemed, well, okay, let's just go
21 for it and hope for the best.

22 This commission and a lot of people along the
23 coast have put in years of effort in trying to bring the
24 fishery back, and I am afraid that you are going to be looked
25 upon as moving much too quickly in allowing a 63-percent

1 commercial quota over what it was last year, ~~a 300-percent~~
 2 ~~rise~~, especially when you don't know how many people are going
 3 to enter this fishery because of some of the relaxed
 4 restrictions, ~~both~~ on the recreational and the commercial side.

5 So I'll just go on record as saying that and I hope you'll take
 6 that into consideration. *PRC*

7 CHAIRMAN COLVIN: Is there further comment on
 8 the motion to remand?

9 MR. COATES: (Indicated.)

10 CHAIRMAN COLVIN: *PRC* Mr. Coates.

11 MR. COATES: ~~Thank you, Mr. Chairman.~~ I'd
 12 just like to say on behalf of the board that when we went into
 13 this meeting yesterday, ~~I think~~ there were several on the board
 14 that had ~~some~~ concerns about ~~particularly~~ the new information
 15 that had come from the technical committee with regard to the
 16 increase in the recreational bag limit. And I do recall that
 17 Dr. Crecco had spoken previously when asked the question
 18 ~~about -- and I don't want to quote him exactly on this --~~ about
 19 what sense the technical committee had about the increase in
 20 the recreational harvest as a result of the change in the size
 21 limit from 34 or 36 in some states down to 28, and ~~I think~~ his
 22 response was we can anticipate an extremely increased level of
 23 catch. *no A*

24 ~~And of course,~~ this is going to introduce
 25 ~~into the whole situation~~ a number of factors, perhaps whole new

1 populations of fishermen, ~~that by virtue of being frustrated~~
2 ~~because of not being able to harvest the larger fish~~, I think
3 you're going to see a tremendous increase in the subsistence as
4 well as the take-home recreational sector in regard to that
5 harvest.

6 ~~So~~ with that in mind, a lot of us wanted this
7 approach. ~~And the commercial caps as well,~~ there was ^{some} ~~some~~
8 feeling ~~by some~~ ^{for} I think that ~~there was~~ a need to ~~possibly~~
9 constrain the commercial catch to some level.

10 ~~But again,~~ the presentation by the technical
11 committee, the fact that most of the actions they presented to
12 us yesterday were based on unanimous votes ~~pretty much in my~~
13 ~~mind gives~~ me some comfort, And recognizing that ~~overall,~~ ~~when~~
14 ~~you look at this program,~~ it is still an extremely conservative
15 program. The fishing mortality rate is very conservative. And
16 ~~this is, again,~~ a transitional program, ^{with} the flexibility
17 afforded by adaptive management. I was very comfortable and I
18 believe the rest of the board ~~was~~ as reflected by their final
19 vote on this amendment.

20 ~~And~~ I understand the frustration of some of
21 the recreational sector and I'm sure some of the commercial
22 sector. The commercial said we're not going far enough, we're
23 not in any way recapturing the percentage of the share of the
24 resource we had back before the resource declined, ~~and it's not~~
25 ~~fair that you've allowed this tremendous growth in the~~

1 ~~recreational fishery and kept us under check.~~

2 So both sides have issues and arguments on
 3 this basis, and my only hope -- and there's two things we need
 4 to do. ~~One~~, we need to provide ~~the~~ objective and analytical
 5 and correct information to the public; and then I hope that the
 6 press, be it recreational or commercial, will deal with this in
 7 an objective manner and present the facts and the true numbers,
 8 as ~~it were that relate to this.~~ And then I think we'll be much
 9 better educated and of a mind to ~~be more accept -- you know,~~
 10 accept this program much more effectively.

11 MS. SCHAEFER: (Indicated.)

12 CHAIRMAN COLVIN: Mr. Schaefer.

13 MR. SCHAEFER: Mr. Chairman, I find it ~~very~~
 14 regrettable that some members of the board and some members of
 15 the public have lost the entire focus of what the management
 16 board did yesterday. The focus seems to become, ~~again,~~ the
 17 issue of resource allocation, ~~who gets what share of the pot,~~
 18 ~~I didn't get mine, he got his, that kind of an argument.~~

19 The real success in my mind of what was
 20 accomplished yesterday was allowing an expansion of the fishery
 21 while at the same time controlling the fishing mortality.
 22 That's the real impact of the plan. We will meet the target F
 23 which is the important part in terms of conservation of the
 24 resource and future rebuilding.

25 ~~Having said that,~~ it's been my position all

1 along or remains such that this board or the management board
 2 should not even have to worry about the issue of allocating
 3 between recreational and commercial fishermen. We're only
 4 faced with that because we lack the data to produce the virtual
 5 population analysis. ^{What?} ~~That would~~ allow each state to decide how
 6 it will allocate its percentage of the resource, ~~when we get~~
 7 ~~there, and we're only faced with this because of that lack of~~
 8 ~~that data. So I would hope that as quickly as we possibly can,~~
 9 we ^{JUST} ~~move~~ forward with that VPA and get to a point where we
 10 allocate the resource between and among the various states and
 11 let each state decide ^{how to allocate to its citizens.} ~~whether it wants to take them all hook~~
 12 ~~and line or whether it wants to take them all in a net.~~

13 MR. FREEMAN: (Indicated.)

14 CHAIRMAN COLVIN: ^{DR} Mr. Freeman.

15 MR. FREEMAN: ~~Thank you, Mr. Chairman. I'd~~
 16 ~~like to add several comments.~~ I recognize the concern that Lou
 17 has and Tom as well. ~~From a pragmatic standpoint, quite~~
 18 ~~frankly,~~ I was concerned about the increase in catches that
 19 we're projecting. ~~Intuitively, if we had someone that could~~
 20 ~~make decisions, perhaps we should advance a little bit slower~~
 21 ~~than what we are.~~ ~~But~~ we had discussed this at length, and
 22 there's two points that ⁼ convinced me that we were moving in a
 23 correct direction.

24 Seven or eight years ago, the technical
 25 committee advised the management board to go slow in reducing

1 the size when we were seeing signs of recovery. That's when we
 2 had -- some states had a moratorium while other states had
 3 36-inch size limits. There was a period when we had voted to
 4 move down from a 36- to a ²⁸ 28-inch minimum size. The technical
 5 committee advised us that this would be dangerous, that we
 6 should proceed much more conservatively, but we thought better
 7 and we did move in a direction. We found out later on that the
 8 advice of the technical committee was very good and we should
 9 have listened a little bit more conservatively.

10 The technical committee now with more
 11 information is indicating that we could be fishing at a
 12 considerably higher rate. Perhaps ^A the disturbing factor is
 13 that the bycatch mortality now is exceeding direct fishing
 14 mortality. I ~~feel comfortable.~~ After listening to the
 15 technical committee's arguments, the fact that we are still
 16 progressing in a conservative manner ~~relative to we're we've~~
 17 ~~been fishing more aggressively,~~ that ~~at this time~~ with ^{continued} the
 18 ~~constraints of~~ monitoring, that we could indeed proceed with
 19 the increased catches; therefore, I voted to support the action.

20 CHAIRMAN COLVIN: Thank you. I want to
 21 emphasize that we are discussing at this point the motion to
 22 remand the board's recommendation. We're not yet discussing
 23 the board's recommendation. We're ~~on the~~ motion to remand.
 24 And further discussion on that motion?

25 MR. RUSSELL: (Indicated.)

1 ~~CHAIRMAN COLVIN: Something new, Mr. Russell?~~

2 MR. RUSSELL: I just want to ~~add one thing~~
3 ~~just to again~~ clarify the record, which is that, ~~to me,~~ this is
4 not an allocation issue. I think sports fishermen along the
5 coast, at least in the northeast, would be willing to go with
6 one fish a day at 28 inches if the commercial cap was lowered
7 to 40 percent. And I'm not looking at this as some kind of
8 recreational versus commercial battle. I'm just looking to go
9 slow in protecting the resource.

10 CHAIRMAN COLVIN: Anything further on the
11 motion to remand?

12 (No response elicited.)

13 CHAIRMAN COLVIN: Seeing none, we'll take the
14 question. All in favor, please signify by saying "aye."

15 DR. ZGLOBICKI: Aye.

16 CHAIRMAN COLVIN: Opposed, same sign.

17 THE PANEL: Aye.

18 CHAIRMAN COLVIN: The motion fails. The
19 motion before the board is the motion of the striped bass board
20 to adopt Amendment 5. ~~Discussion on that motion?~~

21 ~~MR. FOTE: (Indicated.)~~

22 ~~CHAIRMAN COLVIN: Mr. Fote.~~

23 MR. FOTE: On that motion, my concerns are on
24 the commercial increase, the same as a lot of these people.
25 When I went to the public hearing, what I heard from my state

The question was called on

The motion failed

DR

DR

1 was going from 100 percent to a 200-percent jump in one year is
2 too great an increase. And there was a lot of discussion in
3 our state whether we would cut back, because we had the tables
4 saying two fish along the coast, two fish, and a lot of the
5 fishermen said that we can survive on the one fish.

6 The reason I don't bring that up as a
7 discussion point from the standpoint of the state of New Jersey
8 was the fact that even if we did cut back our fish at one fish,
9 because of the way of our commercial catch, it would mean two
10 fish, so I didn't feel it was appropriate to bring that one up.

11 There is a great concern out there from the
12 recreational community that we are moving too fast. As some of
13 you heard in your states, some of them want to still stay at 36
14 inches. They're not worried about how many fish they're
15 taking. It is not an allocation issue. It's an issue of how
16 they feel about the resource, and there's genuine concern out
17 there. There's concern I guess because they see the other
18 stocks of other species they have lost.

19 ~~New England~~ does now. We were asking last
20 night when was the last time there was a weakfish caught up in
21 the New England area. I mean, it was interesting listening to
22 the discussion on weakfish yesterday. If we were holding this
23 discussion up in, say, New York or Rhode Island, you'd hear a
24 whole different set of ideas that there is no weakfish, that we
25 should be closing this fishery down, because those fishermen up

1 there haven't seen them in years. The same thing if you held
 2 this discussion in the Delaware Bay, you would hear that. So
 3 it's the perception up and ~~down~~ ^{down} the coast.

4 So that's why I wanted to get that on for
 5 discussion, that's why. I have real serious concerns about
 6 opening up both on the recreational and the commercial side at
 7 this time at such a high rate. A 100-percent increase in one
 8 year's time seems like a lot to me.

9 ~~MR. CANTWELL: (Indicated.)~~

10 ~~CHAIRMAN COLVIN: Larry Cantwell.~~

11 MR. CANTWELL: I just want to reflect for a
 12 moment, here and be a little bit rhetorical, so bear with me. I
 13 can recall this commission meeting it must have been seven or
 14 eight years ago in Dixville Notch, when I ~~think~~ ^{think} it was
 15 Amendment 2, but it was the basic plan that we began with was
 16 put into effect and the commission chose to use a very
 17 conservative approach, one that was more conservative than was
 18 even recommended in the proposed plan because it wanted to make
 19 sure that ~~if it erred,~~ it erred on the side of conservation.
 20 At that point, you-all know that the striped bass population
 21 was in difficult straits.

22 What I've seen happen in New York and in some
 23 of the communities, well, in the community that I live in which
 24 is in East Hampton, ~~is that~~ ^{is that} as a result of that, people's
 25 livelihoods were literally eliminated. ~~I'm not talking about~~

1 people's livelihoods being -- people's income levels being cut
 2 or reduced. I'm talking about ^{DLR} people's ways of making a living
 3 literally taken away from them. ^{Step} Prices were paid in order to
 4 achieve a level of conservation that has now resulted in a
 5 restoration of the striped bass population.

6 You can argue the extent of that restoration,
 7 but ~~any of us who fish~~ and I happen to fish recreationally
 8 ~~-- and the scientists tell us~~, there's no question that the
 9 striped bass population has made a remarkable rebound, and it's
 10 to the credit of the commission and to the people who suffered
 11 and the people who participated, whether they were recreational
 12 fishermen or commercial fishermen, that that's occurred. I

13 think this is a very profound meeting in my own terms because I
 14 think, once again, in my judgment at least, the commission is
 15 moving forward again in a conservative way. And let me just
 16 relate it to you in these terms. In New York during the peak
 17 commercial landings in striped bass, you know, as many as 2
 18 million pounds a year were ^{DLR} being taken. In the base years that
 19 the commission has chosen as its baseline, that works out to
 20 about a million pounds a year. So it's a 50-percent reduction
 21 from the peak commercial landings that we're using as the base
 22 year upon which to base our conservation measures. And in New
 23 York's case, under the proposed Amendment 5 plan, approximately
 24 600,000 pounds will be the quota. That's about 30 percent of
 25 the peak landings in New York.

1 ~~And again, my own feeling is~~ I think the
 2 commission is moving ahead in a conservative way, and I think a
 3 number of you realize that I have said in the past that there's
 4 got to be two sides to the coin. If we're going to ask
 5 fishermen to accept medicine, the harsh medicine, the cutbacks
 6 and the restrictions, if our ~~efforts~~ *plan* are successful in
 7 conservation and we see a rebound in the population, then we've
 8 got to be willing to move in the other direction. And I think
 9 that's what's being done with Amendment 5. I think it's being
 10 done in a conservative way. And I think we owe it to the
 11 fishermen to demonstrate to them that conservation and
 12 management works both ways. ~~Thank you, Mr. Chairman.~~

13 ~~CHAIRMAN COLVIN: Further discussion on the~~
 14 ~~motion?~~

15 ~~MR. FLAGG: (Indicated.)~~

16 ~~CHAIRMAN COLVIN: Lew Flagg.~~

17 MR. FLAGG: Yes, Mr. Chairman. I have a lot
 18 of confidence in the science that's ~~gone~~ *done* into the development
 19 of this amendment. I don't really have a problem with that.
 20 I'm ~~very~~ troubled about the complexity of the plan, and to that
 21 I mean there's a large menu of options to choose from in terms
 22 of seasons, in terms of creel limits, in terms of sizes. And I
 23 think there is a procedure in ~~equivalent~~ *equivalent* there amongst various
 24 user groups. My ~~fear~~ *fear* is that because we have such a large
 25 range of options to choose from, it's going to be very

1 difficult for this commission to be able to convince an already
 2 skeptical public that there's equity in this system. I'm very
 3 concern about that because I believe that there are so many
 4 options available to states and that, depending on the variety
 5 of options that are chosen, it's going to exacerbate the
 6 perception of gross inequity *DR* in the allocation of this
 7 resource. And that's my main concern about it.

8 I really don't have great concerns about the
 9 science that's gone into this process, and I believe -- I have
 10 confidence in the fact that the options that are made available
 11 to us will provide for the conservation necessary to protect
 12 the resource. ~~But~~ I'm concerned that with this large range of
 13 options, we're going to be faced with a serious problem in
 14 terms of convincing the user groups that there is equity in
 15 this system.

16 ~~CHAIRMAN COLVIN: Further comments?~~

17 *With no further*
~~(No response elicited.)~~

Comments,

18 ~~CHAIRMAN COLVIN: Is the board ready for the~~
 19 ~~question? We'll take the question. All in favor, please~~
 20 ~~signify by saying "aye."~~

21 THE PANEL: Aye.

22 CHAIRMAN COLVIN: Opposed, same sign.

23 (No response *DR* elicited.)

24 CHAIRMAN COLVIN: Abstentions.

25 MR. FLAGG: (Indicated.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The motion passed with
~~MR. BECKWITH: (Indicated.)~~
~~CHAIRMAN COLVIN: Mr. Beckwith and Mr. Flagg;~~ *and Mr. Fote observing*
 MR. FOTE: (Indicated.)

