

**ASMFC AMERICAN EEL
MANAGEMENT BOARD MINUTES**

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

AMERICAN EEL MANAGEMENT BOARD

**Mystic Hilton Hotel
Mystic, Connecticut**

November 2, 1999

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the East/Center Room of the Mystic Hilton Hotel, Mystic, Connecticut, on Tuesday, November 2, 1999, and was called to order at 1:10 p.m. by Chairman Lance Stewart.

CALL TO ORDER

CHAIRMAN LANCE STEWART: If you could take your seats, we'll begin the American Eel Management Board deliberations. Okay, I guess we will call the roll, Heather.

(Whereupon the roll call was taken by Ms. Heather Stirratt.)

MS. HEATHER STIRRATT: Mr. Chairman, you have a quorum.

CHANGES/ADDITIONS TO THE AGENDA

CHAIRMAN STEWART: Okay, thank you very much, Heather. We will note that several of the Board members will be coming in a little bit later from the lunchtime meeting. Are there any changes or additions to the agenda? Yes, A.C.

MR. A.C. CARPENTER: I don't want to change the agenda. I do want to compliment the staff for including the list of attendees at the previous Board meeting in with the minutes. It's something I had asked for for a number of meetings, and I'm very pleased to see it. I think it ought to be in all Board minutes.

APPROVAL OF THE AGENDA

CHAIRMAN STEWART: Okay, very good, Heather. It does lend some indication of collective consciousness from meeting to meeting that's good to see. Anything else? All right, we'll then take

the agenda in order. We'd like to have approval of the minutes.

APPROVAL OF THE MINUTES

MR. WILLIAM A. ADLER: I make a motion to approve.

CHAIRMAN STEWART: A.C. seconds. Okay, the minutes of the August meeting are approved. And now I'd like to take any comments from the public. Is there anyone who would wish to address the American Eel Board at this time? Yes, Mr. Brush.

PUBLIC COMMENTS

MR. TIM BRUSH: Good afternoon, I'm Tim Brush. I'm on the Advisory Panel for this Fishery Management Plan. I don't have any specific technical or plan-related comments today. I've only had this since last Tuesday, so I haven't even been through the Plan yet. I believe I probably will be submitting a set of comments to this. I don't know how that is handled if this is approved today.

But, we will probably go through it, anyway, because I think, at least the little bit of the document that I've gotten through so far, there are still some issues that we raised at the last meeting in August that I don't think have been addressed. And at some point I'd like to get, maybe outside of this meeting, get some understanding from one or two Board members as to how to deal with this and how to get some responsiveness on the significant numbers of comments we made in August. And I'll leave it at that.

CHAIRMAN STEWART: Thank you very much, Tim. Possibly Vic or Heather could elaborate further as this process develops. This the first stage in the formal management plan and then we'll have to go to hearing again. We'll try to incorporate all your concerns as it unfolds. Any more comments from the public? Then I guess we'll move on to Agenda Item 6, review of the final draft Eel FMP. You all have it in your documents.

I hope you've had time to review it or especially note any of your concerns from the last meeting to see if they have been incorporated in the text of the final draft. I'm sure Heather has done an excellent job. The revision date is October of 1999 so we're in that current year. At this point I'll let, Heather who's done most of the work, make further comments.

REVIEW FINAL DRAFT OF EEL FMP

MS. STIRRATT: What I'd like to do is just make sure that we're all up to speed with the changes that have been made very briefly. The final draft of the American Eel Fishery Management Plan, dated October 1, 1999, can be found as an attachment in your briefing books, and if not there, in the meeting materials at the back table.

As requested by the Management Board during the August meeting, all motions have been incorporated into the FMP. These include the adoption of Option 2 relative to the young of the year survey requirements; Option 5 relative to the recreational fisheries management measures; a combination between Option 1A and 4 relative to commercial fisheries management measures; Option B relative to the recommendations to the Secretary of Commerce; and Option A relative to the recommendation to the Secretary of the Interior.

Special attention should be given to the recreational fisheries management measures language. You requested that this be developed by Commission staff. It has been in cooperation with the law enforcement representatives. You should make certain that this text adequately reflects the intent of the Management Board and your earlier request at our last meeting.

Editorial revisions were made by Commission staff to improve the overall effectiveness of the content presented in the Plan. The following revisions were made -- very briefly I'll go through these -- outright removal of duplicate material. The FMP format has been revised to accommodate the ISFMP Policy Board Standards. This required adding a number of sections. You will find new sections in the FMP on the avoidance of incompatible activities, fisheries practices, and emergency measures. You will also find that a lot of the sections have been moved around. The Penobscot Indian Tribe requests have been incorporated as well as the ACCSP language. There has been a general editing of the text, including spelling, grammar, readability and presentation. Graphs and tables have been updated with the newest available data. Tables have been reformatted for a more effective presentation, and parenthetical remarks have been checked for consistency and accuracy. As a result, the document which you see before you will look quite different from the last version, although I would assure you that the content and the intent of

the Management Board has not changed within the document itself.

If there are concerns over any of these revisions, I would ask that the Board bring these to the attention of Commission staff either during this discussion forum or at the end of the meeting. Feel free to come up to me and let me know any of your concerns. Finally, I would like to just give a precursor to the next agenda item and say that there remain two items requiring Board action in order to finalize the American Eel Fishery Management Plan.

Both items can be found on page 74 of the final draft FMP. The Board will need to determine a date by which the states must submit their state programs to implement the Plan for approval as well as a date for which the states will be requesting de minimis status if that is their preference. After consulting with Technical Committee Chair Vic Vecchio, it was determined that July 1, 2000, would be a good start for discussion purposes of this first date. This date would allow the states enough time to design an effective young of the year survey as well as make the appropriate decision relative to gear selection and survey location. Furthermore, this date allows Commission staff the opportunity to coordinate two workshops involving both the young of the year survey design workshop and an aging technique workshop.

The second item for action requests that the Management Board determine a date in which states with approved management plans or programs must begin to implement this FMP. In reviewing this necessity also with Vic, he has suggested that January 1, 2001, be utilized. Again, these dates are merely for the purposes of discussion, and I'm looking for direction from this Board as to which way you would like to carry on.

CHAIRMAN STEWART: Okay, thank you for the review, Heather. At this point, I guess we all know what the steps we need to take are for action as outlined in the agenda. We've pretty well scrutinized the verbiage and section content in the August meeting. If I can, I'll take any comments by Board members and maybe direct your inquiries to the Technical Committee. Yes.

MR. ROY WILLIAMS: Yes, how do we get de minimis if we want de minimis? What's the standards for de minimis?

MS. STIRRATT: I'm sorry, could you --

MR. WILLIAMS: The de minimis standard, what is the de minimis standard, what percent of the total?

MS. STIRRATT: Vic, do you want to take that question?

MR. VIC VECCHIO: The description for de minimis is provided in the Plan, and it comes right out of the Charter. That's on page 74, as Heather described, exactly what the states would need to demonstrate in order to achieve de minimis status. I thought it would be useful for the Board possibly to have a discussion of the need for de minimis status with this Plan, given the particulars.

CHAIRMAN STEWART: Vic, was it based on 1 percent landings? Okay. Yes, David, Mr. Cupka.

MR. DAVID CUPKA: Thank you, Mr. Chairman. If I could I'd like to, before we get into that, bring to your attention a couple changes that need to be in the text just so that it will more accurately reflect the current situation. And I apologize that we haven't caught these before now, but it just came to my attention the other day. If we could go back to page 38, the third paragraph, the next to last sentence. It says, "Traps and pots are permitted in coastal waters" -- this is talking about South Carolina -- "but fyke nets are prohibited while eel fishing inland", so forth and so on. That should read "Traps, pots, fyke nets, and dip nets are permitted in coastal waters and inland waters." And the rest of that paragraph deleted because we do permit fyke nets and dip nets also now. This came from some earlier information back before we started permitting these fisheries, and I'd like that change to be made just to reflect that. Also, if I may, over on --

CHAIRMAN STEWART: Did you get that, Heather?

