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ATLANTIC STATES MARINE FISHERIES COMMISSION
INTERSTATE FISHERIES MANAGEMENT POLICY BOARD

DATE: March 14, 1996
LOCATION: Norfolk Airport Hilton
1500 Military Highway
Norfolk, Virginia 23502

REPORTED BY: Victoria L. DeBerry

ORIGINAL

1 CHAIRMAN COLVIN: I'd like to call to order
2 the meeting of the Interstate Fisheries Management Policy
3 Board. George Lapointe will call the roll.

4 MR. LAPOINTE: Robin Alden from Maine?

5 (No response elicited.)

6 MR. LAPOINTE: Ernie Beckwith, Connecticut?

7 MR. BECKWITH: Here.

8 MR. LAPOINTE: David Borden, Rhode Island?

9 MR. BORDEN: Here.

10 MR. LAPOINTE: A. C. Carpenter, Potomac River
11 Fisheries Commission?

12 MR. CARPENTER: Here.

13 MR. LAPOINTE: Phil Coates, Massachusetts?

14 MR. COATES: Here.

15 MR. LAPOINTE: Pete Colangelo, Pennsylvania?

16 (No response elicited.)

17 MR. LAPOINTE: Gordon Colvin, New York?

18 CHAIRMAN COLVIN: Here.

19 MR. LAPOINTE: Stu Kennedy for Ed Conklin,
20 Florida?

21 MR. KENNEDY: Here.

22 MR. LAPOINTE: Tom Fote?

23 MR. FOTE: Here.

24 MR. LAPOINTE: Bruce Freeman from North
25 Carolina?

1 MR. FREEMAN: Here.

2 MR. LAPOINTE: Jaime Geiger from the Fish &
3 Wildlife Service?

4 DR. GEIGER: Here.

5 MR. LAPOINTE: Jill Goldthwait, Legislative
6 Appointee?

7 (No response elicited.)

8 MR. LAPOINTE: Pete Jensen from Maryland?

9 MR. JENSEN: Here.

10 MR. LAPOINTE: Andy Manus from Delaware?

11 MR. MANUS: Here.

12 MR. LAPOINTE: Steve Herb for Bob McDowell,
13 New Jersey?

14 MR. HERB: Here.

15 MR. LAPOINTE: John Nelson, New Hampshire?

16 MR. NELSON: Here.

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

19 MR. PALMER: Here.

20 MR. LAPOINTE: Bill Pruitt from Virginia?

21 MR. TRAVELSTEAD: Jack Travelstead.

22 MR. LAPOINTE: Paul Sandifer, South Carolina?

23 DR. SANDIFER: Here.

24 MR. LAPOINTE: Richard Schaefer from the
25 National Marine Fisheries Service?

1 MR. SCHAEFER: Here.

2 MR. LAPOINTE: And Susan Shipman from
3 Georgia?

4 MS. SHIPMAN: Here.

5 MR. LAPOINTE: Mr. Chairman, you have a
6 quorum.

7 CHAIRMAN COLVIN: Thank you. Does everyone
8 have an agenda before them?

9 MR. LAPOINTE: For members of the public,
10 there are agendas and handouts at the end of the table, quite a
11 number of copies.

12 CHAIRMAN COLVIN: We will be just adding a
13 couple of items to the agenda. Immediately following these
14 introductions and announcements, there will be the usual
15 opportunity for public comment on issues of concern to the
16 board, although as we address the board's individual agenda
17 items, we will entertain public comment with respect to those
18 specific items at any time.

19 Under "Other Business," I have three items.
20 A report from the South Atlantic Board, the letter that we have
21 received from Rollie Schmitten regarding the proposal to
22 withdraw the federal EEZ plans for bluefish and lobster, and
23 approval of draft minutes of the November meeting. Are there
24 other agenda items or other items of other business that board
25 members would like to bring forward at this time?

1 (No response elicited.)

2 CHAIRMAN COLVIN: Seeing none, we'll proceed
3 with the agenda.

4 MR. FREEMAN: (Indicated.)

5 CHAIRMAN COLVIN: Yes, Bruce, I'm sorry.

6 MR. FREEMAN: Gordon, if I may just take a
7 second to thank the Commission for meeting in Virginia. We had
8 originally scheduled the meeting back in December for this area
9 in order to be convenient to constituents living in this
10 location to attend the meeting. I understand because of the
11 concern the Commission had for lobster, that that particular
12 meeting was changed to New England, actually Massachusetts.
13 But we appreciate the fact that the meeting was held here.
14 Despite all the jokes we made of Room 107, we do enjoy being
15 here, and it certainly is convenient to our fishermen and we
16 thank the Commission for scheduling it here.

17 CHAIRMAN COLVIN: Thank you, Bruce. The next
18 agenda item is the public comment. At this time, do any
19 members of the public or other guests wish to make comments
20 before the policy board?

21 (No response elicited.)

22 CHAIRMAN COLVIN: Thank you. The next agenda
23 item will relate to the report of the Weakfish Management
24 Board, Mr. Coates.

25 MR. COATES: Thank you, Mr. Chairman. The

1 weakfish board met yesterday in a short meeting, and on behalf
2 of the board, I'm pleased to indicate that we made substantial
3 progress, but we have some items left undone with regard to the
4 further development of Amendment 7. We need to set up, I
5 guess, another meeting of the board. Jack had suggested a
6 date. We can just run it by you for general information. I
7 believe it was April 19th. It's a Friday. Jack recommended
8 Washington. So just think about it. We don't have to firm
9 anything up on that. And it would be our intention at that
10 meeting to conclude our business with regard to formalizing the
11 development of the alternatives in the draft Amendment 3 of the
12 weakfish plan.

13 The only other item of business that I would
14 bring forward at this time would be the need for a response,
15 and I guess I'm going to let Dick formulate the question again,
16 with regard to the Commission's reaction to the results of the
17 court case and NMFS's interest in furthering management in the
18 EEZ. That's basically all I have.

19 CHAIRMAN COLVIN: Thank you. We'll recognize
20 Dick Schaefer.

21 MR. SCHAEFER: Thank you, Mr. Chairman. As I
22 pointed out at the weakfish board meeting yesterday and as has
23 been stated in a letter sent from Rollie Schmitt to Gordon
24 Colvin on the 6th of March, the Court found in favor of the
25 plaintiffs' suit against the Secretary with respect to

1 implementation of a moratorium on weakfish fishing in the EEZ.
2 And after you cut through all the verbiage and get to the
3 bottom line, the basis for the Court's decision was that the
4 Secretary exceeded his authority because the Commission -- and
5 I include NMFS in this, if you will, in terms of the way we
6 operate -- the Commission failed to include as a part of its
7 weakfish fishery management plan a specific section that's
8 required under the Atlantic Coastal Act which is a requirement
9 to recommend action to be taken by the Secretary in the EEZ to
10 conserve and manage the fishery.