~~CHAIRMAN COLVIN: And Mr. Fote. The motion carries. Anything further, Mr. Coates?~~

MR. COATES: No, Mr. Chairman, not with regard to the policy board, although I did realize -- John reminded me -- that we do have a need to readdress the schedule by which plans could be submitted, because I think there was an action taken by the management board that gave us a deadline of March 21 for all plans. I think that that might pose some real problems for some folks that are planning to formulate their plans based on public hearings and things like that, so I don't know what the best procedure is. It's something we'll deal with on the board level fairly soon.

CHAIRMAN COLVIN: One thing that may be helpful, as I recall from a discussion of the board, that states may wish to submit plans that have alternatives or options that they believe may be acceptable within their states and that they further believe are consistent with Amendment 5, and that they may select an option after the board's review.

MR. COATES: That may be the way to get around this.

CHAIRMAN COLVIN: I think that's what New York is going to do. Time is indeed short.

1 MR. JENSEN: (Indicated.)

2 CHAIRMAN COLVIN: Mr. Jensen.

3 MR. JENSEN: Just for the record, Mr. Chairman,
4 the schedule is that state plans have to be in by the 20th or
5 21st?

6 CHAIRMAN COLVIN: The 21st of March.

7 MR. JENSEN: The technical committee is
8 meeting the 29th and then the board is meeting on the 30th?
9 That is the schedule at this point?

10 MR. COATES: Yes.

11 MR. FIELD: That's not right. It's the 30th
12 and 31st.

13 CHAIRMAN COLVIN: The technical committee on
14 the 30th, the board on the 31st. Do you have the location?

15 MR. DUNNIGAN: Providence.

16 MR. COATES: Beautiful downtown Providence.

17 CHAIRMAN COLVIN: Anything further, Mr.
18 Coates?

19 MR. COATES: I believe that's all I have. I
20 didn't want to again -- I acknowledged already the contribution
21 of the stalwart work that John Field did and some of the other
22 staff, Connie Young-Dubovsky from the Fish & Wildlife Service,
23 one of our early plan coordinators. Jack, anyone else that I --

24 MR. DUNNIGAN: Dianne.

25 MR. COATES: Dianne originally, yes, Dianne

1 Stephan. So all these folks were very helpful in the
 2 development of this amendment and they worked very hard on it
 3 and their efforts are certainly appreciated by me.

4 MR. DUNNIGAN: (Indicated.)

5 CHAIRMAN COLVIN: Mr. Dunnigan.

6 ~~MR. DUNNIGAN: Thank you, Mr. Chairman. Just~~
 7 ~~from my own standpoint,~~ I want to follow up on that and
 8 continue to provide a little bit more focus on our great staff.
 9 ~~This was not easy. Even beginning back when Dianne was the~~

10 ~~striped bass coordinator, we got this moving and working~~
 11 ~~through Connie and on to John.~~ *Dianne, Connie, and John have done*
great staff work on the striped bass fish

12 We invented ~~a lot~~ ^{much} of the new ISFMP process as
 13 a part of doing Amendment 5. ~~We opened up,~~ and for the first
 14 time ~~in a long time~~ ^{we} really made great use of citizen advisers
 15 in close partnership working with the management board, and this

16 whole thing wouldn't have come together without great staff
 17 work, and I include Dr. Laney from the Fish & Wildlife Service
 18 who was the plan writer. And as ^{DRE} the executive director, I want
 19 to thank them very much and acknowledge the terrific service.
 20 This process won't work unless we have great staff working.
 21 We've proved that in this instance, we had it, and I'm proud of
 22 the work they all did.

23 CHAIRMAN COLVIN: ~~Thank you. I think that~~
 24 ~~the board chairman and the executive director have acknowledged~~
 25 ~~most of the people that need to be acknowledged, but~~ I want to

1 add ~~from the perspective of the board chair~~ two other specific
2 statements.

3 First, and I said this to them at our
4 preceding board meeting but I want to say it to the policy
5 board now and also with the chairman of the committee on
6 advisers here present. This was our first experience with an
7 advisory panel under our new advisers' program, and I believe
8 that we really got off to a great start. ~~We're off on the~~
9 ~~right foot.~~ We had outstanding success with the striped bass
10 advisory panel.

11 Other ~~board chairmen, other plan development~~
12 ~~teams and the committee on advisers.~~ ^{all other management boards,} I urge ~~you~~ to mark well
13 how the striped bass advisory panel was established, how it
14 functioned and how it worked with the PDT and the board
15 because -- and hopefully other advisory panel members will be
16 as fortunate to have as good a chairman as we did in this one
17 in Damon Tatem who was truly outstanding and gave great service
18 to the panel members, to the commission, and to the striped
19 bass resource users as well. ~~We truly did an outstanding job.~~

20 ~~I think that~~ ⁼ with that good success behind
21 us, that model hopefully will serve us well as we implement an
22 advisory panel process in our other fishery management
23 programs. ~~I urge us to work hard to do as well as the striped~~
24 ~~bass program did.~~

25 Secondly, I want to specifically acknowledge

1 Phil Coates. This is how many times around, Phil, on the
2 striped bass?

3 MR. COATES: Well, Larry was mentioning back
4 in the woods of New Hampshire back a few years ago. I was
5 involved in it back then. *DEC*

6 CHAIRMAN COLVIN: I don't think that was the
7 first time then either.

8 MR. COATES: Probably not.

9 CHAIRMAN COLVIN: But I think we all
10 recognize that without Phil's service, we'd probably still be
11 wandering in the woods of New Hampshire or somewhere and he's
12 just done a truly outstanding job. And I think he wants to be

13 off the hook one of these days so.... But we'll talk about
14 that some other time. But I wonder if a little applause for
15 Phil -- *DEC*

16 (Applause.)

17 CHAIRMAN COLVIN: Thank you. If there's
18 nothing further on striped bass, we'll move on to our report on
19 lobster. I think that report is coming from Mr. Beckwith.

20 *LOBSTER DAVE* ~~MR. DUNNIGAN: Mr. Freeman.~~

21 *REPORT* ~~CHAIRMAN COLVIN: Mr. Freeman~~

22 ~~MR. FREEMAN: Thank you, Mr. Chairman. I~~
23 ~~give this in the absence of Dave Borden. I filled in in his~~
24 ~~absence.~~ Amendment 2 of the lobster plan which we have been
25 discussing essentially changes the minimum size from a 3-5/16

1 inches carapace length to 3-1/4 inches ~~to bring the states into~~
2 ~~compliance or into phase with the federal fishery management~~
3 ~~plan. There are some other elements, but that is the major~~
4 aspect of the ^splan. *great news*

5 We had discussed the fact that of the four
6 ~~required~~ ^{necessary} public hearings required by the Coastal Fisheries
7 Cooperative Management Act, that ~~one or possibly~~ two of the
8 ~~three~~ hearings that were held were ~~indeed~~ ^{consequently} valid. ~~in that~~ we were
9 lacking at ~~least one, perhaps~~ two more public hearings.

10 Because of this problem and also because several states had
11 indicated that they would be able to ~~and would agree to~~ hold
12 public hearings within the next several weeks, it was voted by
13 the management board to report to ~~you that the management board~~
14 ~~has taken~~ no action on Amendment 2, ~~and they will take~~ ^{will be} action at ^{talk,}
15 the April meeting after the required number of public hearings
16 have been held.

17 This does cause a bit of a problem in that we
18 are required by our own rules to have the amendment in place by
19 March 20th of this month. So there ^{will be} a slight hiatus
20 between our own rule and when we anticipate bringing this back
21 before the full commission. We will have a full commission
22 meeting in April.

23 We made several changes to the plan to ^{which staff}
24 include the wording, should we ^{will} ~~at least~~ find a way to test, ^{incorporate}
25 the wording to prohibit the scrubbing, the chemical -- the ^{for}
^{consideration}
ⁱⁿ
^{April}

1 scrubbing of berried female lobsters. This is becoming more of
 2 a problem, those various techniques that can be applied where
 3 the eggs can actually be mechanically shed. The difficulty is
 4 finding a technique to test for this. These techniques are
 5 trying to be developed at this very time, but there will be
 6 additional modifications in the plan to at least allow the plan
 7 to have this wording.

8 We also made a change to drop from Item No. 6
 9 of the plan the spearing of lobsters in those states of
 10 Maryland, Virginia and North Carolina and would recognize that,
 11 although technically these states could be deemed out of
 12 compliance for not having such regulations, the spearing of
 13 lobster in those states was highly improbable because of the
 14 great depth at which lobsters are normally found; therefore,
 15 recreational scuba diving or free diving for lobsters would
 16 not be common in those states if it's existing at all. That
 17 concludes my report.

18 CHAIRMAN COLVIN: Thank you. Are there any
 19 questions on the report or comments?

20 (No response elicited.)

21 CHAIRMAN COLVIN: Thank you, Bruce. At this
 22 point, John.

~~AVMFS PILOT VESSEL & FISH PAUL PROGRAM~~

23 MR. BULLARD: ~~Thank you very much,~~
 24 Mr. ~~Chairman~~ I appreciate the commission making time on a
 25 very busy agenda for me. ~~My name is John Bullard. I head the~~

1 office of Sustainable Development in Intergovernmental Affairs
 2 for NOAA and the Department of Commerce. I'd like to spend
 3 some time informing you and getting some ~~at least a~~
 4 preliminary reaction to a ^{pilot} plan to, ~~on a pilot basis, try and~~
 5 reduce capacity in the northeast.

6 no 9 On ~~Friday morning,~~ Assistant Secretary Doug
 7 Hall announced ~~with many members of the northeast delegation in~~
 8 ~~Washington~~ that we were going to spend \$2 million ~~from the~~
 9 ~~northeast fishery emergency assistance program. That's the~~
 10 ~~\$30 million economic assistance program. We're going to spend~~
 11 ~~\$2 million to fund a pilot vessel buyout program.~~ And when

12 somebody asked him how long it was going to take to put this
 13 together, he said -- kind of looked at the ceiling and said,
 14 "oh, two months," at which point ~~Bruce~~ Morehead from NMFS and
 15 Lance Simmons from my office standing in back of the room
 16 keeled over. And so that is the task before us.

17 I wanted to spend a lot of last week, this
 18 week and next week gaining input from folks on how we want to
 19 do this. The only decision we have made is that the number is
 20 \$2 million. The design of the program, while everyone has got
 21 ideas, is not set at all. And I appreciate your comments.

22 I spent two days at the Maine fisheries forum
 23 last weekend. We're going to meet with congressional staffers
 24 tomorrow. On Monday we'll be up at the New England Fishery
 25 Management Council's groundfish committee ably chaired by Phil

1 Coates, who will be riding off the striped bass success, I
2 guess, the momentum generated. And we'll have a little time on
3 the agenda there. And we'll host an informal meeting -- all of
4 these are informal meetings -- that evening at the Holiday Inn
5 and a full day session for anyone who is interested the
6 following day Tuesday in Danvers. And on Thursday I think I'll
7 get a little time with the Mid-Atlantic Council which I believe
8 is in Philadelphia. Friday we'll host informal meetings in
9 Gloucester and New Bedford, Massachusetts. And on Monday, the
10 following Monday, the 20th, in Point Judith. And there may be
11 other opportunities but we're trying to get people's ideas on
12 what this program ought to look like.

13 Now, let me give you my phone number if you
14 don't have a chance to give me some thoughts today or something
15 occurs to you later on. I would hope that you would call me or
16 Lance Simmons or Bruce Morehead. My phone number in Washington
17 is 202-482-3384.

18 The other thing that Assistant Secretary Hall
19 mentioned is that all of the \$2 million would be used to buy
20 whatever it is we're going to buy. We're not going to use that
21 money for administration or feasibility studies or anything
22 else like that. We will cover whatever those costs might be
23 within either our very tiny office budget or with the existing
24 National Marine Fisheries Service personnel, that we recognize
25 this money is a very modest amount and we want it all to be

1 used to test out this concept, NMFS will administer the
 2 program and those are the only details.

3 In discussion with fishermen ~~last weekend~~, we
 4 talked about what the objective of the program would be.
 5 Barbara Stevenson gave a very simple and I thought reasonable
 6 definition of an objective, which is to remove the maximum
 7 amount of effective capacity at the minimum cost. ~~And if~~
 8 someone can improve on that, I'm open to suggestions, ~~but it~~
 9 ~~seemed pretty good to me.~~

10 ~~no 4~~ Many people in the industry, ~~as you know~~ and
 11 ~~others~~ have been talking about this issue of overcapacity, ~~the~~
 12 problems of dislocated fishing effort. ~~I've certainly heard it~~
 13 ~~up and down the coast.~~ And in discussing how to deal with this
 14 problem, many people have ^{suggested using} used the Scottish model ^{which} ~~as something~~
 15 ~~we ought to take a look at.~~ That model, which I think Canada
 16 ~~is adopting~~, is voluntary. No one is certainly talking about
 17 taking vessels. Takings are a big issue now. In Washington
 18 we're not talking about takings. We're talking about voluntary
 19 actions.

20 ~~no 4~~ The Scottish model also has a ^{reverse} ~~reserves~~ bid
 21 process where the government does not place a value on the
 22 vessels or rights to fish. ~~It is~~ ^{the} owner who does that in a
 23 bidding procedure where the government essentially just buys
 24 the cheapest priced capacity to fish ~~on up~~ until they run out
 25 of money.

1 The third component in the Scottish model,
2 ~~and again, this is just an example,~~ is that the government buys
3 the right to fish, does not buy the vessel. It is the
4 responsibility of the owner to permanently remove the vessel
5 from all fishing ~~permanently~~. And ~~I think in~~ the Scottish
6 model there is a mandatory scrapping provision.

7 Now, the issue is we try and design what a
8 pilot buyout program would be. And before I get to these
9 issues, one of the questions that comes up immediately is,
10 well, we all know that \$2 million isn't going to have a
11 significant impact on the capacity. What happens, as
12 Congressman Gary Studds said, what happens if the government
13 does something which it's not used to doing which is to create
14 a successful program? I mean, I know that's difficult to
15 imagine, but just suppose it works. Then what? And that's
16 probably depending on whose estimate you listen to. That's
17 probably the hundred million dollar question. I think that if
18 it works and if there is support, that the challenge before all
19 of us is to try in a very difficult budget climate to see if
20 there are financial resources to build on that program.

21 I think the issue of partnership is clearly
22 there, ~~that there is, I hope we can find, resources to define a~~
23 ~~federal role in this, but~~ I think there must also be a role for
24 state governments and for the industry itself and maybe
25 financial institutions, philanthropic institutions and others.

1 We have ~~tried to be~~ very creative in identifying resources for
 2 economic assistance to fishermen ~~both~~ in the northeast and the
 3 northwest. They have not come out of a NMFS-based budget.
 4 They come out of extraordinary appropriations.

5 So we in the delegation are committed to
 6 being as aggressive and creative as possible, but you-all
 7 recognize that we're at a time, ~~in~~ Washington where even the
 8 continuation of good existing programs is being debated and
 9 defended. Identifying new resources isn't easy.

10 The issues that immediately appear on the
 11 table about the design of a pilot buyout program, and ones that
 12 I ~~certainly~~ solicit your opinion on, ~~are~~ ~~Should this relate~~
 13 ~~only to groundfish.~~ There are other fisheries in distress, ~~such~~
 14 ~~scalloping and others.~~ Should this be limited to groundfish or
 15 should it be broader? If it's broader, what other fisheries
 16 might be involved in this?

17 Again, in thinking about that, in giving me
 18 advice on that, I want you to keep in mind that the subject on
 19 the table is a \$2 million pilot program and how you answer that
 20 for a pilot program might be different than how you answer it
 21 if we were creating a full-blown program.