MS. STIRRATT: Yes.

MR. CUPKA: On page 69, Heather, under the de minimis section, the second paragraph, I guess starting with line 3, it says, "States may apply for de minimis status for each life stage if, for the preceding two years, their average commercial landings" and so forth.

I think at the last meeting we talked about changing that and saying, "If for the last two years for which data are available" because there was some concern about whether or not the data was going to be available for the preceding two years, which would lead me to my third comment which is relative to de minimis. To qualify for that, it has to be less than 1 percent of the landings for a particular life stage. I'm just curious where we're going to get that information on what those landings are so that we can compute whether or

not we qualify for de minimis. The only tables I see in here show average landings for like a 10-year period and a 5-year period. But somehow we need to get that information to even know if we're going to qualify for de minimis under these requirements in here.

CHAIRMAN STEWART: Yes, that's recognized. As you know, the basic objective of this Plan is to start acquiring data for American eel. In many cases it may not be available. Vic, has the Technical Committee given any qualification guidelines at all to preliminary de minimis?

MR. VECCHIO: Well, I concur with what Lance has said is that the intent of this Plan is to begin the process of collecting the information that we need to do an effective job at management. And what I began to allude to earlier was I think that the Board needs to discuss the need in this Plan for de minimis status at all, and should their be, given the considerations that we have about this stock, an option or an ability for the states to find their way out of some of these problems.

And I point to the exact definition for de minimis out of the Charter which says, "A situation in which under existing conditions of the stock and scope of the fishery, conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by a fishery management plan or amendment." Now, considering what we know about the condition of the stock and the concerns that we have which have brought us to this place in the first place, what we know of the scope of the fishery and its size on the coast, and considering the panmictic nature and the biology of this species, in my humble opinion those three things sort of fly in the face of de minimis. And I question whether or not we should really be considering that for the species in this Plan.

CHAIRMAN STEWART: Yes, Mr. Cupka.

MR. CUPKA: Yes, I think there is a need for de minimis because obviously in some states it is a very small amount of harvest being taken. However, one of the main focuses of this Plan should be to collect those landings' data. And I would submit to you that even under de minimis we would still have to collect that information to see that indeed we do qualify for de minimis and continue to qualify for de minimis. So it seems to me that even if we were to have a de minimis situation, those states would still be required to collect those landings' data, which is one of the primary things that we're after in this Plan, to even qualify for de minimis or to continue to qualify.

So I don't see de minimis relieving us from the responsibility of continuing to collect those landings' data.

CHAIRMAN STEWART: I see your point. I just wonder if in the Commission's definition of de minimis we may not be eligible because we don't have the data, and there may be a requirement that the data have to exist before you can be declared de minimis so that everybody at least engages in the initial data collection process. I'm throwing that out to the Board who is much more experienced in this qualification than I do or this particular species commands. I think the purpose is for every state to just log in and put the data on the table at least for the first year or two that this species is assessed, especially considering the tremendous life stage pressure from larvae to final reproductive stage that we know very little about. Anyone? Bruce. Mr. Freeman.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. Just to add, and I think what David's saying is correct, that de minimis does not relieve the state the responsibility of collecting the catch information. Two aspects, one indeed to find out what the catch is so a state could declare de minimis. The other issue is, as we've seen in some instances, the fishery may change in magnitude and a state would still have to maintain a collection system to determine it met the minimum requirements for de minimis. In some instances a state's fishery may expand and, therefore, de minimis status may no longer be appropriate. But in either instance, collection of data is necessary. And, David, that's what I hear you saying, that you certainly don't want to declare de minimis simply so you don't have to report the catch. That's not what you're indicating. There may be other conditions where de minimis does apply, but it wouldn't relieve you of the responsibility of reporting what the catch is.

CHAIRMAN STEWART: Okay, not that I want to deter this discussion and I will take comment, but maybe we could look for a real -- before we get into de minimis deadline dates or a real definition of that -- look for any corrections in the text that Heather might want of substance. Mr. Miller.

MR. ROY MILLER: Heather, on page 64, under recreational fisheries management measures, the second paragraph under Section 4.1, there is a statement "Recreational anglers may possess no more than 12 eels per person", I don't remember 12 as being a number that was in the previous draft. I recall a number more like 50. How did this number 12 come about?

MS. STIRRATT: Roy, I discussed this with Colonel Joe Fessenden. He said he would be willing to go up to 50 eels. As you recall from the last Board meeting, it was given to me the task of going through this language. If you would prefer it to be 50, I would be willing to make that change, but I would like to see it proposed here in a motion of some type.

MR. MILLER: Well, I don't typically fish with eels myself, but I've only done it once or twice perhaps, and it seems to me we had at least that many eels per person. Twelve seems like a very modest number.

CHAIRMAN STEWART: I somewhat concur. I did remember the discussion. We probably can extract it from the minutes, possibly, but 50 was the higher limit. Anyone else recall? Mr. Flagg.

MR. LEW FLAGG: I believe one of the issues associated with that had to do with enforceability of people that would be commercially fishing. Obviously, those that possess a commercial fishing license wouldn't be constrained. And so I think the issue that was discussed was how does one have an effective enforcement program if you have a very liberal, individual recreational creel limit that's very high that could subvert the enforcement of regulations on the commercial sector.

CHAIRMAN STEWART: Mr. Freeman.

MR. FREEMAN: My recollection of the discussion was that it's often recreational fishermen will have opportunity to collect eels under various occasions and may have live cars where they'll have more than 12. In fact, the number was 50, I recall. And the concern was that, indeed, someone had a live car in a water location, many of which live along the coastal area. They'd be in violation. And my recollection was, although 50 sounded to be very large, in reality it would include the great number of fishermen that may have live cars with eels in them that they would then, from that, take smaller quantities for a particular trip. But the issue was that fairly large quantity from that particular location. It seemed to me, also, when we talked about party charter boats, we had a higher limit, I think perhaps 100 or 200, because the vessel would have a live well and perhaps, John, you could address this, but would have all the eels for their people in that live well in that one particular location. Now my recollection was we had a fairly large number for a party or charter boat. It's not that they're catching eels for any commercial purposes; they're simply carrying them for bait on directed fisheries, primarily for striped bass. But, it certainly was higher than 12.

CHAIRMAN STEWART: Yes, John, Mr. Connell.

MR. JOHN CONNELL: Yes, I spoke to this issue at length at the last meeting. And the numbers that Roy indicated, the 50, was more in line of the direction that I thought we had discussed at that meeting.

MS. STIRRATT: To that point directly, I'm looking from the motions that are included within your briefing books. Motion number two was proposed to approve Option 5 as it was listed in the previous draft document that went to public hearing. That did contain the number 50 eels. And if you read on, that motion was made by Mr. Borden and seconded by Mr. Augustine. That motion carried unanimously. But then there was an intent to modify possession criteria so that recreational anglers may possess more than the harvest limit for bait purposes during fishing. That left it open-ended. And then the discussion amongst the table was that Commission staff was supposed to consult Law Enforcement. I did that. This was simply the recommendation that Colonel Joe Fessenden and I came up with. Again, I am completely willing to go through this and make a change if you so desire, but I would like to see it proposed in the form of a motion.

CHAIRMAN STEWART: Yes, Susan.

MS. SUSAN SHIPMAN: Also on page 72, we had adopted the 50 eels for the EEZ possession, and that's where we had considerable discussion. I think in order to be consistent we're going to have interjurisdictional transit problems of different creel limits unless we track, and I would move that we track and allow 50 eels per person.

CHAIRMAN STEWART: I recall sort of a consensus of 50. Anyone else? A motion, seconded by Mr. Connell; motion by Ms. Shipman. All right, do you have any discussion on the motion? Mr. Flagg.

MR. FLAGG: I have some concerns about the very large amount that's being proposed because I think it really does nullify the effects of being able to enforce that provision on the commercial sector. And the fact that with such a liberal number, it's going to allow for people to commercially exploit eels without being licensed. And so, I have some real concerns. And where this was a recommendation from our Law Enforcement Committee, I'm rather reluctant to support a change without conferring with them further on that issue.