11 You'll recall that on several occasions over
12 the last year, year and a half, we basically had consultations
13 with the Commission. We told the Commission what we intended
14 to do. Up until this very minute, as far as I know, the
15 Commission had supported our effort to institute a moratorium
16 in the EEZ. And at the present time, we are faced with a
17 decision as to whether or not to appeal the Court's finding.
18 And we have a 60-day window in which to have to make that
19 decision, and I can't remember the specific date that the
20 decision was handed down anymore, but we probably have to make
21 -- I know we have to make a decision before this month is out.

22 So what I need and the Service needs from the
23 Commission and this board is basically a position statement, if
24 you will, as to whether or not you think it advisable for the
25 Secretary to continue to pursue further action with respect to

1 implementing a moratorium in the EEZ. Contingent upon an
2 outcome of that discussion and advice, I have a second inquiry
3 to make.

4 CHAIRMAN COLVIN: Thank you. For the record,
5 Dick did bring this up before the weakfish board and the
6 decision last evening at some time after 9:00 was that the most
7 appropriate and opportune moment to discuss the matter was
8 before today's meeting with the policy board; however, I would
9 recognize the chairman of the weakfish board to suggest an
10 appropriate response to the Service's inquiry. Phil.

11 MR. COATES: Thank you, Gordon. I haven't
12 had a chance to poll all the members of the weakfish board, but
13 I can say that the fervor, the initial fervor of the board and
14 I believe the Commission which was reflected in strong majority
15 votes with regard to support for the initial moratorium may not
16 be as strong as it was. It may not be as strong now as it was.

17 I think that in the context of Amendment 2,
18 the moratorium was a very appropriate initiative. It afforded
19 I think the necessary protection of weakfish in the EEZ. But
20 subsequent developments, including I think probably the results
21 of some litigation as well as the development of Amendment 3
22 and what seems to be substantial progress with strong support,
23 or at least stronger support, I would indicate that the most
24 appropriate course of action at this point would be the further
25 development of the -- to finish the development of Amendment 3,

1 include in it as we're now required provisions for
2 recommendation by the Commission as to what would be
3 appropriate actions within the EEZ by NMFS. And I would
4 conclude by asking if any of my fellow board members have a
5 different opinion with regard to the moratorium, I'd invite
6 them to express that now. But I think that I'm reflecting
7 probably a consensus at this point, and that would be basically
8 to recommend that Amendment 3 is the most appropriate course of
9 action for us to deal with the EEZ issues.

10 We did go to bat and we were strongly
11 supportive of NMFS and we understand the court case was a major
12 setback with regard to the further development of stringent
13 management in the EEZ, but I think that Amendment 3 offers us
14 the most appropriate course of action at this time.

15 CHAIRMAN COLVIN: Does any further member of
16 the board wish to comment on this issue or express a view?

17 (No response elicited.)

18 CHAIRMAN COLVIN: Would it be appropriate for
19 the Chair to convey the view represented by the chairman of the
20 bluefish board to the Service in response to Mr. Schmitten's
21 letter?

22 (No response elicited.)

23 CHAIRMAN COLVIN: Is there objection to the
24 Chair doing so?

25 (No response elicited.)

1 CHAIRMAN COLVIN: Seeing none, that would be
2 the intended course of action. I would ask the Service whether
3 -- that is a response and that may not be the response you
4 wanted, Dick, but does it give you the kind of information
5 that, given what we can offer you at this time, at least
6 minimally responsive to the question you put before us?

7 MR. SCHAEFER: As I understood Phil's
8 comments, if you can put that in a response to Rollie
9 Schmitt's letter to you of March the 6th, I and the Service
10 would appreciate that very much. It will help us to make a
11 decision on the issue of appeal. And I would ask further,
12 since time is short, if you could do that in the next few days
13 or so.

14 CHAIRMAN COLVIN: I will do so, Dick. And we
15 appreciate the spirit in which you've come to us on this.

16 I'd just like to offer kind of a brief
17 summary of where we are on this issue in response to whole
18 weakfish matter. And I think that this basically reiterates
19 the observation made in the Chairman's memo. Clearly, the
20 ACFCMA statute, and perhaps the issues raised in the federal
21 court decision with respect to weakfish, emphasize the
22 importance to the Commission of giving thoughtful and complete
23 advice to the Secretary on needed management measures for the
24 EEZ in our fishery management programs. It would seem that the
25 level of our thought and the attention that we pay to this

1 issue in the EEZ needs to be as careful and as measured and as
2 thoughtful as we pay to the question of developing management
3 measures for state waters.

4 The alternative is to accept the fact that it
5 will be impossible for the Secretary and, frankly, for our
6 partners in the federal government to support us with
7 management programs in the EEZ, and I don't want that to happen
8 and I'm quite sure that no one on the board does. I am
9 appreciative of the Service's efforts with respect to weakfish.
10 I know that they crawled way out of a limb and believed that
11 they had the support of this Commission in doing so, and I
12 respect that. And I appreciate what they've been through in
13 support of that position.

14 We find ourselves in a difficult position,
15 and we find ourselves fortunately looking ahead. I think that
16 the kind of progress that was made yesterday evening by the
17 weakfish board gives the Commission great cause for optimism
18 that we will go forward with a management program that all
19 members of this partnership can support. I am very optimistic
20 about that, and I hope that's where we will continue to move.
21 But I do want to express appreciation for the support we've had
22 from the Service on this, Dick.

23 MR. SCHAEFER: Thank you, Mr. Chairman. We
24 appreciate your kind comments. If I may, Mr. Chairman, just an
25 inquiry. Given the actions taken at the weakfish board

1 yesterday and the fact that I know the board is going to meet
2 again in May to further address development of Amendment 3, can
3 you give me some idea in the process of where the board would
4 address the issue of recommendations to the Secretary in the
5 preparation Amendment 3?

6 CHAIRMAN COLVIN: Mr. Coates, is it likely
7 that that issue will arise at the next board meeting that you
8 spoke of?

9 MR. COATES: In all likelihood, it will.
10 We're going to attempt to finish subsequently all the remaining
11 undone elements of the management plan.

12 MR. SCHAEFER: Thank you. And just a further
13 reminder, because I know some are of this persuasion and I'm
14 not troubled by it in any way, our legal interpretation of the
15 Judge's decision also welcomes, if appropriate, a
16 recommendation by the Commission to the Secretary of no action,
17 if that's appropriate. So that also is something we would ask
18 for if not a specific management measure.