22 The second issue, what is the region we are
 23 talking about? Is it ^{solely} the northeast, ~~which is the region that we~~
 24 ~~have provided assistance to from the economic development~~
 25 ~~administration?~~ We have given grants from Maine down to New

1 Jersey through EDA. Or is it down to Cape Hatteras or is it
2 just New England? One person even suggested that in a pilot
3 program we ought to concentrate on a single port. It wasn't me
4 and it wasn't New Bedford, by the way. I don't think that's
5 likely, but we have to answer -- I think we have to answer the
6 question is this limited to a geographic region. The reason we
7 might not have to answer it is you might relate it to a fishery
8 and avoid that. But I'm interested in your thoughts on
9 geographic area as well as fishery.

10 Another question, should we be buying boats?

11 When people talk about vessel buyout, that's the first thing
12 that comes to mind, the government buying boats. But as I
13 mentioned, the Scottish model is the government buys rights to
14 fish and it's the owner's responsibility to dispose of the
15 boat. Inherent in that issue is the question what value might
16 we pose on a vessel that doesn't have its rights to fish. Is
17 it a liability, which I tend to think would be the case if we
18 owned it. I know when I was the mayor of New Bedford and
19 someone abandoned a vessel at one of our docks, it would
20 usually cost us about 25 grand to dispose of them in a proper
21 manner. But is there value in a vessel or could there be value
22 in a vessel without rights to fish? Is the owner of that
23 vessel more likely to extract that value than we would be?
24 That's the question. Should we be thinking about buying
25 vessels or buying rights to fish?

1 If we're buying rights to fish, what about
2 the reuse of a vessel? I think there's a general feeling that
3 we don't want these vessels reappearing in other fisheries, but
4 when you start to get more specific about that, it gets a
5 little touchy. Would it be all right for a vessel to reappear
6 in a so-called underutilized species fishery or a mackerel
7 fishery or something like that?

8 What about aquaculture, if a vessel was reused
9 in aquaculture, would that be appropriate? Can a vessel -- and
10 then you get maybe to some easier questions about what would be a
11 problem if someone can convert a vessel into research use or sell
12 it to someone who wanted to use it for research or enforcement
13 purposes or, more purely, recreational purposes. And there the
14 issue in recreational, would it be just recreational fishing or
15 recreation recreation. But the limitations on reuse is another
16 difficult issue that we're going to have to wrestle with.

17 And the last one I put down for now is the
18 issue about how do you compare apples and oranges if we're
19 talking about a market-driven price-setting mechanism, this
20 reverse bid, then how do you compare a bid on a very active,
21 very effective 110 footer against a bid on an inactive 65
22 footer. The cheapest absolute price may not be the cheapest
23 capacity if our goal is removing capacity. So this gets into
24 definitions of fishing power, effective fishing power, things
25 like that which you-all know is very difficult. Those are some

1 of the issues.

2 So I've given you a 12-minute brief summary
3 of what we're trying to do and the time table. With a little
4 time remaining, I'm interested in any immediate questions or
5 reactions or guidance that you have, and then of course over
6 the next few weeks, if other thoughts occur to you, I'd
7 certainly appreciate you giving me a phone call. Thank you,
8 Mr. Chairman.

9 CHAIRMAN COLVIN: Thank you, John. Are there
10 questions or comments?

11 MR. DOUGLAS: (Indicated.)

12 CHAIRMAN COLVIN: Jim.

13 MR. DOUGLAS: John, has some discussion been
14 taken ^{on} ~~-- I know this is a pilot with respect to only doing~~
15 ~~this where you then have something in place that limits the~~
16 entry back up to that particular fishery?

17 MR. BULLARD:: Yeah, ~~that's a good question~~
18 ~~and an assumption that maybe I shouldn't have taken for~~
19 ~~granted. Clearly -- and I think this is also recognized and~~
20 ~~acknowledged by an industry that may not be supportive of~~
21 ~~limited entry. Clearly you cannot consider this without the~~
22 ~~assumption of limited entry, and there's a moratorium now which~~
23 ~~even members who fought that tooth and nail acknowledge is~~
24 ~~there. But it means that~~ one of the eligibility criteria would
25 probably be the holding of the limited access permit, ~~so that~~

1 ~~would, for instance, eliminate vessels under 45 feet.~~

2 ~~MR. SPITSBERGEN: (Indicated.)~~

3 ~~CHAIRMAN COLVIN: Dennis.~~

4 MR. SPITSBERGEN: Is interest in industry
5 buyout going to be incorporated into this? ~~As you know~~, in the
6 sea scallop fishery, there has been some talk of industry
7 buyout, ~~being at least partially or maybe wholly involved in~~
8 ~~some kind of buyout program.~~

9 MR. BULLARD: Well, I think, Dennis, the
10 issue of scallops is one that ^{PLC} certainly Congressman Frank is
11 going to raise. And as you know, the scallop industry is very
12 different from the groundfish industry and is pursuing
13 consolidation on its own, so whether or not to include scallops
14 in this I think is going to be a very thorny issue. ~~And I~~
15 ~~really can't come to a conclusion yet. I'd be interested in~~
16 ~~your advice.~~

17 MR. SPITSBERGEN: Has there been discussion
18 on the groundfish fishery of industry buyout? I haven't been
19 involved in that one, I know.

20 MR. BULLARD: I'm more distant now in my new
21 job. Phil might be able to answer that.

22 MR. COATES: It's been raised off and on, but
23 at present, it's not a hot item. Although I think, again, the
24 constrained time frame we're working with on groundfish in
25 terms of developing this next amendment, I suspect it's going

1 to surface again. But at this point, we're way behind the
2 scallop folks in terms of making progress on consolidation.
3 The scallop people have already scheduled, as John noted,
4 hearings to look at a number of options ranging from the
5 so-called fleet buyouts where an individual's days at sea would
6 be purchased and somehow distributed or acquired -- I shouldn't
7 use the term purchased -- acquired and redistributed back to
8 the whole fleet up to ITQ's. Dennis is well aware of that. So
9 obviously we're going to have some interesting discussions at
10 these scoping meetings on this issue.

11 MR. SIMMS: ~~John, just an observation and a~~
12 ~~question too, I guess.~~ What are you going to do with the
13 people that you buy out?

14 MR. BULLARD: ~~To answer that, I need to give~~
15 ~~you very briefly what our strategy is on economic assistance.~~
16 It ~~recognizes essentially~~ that people have to make a
17 fundamental decision, ~~first of all,~~ whether they want to stay
18 in fishing or move out. For those who want the stay in
19 fishing, our strategy, using economic development,
20 administration money, ~~the fishing industry grants that Harry~~
21 ~~helps to administer are there~~ to identify alternative economic
22 opportunities.

23 For people who want to get out, this is
24 skippers or owners who sell their vessels ~~or~~ their crew we
25 have brought in the Labor Department which is applying

1 substantial resources. ~~We've set up~~ retraining programs
2 through the fishing family assistance centers. We have six of
3 those. And we expect the retraining components financed by
4 Labor to be with a good partnership, especially in
5 Massachusetts, with the Commonwealth of Massachusetts to be a
6 major part of this. More and more ~~people~~ ^{people} will want assistance
7 in doing that. This happens, of course, all the time in other
8 industries. Fishermen don't tend to be as eligible for these
9 kind of unemployment benefits, retraining benefits that workers
10 in other industries take for granted. So retraining programs.

11 We also want to point out that the loans
12 we've made available under EDA can help a fishermen get into a
13 business that isn't fishing. They don't have to be for the
14 establishment of fishing businesses. ~~We've~~ ^{we've} set up microloan
15 funds with an organization called Working Capital, all with the
16 idea of facilitating movement out of the industry if that's a
17 conclusion that a person comes to.

18 MR. SIMNS: My observation is, ~~and we were~~
19 ~~involved in it in Maryland one time when we put the moratorium~~
20 ~~on the striped bass~~, the problem with fishermen is fishermen
21 are always fishing, ~~90 percent of them~~. And when you take them
22 out of one resource, you're going to put an extra burden on
23 another. And if you're going to buy someone out for whatever
24 amount of money and you don't put some restrictions on where
25 it's going to go, you're going to harm another resource by

1 putting too many people in it. I think that's something you've
2 really got to consider.

3 The way we handled it, we gave -- the only
4 money we gave them was money they had to work and earn. So
5 they took their time to work for the money so they couldn't be
6 doing anything else. There might be something -- I know
7 there's some bigger scaled things that would be hard to do, but
8 I can tell you fishermen are fishermen and you can buy them out
9 of one thing and they're going to pop up somewhere else. It
10 might be on the other side of the country, but they're going --

11 MR. BULLARD: In fact, they're doing that
12 now, with or without any discussion of buyout.

13 MR. SIMNS: If you're going to pay somebody
14 off to stop fishing, you need some caveat to keep them from
15 doing that.

16 MR. BULLARD: That's a very important issue
17 that was raised also at the Maine Fisheries Forum. There's two
18 parts to capacity: one is the vessel and the other is the
19 personnel. I'm pretty clear that in removing vessels and
20 permanently retiring permits, we're addressing, even on a very
21 modest scale, the vessel part of that capacity problem. But
22 the human part of it is much harder. How do you ever force
23 someone not to fish? How do you force someone never to acquire
24 somebody else's right? I can't imagine how we would ever get
25 into enforcing that.

1 I mentioned, and I mentioned this at the
2 Mid-Atlantic Council and the New England Council, if we had no
3 dollars at all for any type of economic assistance, we have to
4 recognize that dislocation is occurring and we have to
5 anticipate that in the drawing up of all the fishery management
6 plans. It's the management plans that really have the burden
7 of protecting fisheries, not any red tape that you might put on
8 economic assistance.

9 So I think people recognize that as you-all
10 deal with monk fish and other fisheries that are feeling that
11 kind of dislocated effort. That was as an observer part. I
12 guess the gist of some of the debate that went on in striped
13 bass anticipating dislocation and trying to protect against it.
14 But you raise a good issue. I'm just not sure how you can ever
15 put strings on human movement.

16 MR. FREEMAN: John, it seems to me that
17 several issues that you haven't raised need to be looked at.
18 One is are you looking at a short-term solution or a long-term
19 solution to this issue. The reason I say that, it seems -- you
20 mentioned that the Scottish experience, where in fact if this
21 is a long-term program, it may operate very differently than
22 something much shorter in duration. What drives me to that
23 conclusion is it seems to me it's the effective fishing power,
24 if we can use that term.

25 The experiences of most people that get into

1 something like this where there is a choice, the ones who sell
2 out usually have less productive vessels and have less of a
3 threshold or an interest in the fishery. And the ones that are
4 really the most effective in catching fish are the ones who
5 sell out last, because they have a very high threshold. Be it
6 monetary or be it philosophical, that's what they want to do.

7 It appears if you have a limited amount of
8 money, you're buying the lower level which would really have
9 the least impact. And what appears to me to be more effective
10 is if you really went for 110 foot -- the most efficient vessel
11 in the fishery would probably be the most effective to get out.
12 There needs to be some scale.

13 MR. BULLARD: I guess the question, Bruce, is
14 how do you do that within the assumption of a voluntary
15 program? Because you're right, the people who are best at it
16 are probably the ones in the strongest financial position, with
17 the least debt, with the most desire to ride out the difficult
18 problems, and they are not going to be candidates in this. I
19 don't see how to avoid that and still keep a program voluntary,
20 which I think is an absolute.

21 MR. FREEMAN: Well, I totally agree. It has
22 to be market driven. It has to be voluntary. You can't compel
23 people to get out. But again, I think your time frame is
24 important here. You can be successful and have a very long
25 time frame with the \$2 million probably of minimal impact, but

1 it may at least initiate a program. If you're looking at
2 something that has more immediate effects, then I think you
3 need to look at it a little differently. That's my only
4 suggestion. You're better off trying to go for that one
5 effective vessel rather than five or six less effective vessels
6 you could afford.

7 MR. BULLARD: Well, the issue of targeting
8 and whether you do that in eligibility criteria or whether you
9 do that in the design of the formula that compares the price,
10 place, time and effective -- you know, the issue I -- I don't
11 know whether you handle that targeting issue in the formula or
12 in eligibility. Most people I talk to say for all kinds of
13 reasons we ought to be focusing our attention on the bigger,
14 more effective boats. No. 1, they're the cause of the
15 problems; No. 2, they're the ones who had the ground taken away
16 from them. They lost the northeast part of Georgia. Any
17 closures on Georgia's affect them more than the small boats.
18 Some states are starting to protect inshore resources by size
19 limitations.

20 So I think there's wide agreement that if we
21 see bigger boats coming out as a result of this, that will be
22 success. The question is how you go about getting that.

23 MR. FREEMAN: I would suggest that as a pilot
24 program, the money you're spending may at least set some level,
25 which you will know after this pilot program, would be what

1 you're going to have to pay to even this out. It may not
2 really have any direct impact other than you'll at least have a
3 floor that if you want to go and establish this as a national
4 policy, what it will cost.

5 MR. BULLARD: The questions that we want to
6 have answered as a result of this test are how much interest is
7 there in this, if we're putting even \$2 million on the table,
8 do we get 50 people wanting to sell or 550.

9 The second question, what value do they put
10 on either their vessels or their rights to fish. We can only
11 guess at that right now. If you look at debt and other things,
12 those are going to be very imperfect indicators or what -- when
13 you win, if you win, what people put as a value on their
14 vessel.

15 Thirdly, if we are putting reuse as the
16 responsibility of the owner, what does the owner do with that
17 vessel. Do they extract value for that? That would be very
18 important information not only for us to know, but for the
19 industry to know if we ever had a program that would affect
20 dramatically the answer to that question, the value people
21 place on their rights to fish and the cost of a program that
22 would have it is significant. So I think there's some very
23 important information we don't have right now that this can
24 help us get.

25 MR. COATES: (Indicated.)

1 CHAIRMAN COLVIN: Phil.

2 MR. COATES: A couple of points. Of course,
3 I was up in Maine and the fishermen's forum when this was
4 announced and I was very heartened by it, recognizing that the
5 money is money that will hopefully set up a platform by which
6 we'll operate. And it's well timed because what's coming under
7 Amendment 7 in all likelihood is going to curtail a lot of the
8 fishing, directed fishing on some of these key groundfish
9 stocks. Right now that isn't happening, so there's folks out
10 there scratching around, looking for alternatives, looking for
11 options, whether they're fishing in deep water for monk fish or
12 still trying to eke out a groundfish livelihood, which some of
13 them are able to do. But it causes a tremendous impact to the
14 resource. So the timing is very appropriate. People will now
15 be able to say, well, at least there may be an alternative for
16 when there's nothing but nothing.

17 And the other thing is, if I was going to
18 improve Barbara's definition, and it's a good definition, I'd
19 just add to that. She said to remove the maximum amount of
20 effective capacity at the lowest cost, and I might add to that
21 "as soon as possible," recognizing the constraints with the
22 additional funding that are going to come along.

23 But it's heartening to see the commerce
24 Department has acknowledged the program and is starting the
25 pilot program which will hopefully lay the foundation for

1 something bigger.

2 I think a lot of us are unenamored with
3 buyouts. A lot of us would like to see alternatives. The
4 privatized, privatized consolidation that's going on in the
5 scallop industry might accomplish the same thing over a longer
6 period of time than a buyout program might accomplish. There
7 isn't the time and the inclination in the groundfish.

8 You've got a different -- interestingly
9 enough, even though they're all New England and northeast
10 fishermen or Atlantic coast fishermen, the groundfish fishermen
11 are much more diverse in their fishing technology and fishing
12 strategies and I guess their makeup. The scallop guys, a lot
13 of the successful scallop guys are the small fleet owners.
14 They own two or three vessels, maybe four vessels, or they're
15 very successful in their individual fisheries. And a lot of
16 them have the time, as opposed to being owner operated, a
17 lot of them have the time to sit back and look at business
18 strategies and things like that and they probably watch
19 with great interest the consolidation program under the
20 surf clam/quahog program. There's still a lot of divergent
21 opinion on where we go with scallops, but at least they seem to
22 be way ahead of groundfish.