CHAIRMAN STEWART: All right, Mr. Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. I would see this as a situation. Again, apparently different states have different conditions. I know in our state there is a very large and active charter/partyboat fishery and 50 would certainly accommodate that. I would suggest, also, in states where they may see that as being an excessive amount, particular to their fishery, that the state always has the option of being more conservative. And if a state believes the way its fishery operates that 6 eels is adequate or 12 or some other number up to 50, they would certainly have the latitude to enact that. So, I don't see this as deterring the state if they think that number is unreasonably high to put a lesser number in place.

CHAIRMAN STEWART: This is the conservative upper limit and they'd have a chance to scale down. Mr. Fote, you were next.

MR. TOM FOTE: What I was just going to say is, again, the buying habits of the fishermen when they go for eels is someone will send one guy to go pick up the eels from the commercial harvester. And he'll go down and pick up maybe five or six hundred eels at a shot, come back, and they'll divide them up. I mean, so one guy is transporting five or six hundred eels. Now most of the time that is not on a boat; that's in the car or the vehicle where he's going. And the guys do the same thing with the beach. They'll bring them down. One guy will go run to wherever he has to go because it's 50 miles away or something and bring them down for 10 or 15 guys at the beach. So they'll all pick up their eels from there. So, the transport problem becomes a problem there, too.

CHAIRMAN STEWART: Mr. Jensen then A.C.

MR. PETE JENSEN: Well, it's not uncommon for charter boats fishing striped bass in our state to carry 100 or more eels. So, is the interpretation here that if it's a six-pack, that they could have 50 per person?

CHAIRMAN STEWART: That's the way I see it, I understand it. A.C. and then Phil.

MR. CARPENTER: I think we're trying to confuse possession and creel limits. Everything that I've heard about this discussion revolves around the use of bait, not the act of harvesting. And creel limits are generally considered or possession limits in the recreational fisheries management measures in every other Plan that I'm aware of deal with somebody who is recreationally taking the animal and then has a possession limit associated with it. Every example that I've heard of here is somebody who is buying eels from somebody else and then carrying them on board to use for bait. I think this whole section, maybe you need a 4.1.1 to deal with bait on charter boats or

bait on other fishing vessels as opposed to the recreational harvesting of the animal.

CHAIRMAN STEWART: Phil.

MR. PHIL COATES: A.C. caught part of what I wanted to say. And to broaden this a little bit, there is the fact that there are people that use commercial hook-and-line gear to harvest. The cobia fishermen, I believe, use live eels. And, of course, up in Massachusetts it's not uncommon for a fisherman to have well more than 12 eels for commercial bass fishing. But in addition, we also have another way of procuring eels, and that's recreational pot fishing. They get their permits through the town and they can set pots, and 12 eels would not accommodate them, so I support the motion. And I think we need to have maybe that clarification if it's doable in the context we're talking about getting this thing approved and implemented.

CHAIRMAN STEWART: Is there within this motion an agreement that we should have another subsection? No. Okay, then it will be qualified within the language here. Yes, Pat.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. Should that include the word "in possession"; just a statement that says, "Move that FMP allow 50 eels per person for recreational purposes". Are we going to substitute the 50 for the 12 in the document? Is this what our intention is? Susan?

CHAIRMAN STEWART: Yes.

MR. AUGUSTINE: Okay, sorry. I just needed clarification on that.

CHAIRMAN STEWART: Mr. Simms and then Mr. Pate.

MR. LARRY SIMMS: Yes, I'd just like to follow up what he was saying about transporting them. We have some fellows that eel, and they sell to the recreational fishermen. And they transport their eels from across the bay in the boat. So I don't want to do anything that would interfere with that. They might transport 2,000 eels or something at a time or maybe more. So it's the same as in a truck or a tank truck or in a boat with a tank. So, I don't know what this would do to that but just to make you aware of it.

CHAIRMAN STEWART: Mr. Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. Two points to Pat's. The language in here, Pat, indicates that recreational anglers may possess "no more than" so the possession is in there. So far as this issue is concerned, as Larry brought up, it seems certainly it would be discretioned by enforcement people. If there's a vessel that has 2,000 eels and it has no harvesting gear aboard, it's hard to believe that they're in the process of

harvesting. It would be transportation. And I would just assume that your enforcement people would take that into consideration. I would suggest, at least to get this Plan through, Mr. Chairman, is to use the 50-eel limit that we had discussed. If we find in the future there are problems, let the states bring them back to the Board and then we can address them, and if we need to add specific subsections to that for whatever reason, but perhaps a lot of this is simply speculation. I would like to see it implemented and then if we need to come back and modify, we can do so.

CHAIRMAN STEWART: All right. Just to sum up as I see it, then, it's a recreational possession limit for the conduct of charter sportfishing per person, and that there is a problem in that fishery does often carry up large numbers of bait fish to be delivered at one time to a buyer. So that's the difficulty in handling large numbers, but we can get that language in here. Mr. Jensen.

MR. JENSEN: Well, I think what we're saying here, whether it's worth adding, is that this really applies to people that don't have a commercial catching or dealer's license. Maybe we need to add that language, and that would make it clearer in the future as to what we intended.

CHAIRMAN STEWART: That's a good distinction for that. Okay, not to complicate the motion, is there any more specific discussion to the 50-eel limit motion?

Can we call it by show of hands? All in favor, against. Unanimous. Any abstentions. Yes.

MR. JENSEN: I want to go back to the de minimis issue whenever it's appropriate.

CHAIRMAN STEWART: All right. Are there any more real text corrections that might be burning? Jack.

MR. JACK TRAVELSTEAD: The annual young of the year abundance survey is described in Section 3.1.1, mostly on page 58, and it was my understanding that conducting that survey was a compliance requirement. But, on page 73 under the mandatory elements of the state program, it does not specifically list Section 3.1.1 as a compliance requirement. I see it's mentioned in number 1 there, but only in terms of an annual state report. I think it would be helpful to clarify that the language you find in 3.1.1 is a mandatory element of the program.

CHAIRMAN STEWART: Okay, is there any more discussion? Mr. Borden.

MR. DAVID V.D. BORDEN: Thank you, Lance. I agree with Jack, but that's subject to the

qualification that's on page 58 at the bottom of the page.

CHAIRMAN STEWART: All right, very good. That's registered, then, Heather. Yes, Mr. Jensen.

MR. JENSEN: Well, that was part of what I had in mind when I said I wanted to go back to the de minimis. All states are required to do the young of the year unless exempted by the Technical Committee. And I don't know that the Technical Committee has identified those states that are exempt. But, otherwise, except for that young of the year, de minimis doesn't get you anything because all the Plan requires is maintain what you have and report every year.

So if states that are concerned about de minimis can be identified as being exempt from the young of the year, I think it solves that problem.

CHAIRMAN STEWART: Right, it's a double-qualification issue. A.C., you're next.

MR. CARPENTER: I got confused there, but Jack said that Section 3.1, the young of the year, should be included under 5.1.1. Are we going to include it there or not? We are?

CHAIRMAN STEWART: The Board's decision. Ms. Shipman.

MS. SHIPMAN: I think we need to. I know that it either needs to be under a state will be found out of compliance if they didn't implement the survey by either 2000 or if exempted by 2001. I definitely think it needs to be stated because we're going to be sitting around this table a year from now wondering if that was a compliance measure or not.

CHAIRMAN STEWART: Right, added emphasis. Any further? Yes, Mr. Flagg.

MR. FLAGG: Yes, I did want to speak to this issue of the young of the year survey. It seems as though one of the things we, perhaps, should do on page 58 at the bottom of the page, the last paragraph, the first sentence -- it seems as though what might be more appropriate would be that all jurisdictions should be encouraged to do a young of the year survey in Year 2000, but not have it as a mandatory provision for anyone in Year 2000, and that in 2001 everybody would come on line in a mandatory fashion. Maine certainly does plan to do that, but we do have some issues associated with manpower needs, which will be addressed this legislature. And, frankly, I can't predict what's going to happen. So, I would strongly suggest that we might want to use the Year 2000 as a dry run and let states that have the capability to go ahead and do it, but not make it a mandatory compliance requirement until 2001.