19 MR. COATES: Yes.

20 CHAIRMAN COLVIN: We'll make every effort to
21 do so.

22 MR. SCHAEFER: Thank you. That takes care of
23 my issue. Thank you.

24 CHAIRMAN COLVIN: Are there any other
25 weakfish issues that board members would like to bring before

1 us?

2 MR. DUNNIGAN: (Indicated.)

3 CHAIRMAN COLVIN: Mr. Dunnigan.

4 MR. DUNNIGAN: Thank you, Mr. Chairman. At
5 the end of the Weakfish Management Board meeting last night,
6 the board tended to indicate that it would like to have a
7 another meeting prior to the ASMFC spring meeting. We've been
8 doing a little bit of schedule checking, and I just want to
9 bounce some ideas off of you. Given Council meetings that are
10 coming up, I'm wondering about the availability of I guess the
11 second full week -- the third week of April beginning on April
12 the 15th. There's a New England Fishery Management Council
13 that will meet on that week Wednesday and Thursday that might
14 leave open the possibility of doing this with the weakfish
15 board on Monday or Tuesday or Friday. And I would suggest that
16 we try to do it in Washington, D.C. Any reactions from the
17 board members on that?

18 MR. FOTE: Jack, when is the New England
19 meeting?

20 MR. DUNNIGAN: I presume Danvers.

21 MR. COATES: Danvers.

22 MR. NELSON: It says it might be Rhode
23 Island.

24 MR. COATES: Oh, that's right. This is our
25 annual spring meeting.

1 MR. NELSON: I don't think it's been
2 determined yet, Jack, where it's going to be, southern New
3 England.

4 MR. FOTE: If we get in Connecticut or
5 further down, maybe we can -- you've got people there, many
6 more people. What about after this?

7 MR. DUNNIGAN: We'll look into that
8 possibility.

9 MR. JENSEN: (No response elicited.)

10 CHAIRMAN COLVIN: Pete.

11 MR. JENSEN: I believe there's the blue crab
12 symposium being held in Baltimore that week. I believe it's
13 the 18th and 19th. I don't know how many people are planning
14 to attend that -- I know there's been a lot of publicity -- but
15 I know some people are.

16 MR. DUNNIGAN: That would argue against us
17 trying to work on the 19th.

18 MR. JENSEN: Scheduling something in another
19 city on Friday might be difficult for some people.

20 MR. DUNNIGAN: Well, keep that in mind.
21 That's what we'll try to pursue with the staff. I have no idea
22 about availability and what will happen, but we'll try to work
23 in that direction.

24 CHAIRMAN COLVIN: Thanks, Jack. Any other
25 weakfish issues?

1 (No response elicited.)

2 CHAIRMAN COLVIN: I would like to just raise
3 one brief issue and observation. I talked last night to him
4 and to his folks, Jack Travelstead and Bill Pruitt, and I'd
5 like this board to know and the record of this meeting to note
6 that the job Rob O'Reilly did as chairman of the Weakfish
7 Technical Committee in representing the weakfish technical
8 issues before the board was an absolute tour de force. And if
9 I could write down, if any of us could write down on paper a
10 manual of how a technical committee chairman would ideally
11 operate before our boards, that was it, if you could capture
12 that somehow. And I just think that appropriate recognition,
13 at least in terms of recognition at this level, is in order and
14 it was a fantastic job.

15 MR. TRAVELSTEAD: (No response elicited.)

16 CHAIRMAN COLVIN: Jack.

17 MR. TRAVELSTEAD: I relayed your thoughts to
18 Rob last night, and he said "send money."

19 CHAIRMAN COLVIN: Isn't that funny. That's
20 the same thing my staff always says.

21 MR. COATES: (No response elicited.)

22 CHAIRMAN COLVIN: Phil.

23 MR. COATES: Gordon, I'd just like to share
24 that perspective, because it was my first meeting with Rob as
25 my technical committee chairman, and I think he did an

1 excellent job. He came up to me at the end of the meeting and
2 said, "I hope you don't think I was too overbearing, but I
3 thought it was very important that we get as much information
4 forward to the board and to the public as possible. I hope you
5 don't object." I said, "Are you kidding me?"

6 And also, I think it was the technical
7 committee, the advisers, I guess the advisers had a very
8 productive meeting, so I was very proud of them. And Frank did
9 a good job too. It was my first time working with Frank as a
10 plan coordinator. So I think we've got the elements of a good
11 support team. I hope the chairman can live up to those
12 expectations.

13 CHAIRMAN COLVIN: Yes, it is worthwhile to
14 mention the job Frank did, particularly in getting ready. He
15 did a lot of work to get ready. It was well done.

16 I think we're ready to move on to the next
17 agenda item and I will now recognize Dennis Spitsbergen as
18 chairman of the fluke/scup/sea bass board. Dennis.

19 MR. SPITSBERGEN: I'm recognized. Gordon,
20 you caught me a little bit by surprise. I didn't know you were
21 going to -- in fact, I didn't see the agenda that this was on.
22 But very briefly, as you are and those of you who are on the
23 board and those of you who are on the Mid-Atlantic Council are
24 well aware that -- and I can't give you the exact dates. Can
25 anybody help me on when we approved the weakfish plan?

1 CHAIRMAN COLVIN: Weakfish?

2 MR. SPITSBERGEN: I'm sorry.

3 CHAIRMAN COLVIN: Now I know why we caught
4 you unaware.

5 MR. SPITSBERGEN: Let's get to the scup plan
6 now. Does anybody remember when that was? I'm thinking
7 November.

8 MR. CARPENTER: November 7th.

9 MR. SPITSBERGEN: And at that meeting, there
10 was agreed to measures, complaints, requirement measures that
11 are supposed to be implemented on June 30th. I believe John
12 Carmichael sent a questionnaire around to all of the state
13 directors to see how many of them could come into compliance by
14 June 30th, and I'm thinking there was only a couple, three that
15 could not. Is that correct, John?

16 MR. CARMICHAEL: Right.

17 MR. SPITSBERGEN: So just briefly let me go
18 over the compliance requirements for June 30, 1996. Size
19 limits, a commercial size limit of 9 inches; recreational, a
20 minimal size of 7 inches; a commercial mesh restriction for
21 trawls of 4-inch mesh, commercial mesh threshold, if you have
22 4,000 pounds or more on board, then you're required to have the
23 4-inch trawl; a roller rig, the roller restriction, a maximum
24 of 18 inches, and I believe this is these people working in
25 artificial reefs, et cetera; pot, trap and escape vents, if you

1 use the circle, 1/10 inch, if you're using the square vent,
2 2 1/4. Does that seem right?