23 You've still got this very diverse general
24 opposition at this point, I would say, for the most part among
25 the broad array of ground fishermen to any kind of

1 privatization, as it were, recognizing as you look at the high
2 spectrum of the larger boats, you probably see more of a
3 mind-set that's consistent with scallops in regard to what to
4 do about this problem.

5 MR. BULLARD: Let me make one other comment
6 to amplify something I said before. Some of these issues I
7 think are not entirely open; that is, there's kind of a
8 presumption which if you disagree with, I think you should try
9 and do something about. One is the presumption that this will
10 be groundfish and the other is the presumption that this will
11 be New England. I think that if we don't get a lot of contrary
12 pressure, that's the way it's going to go just based on the
13 first meeting we had with the congressional delegation where,
14 while we invited people from all of the northeast, the folks
15 who were there happened to be from New England. So again, in a
16 pilot, even if you felt that it ought to be broader than that
17 in a full-blown one, it's all right to concentrate a pilot on
18 New England groundfish, then that's probably going to be the
19 way we're going to go. But if you feel strongly that that's
20 the wrong move, I urge you to let us know, let your
21 congressional delegation know, because I think it's leaning in
22 the New England groundfish kind of mode.

23 MR. JENSEN: (Indicated.)

24 CHAIRMAN COLVIN: Pete.

25 MR. JENSEN: I'm curious about something. We

1 all throw this word "overcapitalization" around, sometimes very
 2 loosely. Has anyone made an estimate ^{PR} of how much a New England
 3 fishery is overcapitalized; in other words, what is your target
 4 or how much you want to remove? ~~Because~~ it seems to me that
 5 with just \$2 million, you're going to have a very hard time
 6 making a judgment as to whether you were or were not effective,
 7 because it's going to get lost in just the mechanics of doing
 8 it. It would seem to me that as a pilot ^{PR} project, you would
 9 want to have some criteria to say I believe I can be successful
 10 in doing whatever that is.

11 MR. BULLARD: I think I've read a lot of
 12 what's been written on this, and I don't see anything where
 13 someone can say it's 50 percent. I think ^{PR} you have to use time
 14 as part of the equation, which is what Phil did in his
 15 definition. The more capacity you remove sooner, the less
 16 draconian -- either the less draconian Amendment 7 has to be or
 17 the quicker the recovery time from Amendment 7.

18 We know that \$2 million isn't going to have
 19 any ~~negligible~~ measurable impact on capacity. It's only there to
 20 test could a program work. ~~And~~ the back-of-the-envelope
 21 estimates I've heard are that you ought to ~~assume you're aiming~~
 22 to reduce capacity 50 percent of the big boats. And if the value
 23 of the big vessels is \$200 million or so, then you've got to
 24 figure on that cost and you'll need \$100 million to do that, ~~and~~
 25 ~~that even when stocks are rebuilt, they're never going to support~~

1 ~~the capacity that is out there right now.~~

2 MR. COATES: I'd just add to Pete's question,
3 I don't think it's an easy one. Like John said, it's not an
4 easily answered question. If there is an answer, I'd suggest
5 perhaps the economics folks up at the Northeast Fishery Science
6 Center might have a definition consistent with the way they
7 want to characterize "overcapitalization." I think it can be a
8 lot of different things to a lot of different people if you
9 fold in other elements like the processing sector and
10 everything else, because I know some people brought that into
11 consideration in terms of characterizing so-called
12 capitalization. So they might be able to give you probably the
13 most objective....

14 MR. JENSEN: One of the reasons I raised that
15 is, of course, in the surf clam industry, that term was thrown
16 around too. In fact, what happened was the capitalization went
17 somewhere else. So rather than being in the industry, now it
18 went to the banks and now the banks have the mortgages and they
19 own half the boats. So all they did was they shifted the
20 capitalization figure around to where somebody else was holding
21 to note instead of the boat owner.

22 MR. FLETCHER: (Indicated.)

23 CHAIRMAN COLVIN: Sir.

24 MR. FLETCHER: I'd like for you to explain to
25 me when the United States is currently reporting 85 percent of

1 the seafood that's consumed in this country and you're going to
2 increase the amount of imports, how does that economically
3 benefit the total nation when our consumption of seafood goes
4 up and the dollars that purchase this seafood no longer flow
5 into this country but flow into some foreign country?

6 MR. BULLARD: Well, if I understand the
7 question correctly, that's the motivation to try and rebuild
8 stocks off of New England, so we can shift that percentage
9 around, but we can't consume what's not out there. The
10 management plans in both scallops and groundfish are predicated
11 on 100 percent of the participants ending up with 50 percent of
12 the time to fish. That works in theory. I don't think anyone
13 feels it works at all. You're going to have 100 percent of the
14 people going out of business because you can't survive on 50
15 percent of the days except on paper.

16 So the scallop consolidation plan and a plan
17 to buy out capacity in groundfish would say that maybe instead
18 of having 100 percent of the people trying to share fewer and
19 fewer days, you could get fewer people and, therefore, those
20 people that were left behind might have some ability to ride it
21 out.

22 I don't know if I've answered your question.
23 I don't think the answer to your question is in this buyout
24 though. I think it's in the management plan.

25 MR. DOUGLAS: (Indicated.)

1 CHAIRMAN COLVIN: Jim.

2 MR. DOUGLAS: John, obviously you have a
3 mandate to operate or run a pilot on a buyout program, but I
4 think there's probably a bigger question a lot of us have to
5 think about, and certainly the Fisheries Service as well,
6 whether the buyout programs really are an answer, even if
7 you've got one that, quote, works in its mechanics -- and I say
8 that because you need to compare that to something like ITQ's,
9 which over the long run, in my opinion, do shift the
10 capitalization into more effective and efficient units which is
11 what we've seen happen in surf clams -- and whether moving in
12 that kind of direction is a preferable political decision, I'll
13 put it that way, in its finest sense as opposed to walking down
14 the road of buyouts. How much discussion or can you disclose
15 how much discussion has gone into whether there is a true
16 commitment to buyouts or just some test here to see?

17 MR. BULLARD: I think last year when we were
18 debating how to respond to the crisis and we kind of identified
19 about \$30 million with which to do it, we discussed buyout.
20 And there was not even close to unanimous feeling in the
21 delegation that a buyout was appropriate. I think a lot of
22 people from Maine, for example, thought the buyout program was
23 a personal retirement program for undeserving fishermen in
24 Gloucester and New Bedford. It was only when the stock
25 assessment came out in August and people started to say where

1 are these boats going to go if we close Georges Bank and one of
2 the answers came on the screen Gulf of Maine when people got
3 religion in a hurry. I don't think buyout -- so now I think
4 the concept of buyout as part of the answer is, if not
5 unanimously supported, pretty close to unanimously supported by
6 folks.

7 Does it mean that it's the only answer? I
8 think no, it doesn't. The market cannot deal with this the way
9 the market deals with it in other industries. Bankruptcy, as
10 you know, doesn't work. Boats keep fishing after they go
11 through bankruptcy. It's just their costs are subsidized and
12 so they threaten the economic viability of other vessels.
13 ITQ's are a market mechanism that can shift capacity. I'm not
14 sure they reduce capacity.

15 I think there's two things you have to think
16 about with ITQ's and groundfish. One is that no one in the
17 management council has even begun talking about it because I
18 think their feeling is today that a discussion like that would
19 be totally nonproductive, so it's not even under debate or
20 under consideration right now in the groundfish fishery. Maybe
21 that will be different two or three or four or five years from
22 now, but no one is even talking about that right now, which is
23 different than the scallop fishery.

24 Secondly, if you did, if miracles happened,
25 if hell froze over, if ground fishermen in New England were

1 willing to enter into ITQ's, then you still have to talk about
2 the surf clam issue. Where do those boats go after they get
3 bought out? They're still fishing vessels. We have in general
4 an overcapacity problem. There are not fisheries that can
5 absorb this. We're looking all over the world for fisheries.
6 I had a guy spending a month down in Peru trying to figure out
7 are there places where we can shift capacity.

8 So even if you had an ITQ as part of the
9 answer to this, I still think you need to identify a way of
10 permanently reducing fishing capacity, not just shifting it.
11 That's why I think proceeding with a buyout or even proceeding
12 with a program doesn't shut the door on other answers to this.
13 I think you're going to need to do it in addition anyway.

14 MR. DRISCOLL: (Indicated.)

15 CHAIRMAN COLVIN: Steve.

16 MR. DRISCOLL: I believe that if we spent
17 some time thinking about enforcement and getting some of these
18 boats out of the fishery that break the laws and are simply
19 handed down a fine which is just looked at as a cost of doing
20 business, that we could go a long ways in reducing fishing
21 capacity. In other words, I was say -- I would recommend don't
22 fine them, just tie them up for two years and let it go like
23 that. You'd get rid of a lot of people.

24 MR. BULLARD: Well, I think, Steve, like the
25 ITQ's, that is another part of the answer. My sense, while I'm

1 not in the enforcement end of it, is occasionally reading about
2 the penalties. When you start to see two-, three-, five-year
3 permit sanctions, you're in effect doing that or we are in
4 effect doing that. So if you're saying that we can do more of
5 that, I think enforcement is moving in that direction.

6 CHAIRMAN COLVIN: Anything further?

7 (No response elicited.)

8 MR. BULLARD: You have my phone number. I do
9 very much appreciate the time you've given me today and
10 comments you've got on any of these issues that we've raised.
11 If you have thoughts on it, please let me.

12 MS. ROSA: (Indicated.)

13 CHAIRMAN COLVIN: Lori.

14 MS. ROSA: Just a quick one before you wrap
15 up. I seem to remember part of the \$30 million that was funded
16 to conduct a vision statement and feasibility study that was in
17 part to deal with the buyout or those issues. I was wondering
18 if that study produced a preferred option that dealt
19 specifically with like the recycling of the vessels for
20 research purposes or putting them into underutilized species.
21 And I'm wondering if your meetings next week and the week after
22 are going to specifically deal with that preferred option and
23 what was it.

24 MR. BULLARD: We, through the fiscal year '94
25 Northwest Atlantic Fishery Reinvestment Program and working

1 with the National Fish & Wildlife Foundation, spent \$25,000
2 through the Maine Fisheries Forum but later to an expanded
3 group called the North Atlantic Group to provide a quote,
4 vision statement. Our feeling was this vision statement needed
5 to be shared; that is, it needed to include regulators, the
6 industry, as broad as it is, the environment community and so
7 on, but that it needed to start with the industry itself,
8 initiating what the vision would be. We didn't want to control
9 the process.

10 Someone told me that organizing fishermen is
11 like herding cats. The time line on producing this -- hey, I
12 tried to do it for a year and a half. So the vision statement
13 which I thought might touch on the issue of buyout has not to
14 date. There is a draft vision statement that was presented and
15 distributed at the Maine Fisheries Forum. It is available I
16 think through a number of people. Ken Kuntz at the New England
17 Fishery Development Association has been helpful. I'm sure he
18 could get copies of it.

19 I think the vision statement which lists out
20 11 principles of what the northeast fishery ought to look like
21 from Cape Hatteras north is a good start. It doesn't give us,
22 Lori, much help in terms of what the composition of the fleet
23 ought to be or if there should be a buyout program. It's
24 conceivable that the process that they set up where they want
25 to get to a North Atlantic Fishery Congress could get to that

1 point, but it's not -- it doesn't have that in the document
2 yet. I do urge you -- Jack, you might want to get copies of
3 that and send it around. I think it's an interesting document
4 to read.

5 MS. ROSA: But the Foundation review does not
6 directly address buyout?

7 MR. BULLARD: In that vision statement, it
8 doesn't directly address buyout.

9 MR. DUNNIGAN: I think we were wondering about
10 the National Fish & Wildlife Foundation's study, not the --

11 MR. BULLARD: Oh. We debated doing a study
12 or to design a buyout and did not do that, so there is no other
13 study. The reason we didn't last year want to do a study on
14 buyout is because no one knew where any money would come to
15 conduct a buyout and we're very concerned and remain concerned
16 about the issues of raising expectations beyond what we can
17 deliver. We never commissioned a study through Fish & Wildlife
18 or anyone else to analyze how a buyout would work.

19 CHAIRMAN COLVIN: John, thank you very much.

20 MR. BULLARD: Thank you, Gordon.

21 CHAIRMAN COLVIN: We very much appreciate
22 your coming and giving us an opportunity to hear about this.
23 I'm sure you'll be hearing more from many of us.

24 MR. BULLARD: Thank you-all very much for
25 your time.

STANDARDS + PROCEDURES

1 CHAIRMAN COLVIN: ~~The next agenda item is a~~
 2 ~~standards and procedures update, approval of Section 8. Susan~~
 3 ~~Shipman.~~

4 MS. SHIPMAN: ~~Thank you, Mr. Chairman. I~~
 5 ~~believe we have handouts on Section 8, the definitions. While~~
 6 ~~that's being done, I'll just bring you up to date on what we've~~
 7 done since we last met in October.

8 You will recall Sections 5 through 7 were
 9 adopted with editorial license given to the standards and
 10 procedures work group to incorporate into Section 5 a new
 11 Subsection H dealing with law enforcement. That has been done.
 12 We worked in concert with the law enforcement committee. They
 13 had a subgroup that worked with us. And I think you will find
 14 that language to be quite satisfactory. I hope you will. The
 15 team has reviewed it and we received virtually no comments
 16 back. That part appeared to be satisfactory. It will be
 17 included in the final version to be circulated to you. I do
 18 have a copy with me if someone does want to look that over.

19 What we have before us today is Section 8.
 20 You will recall we had some discussion at the October meeting.
 21 You were provided a copy. We did receive comments back from
 22 the states of New York and Florida, for which we're very
 23 appreciative. We have folded those comments into the revision.
 24 We also went back to the verbatim transcript and tried to
 25 address in particular a relatively few terms that you-all had

1 some concerns and gave us instruction on your intent with
2 regard to those terms. And those are "bycatch," which is --
3 that is definition "f," "conservation equivalency" which is
4 definition "i," "fishable abundance" which is "o," "minimize
5 waste" which is "w," and "overfishing" is "z."

6 We also folded in some new definitions:
7 "Regulatory" which is "gg." That was one that was
8 incorporated. And then we folded in a few others just to be
9 consistent and to track definitions that are elsewhere in
10 Sections 5 through 7. Those are "law enforcement committee,"
11 "emergency," "source document," and "state."

12 We have a few decision points in here that I
13 would -- I'd like to review these, I guess, six definitions
14 with you and get your feedback on them to make sure we, in what
15 is adopted, captured your intent.

16 "Bycatch" which is definition "f" on page 16,
17 there are two versions here, two alternatives. There was some
18 discussion that we wanted to be sure "bycatch" captured the
19 intent that that is not only consumptive resources, but
20 nonconsumptive. So we do have this suggested wording that
21 could include "nondirected, threatened, or endangered and
22 protected species."

23 The other definition that is before you is
24 one that was suggested by some team members. That is the
25 definition that is currently in the amendment to the Magnuson

1 Act, H.R.39 and S.R.39. And that definition would be "fish
2 harvested but not sold or kept for personal use including
3 economic and regulatory discards." You may prefer a
4 hybridization, if you will, a hybrid of those two which we can
5 work out. I just need to know the policy board's sentiment on
6 that.

7 If I could just go through what I'd like for
8 you-all to give feedback on and then we can come back and
9 discuss these.

10 "Conservation equivalency," we folded in the
11 discussion from the October meeting, and I believe Mr. Nelson
12 wanted some clarification of what that would be and I can just
13 read it to you. "Conservation equivalency would be actions
14 taken by a state which differ from the specific requirements of
15 the FMP which achieve the same quantified level of conservation
16 for the resource under management. For example, various
17 combinations of size limits, gear restrictions, and season
18 length can be demonstrated to achieve the same targeted level
19 of fishing mortality. Conservation equivalency will be
20 determined by the appropriate management board."