CHAIRMAN STEWART: Thank you, Lew. Any further comment on that? Roy.

MR. WILLIAMS: Well, why didn't you make it as a motion? I'd second it if you made it.

CHAIRMAN STEWART: Would you make it as a motion?

MR. FLAGG: Yes, Mr. Chairman. I move that the mandatory compliance requirement of an annual young of the year survey be made mandatory by January 1, 2000.

CHAIRMAN STEWART: Second?

MR. WILLIAMS: Yes, I'll second.

MS. SHIPMAN: January 1, 2000?

MR. WILLIAMS: 2001.

CHAIRMAN STEWART: 2001. Is there any further discussion on how we're softening this Plan?

MR. WILLIAMS: May I ask -- I'm a Johnny-come-lately to this part of it -- what exactly does this entail, just hanging a plankton net that out for an hour or two once a week for six weeks; is that what --

CHAIRMAN STEWART: I think it depends on your scientific consciousness to implement a good program. But, no, I would defer to the Technical Committee. Vic, would you like to comment on that?

MR. VECCHIO: The specifics and the details of what we propose for the YOY survey are in the Plan. And, Lord knows, we've hashed it over pretty well.

MR. WILLIAMS: Okay, well, you haven't hashed it over with me so I'd like to know or I'm going to vote against it.

MR. VECCHIO: Yes, sir. What we're proposing at a minimum is that each state put out two pieces of gear, at a minimum, during a six-week period of time that they have investigated and found that represents the peak onshore migration for young of the year eels. And as often as, like on 24-hour periods, cycles, lift that gear, check that gear. There are two particular types of gear that we're talking about, the details of which are subject to the Technical Committee meeting and ferreting out the real nitty-gritty details. But, that basically is it. And if you were required --

MR. WILLIAMS: Oh, I mean, that's real non-specific, if I may. It doesn't really tell me. I asked the question, do I hang a plankton net over the side once a week? It sounds like you're describing something that is deployed permanently for six weeks?

MR. VECCHIO: Yes, sure, you would put this -- there are two types of gear that we're talking about. One is a fyke net which you may be familiar with.

Another is a Sheldon yield trap which some may or may not be familiar with. It looks a lot like an animal carrier that you might carry a cat or a dog in on an aircraft with a wing, and it's quite effective at catching young of the year eels. Lew has had the fyke net in used in Maine. And so those two gears were the ones that we settled upon.

CHAIRMAN STEWART: That was the first description.

MR. VECCHIO: And that was basically it.

CHAIRMAN STEWART: Was there a two-site recommendation or just one site.

MR. VECCHIO: Sure, a minimum of two sites over a six-week period of time, which would represent the peak of the onshore migration, and you would get something of an in-state index of that year's recruitment of young of the year eels.

CHAIRMAN STEWART: Yes, Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman, a point of information. The motion as it reads up there does not say anything different than what the last paragraph says. And, what Lew said was that he felt that those states who are not doing this would at least try to conduct it in the Year 2000. I thought that was the motion was that we had discussed, but it doesn't say that. So, if Mr. Flagg would explain that, I'd appreciate it.

MR. FLAGG: If I could perfect this motion, basically what I meant to say was that all states' jurisdictions are encouraged to conduct an annual young of the year abundance survey beginning in Year 2000. And then the mandatory provision would take effect in 2001.

CHAIRMAN STEWART: All right, Mr. Colvin.

MR. GORDON C. COLVIN: I'm wondering if a further perfection to indicate that the mandatory provisions be incorporated in Section 5.1.1 might also be added.

CHAIRMAN STEWART: All right. Mr. Miller.

MR. MILLER: Mr. Chairman, I just wanted to remind you that at the very beginning of this, although this is up for further discussion later, you mentioned a deadline of 2001 for implementation. I just wanted to point out that this motion would be contrary to that suggestion. I mean, implementation is either going to start in 2000 or 2001, or we're going to break out the glass eel survey and start it ahead of the implementation of the Eel Plan. I just point that out as a potential pitfall.

CHAIRMAN STEWART: All right. Yes, Mr. Jensen.

MR. JENSEN: 2001, is that not the same motion that was adopted August 3rd in Alexandria? Even though the Plan doesn't reflect it, we adopted a motion already to make it mandatory in 2001.

CHAIRMAN STEWART: Yes, Heather.

MS. STIRRATT: The motion that you are speaking of was reflecting upon the states that have an initial exemption under de minimis status, that they would not be required to perform that annual young of the year survey until the Year 2001.

MR. JENSEN: Isn't that the same thing?

MS. STIRRATT: Well, we're talking about all states now, if my understanding is correct. Therefore, the Board may wish to discuss whether or not the de minimis states are actually gaining any time. I don't know, that's something you all will have to discuss.

CHAIRMAN STEWART: All right, we have a time bind. Mr. Perra.

MR. PAUL PERRA: I'm not inclined to support the motion because we need to get going on this. It will be a couple more years down the line. The idea was to get some initial data as soon as we could on the larvae coming into the rivers and then, eventually, refine it down to a more regional level or expand it as we needed. But if we don't get going with it, we're going to be way behind the eight ball. I do have some concerns over the status of the stocks. This is not that difficult a study. They're asking for two sites, and I think this motion might give some leeway to people. I don't think in the long run it will help us get a good management program in place. And I don't think it's fair to the states that are monitoring now. So I'm not inclined to vote for that motion.

CHAIRMAN STEWART: All right. Being in a position to try to give the species priority, I would make the observation that this doesn't require a lot of capital outlay. It doesn't require vessel direction or much crew time. It's basically a shore-side station sampling, minimum requirement to get started, at least to get biologists oriented to what glass eel migrations and behavior really is in particular states. Any further comment on the timeline? Yes.

MS. SHIPMAN: Call the question.

MR. DICK SNYDER: We may be the outlier in this. I enjoy a one-year lag time, and I appreciate the sampling strategy that we will employ when we get involved here. It will tie up one person for the better part of six weeks. At the same time, we have sort of an urgency with shad and striped bass in our portion of the Delaware. So, I will vote for this. I'd like the idea of de minimis status. Pennsylvania does not have a commercial eel fishery. We have a six-inch minimum length limit and so forth, but I applaud the spirit of getting monitoring data. But for some jurisdictions I think

it is a major impact. And I heard that this morning about striped bass, and I'm concerned about this young of year survey.

CHAIRMAN STEWART: Any further comment? Yes, Preston.

MR. PRESTON PATE, JR.: Just along those same lines, Lance, if the monitoring requirements of this Plan were standing alone, I wouldn't have any problem with it, but we have some major demands being placed on us by shad, river herring monitoring, and potentially horseshoe crab when it comes on line. So it's not something that we can consider as an individual staffing problem relative to this singular plan. We have to look at in the context of all the monitoring that's required of us as result of these actions.

So I support the motion for delaying the mandatory requirement as well.

CHAIRMAN STEWART: Any further weigh-in, comments? Yes, Mr. Nelson.

MR. JOHN NELSON: Thank you, Mr. Chairman. The Plan says that we would check the traps as often as possible during that six-week period. And that means what?

CHAIRMAN STEWART: At your discretion.

MR. NELSON: You know, we don't want to have a gaping hole that we were only able to get out once during that six-week period, and we put it out and then six weeks later we went a checked it. And that's the information. I don't think that's what's intended. But at the same time, I think the other points that have been made are appropriate. Are we having somebody seven days a week taking care of those for a six-week period of time? That does tie up a good amount of people. Maybe it's something the Technical Committee should take a look at as far as a minimum type of timeframe that would be helpful to give them the information that they feel they need.

And I just felt, maybe it's Monday through Friday or something like that. Maybe they won't run on Saturday or Sunday. Again, looking at manpower and what's the availability associated with that. So if the Technical Committee can flesh that out a little bit more, I'm comfortable with the motion.