3 MR. CARMICHAEL: That's right.

4 MR. SPITSBERGEN: And also -- was this passed
5 out to everybody, John? I'm reading off page 2 on this, and
6 then the pot and trap degradable fasteners, those are listed on
7 the front page under Item 7. Those are the items that are
8 required for compliance as of June 30, 1996. And there are
9 some additional ones for 1997, and these have to do with
10 permitting requirements. Also, there will be a commercial
11 quota and a recreational total allowable catch. We will be
12 working in the next couple of weeks as I think several of the
13 board members know on dealing with the quota and framework
14 measures for adjusting size limits, possession limits,
15 et cetera. So that is what we're dealing with in the scup
16 plan.

17 CHAIRMAN COLVIN: I believe it would be the
18 intent of the board to offer the plan as approved at the
19 November 7th meeting including these compliance measures to the
20 policy board and with the policy board's endorsement to the
21 Commission for adoption today. Are there questions of the
22 board chairman?

23 MR. SCHAEFER: I have a question for
24 Mr. Spitsbergen, just for purposes of clarification and
25 understanding. Do I conclude that under this scenario then,

1 that no scup less than 9 inches in length can be sold?

2 MR. SPITSBERGEN: That is correct.

3 MR. SCHAEFER: Thank you.

4 MR. FOTE: (Indicated.)

5 CHAIRMAN COLVIN: Mr. Fote.

6 MR. FOTE: Yes. At the scup board meeting,
7 I voted against this plan because there was a change in the
8 historical allocation. That change was made without going to
9 public hearings when the public hearing document had a split of
10 70/30. It was decided at that meeting to change the split to
11 78/22. Because of that, I'm going to vote against this plan
12 again.

13 MR. BORDEN: (Indicated.)

14 CHAIRMAN COLVIN: Mr. Borden.

15 MR. BORDEN: A couple points. I just wanted
16 to make sure that my understanding of the mesh requirements are
17 accurate. That applies to mobile gear only?

18 MR. SPITSBERGEN: That is my understanding.
19 Correct me if anyone else around the table -- but that's my
20 understanding. That's for all gear.

21 MR. BORDEN: The second point, I certainly
22 will support the motion. We're eager to get on with scup
23 management. The only reservation I have is about having two
24 different sizes. I understand the rationale why we have two
25 different sizes, but I would hope at some point, as the stock

1 rebuilds, we will equalize the sizes.

2 CHAIRMAN COLVIN: Two things that might be
3 worth pointing out for the record and for the attention of
4 those board members who are not aware of it.

5 First, like fluke, this is a joint management
6 plan that was developed jointly by the Mid-Atlantic Council and
7 our own board, and the intent is that the plan would be
8 implemented in the EEZ under Magnuson. The Mid-Atlantic
9 Council at its last meeting did vote to approve this management
10 plan and send it forward for Secretarial approval. So the
11 Council is on board and hopefully so will the Secretary as soon
12 as that can be arranged. So it's timely for us to now take the
13 matter up.

14 MR. SPITSBERGEN: Is there not an emergency
15 rule on size and mesh limit moving forward? A 9-inch size and
16 a 4-inch mesh I believe is moving forward, and I'm not sure
17 what the status is.

18 CHAIRMAN COLVIN: There certainly has been a
19 request by both the board and the Council for that to happen.
20 I don't know frankly if it's moving forward. If it is, it
21 would be moving glacially, and we've talked about that at the
22 Council meeting and probably don't need to get back into it
23 today. But I think that expectation was resulting from our
24 meeting in November that it would happen earlier.

25 The second point I'll make is that the

1 management plan does in fact call for or hold out the
2 possibility that our management program in the next step might
3 include commercial quotas as a management step to accomplish
4 the further reductions and exploitation necessary. It is a
5 framework provision that calls on the quota system to be
6 developed later this year based on the further work of the
7 board and the Council. This is one of the quota management
8 opportunities for which we will seek advice from the new ad hoc
9 committee on quota management which we have recently created
10 that is also chaired by Mr. Spitsbergen. And our hope is and
11 expectation is that that group will be able to provide us with
12 advice that we can use for the 1997 scup management program as
13 well as other management programs. Dennis.

14 MR. SPITSBERGEN: In fact, my feeling would
15 be that that might be the template for any of the additional
16 ones, so any thoughts that anyone has would be highly
17 appreciated by the committee.

18 MR. COATES: (Indicated.)

19 CHAIRMAN COLVIN: Mr. Coates.

20 MR. COATES: Thank you, Mr. Chairman. I
21 continue to have strong reservations about this management
22 plan. I am going to vote to support it because I believe it's
23 an initial step. But we have expressed in writing over the
24 period of review and expressed verbally, I know, our concern
25 about the fact that we still feel this plan is very deficient

1 in addressing the very significant bycatch problem that occurs
2 in the mixed trawl fishery that occurs in the Mid-Atlantic
3 area. But I understand there's efforts being made to address
4 that. The trigger possession limit and the mesh size are the
5 beginnings of a direction that might get us out of this
6 dilemma, so I'm going to support the plan at this time, but I
7 still wanted to express my reservations about the bycatch
8 issue.

9 MR. BECKWITH: (Indicated.)

10 CHAIRMAN COLVIN: Mr. Beckwith.

11 MR. BECKWITH: Yes, I have similar comments
12 to Phil Coates, but I do think the plan is important and it's
13 necessary that we go ahead with this as soon as possible. But
14 I'd also like to go on record that while the state of
15 Connecticut supports this plan, it would be I think virtually
16 impossible for us to meet those June 30, 1996 compliance
17 measures. And I just want to go on record as having made that
18 statement. And the reason we can't do that was our Attorney
19 General would not let us go forth with our regulatory changes
20 prior to the adoption of a plan, and that was directly related
21 to some of the problems we had with the fluke issue. But we
22 will move forward, as soon as possible as soon as this plan is
23 approved.

24 CHAIRMAN COLVIN: Thank you. Are there any
25 further comments or any comments from our guests?

1 (No response elicited.)

2 CHAIRMAN COLVIN: There is not. You've got a
3 motion before the board. I believe Mr. Spitsbergen will need
4 some assistance.

5 MR. BORDEN: (Indicated.)

6 CHAIRMAN COLVIN: Mr. Borden.

7 MR. BORDEN: I move adoption of the plan as
8 described by Mr. Spitsbergen.

9 CHAIRMAN COLVIN: That would be that the
10 policy board accept that recommendation and recommend approval
11 by the Commission. So moved.