21 I would like to know if you want that to be
22 the end of it or do you want that determination to be approved
23 or affirmed by the policy board. There was some discussion
24 about that.

25 Moving on down to "fishable abundance," this

1 one is "o" on page 17. This would be the "Numbers of fish in a
2 stock sufficient to provide continuing harvest in the range of
3 historic average levels without overfishing the stock."

4 Going on to "minimize waste" which is "w" on
5 page 18, there was a suggestion or a request that we fold in
6 the term "bycatch" into this, and we have come up with the
7 following: "Process of taking specific actions which reduce the
8 effects of fishing activities on nontarget resources."
9 Parenthetically we've identified those to include habitat and
10 bycatch. And you should strike through the word "or there" and
11 we can substitute the word "and promote full, efficient
12 utilization of the catch."

13 The term "overfishing" which is "z" on the
14 same page, you'll recall we had quite a bit of discussion on
15 that, and the intent that we heard from the board was that the
16 overfishing definition in the context of the ISFMP should be
17 "biological" or "recruitment overfishing." So we propose to
18 you the following: "In the context of the ISFMP, harvesting
19 from a stock at a rate greater than that stock's reproductive
20 capacity to replace the fish removed through harvest. Each FMP
21 contains a plan-specific definition of overharvesting."

22 And those are the ones that we had
23 considerable discussion at the October meeting about.

24 CHAIRMAN COLVIN: Susan, I note that item "q"
25 appears to have choices.

1 MS. SHIPMAN: Yes. Item "q" is really more
2 choices for the team, but we didn't come to any resolution of
3 this. It has to do with the wording. Instead of saying
4 "geographic area," we were proposing new language to say "the
5 environment necessary for a fish stock at various times as it
6 conducts its normal life history functions of spawning, growth,
7 feeding and migration" or "areas" or "the environment occupied
8 by a fish stock as it conducts its normal life history
9 functions of spawning, growth, feeding and migration." And
10 inclusive in that, a modifier of what that environment would
11 include would be "biological, physical and chemical parameters"
12 -- excuse me -- "factors which influence the choices of such
13 areas."

14 What I might suggest is that "q" we refer to
15 the habitat committee this afternoon -- possibly if the policy
16 board would like to do that, they're meeting this afternoon --
17 to let them fine-tune this particular one.

18 MR. LAPOINTE: We're looking for adoption of
19 this list of definitions, are you not, and specifically those
20 five items?

21 MS. SHIPMAN: Yes. And in particular on
22 "bycatch," I would like to know your sense of intent of whether
23 the bycatch definition is to include nonconsumptive resources
24 as well or whether you wish to adopt some potentially new
25 Magnuson language on bycatch.

1 CHAIRMAN COLVIN: Perhaps it would make sense
2 to discuss the six issues individually, but it is the intention
3 of the standards and procedures committee that this document be
4 adopted today?

5 MS. SHIPMAN: Yes, we would like very much to
6 do that.

7 CHAIRMAN COLVIN: Even though we cannot adopt
8 item "q"?

9 MS. SHIPMAN: No, but you could adopt it
10 contingent upon editorial license to the habitat committee.

11 CHAIRMAN COLVIN: Right. Is there discussion
12 on the issue of item "f," the "bycatch"?

13 MR. SPITSBERGEN: Yes, just a question. I
14 think Susan said potential Magnuson Act wording. That is
15 something that is being proposed?

16 MS. SHIPMAN: Yes.

17 MR. SPITSBERGEN: So we don't know that that
18 will be official, because I did like the sound of that wording.

19 MS. SHIPMAN: Several team members actually
20 liked the wording once we saw it. That has come forward as you
21 know since September and they suggested that this might be a
22 substitute. We had hoped to fold in the sentiment that bycatch
23 does incorporate or include not only consumptive resources;
24 however, we do have some nonconsumptive resources that are big
25 bycatch issues in some of our fisheries.

1 CHAIRMAN COLVIN: What we're looking at is
2 the committee's recommendation at this point?

3 MS. SHIPMAN: The committee, there was no
4 final recommendation that came from the committee. We had
5 proposed to suggest to you either of these or we can do a
6 blend, if you will, of the elements in these. The Magnuson
7 language that's in H.R.39 and S.R.39 is "Fish harvested but not
8 sold or kept for personal use including economic and regulatory
9 discards." Is that not on the copy?

10 MR. LAPOINTE: No.

11 MS. SHIPMAN: Let me read that out to you.

12 MR. LAPOINTE: Can I put that up on the
13 screen?

14 MS. SHIPMAN: Yes.

15 CHAIRMAN COLVIN: I'm going to ask the board
16 if it wishes to adopt bycatch language other than that, which
17 has been handed out, to approve a motion for alternative
18 language at this time. If the bycatch language is acceptable
19 as we have it, it seems to me it can be part of a larger motion
20 later. And I think we can handle each of these issues the same
21 way.

22 I guess what's going to go up on the screen
23 is one alternative that some of the standards and procedures
24 committee members are interested in.

25 MS. SHIPMAN: They proposed that.

1 CHAIRMAN COLVIN: But I'm going to suggest
2 that what we have in front of us is the committee
3 recommendation, for want of a better thing to call it. At this
4 point, we have two options. Is there a preference for the
5 option on the screen or some other option than what is in front
6 of us in the handout?

7 MR. SPITSBERGEN: (Indicated.)

8 CHAIRMAN COLVIN: Dennis.

9 MR. SPITSBERGEN: Yeah, I'm going to suggest
10 the option that's on the screen and include the "may include
11 nondirected, threatened, or endangered and protected species"
12 to that caption that's on the screen. I like that. That's
13 nice, clean wording. I will make a motion to that. I would
14 make a motion to that point, the wording on the screen plus
15 that which is in italics in "f."

16 CHAIRMAN COLVIN: Then I think you need to
17 substitute something for the word "fish." Can you be specific
18 in the motion?

19 MS. SHIPMAN: Mr. Chairman, can I make a
20 suggestion?

21 CHAIRMAN COLVIN: Please.

22 MS. SHIPMAN: Possibly just to say "That
23 portion of a catch harvested but not sold or kept for personal
24 use, including economic and regulatory discards may include
25 nondirected, threatened or endangered and protected species."

1 It's a hybrid of the two.

2 CHAIRMAN COLVIN: Is that your motion,
3 Mr. Spitsbergen?

4 MR. SPITSBERGEN: Yeah, that catches my
5 motion.

6 CHAIRMAN COLVIN: Is there a second to the
7 motion?

8 MR. FREEMAN: Second.

9 CHAIRMAN COLVIN: Seconded by Mr. Freeman.

10 MR. DUNNIGAN: (Indicated.)

11 CHAIRMAN COLVIN: Mr. Dunnigan.

12 MR. DUNNIGAN: Dennis, do we then have to
13 pick up the definitions from the Magnuson Act language about
14 what is an economic discard and what is regulatory discard?
15 That's also in the bill, and we don't have any exegeses here
16 that describes what we're talking about.

17 MS. SHIPMAN: If I might answer that
18 question, the regulatory discards for the purposes of the plan
19 would be what's an undersized fish, what is nonallowed
20 retention species or whatever. I would think that would be
21 identified in the sense of our plan. Now, the economic
22 discard, I don't know whether our plans will address that.

23 MR. DUNNIGAN: In the Magnuson Act bills,
24 there are also definitions for regulatory discards and economic
25 discards in addition to the definition of bycatch. Do we need

1 to have that to clarify what we're talking about?

2 MS. SHIPMAN: Those were not provided by the
3 team member that suggested this.

4 MR. CONKLIN: (Indicated.)

5 CHAIRMAN COLVIN: Mr. Conklin.

6 MR. CONKLIN: Mr. Chairman, I suggest that
7 that needs to be considered, because this particular definition
8 seems to me still to discuss those portions of this catch which
9 are not sold. And when you deal also with bycatch, what I
10 traditionally think of as bycatch which could be sold for a
11 very low amount of money such as for chum, but if otherwise
12 were allowed to achieve harvestable size, let's say red snapper
13 juveniles, that's a bycatch issue that this definition would
14 seem to eliminate. If you don't have those other two
15 definitions, I think you can miss the point that you mentioned,
16 Jack.

17 MS. SHIPMAN: That's exactly why we brought
18 both of these to this board, because there are very different
19 ramifications, depending on which one you --

20 MR. CONKLIN: Whereas in my view, the
21 definition that has been handed out seems to cover all those
22 bases; however, if you go to this definition which seems to me
23 to be a good definition, you need something else to go with it.
24 That would be my comment. Dennis, I think your definition --
25 this is a good definition, but it needs some other --

1 MR. SPITSBERGEN: Yeah. To me it was a nice,
2 clean definition but you're right.

3 MR. CONKLIN: But I do believe if you use
4 this one, you will need other definitions to help with that
5 problem.

6 CHAIRMAN COLVIN: Further discussion,
7 reaction?

8 DR. GEIGER: (Indicated.)

9 CHAIRMAN COLVIN: Dr. Geiger.

10 DR. GEIGER: Mr. Chairman, clarification. On
11 the original definition handed out on bycatch, what was the
12 sentiment of the committee in terms of who supported this and
13 who didn't? What was the discussion?

14 MS. SHIPMAN: There wasn't a great deal of
15 discussion. These definitions were handed out in October. I
16 got back two sets of comments, period, the state of Florida and
17 three comments from the state of New York. Then they went out
18 to the committee and I received three comments back from the
19 committee. And the committee that we heard from, those
20 members, three, a couple of them suggested to take the Magnuson
21 Act, bring it back to you. There was no consensus on which was
22 preferable.

23 CHAIRMAN COLVIN: Further discussion on the
24 motion?

25 MR. CONKLIN: What is the motion on the

1 floor?

2 CHAIRMAN COLVIN: The motion is to adopt the
3 definition on the screen as a substitute for the one that you
4 have in front of you.

5 MR. SPITSBERGEN: I'm having some
6 reservations now because of the additional definitions we may
7 have to put in there.

8 CHAIRMAN COLVIN: Does the mover want to
9 reconsider the motion?

10 MR. SPITSBERGEN: Yes, the mover will
11 reconsider.

12 CHAIRMAN COLVIN: Seconder?

13 MR. FREEMAN: (Nodded head up and down.)

14 MR. SPITSBERGEN: I like that. It's a clean
15 definition, but it may not cover all that we need to.

16 CHAIRMAN COLVIN: If the motion is withdrawn,
17 we are back to what is before us. Is the motion withdrawn?

18 MR. SPITSBERGEN: The motion is withdrawn.

19 CHAIRMAN COLVIN: Is the second withdrawn?

20 MR. FREEMAN: Agreed.

21 CHAIRMAN COLVIN: We're back to the starting
22 block.

23 MR. CARPENTER: (Indicated.)

24 CHAIRMAN COLVIN: A. C.

25 MR. CARPENTER: What you have before you

1 there as "f" says "incidentally to the targeted catch." You
2 don't have "targeted catch" defined, but you do have "targeted
3 species" defined. Should that say "targeted species"?

4 MS. SHIPMAN: It could easily say that. We
5 haven't gone back, I have to say, and cross-referenced every
6 bit of wording in there.

7 CHAIRMAN COLVIN: Is there any objection to
8 substituting "species" for "catch"?

9 MR. CARPENTER: I just heard that "directed
10 fishery" would be a better substitution, "incidental to the
11 directed fishery."

12 MS. SHIPMAN: The question I would pose to
13 all of you who have pound net fisheries in your states is to
14 make sure that this definition accommodates your sentiments and
15 your intent with regard to your pound net fisheries.

16 MS. SCHAEFER: (Indicated.)

17 CHAIRMAN COLVIN: Dick Schaefer.

18 MR. SCHAEFER: I don't have any fundamental
19 problem with the basic definition here. This is sort of
20 wordsmanship. But the use of the word "incidental," without
21 the benefit of having the Webster's Dictionary in front of me,
22 "incidental" may mean a small part of the catch or a smaller
23 part of the directed catch, and that certainly is not true in
24 many fisheries; for example, the shrimp fishery on the Gulf of
25 Mexico where 10 pounds of finfish or some such number are

1 caught incidentally to a pound of shrimp and discarded or
2 whatever they do with the things. I think the word
3 "unintentional" or something like that or "unintentionally" is
4 a better word. It simply means that these are species or
5 fishes or whatever that are not the targeted species but are
6 taken in the gear unwanted, and I just think that's a better
7 word than "incidental."

8 CHAIRMAN COLVIN: What we have in front of us
9 right now is "f" as written. There are no changes to "f"
10 unless somebody wants to suggest something. I thought we had
11 one a minute ago and then there was another substitution.

12 MS. SCHAEFER: I'd like to move an amendment
13 then, please, to the definition which is to strike the word
14 "incidentally" and substitute the word "unintentionally" and
15 strike the word "catch" and substitute the word "species."

16 The only other -- this isn't a part of my
17 motion, but the part that follows the semi-colon, I don't even
18 know if that's necessary. I think it's inherent, but it
19 doesn't hurt anything. Just a comment. That's not a part of
20 the motion.

21 CHAIRMAN COLVIN: A motion has been made to
22 substitute the word "unintentionally" for "incidentally" and to
23 substitute the word "species" for "catch." Is there a second
24 to the motion?

25 MR. NELSON: Second.

1 CHAIRMAN COLVIN: By Mr. Nelson. Ms. Shipman,
2 in your judgment, are those changes substantive -- do they
3 constitute substantive changes or create any inconsistencies
4 within the definition?

5 MS. SHIPMAN: Repeat that.

6 CHAIRMAN COLVIN: I'm trying to find out
7 whether in your judgment as chairman of the committee those
8 suggested changes would substantively change the definition of
9 "bycatch" or would they create inconsistencies within these
10 definitions.

11 MS. SHIPMAN: To me, they don't create
12 inconsistencies. Jack may feel otherwise. I don't believe
13 they do.

14 MR. DUNNIGAN: The problem is with the word
15 "unintentional" because that presumes we know what's on the
16 mind of somebody who puts a net in the water, and the
17 definitions that are being looked at in the Magnuson Act
18 indicate that we're not talking about what's in the mind of the
19 fishermen here and that you intend a lot of times to catch a
20 lot of species that you know you're not going to keep. That's
21 part of how you run fishing operations. So that's why they
22 have stayed away from the use of the word "unintentional." And
23 "incidental" doesn't necessarily imply that it's a minimal
24 amount of fish. It implies that it's something that you catch
25 while you're doing something that is what you really want.

1 MR. SCHAEFER: If that's the Webster's
2 definition, then I withdraw that part of my motion to change
3 that word, if that's what that means.

4 CHAIRMAN COLVIN: Mr. Nelson?

5 MR. NELSON: Yeah, as long as that's what it
6 means.

7 CHAIRMAN COLVIN: We're back to
8 "incidentally" and "targeted species" on that motion.

9 MR. JENSEN: (Indicated.)

10 CHAIRMAN COLVIN: Pete.

11 MR. JENSEN: I think, Mr. Chairman, the
12 operative term is "taken in addition to." I don't make that as
13 a motion, but that's the context of what we're talking about.

14 CHAIRMAN COLVIN: We've had a suggestion.
15 "Portion of a catch taken in addition to the targeted species."
16 Let me turn to Mr. Schaefer and Mr. Nelson and ask them if
17 they're willing to incorporate that as a substitute in addition
18 to their motion.