CHAIRMAN STEWART: All right, do you want to comment, Vic? I mean, I think that's the intent, to kick-start at least some minimal effort to pay attention, not to engage a full staff member for six weeks.

MR. VECCHIO: Yes, I concur.

CHAIRMAN STEWART: All right. They will try to refine and give some basic guidelines. Yes, Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman, one final comment. I wonder what the Fish and Wildlife position might be on this, and do they see any major problems similar to what the Service sees?

CHAIRMAN STEWART: Dr. Geiger.

DR. JAIME GEIGER: I fully appreciate the concern expressed around the Board that we all have rigorous monitoring requirements, but I'll refresh everybody's memory that one of the primary issues and problems we have is we don't have the necessary information. We have to start somewhere; and for all of us, we have to start making that commitment. And I find it very disturbing that, again, if we don't start as we stated in the Plan, delay it another year, we're going to be around the table and we're going to make the same question, where is the data? And we'll delay and procrastinate and delay. It's time to draw the line in the sand, folks, and get the data. Thank you.

CHAIRMAN STEWART: Response, Mr. Nelson.

MR. NELSON: Well, not too much of a response. I certainly concur with my colleague from Fish and Wildlife. The only question I had is in particular states Fish and Wildlife may own certain properties that have tributaries in them. If they're going to monitor those, will that take care of some of the obligations of the states? (Laughter) Just a question, Mr. Chairman.

CHAIRMAN STEWART: Question to the floor?

MR. NELSON: I would make the assumption that that would take care of some of the obligations of the state, and I look forward to working with them on that.

CHAIRMAN STEWART: Do you want to amend the motion? Mr. Miller.

MR. MILLER: For purposes of voting on this motion, if a state does not presently have a glass eel fishery due to a minimum size limit or whatever, is that in your view de minimis? I know we haven't officially defined de minimis in this regard, but I'd kind of like to know before I vote whether, in fact, that means my state and other states that don't have an elver fishery are required to do this and when.

CHAIRMAN STEWART: Yes, I think that's the sentiment of the Board, that we would start as a coastwide entity in monitoring a fish that we know very little about. That's extremely important in life cycles of several other fish that have, apparently more fisheries impact, this being sort of a latent base of prey and also potential economic value. So, given that little overview should we vote? Ms. Shipman.

MS. SHIPMAN: Yes, call the question.

CHAIRMAN STEWART: One more comment, Mr. Flagg.

MR. FLAGG: If I could make just one more comment in regard to Roy's comment about the abundance survey. The purpose of that is to develop an annual young of the year, an index of recruitment of young of the year to the North American Coast. And so, we really do need to have stations up and down the coast. To the extent that some states do that, if in fact we have very few stations the first few years, it might not really mean a whole lot. My concern is that states that are doing it now are going to be, in Year 2000, held to a compliance requirement for that, and I just don't feel that's fair. We're willing to do that, and we are planning to continue to do the young of the year survey that we have been doing. But I don't think until everybody can be on board and we can have an effective coastwide monitoring program that will provide adequate data for the coastwide index, because some states are doing it and if they fail to continue it, they're held in a non-compliance mode, I think that's not quite fair. It doesn't really meet our objective of getting this coastwide index that we need.

CHAIRMAN STEWART: All right, one more. Pat.

MR. AUGUSTINE: One more comment. Call the question, Mr. Chairman.

CHAIRMAN STEWART: All right. At that we'll take a vote on the motion. All those in favor, raise your right hand. Oh, caucus; all right, if you need a caucus. Okay, we've decided, in huddling with staff here, we'd like to make a roll call vote.

MR. FREEMAN: Mr. Chairman, clarification on this.

CHAIRMAN STEWART: Clarification.

MR. FREEMAN: The bottom of page 58, the last paragraph, indicates that the Management Board could exempt a state. And then it goes on to talk about the Technical Committee shall advise the Management Board on exemptions as necessary. I'm just wondering, if this is the case and this is in the Plan and we're not voting on this, it seems to me this motion is going to be contradictory to this last paragraph, unless I don't understand this paragraph correctly. Could we ask for clarification either from the Chair or from the Technical Committee as the purpose of that last paragraph?

CHAIRMAN STEWART: Let me give it a first shot. As I see it, the Management Board, in determining de minimis, would exempt a state once we define what the de minimis criteria are. The Technical Committee was to advise and not exempt, but to advise on the Plan and according to the detail of the sampling that would be required.

MR. FREEMAN: But my understanding of de minimis is that we do need a coastwide index because we have no idea. And even though a state may choose a stream that may not be the most abundant for migration, the point is it's a constant index that will give us an idea of availability. So, de minimis would not necessarily exempt a state from conducting this.

CHAIRMAN STEWART: That's the way I see it.

MR. FREEMAN: And it just seems that this motion is contrary to that paragraph.

CHAIRMAN STEWART: Well, what's the pleasure of the Board? How do you want to treat the vote at this point? It'll reflect your pleasure as we call the roll and you vote this motion either relevant or not.

So the language may be there already to allow flexibility and to allow further Technical Committee definition and this motion may or may not be needed. So is everybody clear, the clarification in place? Any other hands?

MR. FREEMAN: Well, again, I'm not clear. Our delegation will vote against the motion; one reason being that we think there's a provision if a state has some hardship instance and determines that it's best attempts cannot do this in the Year 2000, approach the Board and ask for relief. And we could grant it, but this is going to allow anybody to say, "We'll implement it in the Year 2001," in my opinion, which is seem to be confusing.

CHAIRMAN STEWART: We'll take one more comment before the roll call. Yes, A.C.

MR. CARPENTER: Directly to Bruce's point. Unless you're prepared to do it at today's meeting, when are you going to do it?

MR. FREEMAN: Well, in Florida's instance, the migration may begin early in the year, but in most instances, A.C., it's not going to begin for at least another five months. So, I would assume the Board will meet again before that time.

MR. CARPENTER: And, Mr. Chairman, while I have the mike, it was my understanding this motion was the replace this language at the bottom of page 58.

CHAIRMAN STEWART: Right.

MS. SHIPMAN: Yes.

MR. FREEMAN: Well, if that's the case, then it's not clear in the motion, and I didn't understand it that way.

If that's the intent of the makers of the motion, it should be stated.

CHAIRMAN STEWART: Does the mover agree with that? Mr. Flagg, do you want to respond to that?

MR. FREEMAN: The issue, Lew, was the intent of your motion that's on the board to replace the last paragraph on page 58?

MR. FLAGG: Yes.

MR. FREEMAN: Okay, well, it wasn't my understanding.

CHAIRMAN STEWART: All right, that's stated. Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. I'm going to have to vote against the motion, and I won't repeat everything I've said at previous meetings. My vocal cords won't allow me to do it. But I think we need flexibility. Some states, small states are not going to be able to meet this requirement. The state of Rhode Island will try to meet the requirement if it's a monitoring requirement.

But, I think it's an error not to have some flexibility in here so a state can come back and appeal. So I'm going to vote against it.

CHAIRMAN STEWART: All right. Heather, would you call the roll.

MS. STIRRATT: Just to repeat the motion that we're voting on: All states and/or jurisdictions are encouraged to conduct the annual young of the year survey to begin in 2000 and that the mandatory provisions take effect in 2001. These mandatory provisions should be added to section 5.1.1 of the FMP. This language would, in effect, replace the last paragraph found on page 58.

The State of Maine.

MAINE: Yes.

MS. STIRRATT: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. STIRRATT: Massachusetts.

MASSACHUSETTS: No.

MS. STIRRATT: Rhode Island.

RHODE ISLAND: No.

MS. STIRRATT: Connecticut.

CONNECTICUT: No.

MS. STIRRATT: New York.

NEW YORK: No.

MS. STIRRATT: New Jersey.

NEW JERSEY: No.

MS. STIRRATT: Pennsylvania.

PENNSYLVANIA: No.

MS. STIRRATT: Delaware.

DELAWARE: Yes.

MS. STIRRATT: Maryland.

MARYLAND: No.

MS. STIRRATT: Potomac River.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MS. STIRRATT: D.C. (No response) Virginia.