12 MS. SHIPMAN: Second.

13 CHAIRMAN COLVIN: Seconded by Ms. Shipman.
14 Other discussion on the motion?

15 (No response elicited.)

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

18 THE PANEL: Aye.

19 CHAIRMAN COLVIN: Opposed, same sign.

20 MR. FOTE: Nae.

21 MR. SCHAEFER: Abstain.

22 CHAIRMAN COLVIN: Abstentions?

23 (No response elicited.)

24 CHAIRMAN COLVIN: Just the one. Motion
25 carries. The "nae" vote which will be recorded, Mr. Fote in

1 the negative; Mr. Schaefer abstaining. Motion carries.
2 Anything further to bring before the fluke board?

3 MR. LAPOINTE: I hate to muddy the waters
4 with this. Dr. Sandifer said, given the court case and what's
5 supposed to be an ASMFC plan, understanding this is a joint
6 plan, shouldn't we have language or an additional motion
7 recommending that the Secretary adopt the EEZ management
8 measures contained in Chapter 9 which are Magnuson Act
9 measures. Dick, I ask for some guidance here.

10 MR. SCHAEFER: Well, this raises a whole
11 broader issue. I mentioned as sort of an aside the other day
12 that -- I speak for myself because not all my colleagues in the
13 Service agree with me -- but I've never been a supporter of
14 joint planning between the Commission and the Councils. My
15 feeling has always been make up our mind up front over who
16 should have the planning authority or responsibility and live
17 under one planning strategy that affects all the waters both in
18 the federal zone and the state waters.

19 So having said that, my understanding is this
20 is a blend of a Magnuson Act FMP that applies to the EEZ and
21 interstate regulations through an FMP prepared by the
22 Commission. And from that perspective, it's sort of been an
23 anomaly with respect to whether we're doing this under the
24 Atlantic Coastal Act or not. I don't think this is really
25 being done under the Atlantic Coastal Act myself and therefore

1 -- and I'm giving you my opinion, not the attorneys -- I don't
2 think it's necessary. That's my view. I've been wrong before.

3 MR. LAPOINTE: I like your view.

4 CHAIRMAN COLVIN: Is there objection to
5 having the staff confer with NOAA General Council relative to
6 the issues of what, if anything, any official record needs to
7 be made of the Commission's presumption that the Magnuson Act
8 route here would suffice and, if necessary, coming back to the
9 policy board for such further action as may be appropriate?

10 MR. SCHAEFER: I think that's a good idea,
11 Mr. Chairman.

12 CHAIRMAN COLVIN: Without objection I will
13 proceed. Is there anything further on this?

14 (No response elicited.)

15 CHAIRMAN COLVIN: Thank you, Dennis. The
16 next report will be with respect to the tautog management
17 board. Mr. Borden.

18 MR. BORDEN: Thank you, Mr. Chairman. The
19 board met yesterday. A little bit of history. I think
20 everyone is aware that we have formulated a proposed management
21 plan with a group of alternatives. Those alternatives were
22 discussed at eight separate public hearings up and down to
23 coast. The board met yesterday, reviewed with the advisers the
24 results of those public hearings and reviewed the alternatives.
25 I'm very pleased to be able to report that we have closure on

1 the issue and I will be making a recommendation to adopt the
2 plan.

3 I'm also pleased to comment that we were able
4 to accommodate some of the concerns of the southern states and
5 avoid a biological filibuster by the state of North Carolina.

6 As far as the recommendation, essentially --
7 as I said before, I'll just encapsulate this with a motion when
8 I conclude the discussion -- essentially we adopted Alternative
9 1 as it was stated in the plan with the following exceptions,
10 and I will just read through these. We agreed based on the
11 concerns of the southern states to provide the states from
12 Delaware Bay to North Carolina with one additional year to
13 reach the target interim F of 0.24. We agreed to a 14-inch
14 minimum possession size coastwide on tautog, and that size will
15 be phased in with a 13-inch minimum size with a compliance
16 deadline of April 1st, 1997 and a 14-inch minimum size April 1,
17 1998. We agreed to include language that would explicitly
18 recognize state landing and possession laws and work out the
19 language with the National Marine Fisheries Service so that
20 more stringent state or federal law would apply where
21 appropriate. We also took up the issue of the federal
22 regulations and federal waters, and there's an explicit
23 recommendation that the federal service promulgate a rule on a
24 minimum size, to keep the minimum size for federal waters
25 consistent with the sizes in state waters. That will mean 13

1 inches on April 1997 and 14 inches on April 1998. We also
2 agreed to modify Alternative 1 to include a framework measure
3 which would allow us, after appropriate public input and a
4 hearing, to design a special area on regulations around
5 artificial reef sites.

6 And the only other point of clarification
7 related to the subject of de minimis status, which is 1 percent
8 of the coastwide landings, and we agreed that any state that
9 was granted de minimis status would still be required to adhere
10 to the minimum sizes in the plan.

11 So I guess I defer to your judgment,
12 Mr. Chairman. Do you want me to take questions here before I
13 surface a motion, or would you prefer to have a motion on this.

14 CHAIRMAN COLVIN: Let me ask if there are
15 questions only to clarify the board's reported recommendation
16 at this time.

17 (No response elicited.)

18 CHAIRMAN COLVIN: If there are no questions,
19 I'll recognize Mr. Borden for a motion.

20 MR. BORDEN: Thank you, Mr. Chairman. I'd
21 move adoption of the draft FMP as amended by the policy board.

22 CHAIRMAN COLVIN: That would be to move that
23 this board recommend approval by the Commission?

24 MR. BORDEN: Correct.

25 CHAIRMAN COLVIN: Is there a second to that?

1 MR. MANUS: Second.

2 CHAIRMAN COLVIN: Seconded by Mr. Manus.
3 Discussion on the motion?

4 MR. FOTE: (Indicated.)

5 CHAIRMAN COLVIN: Mr. Fote.

6 MR. FOTE: If I was voting in this capacity
7 as governor's appointee for New Jersey, I would not vote for
8 this plan because we asked for exemptions on regional
9 management and this was not included, and by establishing a
10 north/south split at the Mason-Dixon line instead of where we
11 usually establish it in New York between where the boundaries
12 of the fisheries are. Representing all the governor's
13 appointees and looking at the comments they had and I saw at
14 other public hearings, I would vote in favor of the plan.