19 MS. SCHAEFER: The mover accepts that.

20 MR. NELSON: I agree.

21 CHAIRMAN COLVIN: "In addition to." Are we
22 ready for the question?

23 MR. TRAVELSTEAD: (Indicated.)

24 CHAIRMAN COLVIN: Mr. Travelstead.

25 MR. TRAVELSTEAD: One more question. The

1 words "targeted species," is that singular or plural? For
2 example, the pound net --

3 CHAIRMAN COLVIN: If you read the definition
4 of "targeted species," I think you'll see it's both.

5 MR. TRAVELSTEAD: The pound net fishery, for
6 instance, targets numerous species.

7 CHAIRMAN COLVIN: Correct.

8 MS. SHIPMAN: We tried to reflect that.

9 CHAIRMAN COLVIN: "Species or group of
10 species" is the definition.

11 MS. SHIPMAN: We did that intentionally
12 because of the pound net fishery.

13 CHAIRMAN COLVIN: Further discussion?

14 (No response elicited.)

15 CHAIRMAN COLVIN: All in favor, please
16 signify by saying "aye."

17 THE PANEL: Aye.

18 CHAIRMAN COLVIN: Opposed, same sign.

19 (No response elicited.)

20 CHAIRMAN COLVIN: The definition of "bycatch"
21 is modified accordingly. At this point, the chairman would
22 like to prevent the chairman of the standards and procedures
23 committee from having to speak in her own behalf because I
24 think she and certainly I are a little frustrated at this
25 point, and if she isn't, she deserves to be.

1 These definitions have been out there for
2 months. Three comments were submitted to her by the members of
3 this body seated around this table. Subsequent to that, three
4 comments were submitted to her by her committee members. She
5 has worked very hard to accommodate what we've provided and it
6 is a little unfortunate that at this late time we are
7 wordsmithing these definitions. That's all I'm going to say.

8 MS. SHIPMAN: Thank you.

9 CHAIRMAN COLVIN: I'm not saying we
10 shouldn't. I'm saying we shouldn't have to be in this
11 position.

12 MS. SHIPMAN: I think the others hopefully
13 with be smoother sailing from here. If we could look at
14 "conservation equivalency" and just make sure that that
15 captures what your intent is.

16 CHAIRMAN COLVIN: Item "i."

17 MS. SHIPMAN: Again, the question that is
18 posed to you, is it sufficient that that determination is made
19 by the appropriate management board? Does this board want to
20 affirm those determinations?

21 CHAIRMAN COLVIN: It is the opinion of the
22 chair and the executive director that it would be inconsistent
23 with the balance of the standards and procedures for it to be
24 other than the management board. That would also be consistent
25 with actions earlier this morning.

1 MR. NELSON: (Indicated.)

2 CHAIRMAN COLVIN: Mr. Nelson.

3 MR. NELSON: The revisions that were put into
4 "i" address my concerns that I had raised earlier, and I move
5 that they be accepted.

6 CHAIRMAN COLVIN: We don't need to move that
7 unless we want to change it, because later on we can accept all
8 the definitions as written in one motion. Unless there's a
9 motion to change, we can move on.

10 MS. SHIPMAN: The next one is "o" on page 17
11 and that is "fishable abundance." You'll recall this refers
12 back to the standards, Standard 1 that was adopted.

13 CHAIRMAN COLVIN: Any suggested revisions or
14 a motion to amend "o"?

15 MR. SCHAEFER: (Indicated.)

16 CHAIRMAN COLVIN: Mr. Schaefer.

17 MS. SCHAEFER: I understand clearly what's
18 trying to be arrived at here; and quite frankly, this reflects
19 some of the shortcomings we have in our 602 guidelines.
20 Because when we worked on those under the Magnuson Act, we
21 focused simply on fishing mortality rate. I assume this
22 definition intends to address the issue of what constitutes a
23 stock which is not overfished, one that has been at some
24 historical level, blah, blah, blah. But historical levels may
25 not necessarily equate to, let's say, maximum sustainable yield

1 levels. And I just think that perhaps something more specific
 2 and measurable such as we are proposing in our proposed
 3 amendments to the Magnuson Act like, you know, rebuilding
 4 stocks to a level of maximum sustainable yield or something
 5 like that is a better approach than what I see in front of me.
 6 I apologize for this comment at such a late date, but I just
 7 don't think this gets you there.

8 CHAIRMAN COLVIN: I guess the chair would
 9 offer two points. No. 1, unless we have a specific motion with
 10 specific language, there's nothing else we're going to do.
 11 No. 2, these are not stone tablets coming off the mountain, and
 12 some day maybe they can be changed.

13 MS. SHIPMAN: Don't make me climb this
 14 mountain.

15 DR. GEIGER: (Indicated.)

16 CHAIRMAN COLVIN: Dr. Geiger.

17 DR. GEIGER: ~~Mr. Chairman~~, with that remark
 18 ~~you just made, could you reconsider a~~ ^{motion} to adopt all these
 19 definitions as presented by the committee. *2nd by Mr. Schuler*

20 CHAIRMAN COLVIN: ~~Would I consider such a~~
 21 motion?

22 DR. GEIGER: Yes, sir.

23 CHAIRMAN COLVIN: I most certainly would.

24 DR. GEIGER: Then I would like to make such a
 25 motion.

1 CHAIRMAN COLVIN: Is there a second to such
2 motion?

3 MR. SCHAEFER: I'll second that.

4 CHAIRMAN COLVIN: Seconded by Mr. Schaefer.
5 May I assume that the motion also provides opportunity for the
6 habitat committee to polish up the definition under "g" and
7 provide us with a final definition in that area, editorial
8 license to do so?

9 DR. GEIGER: That's fine with the motioner.

10 CHAIRMAN COLVIN: Is that acceptable to the
11 chairman of the habitat committee?

12 MR. FOTE: That's acceptable.

13 CHAIRMAN COLVIN: Discussion on the motion?

14 MR. FOTE: (Indicated.)

15 CHAIRMAN COLVIN: Mr. Fote.

16 MR. FOTE: I apologize also for not getting
17 these comments in, but I'm looking at this "overfishing"
18 definition and I know it's supposed to be generic, and we
19 really consider the overfishing definition I guess in the plan.
20 I guess that's what the real emphasis is going to be.

21 CHAIRMAN COLVIN: Specifics would be in the
22 individual plans, that's correct.

23 MR. FOTE: The wording in this that I'm
24 looking, if there is ten fish out there and those ten fish are
25 reduced two fish -- I mean, those ten fish can harvest eight of

1 them and still reproduce ten fish, even though the stocks have
2 already collapsed. That's what it looks like to me. Am I
3 reading something into that -- I'm looking at this definition.
4 It doesn't say what geographic range would yield this. If I
5 got nine scallops left, I'm going to produce nine scallops even
6 though they're -- I mean, I don't....

7 MR. SCHAEFER: I think Tom is trying to get
8 to the same point that I was making earlier, and that's the
9 fact if you know, to use your example, that you can maintain a
10 population of ten fish but you fish it down to two, you can
11 continue to fish that stock at a level of two forever rather
12 than ever rebuilding it back to ten. That's the issue we're
13 trying to deal with.

14 My suggestion basically on the Chairman's
15 comment is that we get by that for the present and focus on
16 perhaps amending this document by some future action of this
17 board, of this committee or something, rather than sit here and
18 work in shifts. But I agree with you in principle and I think
19 that has to be addressed. I'm not sure that what's here does
20 it. Let's get beyond it and we'll amend it on a
21 case-by-case basis in the future. That's fine.

22 CHAIRMAN COLVIN: Further discussion on
23 adoption of definitions?

24 MR. FLAGG: (Indicated.)

25 CHAIRMAN COLVIN: Mr. Flagg.

1 MR. FLAGG: I was going to say in regard to
 2 the definition of "overfishing," it seems to me as though it
 3 does give prerogative to each board to further fine-tune that
 4 definition to fit the species to be managed.

5 CHAIRMAN COLVIN: The motion includes the
 6 revised definition of "bycatch" we adopted earlier and
 7 editorial license to the habitat committee to fine-tune the
 8 habitat definition. Further discussion on the motion?

9 (No response elicited.)

10 CHAIRMAN COLVIN: Seeing none, we'll take the
 11 question. All in favor, please signify by saying "aye."

12 THE PANEL: Aye.

13 CHAIRMAN COLVIN: Opposed, same sign.

14 (No response elicited.)

15 CHAIRMAN COLVIN: Motion carries. Susan, I
 16 think you have some material or some statements to make on
 17 Section 5.

18 MS. SHIPMAN: If I could borrow my copy back.
 19 What our plans were is to circulate the entire document to you,
 20 Sections 1 through 8, which is the charter for the ISFMP. And
 21 as I referred to or alluded to earlier, we worked -- we were
 22 given editorial license and worked with the law enforcement
 23 committee to create a new Subsection H which is under Section 5.

24 If you don't have that in front of you, it
 25 was our intent to bring that back to you. In essence, you

1 approved that and gave us the editorial license to identify the
2 role of the law enforcement committee. The work group has
3 looked at it. The law enforcement committee subgroup which was
4 comprised of four law enforcement committee members who had
5 been on the committee for quite some time, they were long-term
6 members who had worked with the committee for some time, and
7 staff. So we did develop a new Section H.

8 It mainly identifies who the committee is,
9 the composition of the committee, and identifies its duties to
10 provide advice to the plan development teams, the plan review
11 teams, to coordinate among the law enforcement personnel the
12 preparation of a report concerning state law enforcement and
13 compliance. And upon request or on its initiative, it can
14 provide enforcement advice and information to any fishery
15 management plan. That in a nutshell is what it says. The
16 exact language will be submitted to you.

17 CHAIRMAN COLVIN: The final language will be
18 circulated and we'll look to our next meeting to adopt those
19 final revisions of Section 5 or is it already adopted?

20 MS. SHIPMAN: I think you adopted it. You
21 just gave us editorial license.

22 MR. FREEMAN: You get to see what you adopted.

23 MS. SHIPMAN: And I would just defer or ask
24 Mr. Freeman I what we devised captures your intent.

25 MR. FREEMAN: If I may, Mr. Chairman?

1 CHAIRMAN COLVIN: Please.

2 MR. FREEMAN: This is an issue I raised and
3 one of the members on that subcommittee was from our state.
4 I've been in contact with him throughout this and Bob Babula,
5 and they agreed that this is very satisfactory. I think it's a
6 tribute to Susan to come up with these concepts and put them
7 down and we totally support this.

8 MS. SHIPMAN: Thank you.

9 CHAIRMAN COLVIN: So by the time we meet
10 again, we will have Section 5 adopted in final form?

11 MS. SHIPMAN: You'll have 1 through 8 in
12 final form.

13 CHAIRMAN COLVIN: Yes. And we all understand
14 what Susan means when she says that.

15 MS. SHIPMAN: My desk will be clean.

16 CHAIRMAN COLVIN: Thank you, Susan. Thank
17 you very much.

18 MS. SHIPMAN: And I would like to thank Mike
19 Street for all the editorial work he did on these definitions.
20 Thank you very much for your patience and endurance.

21 CHAIRMAN COLVIN: It's ten minutes to 11:00.
22 I think we need to take a brief break. I know our reporter
23 needs a rest, and I think many of us need a few minutes. I
24 would like to resume at 11:00 sharp, please.

25 (Recess.)

COASTWIDE STATISTICS EFFORT

1 CHAIRMAN COLVIN: Our next agenda item is a
 2 report and the coastwide statistics effort. Lisa Kline will
 3 brief us.

4 MS. KLINE: Thank you, Mr. Chairman. *I will*
 5 ~~been asked to~~ provide an update to the policy board on progress *I've*
 6 that we made in designing and Atlantic coast state/federal
 7 cooperative statistics program.

8 For the past several months, we've been
 9 concentrating our efforts on developing the process that will
 10 ensure the design of the program to meet the needs of the
 11 various federal and state fisheries management agencies on the
 12 Atlantic coast and ~~also~~ to ensure successful implementation of
 13 the program.

14 ~~The last two months~~ we've set up two
 15 committees. The first committee is the fisheries statistics
 16 steering committee. This committee provides the policy level
 17 oversight to the entire process and has final approval of all
 18 recommendations made by the working group. *no if*

19 The second committee is the fisheries
 20 statistics planning design team. ~~This committee has met three~~
 21 ~~times in the past five or six weeks and has made several~~
 22 ~~recommendations that have been approved by the steering~~
 23 ~~committee.~~ ~~What~~ I'd like to do is provide an overview of the
 24 process we've agreed to ~~up to this point in time~~ and some of
 25 the details we've recommended.

1 First of all, we all agree that the process
2 will be a multiphase process with a series of workshops. The
3 first workshop will be a statistics policy level workshop and
4 we'll follow that up with several technical workshops that will
5 lead us through the implementation phase.

6 Secondly, the entire process will be
7 consensus driven with all participants either able to voice
8 their concerns, discuss any issues that are important to their
9 specific agency, and have full input into the design of the
10 program. *no Q*

11 To ensure that the process is consensus
12 driven, we've decided to have all the workshops professionally
13 facilitated. For the past couple of weeks, we've been working
14 with Charles Creet of the Decision Analysis Center of the
15 Department of Commerce. He's committed to providing five staff
16 members, not only to the initial statistics policy level
17 workshop but for all workshops that will lead us through the
18 implementation phase. And we think that's very important to
19 provide consistency throughout the entire process.

20 The statistics policy level workshop has been
21 set for May 8th through the 11th. ~~The workshop will begin on~~
22 ~~the evening of May 8th and end probably noon or 1:00 on the~~
23 ~~11th. This workshop will be a closed workshop with~~
24 ~~participation by invitation only. The invited participants~~
25 will be the state directors for the Atlantic states from Maine

1 through Florida, the National Marine Fisheries Service, U.S.
2 Fish & Wildlife Service, the three fishery management councils,
3 and the Atlantic States Commission.

4 1b4 Each participant was chosen on the basis of
5 two criteria. First of all, the participant would provide a
6 unique perspective of input into the design of the program; and
7 secondly, each participant has the ability to commit for
8 implementation of the program for their specific agency.

9 The agenda for this workshop is being
10 designed based on two specific outcomes. The first outcome is
11 a consensus agreement by all participants on the definition of
12 an Atlantic coast state/federal cooperative statistics program.
13 This portion of the workshop will focus on identifying the
14 characteristics and the features of the program, identify any
15 issues of concern to the participants and hopefully resolve
16 those issues, and ultimately provide the overall goals and
17 objectives for the program.

18 The second outcome is an agreement by all
19 participants to receive written implementation of the program.
20 This portion of the workshop will provide the specific
21 strategies and options that will be able to meet the goals and
22 objectives of the program, will lay out the specific action
23 items needed to proceed through those strategies, and will
24 identify the general responsibilities for each of those action
25 items.

1 What we're looking at coming out from this
2 workshop is initially a draft, and then within a couple of
3 weeks, a final operations plan or implementation plan that will
4 lay out basically what the program is, how the program will be
5 implemented, who will do each of the action items, and some
6 deadlines for when those actions items will be completed.

7 On behalf of the steering committee and the
8 planning design team, I would like to at this point in time,
9 ask the state directors from Maine through Florida to set aside
10 the dates of May 8th through 11th so ~~they can~~^{to} participate in
11 the workshop. I think everyone involved in the process so far
12 realizes that the statistics policy level workshop is
13 essential, not only to design the program, but to meet all
14 needs of all the relevant agencies and to provide the
15 commitment to implement the program but also to provide the
16 policy level guidance that will lead us through the technical
17 workshops and into the final phases for implementation.

18 And as an aside, I think we've spoken to most
19 of the state directors, and we have set up a meeting for March
20 16th of next week from 1:00 to 5:00 after the Mid-Atlantic
21 Council meeting in Philadelphia. That meeting is going to be
22 addressing the northeast statistics situation. We have the
23 National Marine Fisheries Service who will be there to provide
24 an update of their plan for processing the 1994 data. They'll
25 also provide their plans for keeping up with data collection in

1 1995 and relay any assistance they may need from the states to
 2 keep up with the 1995 data collection. Another agenda item
 3 will be discussions on the implications of the 1994 delay on
 4 current and future stock assessments. So if everyone can mark
 5 that date down on their calendars as well. Thank you, Mr.
 6 Chairman.