VIRGINIA: Yes.

MS. STIRRATT: North Carolina.

NORTH CAROLINA: Yes.

MS. STIRRATT: South Carolina.

SOUTH CAROLINA: Yes.

MS. STIRRATT: Georgia.

GEORGIA: Yes.

MS. STIRRATT: Florida.

FLORIDA: Yes.

MS. STIRRATT: NMFS.

NATIONAL MARINE FISHERIES SERVICE: No.

MS. STIRRATT: U.S. Fish and Wildlife Service.

US. FISH AND WILDLIFE SERVICE: No.

MS. STIRRATT: Nine votes for; nine votes against.

CHAIRMAN STEWART: The vote is nine to nine. It's tied; it's a stalemate. The motion fails. Yes, Mr. Colvin.

MR. COLVIN: I move that the mandatory provisions as outlined on the paragraph at the bottom of page 58 be added to Section 5.1.1.

MR. BORDEN: Second.

CHAIRMAN STEWART: Mr. Colvin has made an alternative motion that would clear the language, seconded by Mr. Borden. Discussion on the motion?

MR. AUGUSTINE: Thank you, Mr. Chairman. In view of the fact that we've discussed this issue extensively for the last 25 minutes, I would like to call this question as stated.

CHAIRMAN STEWART: Right. All those in favor, raise your right hand; opposed. The motion passes. The language will be replaced. All right, at this stage are there any more text corrections or shall we move to de minimis requirements and further that discussion? Ms. Shipman.

MS. SHIPMAN: A very quick one. On page 73 under 5.1.1.1, regulatory requirement, at the bottom of the page. In the third line we had discussion about allowing a state to propose an alternative management program inclusive of aquaculture production, and I think we need to add in that language, where it says: "Alternative management program, inclusive of aquaculture production," under Section 4.4 so that it's clear that the Board would consider that.

MS. STIRRATT: Susan, can you please give me the page number and the paragraph one more time?

MS. SHIPMAN: Yes, I'm sorry, Page 73, the bottom of the page, under 5.1.1.1, third line.

CHAIRMAN STEWART: That aquaculture be included in there. All right, any further comment or is that acceptable to the Board? We will do this.

All right, any other particular content changes or ideas? Excuse me, Mr. Augustine, go ahead.

MR. AUGUSTINE: Without any further discussion, I move that we accept this FMP as corrected and amended by the Board as of this date.

CHAIRMAN STEWART: Would you restate that, please?

MR. AUGUSTINE: Probably can't, but I'll try. I move that we accept the FMP in its full context with the additions and corrections as added and/or amended as of today.

CHAIRMAN STEWART: Any seconds?

MR. FREEMAN: Yes, I'll second it, but that motion should be slightly modified, Pat, a friendly amendment, a recommendation to be accepted by the ISFMP Policy Board.

MR. AUGUSTINE: Thank you. Acceptable.

CHAIRMAN STEWART: All right, the motion is made and seconded. Heather has a question.

MS. STIRRATT: It's my understanding that we need to go ahead and specifically outline the dates that need to be included in Section 5.1.2. States must submit state programs to implement the plan for approval by the Management Board. The date as it appears in the FMP up until this point says "to be announced." I have, in my previous introduction, suggested two dates which might be inserted. They will need to be discussed by the Board. But, at this point I feel comfortable approving the Plan to go to the ISFMP Policy Board without going ahead and first including some dates in here, just procedurally speaking.

CHAIRMAN STEWART: This was on the agenda, and we seem to have skipped over it slightly at that point. So, feelings from the Board. Mr. Borden.

MR. BORDEN: Thank you, Lance. Since a number of us came in a little bit late, what were the recommended dates?

MS. STIRRATT: David, to that question, in consultation with Vic Vecchio, we suggested that the first date to be announced be July 1, 2000, and that the second date to be announced be January 1, 2001. Those were just discussion suggestions.

MR. BORDEN: And these dates go on -- I can't find the exact page.

MS. STIRRATT: Page 74, at the bottom.

MR. BORDEN: Yes, Mr. Chairman, I'll move that we --

MR. FREEMAN: Whoa, you've got a motion on the floor.

CHAIRMAN STEWART: Yes, just a second. This is a refinement of your motion, and would you defer your motion until --

MR. AUGUSTINE: Thank you, Mr. Chairman. I would accept the refinement if it's necessary to carry it in the body of the motion, that we just add in "with the effective dates of July 1, 2000, for state submittal and January 1, 2001, states would have approved management programs and begin implementation of the plan." Someone might want to clean that language up for me. I would appreciate it.

CHAIRMAN STEWART: Is that acceptable to the seconder?

CHAIRMAN STEWART: Yes, Mr. Borden.

MR. BORDEN: In the interest of time and simplicity, I'd suggest, unless we have objections to those dates, that it be done by unanimous agreement of the Board and you just proceed with the original motion.

CHAIRMAN STEWART: All right, is that acceptable, then?

MR. AUGUSTINE: Yes, that's acceptable.

CHAIRMAN STEWART: Discussion. A.C. and then Ms. Shipman.

MR. CARPENTER: If the Plan itself is to be approved and have an effective date of 1/1/01, how does that fit with the mandatory requirement for -- how can we be found out of compliance in the Year 2000 if we don't have a young of the year survey? Doesn't somebody have the cart before the horse here, and aren't we trying to confuse this issue too much?

CHAIRMAN STEWART: Well, I see what you're saying.

MR. CARPENTER: It's only a question.

MS. STIRRATT: If I might speak to this, this is a confusion and we'll need to address it. Some of the reasonings behind why we suggested these dates were presented earlier in the introduction, and that was merely that the spring runs are coming up very fast; and that the states, with this Plan not having been fully approved, have not had the appropriate time to discuss how they will be performing these young of the year surveys. It was the understanding of myself and the Technical Committee Chair that the Commission would be trying to set up two workshops. One would be an aging workshop; the other would be a young of the year survey design workshop to help the states get this program started so that we are all on the same page.

As many of you know, with the data being so lacking as it is, a number of the states really haven't had the experience with eel that they should have up until this point. And that being said, these dates were developed on that understanding and those criteria. It does conflict with the implementation dates which we have in

the Plan in the sections that we were just discussing.

So, if you would like to address that, that's fine. Otherwise, we're basically shooting a bullet out of the gun and not giving the states a whole lot of time in terms of getting their surveys together.

MS. SHIPMAN: And the ones in particular that aren't having time to get their surveys together are those of us in the southern part of the range. We have, what, two, three months to get it together? There is no way.

And I'd also ask if that particular workshop, if that's part of the action plan that has been budgeted for? I mean, the Commission has maxed out on expenditure resources. And if this is something that has not been budgeted for, I don't know how we're going to accomplish it. I really don't. And I see a big conflict in these dates and the implementation.

CHAIRMAN STEWART: All right, any further comment as this situation affects the motion and whether we should change it. Mr. Beckwith.

MR. ERNEST E. BECKWITH, JR.: Yes, what are those dates again?

MR. AUGUSTINE: July 1, 2000, January -- I'm sorry.

MS. STIRRATT: The dates that I've suggested relative to the first one where states must submit their implementation plans, that was July 1, 2000. That would mean next year, mid-year. The date in which states with approved management plans must begin to implement this plan, we suggested January 1, 2001.

CHAIRMAN STEWART: Mr. Miller and Mr. Pate.

MR. MILLER: Mr. Chairman, I am now thoroughly confused as to when the young of the year survey must begin. My understanding of Mr. Colvin's motion was that it had to begin January 1, 2000. Now we're saying the implementation, the Plan doesn't even have to be in until July 1, 2000. Would you clarify when the young of year survey must begin, please?

CHAIRMAN STEWART: Okay, we'll give it a shot.

MS. STIRRATT: On page 58, as it is currently written, the young of the year survey must begin to be -- it's required to occur in the Year 2000 by all states unless you have an exemption under de minimis status. On page 74 these dates are left undetermined; and because of the issues which I've pointed out in consultation with Vic, we've suggested dates that do conflict with that implementation year.