15 CHAIRMAN COLVIN: Is there further discussion
16 on the motion?

17 MR. HERB: (Indicated.)

18 CHAIRMAN COLVIN: Mr. Herb.

19 MR. HERB: Yes, thank you, Mr. Chairman. On
20 behalf of Director McDowell, I am of course representing the
21 public that attended the three hearings that were held in New
22 Jersey, two of which were held by the Commission, the New
23 Jersey Marine Fisheries Council and also the staff that made
24 recommendations to us as it relates to management of tautog.
25 It relates directly to the north/south split. The

1 recommendations were that that split should take place in the
2 New York Bight area as opposed to the Cape May area. As a
3 result, we have reservations about the plan, although we do
4 recognize the need for management of this fishery. I will have
5 to vote no.

6 MR. JENSEN: (Indicated.)

7 CHAIRMAN COLVIN: Pete.

8 MR. JENSEN: Just one point of clarification.
9 For a de minimis state, are size limits required for commercial
10 and recreational or is it only recreational? This plan says
11 only recreational.

12 MR. BORDEN: Correct. That was clarified,
13 this point. We clarified that so it's incumbent upon a state
14 to adopt the minimum size for both the commercial and
15 recreational fishery.

16 CHAIRMAN COLVIN: Is there further discussion
17 on the motion?

18 (No response elicited.)

19 CHAIRMAN COLVIN: Comments from any of our
20 guests?

21 MR. SCHAEFER: (Indicated.)

22 CHAIRMAN COLVIN: Mr. Schaefer.

23 MR. SCHAEFER: I have a question. I'm not
24 all that familiar with the plan. The staff has been working on
25 it, I know. Is there a component of this plan that includes

1 the recommendation to the Secretary for actions in the EEZ or
2 no action or whatever?

3 CHAIRMAN COLVIN: Yes.

4 MR. SCHAEFER: That's all I needed to know.

5 MR. LAPOINTE: Furthermore, Dick, the board
6 specifically recommended that not only were the recommendations
7 made, but that we may convey that as soon as possible to the
8 Secretary in writing, contained in the plan and contained in a
9 letter.

10 MR. SCHAEFER: Thank you.

11 CHAIRMAN COLVIN: Further discussion on the
12 motion?

13 (No response elicited.)

14 CHAIRMAN COLVIN: Seeing no further
15 discussion, we'll take the question. All in favor, please
16 signify by saying "aye."

17 THE PANEL: Aye.

18 CHAIRMAN COLVIN: Opposed, same sign.

19 MR. HERB: No.

20 CHAIRMAN COLVIN: Abstentions?

21 DR. GEIGER: Abstain.

22 CHAIRMAN COLVIN: No by New Jersey, abstained
23 by the National Marine Fisheries Service. Motion carries.
24 Mr. Borden.

25 MR. BORDEN: There's two other brief items.

1 There was a lot of concern that was generated by the
2 recreational party and charter boat industry about the issue of
3 hook-and-release mortality, and I think some valid concerns
4 have been surfaced. And we intend to vigorously explore those
5 with our scientific committee to try and generate a better
6 estimate for that. I would just like that to be a part of the
7 record. The other point that I would raise is that given the
8 fact that it took us 14 months from the time we started this
9 until the time we had an approved plan, I think it's a very
10 positive reflection on the Commission. I would just like to
11 compliment the members of the board for their diligence and
12 hard work and compliment the staff for an excellent job.

13 CHAIRMAN COLVIN: Indeed. Anything further
14 on tautog?

15 MR. TRAVELSTEAD: (Indicated.)

16 CHAIRMAN COLVIN: Jack.

17 MR. TRAVELSTEAD: Just a question for staff.
18 When will the final document be in?

19 MR. BORDEN: The suggestion after
20 consultation with the staff, what we thought we would do is it
21 will take between seven and ten days to make a few minor
22 changes to the document. That will be circulated to all the
23 states. And because there are slight wording changes, we'll
24 note where those take place and we'll ask anyone that has a
25 technical objection to get back to the staff directly. So

1 you'll have one more look at the actual language before we
2 conclude the process.

3 CHAIRMAN COLVIN: Thank you.

4 MR. SCHAEFER: (Indicated.)

5 CHAIRMAN COLVIN: Mr. Schaefer.

6 MR. SCHAEFER: Mr. Chairman, with your
7 permission, I wonder if before we proceed on to other business,
8 if I could just for a minute go back to a part of the
9 discussion on the scup plan. I wanted to make a comment, and
10 it slipped my mind at the time.

11 And that is I noted in the Judge's decision
12 regarding weakfish that he pointed out that the Secretary still
13 had ample authority, if the Secretary wanted to do so, to
14 implement regulations in the EEZ under the Magnuson Act. It
15 could be done either through a Council FMP or a Secretarial
16 plan under the authority of the Magnuson Act. So putting all
17 that together in my mind, that tells me that unless the scup
18 plan was going to be implemented throughout its entire range
19 under the authority of the Atlantic Coastal Fishery Cooperative
20 Management Act, that from that perspective, given it's a joint
21 plan using two authorities, I really don't think you need that
22 specific section in there. That's my opinion again. I think
23 I'll check it out with the attorneys, but that's the way I kind
24 of read the tea leaves. Thank you.

25 CHAIRMAN COLVIN: Thank you. I think that's

1 what we're all hoping. Let's proceed to other business. The
2 first item is the report of the South Atlantic Board. Mr. Cupka.

3 MR. CUPKA: Thank you, Mr. Chairman. The
4 South Atlantic State Federal Fisheries Management Board met
5 this past Monday night, and our main order of business was to
6 go over the 1995 plan review for those species for which we
7 have oversight responsibility, these species being spotted sea
8 trout, red drum, Spanish mackerel, spot and croaker.

9 In reviewing the plans, we paid particular
10 attention to the mandatory compliance elements in those plans,
11 particularly the states' situation that are involved in the
12 plan, whether or not they are in compliance, and I would like
13 to report on behalf of the board that we did find all states in
14 compliance with those plans.

15 CHAIRMAN COLVIN: Thank you.

16 MR. CUPKA: That concludes my report.

17 CHAIRMAN COLVIN: Are there any questions?
18 That's certainly good news.

19 (No response elicited.)

20 CHAIRMAN COLVIN: Seeing none, let's proceed
21 to the next item. I believe that at the table before all the
22 board members is a copy of a February 29th letter addressed to
23 the Chairman from Rollie Schmitten. This letter is the
24 official notice to the Commission of the Service's intent to
25 withdraw Secretarial approval of the fishery management

1 programs in place under Magnuson in the EEZ for American
2 lobster and bluefish. I believe, as I understand both this
3 letter and the follow-up discussions that we have had with
4 staff at the Service and NOAA General Council, that that
5 process will involve a notice of proposed rule making in the
6 Federal Register and appropriate compliance with the necessary
7 federal laws and procedures for rule making, and there will
8 therefore arise an opportunity through that process for formal
9 comment during a prescribed comment period on rule making. And
10 I believe it would be appropriate for the Commission to comment
11 for the record at that appropriate time.