7 CHAIRMAN COLVIN: Thank you. Before I ask
 8 for questions, I want to ask the chairman of the statistics
 9 policy committee for his comments and remarks. Jack.

10 MR. TRAVELSTEAD: ~~Thanks, Gordon. As you~~
 11 ~~know,~~ last year this commission passed a resolution that
 12 unanimously supported going forward with a coastwide statistics
 13 program or the development of such a program. It is absolutely
 14 imperative that the state directors attend this meeting on May
 15 8th through 11th. We need your input. ~~It's critical that you~~
 16 ~~be there. We can't demand. We can't require your attendance,~~
 17 ~~but~~ this is going to be a very important meeting. As Lisa
 18 pointed out, it's going to be a facilitated meeting which is
 19 something quite a bit different than what we're used to in
 20 dealing the way we do with different issues.

21 ~~There's been a lot of people,~~ Lisa and a
 22 number of others from various states and agencies, that have
 23 worked very hard over the last five or six weeks, met on a
 24 number of occasions, interviewed a number of facilitators both
 25 in government and in private industry. I think they've come up

1 with a very reasonable outline and a reasonable approach to
 2 this. But the next critical element will be your attendance
 3 and your active participation in this upcoming meeting. Thank
 4 you.

5 CHAIRMAN COLVIN: Jack, thank you. Let me
 6 just add from this perspective a little bit further emphasis on
 7 this. As you know, Bill Hogarth ~~kind~~ got us started on this
 8 path when he was commission chairman and rightly so. Given
 9 what we're trying to accomplish in fisheries management, we
 10 just cannot get there without an efficient cost-effective
 11 statistics program to develop commercial and recreational
 12 statistics that has credibility of the management in the
 13 fishing communities. ~~We're not there. We need to be there.~~
 14 ~~We absolutely have to be there, and I think we all recognize~~
 15 ~~it.~~

16 We're going to get there. This first step
 17 that involves the workshop that's been announced, ~~is critical to~~
 18 ~~our success.~~ I would like to echo what Jack has said and what
 19 John Mason has been beating into me, that this step needs to
 20 have each of our commitments if ~~we're~~ going to make it work.
 21 And I also join Jack in urging the members of the policy board
 22 to fully participate in this exercise.

23 DR. HOGARTH: (Indicated.)

24 CHAIRMAN COLVIN: Bill.

25 DR. HOGARTH: I'd just like to add that Dick

1 Schaefer has been kind enough to let me to continue to work
 2 with him and I've been working with Dick Row and Jack. We've
 3 been working, trying to make sure we get everybody involved.
 4 Dick Row is extremely committed, and before he retires, he
 5 wants to see something fruitful ^{DEC} come out of this. He's met
 6 with the regional directors and science directors. They will
 7 be there. He's got a commitment from them to attend the 8th
 8 through the 11th and make sure we're represented and that
 9 people who are involved from NMFS are there, they will be
 10 there. He's got that commitment he's pushing.

11 *Dr. Hugen* I'd just liked to encourage all the states'
 12 directors, this is I think one of the most important things we
 13 can do as a partnership, ~~and I'd just encourage everybody to get~~
 14 ~~together.~~ We do not have the data we need. We do not have
 15 good data. Some states are way ahead ~~of~~ other states. But I
 16 ~~think~~ through the partnership, we ought to get there and I
 17 think that's what we need to do.

18 CHAIRMAN COLVIN: Jack, I think it might be
 19 appropriate to turn to you. I think one of the things that's
 20 fortunate is that we now have some change in Lisa's role and I
 21 know you wanted to say a word about that. And I think it will
 22 be her involvement in this and her new role will be
 23 indispensable in moving us successfully along this path.

24 MR. DUNNIGAN: Thank you, Mr. Chairman. As
 25 our program has started to grow a little bit and we're able to

1 pay more attention to many of the aspects of our overall
2 commission program than we have over the past, it's required
3 some shifting of some responsibilities within the commission
4 staff. As we're able to do more, we couldn't continue to keep
5 things managed in sort of a linear fashion.

6 And as George came on to become director of
7 the interstate program, we wanted to emphasize the need for
8 doing proper care and feeding of the management process and the
9 management boards. So what we're doing is having George and
10 his staff focus directly on that, but there are a lot of other
11 things that we do. We do sport fish restoration. We do
12 habitat, we do statistics, we do coded wire tags and other
13 kinds of research, and we do SEAMAP.

14 What I have done is taken many of those
15 functions and put them together in a working group and I've
16 asked Lisa to take charge of that group. She's acting as a
17 program leader. For the time being, we're calling it program
18 leader for science and research. So in addition to being our
19 statistics coordinator, which is what Lisa's been up to for the
20 two years that she's been here, she's also now accepting
21 somewhat broader responsibility for organizing and planning,
22 supervising activities of the commission relating generally to
23 science and research. That includes statistics; it includes
24 SEAMAP; it includes our stock assessment biologist, Najih
25 Lazar; it includes the coded wire tag program.

1 I know she's really great and has had a lot
2 of ideas that we've been talking about generally about what
3 kinds of value we as a commission staff can bring to your
4 programs in helping to coordinate a number of these issues,
5 so you're going to be seeing Lisa doing a wider range of
6 activities. And clearly, what she's talking about this morning
7 is more than what she's been doing, dealing with coordinating
8 statistics on recreational and fisheries and others. She's
9 really latched on to this whole statistics planning effort and
10 is providing a lot of the direction and coordination that's
11 necessary.

12 So you'll be seeing her doing a lot more of
13 these other things. Hopefully we'll get her some help on
14 statistics too so the detailed work she's been doing over the
15 last two years won't fall through.

16 Mr. Chairman, if I might, I would also like
17 to say something nice about the National Marine Fisheries
18 Service. We've been very frustrated over the years by having
19 to do deal with the friends in our federal government. I was
20 one of those friends for 15 years. And specifically on the
21 issue of statistics, I know there's been an awful lot of
22 mistrust, of questioning of motives, of wondering about whether
23 there really was a commitment to working cooperatively with
24 anybody. And all I can say is that in the effort that we've
25 been at for the last six months, I think the commitment of the

1 National Marine Fisheries Service through a cooperative effort
2 has been outstanding.

3 I know that there are some concerns yet about
4 whether their orientation is more regional in focus or more
5 national in focus. In a number of constituent meetings on
6 Magnuson Act reauthorization over the last couple months,
7 there's been a lot of mistrust expressed about the
8 administration's proposals for a national data collection
9 system, in some sense that they're really just out to build
10 their own program that they can run. My experience in dealing
11 with them on this program does not support that position.

12 I think that they have finally come to the
13 table and I give a lot of credit to Dick Schaefer and Bill
14 Hogarth and also to Dick Row. They have finally come to the
15 table and I think that they are willing to sit and talk to
16 their partners, both in the Fish & Wildlife Service and also in
17 the states about putting together a cooperative program.
18 Sometimes they don't like it when I use the word "single," when
19 I say a single program. Maybe single isn't the right word.
20 But it's going to be something that's going to fit together in
21 a cohesive, coherent way so that we can make sense out of the
22 limited fiscal resources that we all have available and so that
23 the fishermen don't have to deal with 18 different levels of
24 government. That's not fair to any of us.

25 So they've been very much up front and very

1 cooperative and that's part of what's making this program work.
2 This facilitator that we're getting we're getting for free from
3 the Commerce Department. The people who have worked with them
4 before are very complimentary of this office's capabilities.

5 So we've come a long way on this and we're
6 really in a position now where the state directors need to sit
7 down and understand from your own standpoints where this
8 program goes next. You need to come in and start building it
9 from the ground level up.

10 Now, we're not going to come to this
11 facilitated conference in May and start making decisions about
12 what forms are going to look like. We're not going to talk
13 about codes to go into computers. We've all got experts who
14 are going to do that for us.

15 What we need to come out of this meeting with
16 is a sense from a policy level in our states as to where this
17 program is going and a commitment from states to make it work
18 and a commitment from the federal agencies to make it work, and
19 then our staffs can go ahead and started putting the details in
20 that they need to. But we've got to establish this policy
21 level commitment first. That's what we're going to be doing at
22 that conference in May and that's why it's so very important
23 that you make the time to attend. Thank you very much, Mr.
24 Chairman.

25 CHAIRMAN COLVIN: Thank you. Are there other

1 questions or observations on the statistics material?

2 MR. CONKLIN: Is there a location for this
3 meeting?

4 MS. KLINE: Not yet. As soon as we get
5 details, we'll forward it out and everyone will get official
6 invitations.

7 CHAIRMAN COLVIN: Are you thinking of a city
8 or an area or are you completely up in the air?

9 MS. KLINE: We talked about having it in
10 Washington, D.C. There was some concern that because it's a
11 week and a half after the spring meeting which is also in D.C.,
12 that we may want to go outside the D.C. area. So we're batting
13 around both those ideas right now. We also have to consider
14 the needs of facilitators, how far they can leave the D.C. area.

15 MR. JENSEN: (Indicated.)

16 CHAIRMAN COLVIN: Pete.

17 MR. JENSEN: Four days is a lot of time. Why
18 do we need four days?

19 MS. KLINE: Well, starting the evening of the
20 8th, run through the full day of the 9th and the 10th and then
21 a half day on the 11th, so we're looking at probably
22 two-and-a-half days. The first evening is really set up to
23 orient all participants to the process. As Jack pointed out,
24 the process of a facilitated meeting is new. It's going to be
25 new to a lot of people. So the facilitators will run that and

1 just get everybody ready to go the morning of the 9th.

2 We do feel that two-and-a-half days is a lot
3 of time, but we have a lot of things we'd like to do. I think
4 laying out an entire operations plan, even two-and-a-half days
5 is going to be tight getting that amount of work done.

6 MR. DUNNIGAN: (Indicated.)

7 CHAIRMAN COLVIN: Jack.

8 MR. DUNNIGAN: I share and I think most of
9 the members of the gang before us share some of Pete's
10 concerns. But one of the things we want to keep in mind here
11 is a sense of perspective. Two-and-a-half days is a lot of
12 time, but we're looking at a problem that we haven't been able
13 to get our hands around in 53 years. We're talking about a
14 problem that lies at the very foundation of making state
15 conservation and management programs and federal conservation
16 and management programs work. It's a significant investment,
17 but I think it's the type of investment that we all need to
18 make. When you think of the criticality of what we're going to
19 be talking about, it will be well placed.

20 CHAIRMAN COLVIN: Anything further?

21 (No response elicited.)

22 ~~CHAIRMAN COLVIN: Thank you. Let's proceed~~
23 ~~to other business. There are a couple of items of other~~
24 ~~business, and the first one~~ I would like to report on involves
25 the status of the compliance by the state of New Jersey. Staff

① NEW JERSEY COMPLIANCE DETERMINATION

LEWIS & DeBERRY
Reporting Service

1 will pass around a letter I received on February 27th from Bob
2 McDowell, the director of the Fish, Game & Wildlife of the
3 state of New Jersey.

4 *No 4* *th3* ~~Bob's~~ letter included attachments which
5 document the adoption of regulations by the state of New Jersey
6 effective February 6, 1995 which incorporate provisions that
7 respond to the commission's determinations of noncompliance for
8 New Jersey with respect to sturgeon, weakfish and bluefish.

9 Bob's letter and the accompanying regulations document the
10 adoption of regulations that *respond* to each of the three
11 commission findings of noncompliance.

12 The commission's standards and procedures
13 provide that when a state notifies the chairman of the
14 commission and documents through that notification that they
15 have implemented measures that are identified in the
16 commission's noncompliance determination as necessary to come
17 back into compliance, then upon confirmation of that, the
18 commission chairman may notify the secretary that that state
19 has come back into compliance and withdraw its noncompliance
20 finding.

21 It's my determination on advice and
22 consultation with commission staff that New Jersey's
23 regulations do in fact address the measures and incorporate
24 the measures that the commission identified in its
25 noncompliance findings that's necessary for New Jersey to

1 return to compliance. It's therefore my intention to notify
 2 the secretary immediately that New Jersey is no longer in
 3 noncompliance with these three plans. *That's where we are on*
 4 *the issue.*

5 If there is any concern on the part of any
 6 policy board member or any commissioner, we'd appreciate
 7 ~~hearing it right away.~~ *That determination is being announced*
 8 ~~to you now for the purpose of letting you know,~~ *and I think*
 9 *probably by the beginning of next week these letters will be*
 10 *going to the secretary. If you have any comments or concerns,*
 11 *please express them to me before then. Any questions or*
 12 *discussion on this point?*

13 ~~(No response elicited.)~~

14 ~~CHAIRMAN COLVIN: Jack, you have a couple of~~
 15 ~~other business items.~~

16 *ACFMA Funding Association*
 17 ~~MR. DUNNIGAN: Thank you, Mr. Chairman. The~~
 18 ~~first thing I would like to do is just~~ to make a relatively
 19 brief comment about the Atlantic Coastal Fisheries Cooperative
 20 Management Act implementation. The last time the policy board
 21 met, we discussed a recommendation to the National Marine
 22 Fisheries Service on how funds should be allocated. Since the
 23 policy board met, the National Marine Fisheries Service took
 24 that recommendation under advisement; and after some further
 25 discussions, the Service substantially adopted *that the Commission?*
 recommendation.

1 ~~I need to tell you, though,~~ there was still
2 some concern at the National Marine Fisheries Service over
3 whether or not the Commission's recommendation adequately
4 reflected the burdens that this new program places on
5 individual states in making the state-by-state allocations.
6 And we have been requested by ^{Ryle}~~Raleigh~~ Schmitt to work with
7 the Service for the future in coming up with a different way or
8 a new way of allocating funds among states that more precisely
9 reflects the burdens that specific programs are placed on as a
10 result of this law. ~~We have agreed to do that and discussed~~
11 ~~that with the chairman.~~

12 The chairman will ask the administrative
13 oversight committee to work with Mr. Schaefer in his office to
14 come up with a new formula for allocating funds among the
15 states should those become available in future fiscal years.

16 It does not affect the allocations made with respect to fiscal
17 1995. The Service adopted our recommendation for this year.
18 But next year, they would like to work with us to come up with
19 a different formula and the chairman has asked to
20 administrative oversight committee to do that and we will
21 proceed accordingly.

22 With respect to the grants themselves, the
23 commission grant was discussed at the policy board but given
24 much greater fleshing out through the administrative oversight
25 committee. We submitted that grant proposal in the middle of

1 January, and on February the 28th we received notification from
2 the National Marine Fisheries Service that the commission's
3 grant of \$950,000 was approved. So we are now spending that
4 money. I'm real glad that that happened because we wouldn't
5 have had money for the meeting this week if it hadn't come
6 through right on time. But it did, and I think as a result of
7 that, we've been able to start making some of the staff changes
8 that have been referred to this week in other meetings.

9 There is still an outstanding issue with
10 respect to state grants. There's a lot of concern in the
11 National Marine Fisheries Service that many of us states
12 haven't submitted grant proposals yet. When the Congress hands
13 out \$2.1 million for the states to spend, I think the answer
14 for us ought to be let's get the money and run.

15 It's a very critical issue right now as a
16 result of what happened on November 8th. The Congress has gone
17 through one major budgetary recision action so far. In that
18 action, the National Marine Fisheries Service was not touched.
19 However, there are at least two more recision actions that the
20 Congress is going to be looking at over the next two months.