MR. MILLER: But then if I could just follow up, Mr. Chairman. Could a state be declared out of

compliance if a state does not implement a young of the year survey in the Year 2000?

CHAIRMAN STEWART: I don't believe so; and again, I defer this to the consensus of the Board. This is just one element of the Plan whether they would be found out of compliance because of this attempted early start. Anyone? Mr. Freeman.

MR. FREEMAN: It seems to me that, again, the paragraph on the bottom of page 58 allows for a state, such as Georgia, to approach the Board and ask for relief in a situation. I think you have a very legitimate concern, Susan. The Board could grant that or, Roy, could grant that and you wouldn't be deemed out of compliance. I mean, the issue here, as I see it, is no one wants to vote any other state out of compliance. We've been talking about eels now for three years or four years, and the problem is we don't have the information.

The thrust of the Plan is to put something in place that would give us the wherewithal to collect the information. Geographically, it's necessary even though if a state is de minimis that information, particularly young of year, will be extremely valuable. So the issue is to give you a mechanism to allow the implementation of some of these rudimentary survey that we need the information from; but, again, not to deem you out of compliance. It would not seem, to me, to be out of order to ask for that relief at this meeting if that created problems.

CHAIRMAN STEWART: Okay, thank you Mr. Freeman. A.C.

MR. CARPENTER: Mr. Chairman, if we go along with the staff's recommendation of a January 1, 2000, for states to submit a plan and this Plan itself actually becoming effective January 1 of 01, then the previous vote that was a tie vote is meaningless because nobody can be found out of compliance with a Plan that's not in effect until January 1, 2000. So I'm going to support the motion because I had supported the original motion.

CHAIRMAN STEWART: You get a double chance to vote. Pres.

MR. PATE: Well, A.C. is exactly right. Theoretically, this motion should fail in a nine to nine tie. Everybody that voted against the last one should vote for this one and vice versa, because this does what we were asking for in the last motion. It just creates a lot of confusion with those conflicting dates being in the Plan, but I intend to vote for the motion, because I think this is the out that we wanted.

CHAIRMAN STEWART: All right, at that point should we call the motion? Is it clear enough in everyone's mind what this does?

MR. NELSON: No.

CHAIRMAN STEWART: No. Okay, Mr. Nelson.

MR. NELSON: Mr. Chairman, what we were doing is we will just have two votes that are contrary to each other if this one passes. That's all it does, and which one would have the authority. We're making the assumption that the second one would be the authoritative vote. So, the first, therefore, is probably null. I mean, there's no basis to find anybody out of compliance, as you've already heard. Probably what we need to do is to, if you want to pass this one or just delay this one for the time being, is resist the other one and probably deal with recommendations versus mandatory. And I know that doesn't suit what everybody is trying to get at as far as information. But those states that have the opportunity to go out and do it -- and I think New Hampshire certainly would make that effort -- you would still start getting some information in the Year 2000.

But that's the only way I can see we can really deal with this right now.

CHAIRMAN STEWART: I'm waiting for the formality to shape up. I'm looking for a way out of this. All of us are positioning. I don't think the intent was to make it as mandatory and as complying an issue as is being reflected in the motion. First Dieter then Ms. Shipman.

MR. DIETER BUSCH: Mr. Chairman, it seems to me that if the Board decided to recommend to the Policy Board approval of this Plan today, like this motion indicates, then as of January 1, 2000, the Plan will be in effect the way the final document will read. So the Plan will be in effect January 1, 2000. And the compliance requirements, if you move that section like you did on young of year survey to the compliance requirement, that would be a compliance requirement under the Plan approved at this meeting for the Year 2000. Then the items under the, what is it, page 74, those are further implementation dates, and really that goes to the state in the implementation of this Plan. It doesn't change the implementation date of this Plan, per se, but the state-by-state documents. So the dates that the staff and the Technical Committee recommended are really not contradictory. They're valid.

CHAIRMAN STEWART: That's the way I was seeing it. Is there any -- Mr. Colvin.

MR. COLVIN: I just have a point of order, Mr. Chairman, and then a comment. I'm not sure what

we are about to vote on. There was a motion made; it's on the board. There was a suggestion of a different motion that Mr. Borden suggested perhaps the Board could approve by unanimous consent. Clearly, it will not do so. **I suggest that we clear the decks here of the motion that's up there and entertain action specifically on the issue of dates to be announced. And, accordingly, I move to table the motion on the screen until such time as we take action on the dates to be announced on page 74.**

MR. PATE: Second.

CHAIRMAN STEWART: Preston seconds. Is there any discussion about the table? Preston.

MR. PATE: Actually, Paul did, but I'll second.

CHAIRMAN STEWART: All right, any discussion on tabling? Mr. Augustine.

MR. COLVIN: This is a motion to table.

MR. AUGUSTINE: Oh, motion to table. As the maker of the original motion, I would support tabling it until we reach some consensus of opinion as to what would be the most appropriate date.

So I would hope New York, in view of the fact that Mr. Colvin made the motion, we were definitely going to support it.

CHAIRMAN STEWART: All right, at this stage we're open, again, for suggestion on dates.

MR. COLVIN: You've got to vote, Mr. Chairman.

CHAIRMAN STEWART: Oh, I'm sorry. We have to vote on the motion. Shall we do this by hands? All in favor, aye; opposed. Okay, unanimously passes. Mr. Borden.

MR. BORDEN: Thank you, Mr. Chairman. If everyone looks on page 74 and if the date on that next to last paragraph is July 1 of the Year 2000, and then you go back to page 58, to the paragraph at the bottom and change the language there so it says, "All state jurisdictions except those exempted by the Management board are requested to conduct" instead of "required to conduct", I think that would alleviate some of the concerns that have been specified. Then, starting on July 1, what you would be doing is submitting your proposal to start for your next fishing year. Now, in my own view, that does not dilute what I think is a common thread through the discussion which is we all want to get on with the monitoring program. That's the greatest efficiency in this Plan. And yet, you can't expect states like Georgia and some of these other states that only have two months to gear up to do a monitoring program to do that. So I think just a one-word change and you leave the dates, I think it accomplishes what everybody wants.

CHAIRMAN STEWART: Very good. Mr. Perra.

MR. PERRA: In the interest of moving things along, I kind of agree that we can't really force things as fast as we probably would like with the southern states so soon. But I do think that we can get the planning done a little sooner and deal with it at least by the spring meeting of the next Commission. So I wondered if Dave would agree to a May 1, 5/1, instead of a 7/1. It would give us time to review the plans, and then there will be almost three-quarters of a year to get the thing. Usually the spring meeting happens in May.

We don't meet that often, so --

MS. SHIPMAN: It's in June.

MR. PERRA: It's in June? Well, the Technical Committee has to look at the Plans and then get back and give us a report.

CHAIRMAN STEWART: What do you think, Dave? Yes, Mr. Borden.

MR. BORDEN: I specifically did not make that as a motion. I just wanted to throw out an alternative. I have no objections to what Paul is suggesting, but it would be my expectation that the way we would interpret the last paragraph on the bottom of page 58 is states that can't meet the deadline because of the short time period would simply send in a letter and say, "We're requesting an exemption consistent with the paragraph because of the timing issue." And it would be automatically granted.

CHAIRMAN STEWART: I feel that's reasonable. What is the rest of the Board's --

MS. SHIPMAN: I would second that if you would make that motion.

CHAIRMAN STEWART: Would you make that in the form of a motion, then, Dave?

MR. BORDEN: Susan, to your point, are you suggesting make that statement a motion to go into --

MS. SHIPMAN: No, I thought you were just floating your idea of your wording changes "are requested to".

MR. BORDEN: Right.

MS. SHIPMAN: Yes. Is that your motion?

MR. BORDEN: Let me go back to Paul's question. Paul what's the date that you're suggesting?

MR. PERRA: May 1st.

MR. BORDEN: May 1st. and is that consistent -- does the staff have any reservations about May 1st instead of July 1st of 2000?

MS. STIRRATT: That would be fine after consultation with Vic. He said that shouldn't present any problems. So.