12 Nonetheless, it may also be appropriate for
13 an interim or initial response or a preliminary response to
14 Mr. Schmitten's letter. The Chair would like to propose the
15 following course of action subject to the views of the board.
16 The Chair would propose that there be a response to Mr.
17 Schmitten's letter expressing concern regarding the proposed
18 action and pointing out the nature of the partnership that has
19 developed between the Commission and the two Councils who
20 prepared these management programs and with whom we have
21 cooperated in the development of these programs. It would
22 further point out that a critical need is to provide careful
23 attention to the timing of any final federal action such that
24 EEZ resources in need of protection do not suffer any
25 discontinuity in that protection. And it would, thirdly,

1 further indicate the Commission's intention to give additional
2 attention to the specifics of such a proposal following its
3 publication in the Federal Register and our deliberation and
4 formal comment during that period. That's the proposed
5 response. I offer it to you for your comment and consideration
6 at this time. Jack, do you want to add to that at all?

7 MR. DUNNIGAN: I think that's quite
8 appropriate. The only thing I might suggest that you add is
9 that there's also a South Atlantic Council Fishery management
10 plan that has been proposed for removal, and even though we're
11 not a partner of that plan, I am a member of the Council and it
12 certainly I think raises questions of the overall role of the
13 Councils in the process. So I think it's worth mentioning that
14 plan as well in our response.

15 CHAIRMAN COLVIN: Are there any comments on
16 the proposed course of action?

17 MR. FREEMAN: (Indicated.)

18 CHAIRMAN COLVIN: Mr. Freeman.

19 MR. FREEMAN: The question I have is not
20 relative to the letter, Gordon, but it appears to me by just
21 reading this -- this is the first time I've seen this --
22 looking at bluefish is simply to prepare the plan and then ask
23 us to have the Secretary do what the plan states that it's
24 doing. It seems like we're going in a big circle here. Is
25 that the intent of this, Dick? Is this a paper exercise?

1 MR. SCHAEFER: Well, as I think I mentioned
2 to David Borden the other day, because I think he raised the
3 matter, I explained the circumstances as to how we got where we
4 are, not much of which was by intention in terms of the time
5 frame or what's happened to us. But we've had no time to
6 analyze whether or not there would be any significant net loss,
7 if you will, of regulatory burden if we go this way. But
8 that's only one part of the equation.

9 In addition to simply reducing regulatory
10 burden, the President and Vice President under the regulatory
11 reform is simply looking at what is more appropriately and done
12 by it and what is more appropriately the responsibility of the
13 states. And in our view, given the nature of the fishery for
14 bluefish and the nature of the northern lobster fishery, the
15 American lobster fishery, as I understand it, the fisheries are
16 prosecuted primarily in state waters, landings are largely from
17 state waters, and given that we now have an Atlantic Coastal
18 Fisheries Conservation and Management Act, why not use the
19 authority of that act alone to implement this particular
20 management strategy. I think that's kind of where the whole
21 thing comes from, from those two angles.

22 MR. FREEMAN: My point is, though, the end
23 result is same.

24 MR. SCHAEFER: As I told you, I don't know
25 the answer to that question. I'm not saying you're wrong, but

1 I'm not saying you're right because I don't know.

2 MS. ALDEN: (Indicated.)

3 CHAIRMAN COLVIN: Ms. Alden.

4 MS. ALDEN: Gordon, as I remember your
5 summary, your first point was to express concern; is that
6 correct?

7 CHAIRMAN COLVIN: Yes.

8 MS. ALDEN: I guess my sense is that I would
9 like to see us express concern about the timing issue. I also
10 think we ought to respond as a Commission as to whether we're
11 willing to accept the responsibility which this is thrusting
12 upon us, and it seems to me that we have expressed that and
13 this letter should reflect that.

14 CHAIRMAN COLVIN: I think that we need to
15 address that issue straight up. As I indicated, I'm looking at
16 this time to a preliminary response that identifies certain
17 concerns, and I recognize that we will need to respond more
18 comprehensively. What I'm recommending now is that we express
19 concern about the effect on partnerships, the very strong
20 concern about gaps in protection, the need for continuous
21 management of the resources and no loss of that, and that we
22 recognize the need for the Commission, once the notice is
23 published in a Federal Register, to review this matter more
24 comprehensively and to develop a formal position that gives
25 detailed consideration to the proposal on its merits and our

1 willingness to accept additional responsibilities and our views
2 with respect to the need for Magnuson participation and the
3 Council's participation in the management of those offshore
4 resources. That last one is a pretty knotty question that I
5 think requires a little bit more time than we have today. But
6 I don't want to let this letter go unanswered.

7 MR. COATES: (Indicated.)

8 CHAIRMAN COLVIN: Mr. Coates.

9 MR. COATES: I've got a question for Dick or
10 you, if I may. What happened to the advanced notice of public
11 rule making effort that was initiated last fall upon
12 realization response to the feds by the Fishery Council and the
13 states if they didn't have the capability of administering some
14 of the provisions of them developing a management plan? And I
15 know the notice was circulated, the comment period was
16 concluded and that is still hanging out there with I guess a
17 time indefinite in terms of one of three courses of action,
18 withdrawal of the plan with a subsequent development of
19 Atlantic Coastal Cooperative Fisheries regulations or
20 Secretarial regulations designed to address overfishing in the
21 EEZ. Is that still hanging out there?

22 MR. SCHAEFER: Excuse me. I'm going to ask
23 you to back up a minute. You lost me somewhere along the line
24 with respect to what we're talking about.

25 CHAIRMAN COLVIN: Lobsters.

1 MR. COATES: Somewhere along the way last
2 year --

3 MR. SCHAEFER: Oh, all right. Lobsters.

4 MR. COATES: I'm sorry. I didn't say
5 lobsters?

6 CHAIRMAN COLVIN: You didn't say lobsters.

7 MR. SCHAEFER: I think that's in the stew.
8 There was, what shall I say, stage setting that maybe a lot of
9 these things would be better done under different authority,
10 and we would consider that, et cetera, et cetera, et cetera. I
11 think this just adds one more beast to the pie, if you will,
12 and kind of states based on other pressures which is
13 deregulation and reducing burden on the public and so on, to
14 transfer the responsibility under a different authority. And
15 that's all there is to it. The other is somewhere in limbo.
16 Maybe my staff knows. I think they probably lost track of it,
17 but it's sort of been overtaken by events.