21 The problem is that any money that isn't
22 obligated is up for grabs, so it's extremely critical that
23 states get those grant applications in. The National Marine
24 Fisheries Service -- this is two commercials in one day, Dick.
25 The National Marine Fisheries Service has been real good in

1 moving these grants through the process, and I think a number
2 of states are going to be seeing their funds approved very
3 shortly.

4 Now, the problem comes along when states
5 don't have their grant applications in yet. We need to be able
6 as early as possible to tell people on Capitol Hill we want to
7 support this program and support cooperative state fisheries
8 programs, that we are accomplishing something, that what they
9 did last year is making a difference, but we can't do that if
10 we don't have the state grants even applied for here. So it's
11 very, very critical that your agencies get these grant
12 applications in. That's my report on the status of that. I
13 guess I'll try to answer any questions people have.

14 MS. SCHAEFER: (Indicated.)

15 CHAIRMAN COLVIN: Dick.

16 MR. SCHAEFER: If for some reason any of the
17 outstanding states or recipient states as defined under the
18 law, one reason or another do not intend to apply for these
19 funds, we'd like to know about it ASAP so that we have an
20 opportunity to reallocate those funds and make them available
21 where they will be used for the current fiscal year. So if any
22 of the outstanding entities, and I'll read them, New Jersey,
23 Delaware, Potomac River Fisheries Commission, Maryland,
24 Virginia and the District of Columbia, if any of those names
25 have no intention of submitting an application for those funds

1 and won't use them, we want to know about it right away.

2 CHAIRMAN COLVIN: Thank you, Dick. Is there
3 any other comment or discussion?

4 MS. SHIPMAN: (Indicated.)

5 CHAIRMAN COLVIN: Susan.

6 MS. SHIPMAN: A question for Dick. What is
7 the intention with regard to the reallocating of funds? Will
8 that be prorated or apportioned out across a formula?

9 MR. SCHAEFER: We have not made that decision
10 yet. The first thing I need to know is if somebody is not
11 going to use their money, then I think we can make a
12 determination of how those funds are going to be reallocated.
13 We haven't address that.

14 MS. SHIPMAN: If I may, I would also ask that
15 the grants that were submitted by the states, and they were
16 submitted not very long after the commission grant, that those
17 be handled very expeditiously.

18 MS. SCHAEFER: Well, they're being handled by
19 our regional office, and I can assure you they are working as
20 quickly as the bureaucracy let's us work. But we're as anxious
21 to process those and get those funds obligated and committed as
22 you are to receive them.

23 CHAIRMAN COLVIN: Anything further on this
24 issue?

25 MR. DUNNIGAN: (Indicated.)

1 CHAIRMAN COLVIN: Jack.

2 MR. DUNNIGAN: I think in all fairness,
3 they're through. But what Susan is concerned about is the ones
4 that are through your regional office already.

5 MS. SHIPMAN: Right.

6 MR. DUNNIGAN: And I know the northeast and I
7 think the southeast too have been real good about moving this
8 stuff along. We need, again, to be ever vigilant that the NOAA
9 grant is responsive, and you've been doing a great job so far
10 and we'd encourage you to keep up the good work.

11 MR. SCHAEFER: As you're aware, Jack, we
12 brought in very early in the process people from the grants --
13 NOAA grants office and they've been involved in discussions.
14 We tried to impress on them the need to expedite the action,
15 and we've received I consider reasonable assurance that they
16 would be expedited as quickly as the system allows them to do
17 so. Every once in a while we pulse the system. Unless there's
18 something I don't know about, I think they're moving along as
19 practically as possible, but I'll check again when I get back
20 to the office.

21 DR. HOGARTH: I'm in the process of checking
22 on it.

23 MS. SCHAEFER: Okay. There's just some parts
24 we don't control, that's all, and we'll do our best to try to
25 make those go as quickly as we can.

1 CHAIRMAN COLVIN: ~~We have one other item of~~
 2 ~~other business.~~

WALLOP-BREAVY MARINE / FRESH WATER SPLIT

3 MR. DUNNIGAN: At the spring meeting last
 4 year, the deputy director of the Fish & Wildlife Service for
 5 external affairs made a presentation about ^{the} ~~this~~ Service's
 6 fisheries programs to the policy board. Actually, it was to
 7 the congressional legislative committee, but ^{all} ~~the~~ policy board
 8 members were there. And there was substantial discussion at
 9 that time about a couple of issues, the most significant we
 10 talked about was the saltwater/freshwater splits. ~~no~~ 4

11 We have continued to approach this issue with
 12 the Fish & Wildlife Service in the intervening time. I think
 13 we were not completely satisfied that the questions had been
 14 answered to the extent that we wanted them to be, so I have
 15 sent correspondence to the director of the Fish & Wildlife
 16 Service, ~~Molly Beattie~~, suggesting that we look forward to a
 17 good working partnership with ^{her} ~~her and the leadership~~ service.

18 There's been a change at the Ken Smith level.
 19 That is now Dan Ashe, a former House Merchant Marine Fisheries
 20 Committee staff person. I have met with him. I can tell you
 21 that he is aware that coastal fisheries are an important part
 22 of the Fish & Wildlife Service's program and they are committed
 23 to talking on a continuing basis with us about the question of
 24 freshwater/saltwater splits, but also the question of how to do
 25 the national survey of hunting and fishing and related

1 activities which is important in determining those splits and
2 important in many other ways in carrying out our programs as
3 well.

4 So I've got a copy of that letter here. As
5 soon as I find it, I'll start sending it around. If you have
6 any questions about it, I suggest you contact me afterward.

7 CHAIRMAN COLVIN: Is there any other business
8 to come before the policy board?

9 MS. SCHAEFER: (Indicated.)

10 CHAIRMAN COLVIN: Dick Schaefer.

11 MR. SCHAEFER: Just one reminder, and Bill
12 can probably tell you more about this than I can. As most of
13 you should know by now, there's going to be a meeting of the
14 three commissions. I guess it is in Washington, D.C. during
15 national fishing week -- no, at the end of April, thank you.
16 And we want to take that opportunity to have a meeting for
17 those state marine fishery directors who are interested in
18 meeting with Raleigh Schmitt, and we're going to try to get
19 Molly Beattie there as well.

20 Our intent is to structure the meeting in
21 such a way as to keep it as informal as possible. There will
22 be probably two or three major issues that Raleigh would like
23 to put on the table and address. But rather than have a dog
24 and pony show, that type of meeting that's less than
25 productive, I want to allow maximum opportunity for the state

1 fish and game directors to ask questions, make comments or
2 criticisms or whatever they might have of the Service so we can
3 try to deal with those issues. And Bill has the details of it.
4 I know he's getting the word out. And I just want to remind
5 everybody here that that event will occur. Bill, do you have
6 anything you want to add to that?

7 DR. HOGARTH: Basically what we've tried to
8 do is I wrote both of the state directors. Raleigh came in one
9 day and sort of asked had I written the state directors and I
10 said no, I didn't know it was part of my job description. So
11 we finally got that straight.

12 I've heard from a few but not all of you. I
13 would encourage you to respond to that letter because that's
14 part of what we're using. I've heard from some of you. We're
15 trying to take the comments that we hear and structure them
16 into this meeting on the 26th.

17 What we're looking, like Dick said, is like
18 in the morning, we're going to talk about communication, have
19 the state directors, two or three state directors giving their
20 point of view. Raleigh will respond with question and answers.
21 So we will meet at the end of day, a large part, a large
22 segment for just exchange between Raleigh and the state
23 directors. We're right now scheduled for a full day. Jack
24 said there's about 30 minutes in the morning for talks about
25 what's on the horizontal, what's happening with NMFS as far as

1 downsizing, what he sees necessary in the future for fishery
2 management. It is very informal. We really want you-all's
3 input.

4 We're going to have moderators so we can keep
5 up with what the action items we say need to be done so he'll
6 see that it gets done. That's one thing I've heard from six or
7 eight directors. We may talk, we may do this, but nothing ever
8 happens. So I'm trying to make sure we write down any action
9 items so we make sure we get back and we follow up. So there's
10 a lot of interest in it. I would encourage you to have input.
11 It's April 26th. I'm working with Jack primarily, but the
12 others through the commission will be involved.

13 CHAIRMAN COLVIN: Thanks, Bill.

14 MS. SCHAEFER: (Indicated.)

15 CHAIRMAN COLVIN: Dick.

16 MR. SCHAEFER: Following along on those
17 lines, maybe Jack would want to comment first. I'll reserve my
18 comment for after Jack.

19 MR. DUNNIGAN: What I want to say about this
20 agenda for the National State Directors meeting the 26th of
21 April, which is Wednesday of that meeting week for our spring
22 meeting, what Bill and I have talked about is not having your
23 typical show-and-tell. We're not interested in having the
24 National Marine Fisheries Service come in and give us a
25 45-minute presentation on eight different subjects that are a

1 part of their program today. We are trying to structure an
2 issues-oriented interactive workshop of a day that focuses on
3 important things so that we can get some decisions made and
4 commitments and follow-up established. So hopefully it will
5 end up being not the typical kind of thing we'll be seeing a
6 lot of times in these meetings. It will be a working session
7 with specific outcomes and specific follow-up.

8 CHAIRMAN COLVIN: Dick.

9 MR. SCHAEFER: My comment is, and Bill
10 alluded to it in his comments, as everybody is aware and has
11 been stated at this meeting on several occasions, we're going
12 through a serious downsizing as is all the federal governments,
13 and we have to meet F. T. Carter reductions basically in every
14 one of the fiscal years between now and 1999. To the best of
15 my knowledge, we've met our targets for fiscal '95 based on
16 voluntary buyout retirements that many senior people are taking
17 and that's good because it avoids what we call RIF's, reduction
18 in force, with is an agonizing nonsensical process to get rid
19 of people in the government. And of course, what that affects
20 by losing senior people, you lose a lot of corporate memory,
21 you lose a lot of your senior managers and so on. We'll deal
22 with all that. I just want to make that point that this is
23 sort of the bad news.

24 The good news is as a result of the
25 downsizing, NOAA and the Fisheries Service are looking at a

1 reexamination of the mission of the National Marine Fisheries
2 Service trying to focus better than we have in the past; and
3 frankly, as any organization might do when they're downsizing,
4 we're looking at another reorganization.

5 The proposal that's been presented to the
6 agency so far, without going into any details and which I
7 understand has been now bought off on pretty much by Raleigh
8 Schmitten and by his bosses at NOAA is that we will now have
9 three major focuses in the Fisheries Service and they will be
10 fisheries management at the top, protected resources,
11 protection and management, and habitat protection. And
12 everything else will be tangential to those three major
13 components of the Service so we're probably going to downsize a
14 number of offices in Washington and consolidate and focus in
15 those three areas. I don't have any more details than that,
16 but I thought you might be interested in knowing that.

17 CHAIRMAN COLVIN: Thanks, Dick. Is there any
18 other business?

19 MR. CANTWELL: (Indicated.)

20 CHAIRMAN COLVIN: Larry.

21 MR. CANTWELL: I'm confused. The letter
22 talks about the spring meeting being May 24th through the 28th.
23 Is that not correct?

24 MR. DUNNIGAN: That is incorrect.

25 MR. CANTWELL: It should be April, right?

1 MR. FREEMAN: Did Jack edit this or did
2 somebody forge his signature?

3 MR. DUNNIGAN: There were a couple of people
4 who edited it.

5 MR. MANUS: So is Molly showing up in May or
6 April?

7 CHAIRMAN COLVIN: We're committed to a
8 partnership. Is there any other business, Susan?

9 MS. SHIPMAN: Do we want to approve the
10 minutes from the last meeting?

11 CHAIRMAN COLVIN: Minutes have been mailed
12 out. They have been distributed.

13 MS. SHIPMAN: They said please bring to this
14 meeting, so I assumed you were going to approve them. The
15 reason I think this is important is it conveys the intent
16 behind the standards and procedures. So I move adoption.

17 CHAIRMAN COLVIN: Motion by Susan Shipman.

18 MR. FLAGG: I'll second that.

19 CHAIRMAN COLVIN: Seconded by Lew Flagg.
20 Discussion on the motion?

21 MR. DUNNIGAN: (Indicated.)

22 CHAIRMAN COLVIN: Jack.

23 MR. DUNNIGAN: Does your motion include
24 approval of the minutes from both meetings, October and
25 December?

1 MS. SHIPMAN: I'd handle them separately.
2 Mine is for the October minutes.

3 CHAIRMAN COLVIN: The motion for the October
4 minutes. Discussion on the motion? All in favor, please
5 signify by saying "aye."

6 THE PANEL: Aye.

7 CHAIRMAN COLVIN: Opposed, same sign.
8 (No response elicited.)

9 CHAIRMAN COLVIN: Motion carries. Any motion
10 on the December minutes?

11 MR. COATES: So moved.

12 MR. NELSON: Second.

13 CHAIRMAN COLVIN: Moved by Mr. Coates;
14 seconded by Mr. Nelson. Discussion on the motion?

15 (No response elicited.)

16 CHAIRMAN COLVIN: All in favor, please
17 signify by saying "aye."

18 THE PANEL: Aye.

19 CHAIRMAN COLVIN: Opposed, same sign.
20 (No response elicited.)

21 CHAIRMAN COLVIN: Motion carries. The
22 minutes are approved. Any other business to come before the
23 policy board?

24 DR. GEIGER: (Indicated.)

25 CHAIRMAN COLVIN: Dr. Geiger.

1 DR. GEIGER: Like Dick, I'd just like to add
2 a few comments about the Fish & Wildlife Service. Again, we
3 are also going through streamlining and downsizing. And
4 certainly the Fish & Wildlife Service regional directors and
5 directors are also critically re-evaluating the fisheries
6 program nationwide. A recent meeting last week in
7 Shepherdstown, West Virginia, the director agreed on the three
8 primary focuses on fisheries resource within the Fish &
9 Wildlife Service. These are restoration, recovery and
10 interjurisdictional fisheries management.

11 I think it is a significant, significant move
12 for the Fish & Wildlife Service. We are usually spread all
13 over the board. We recognize in downsizing and streamlining
14 that we have to get focused and directed, and certainly I think
15 with the commitment of the Fish & Wildlife Service director in
16 these three key areas, we'll be able to more effectively
17 mobilize or resources for the benefit of the resource. Thank
18 you.

19 CHAIRMAN COLVIN: Thank you.

20 MR. MANUS: One item in the context of the
21 spring meeting, you want it to be issue oriented, just a
22 request that one of the issues that may be discussed at the
23 spring meeting deals with more timely information and outreach
24 program. I think that really needs to be discussed by the
25 commission. And what I have in mind here has been my

1 experience that a more informed public, the better receptive
2 they are to resource management decisions, be it bobwhite
3 quail, mosquitoes, dog control, anything, the better informed
4 they are, the more receptive they are with resource management
5 decisions.

6 It would be helpful if maybe after we do pass
7 particular amendments, there be fact sheets readily available
8 prior to consideration of an amendment, what it actually means,
9 and then following it up with a press release like what is
10 Amendment 5, what does it seek to do in the context of a
11 recovered fishery, what are the next steps in the management
12 plan, what do the numbers really mean. And I think
13 communicating the management implications of our actions, it's
14 important to convey that to the public and fish communities.
15 So if we just take that up as an issued, I think it needs to be
16 handled by the commission quickly.

17 CHAIRMAN COLVIN: Is there a motion for
18 adjournment?

19 MR. FREEMAN: So moved.

20 MR. SPITSBERGEN: Second.

21 CHAIRMAN COLVIN: All in favor?

22 THE PANEL: Aye.

23 CHAIRMAN COLVIN: The meeting is adjourned.

24

25

-----o0o-----

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, Victoria L. DeBerry, do hereby certify
that the foregoing pages are a true and accurate transcript
of the proceedings had at the time and place mentioned.

This 17th day of March, 1995.

Victoria L. DeBerry

Court Reporter

My Commission expires October 31, 1996.