18 MR. COATES: I guess the only thing I'd add
19 is with regard to this proposed action, in fact the earlier one
20 that was suggested, I still remain concerned. And I don't
21 think we need to include it in this letter, and I think you're
22 going to hear directly from some of the states on this, that
23 there is still some concern about the potential for increased
24 vulnerability as a result of such a transfer, increased
25 vulnerability to whatever, possible litigation or actions by

1 our neighbors to the north with regard to national minimum size
2 for lobsters that is a unique feature of the American lobster
3 plan as a result of specific legislation. In fact, that
4 transfer of authorities created either an impetus to readdress
5 that issue or a decrease and we'd be gravely concerned. I
6 would think that as part of, it might be appropriate to conduct
7 some consultations with regard to this issue between our
8 neighbors to the north.

9 MR. SCHAEFER: That's obviously a question
10 for the lawyers to deal with, but my understanding is, at least
11 preliminarily, I think Joe McDonald indicated he thought this
12 issue could be overcome.

13 MR. COATES: We're going to continue to raise
14 this because this is our primary concern.

15 MR. SCHAEFER: Yes. I think it's a good
16 question.

17 MS. ALDEN: Senator Snow from Maine is
18 sheparding through a wording change in Magnuson which would
19 clarify this issue, and I have not brought this to the
20 attention of any of the other states. I can have the staffer
21 give Jack's office this wording and maybe we can all coordinate
22 on this.

23 CHAIRMAN COLVIN: Thank you.

24 MR. COATES: Was this in the same bill that
25 extends Maine's jurisdiction out to 200 miles?

1 MS. ALDEN: That's not been drafted yet.

2 CHAIRMAN COLVIN: At this point, let me ask
3 if there is any specific objection to the Chairman forwarding
4 the preliminary response I spoke of to Mr. Schmitten.

5 (No response elicited.)

6 CHAIRMAN COLVIN: Without objection, we'll
7 ask the staff to draft that response and we'll all look forward
8 to getting down to the nitty-gritty on this once the notice is
9 in the Federal Register. Thank you.

10 I think the last issue is the minutes of the
11 November meeting.

12 MR. LAPOINTE: I just got these done last
13 week and I didn't think that the board would have time,
14 frankly, to review and approve them. But they're here to give
15 you time to review them in depth before the May meeting of the
16 ISFMP Policy Board, because there were a number of substantive
17 issues that were covered at the annual meeting. So it's just
18 to let people know they're handed out.

19 CHAIRMAN COLVIN: For your information, you
20 have them and we'll take them up in May.

21 CHAIRMAN COLVIN: Is there any further
22 business to come before the policy board?

23 MS. SHIPMAN: (Indicated.)

24 CHAIRMAN COLVIN: Ms. Shipman.

25 MS. SHIPMAN: Mr. Chairman, last night during

1 the weakfish discussions, the issue came up of de minimis and
2 votes for de minimis states, and I think we all decided that
3 was a larger issue that needs to come before the policy board,
4 and I certainly don't presume that we would settle that today,
5 but it is an issue I think we need to address as a whole. I
6 don't know whether we want to take that up in May or --

7 CHAIRMAN COLVIN: You're quite right. Let us
8 plan to see if we can get some staff recommendation.

9 MS. SHIPMAN: An option paper.

10 CHAIRMAN COLVIN: And an option paper perhaps
11 prepared and consultation with some of the board members,
12 including those who had an intimate understanding and knowledge
13 of the standards and procedures and come back to us with some
14 suggestions at the May meeting.

15 MR. BORDEN: (Indicated.)

16 CHAIRMAN COLVIN: Mr. Borden.

17 MR. BORDEN: Just one reminder that March
18 25th, that week we have the lobster review in Rhode Island. I
19 would encourage the states to send representatives. They'll be
20 going through the entire stock assessment, and I envision the
21 results of that to a large extent driving the actions of this
22 board.

23 CHAIRMAN COLVIN: Thank you.

24 MR. FOTE: (Indicated.)

25 CHAIRMAN COLVIN: Mr. Fote.

1 MR. FOTE: Yes. I know we talked about one
2 court case that NMFS lost and we also have that NMFS won a
3 lawsuit on the summer flounder plan. I know it's too lengthy
4 to deal with that and shouldn't be on the agenda. But the
5 Mid-Atlantic Council and summer flounder board are going to
6 take up their suggestions on that. I think it would be
7 appropriate to put it on the agenda of the next policy board
8 meeting so we can discuss it.

9 CHAIRMAN COLVIN: I appreciate the
10 suggestion. It would be my inclination to refer the matter to
11 the summer flounder board for initial deliberation. This board
12 certainly wouldn't want to act on it without recommendation
13 from the summer flounder board.

14 MR. FOTE: That's what I'm saying.

15 CHAIRMAN COLVIN: Is there any further
16 business?

17 MS. SHIPMAN: (Indicated.)

18 CHAIRMAN COLVIN: Ms. Shipman.

19 MS. SHIPMAN: Just an information item. I
20 had planned to brief the weakfish board last night, and we
21 didn't have the opportunity. It affects many fisheries that
22 are prosecuted in the South Atlantic. But the South Atlantic
23 Council in mid-February did approve a bycatch reduction
24 amendment to the shrimp plan. I just want you all to know
25 that. We do plan to submit it. Probably it will go forward

1 before the next fish weakfish board meeting. We are moving
2 forward. I want to try and raise everyone's comfort level on
3 what we're doing about bycatch in the South Atlantic.

4 CHAIRMAN COLVIN: Thank you. Is there any
5 further business?

6 (No response elicited.)

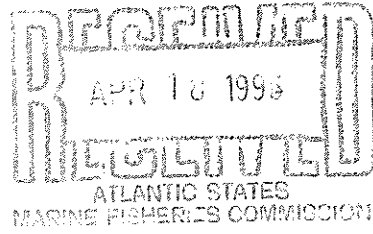
7 CHAIRMAN COLVIN: A motion to adjourn?

8 MR. COATES: So moved.

9 CHAIRMAN COLVIN: Without objection, we're
10 adjourned.

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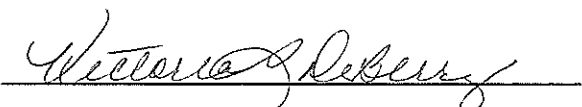
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COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

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 April, 1996.


Court Reporter

My Commission expires October 31, 1996.

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