MR. BORDEN: Okay, let me ask the Commissioners. Any Commissioners object to

May 1st if the wording change is made on page 58 the way I suggested?

CHAIRMAN STEWART: Is that comfortable, everyone comfortable with that?

MR. COLVIN: No.

CHAIRMAN STEWART: Gordon. Mr. Fote.

MR. COLVIN: It's the same motion we voted on before.

MR. FOTE: It's the same motion we voted on before. I haven't really said anything about it, but one of the problems is when we all knew we were going to do monitoring, we knew it a couple of months ago. We've basically been in the Plan for a couple of months that we'd have to monitor. I mean, I was ready to amend the motion before to make the Fish and Wildlife Service be responsible for the monitoring since they own property in every state. But the real problem is we have a Plan that we have no data on. We really need the data. We knew that a year ago, two years ago when we basically started this Plan. We knew that we were going to monitor.

This Plan is not just fresh out of idea. We knew we were supposed to be planning to do it next year, anyway. How can we keep putting off a study to basically establish what the stock is and then make all kinds of recommendations with the stock? I mean, this motion is the same as the one we just voted against. I mean, it's required not requested. And if you want an exemption, and you really can't do it, then you write a letter asking for the exemption of the Board but it's required. I wouldn't support this motion with changing the wording on page 58.

MR. BORDEN: Okay, if I may, Mr. Chairman, can I ask Gordon a question. What's your objection to it, Gordon, the same one that --

MR. COLVIN: It's the same motion. It's substantively the same as the motion we tied on earlier. There's no substantive difference in my mind.

MR. BORDEN: Well, if you change the word "required" to "requested", that's, to me, a major change.

MR. COLVIN: I think that's exactly what that original motion said. I think Mr. Flagg's motion said that all states were "recommended" to do the survey in 2000 but would be required in 2001.

CHAIRMAN STEWART: We're in a quandary again here. Is there anyone who can clarify this? Ms. Shipman.

MS. SHIPMAN: One possibility is if you were to leave the language as it is so as not to have the conflict with the dates that you're talking about on page 74, you could say "the requirement on page

58," whatever it's going to be referenced as "is not a compliance requirement in the Year 2000." Then you would not have the conflict. To me, that's the only way you can break the tie.

CHAIRMAN STEWART: Any comment on that recommendation? Mr. Colvin.

MR. COLVIN: I have a question, Mr. Chairman, of either Heather or Vic or both of you. States must submit state programs to implement the Plan for approval. What exactly is that submission going to include? I have an impression that it's a submission that has a very minor amount of content. Am I wrong?

MS. STIRRATT: I think that Vic might be able to elaborate on this, but I think that that is correct. I would concur with that. My idea, or at least my understanding of the proposals that the state would be submitting would basically just be outlining how they're going to perform these young of the year surveys and the various details to which they are required to give us some information on how they will be getting that information, what two locations they will be choosing, what gear types they will be choosing, that type of information. Vic, you might be able to provide --

MR. COLVIN: Is there anything with respect to the recreational limit, also?

MS. SHIPMAN: It'd be all the requirements, wouldn't it?

MS. STIRRATT: Right.

MR. COLVIN: I think those are the only two requirements, aren't they?

MS. STIRRATT: Right.

MS. SHIPMAN: The commercial requirements, the gear, you know, anything like that.

MR. COLVIN: Well, tell me, what is it, because I'm not sure what it is that's going to take us until next July to do. I was under the impression that this was a less ambitious task than that.

MR. VECCHIO: I was under the impression that the report would be sort of like a mini-annual state report without any of the landings' data, for example, so it would be the proposal for the young of the year survey and then the commercial and recreational fisheries management measures, how they were to be implemented by state. And that's sort of the implementation report for this plan because the other measures don't have anything to do with the states. Does that answer your question, Gordon?

MR. COLVIN: I think it does. I guess I would first of all say the same thing Tom Fote did. We've known about the impending nature of the young of the year monitoring for some time. I know we've been planning to get going on it. I would hope that others have, but there is an exemption mechanism,

which is what motivated our vote on the tied motion. With respect to this report, I'm not sure that this is a report that the states need eight months to put together. I would think that sometime very early in 2000 this could be done, and that that could get around some of the conflicts people are having between the compliance requirements and the implementation schedule.

CHAIRMAN STEWART: Vic, do you want to comment?

MR. VECCHIO: Mr. Chairman, yes. Gordon, I agree. However, I was under the impression that we would have a Technical Committee meeting or a couple of Technical Committee meetings to hash out the details so that a complete and comprehensive report was provided by each of the states. And that's why I thought we would need some time in order to accommodate that.

CHAIRMAN STEWART: All right. Mr. Fote.

MR. FOTE: As I'm looking at this, we have a meeting in February. I don't see any problem with basically having, instead of having it May 1st, in having it February 1st and basically handling it at the first meeting of the year in February. I mean, it's not going to be that much of a requirement. There's not that much paperwork to put together. Why can't we just have it by February 1st to put in, and then put it in and let the Technical Committee review it?

CHAIRMAN STEWART: Mr. Augustine.

MR. AUGUSTINE: With all the discussion on the subject, I think it's time to second this because it doesn't have a second in it and then I'd like to call the question.

MR. FOTE: You can't call the question because this is off the table.

MR. AUGUSTINE: Well, Mr. Borden, did you make it as a motion? Is that the recommendation? I would like to make this as a motion.

MR. FOTE: You can't do it. There's a motion that's tabled. We have to get the motion back off the table to do that, Pat.

MR. AUGUSTINE: No, this is the new motion. My motion --

CHAIRMAN STEWART: Wait a second here, Joe is having difficulty. I'm going to call a halt to the exchange.

MR. AUGUSTINE: If I understand correctly, Mr. Chairman, my motion has been tabled as the second motion was being put on the floor. Do I understand correctly? Can we bring that down so we can see what we have up there?

MR. FREEMAN: The one we just voted on.

MR. AUGUSTINE: So my motion is tabled and we do not have a motion on the floor right now; do I understand correctly?

MR. BORDEN: Correct.

CHAIRMAN STEWART: That's correct.

MR. AUGUSTINE: And Mr. Borden had recommended or asked for some information as to what dates might be acceptable to the Service. In response with the discussion that followed, it was clearly stated that we do not have a problem; that states can take an exemption. So, with the information that was just put up there as a recommendation of the dates to be put in, July 1, 2000, and the January 1, 2000, if no one wants to make that motion, I would like to make that a motion that those two dates be accepted in the Plan.

CHAIRMAN STEWART: Since they were originally offered --

MR. AUGUSTINE: I know they were originally offered, Mr. Chairman, but they didn't go anywhere and we needed further discussion. And it appears that Georgia now seems to be a little more satisfied with the understanding.

MS. SHIPMAN: I have no problem. I will ask for an exemption, I assure you. I have been planning. I know this has been coming for a year, and I have been planning to come forward to ask for an exemption because I have to coordinate with a sister division to get this done. Both of us have experienced budget cuts in the last year, so we've collectively got to figure out how we're going to do this. But we've still got a conflict with the compliance language. That's what I am trying to suggest how you solve that.

MR. AUGUSTINE: Mr. Chairman, I then would like to restate the language in my motion in deference to the Service's suggestion that we go to a May 1st. I recommend that the two dates that we put in the Plan would be May 1, 2000, and the second date being January 1, Year 2000.

MR. NELSON: One.

CHAIRMAN STEWART: Is that a motion, and is --

MR. AUGUSTINE: I'm sorry, 2001.

CHAIRMAN STEWART: And that's in the form of a motion?

MR. AUGUSTINE: In form of a motion to become part of this total FMP.

CHAIRMAN STEWART: Is there a second for that?

MR. FLAGG: Second.

CHAIRMAN STEWART: Okay, Mr. Flagg seconds. Is there any discussion, again? Mr. Nelson.

MR. NELSON: I don't want to go over this too much more. I just want to reiterate, you know, we talk about what are we submitting for a Plan. And

the Technical Committee had wanted to have a meeting, I assume early this coming year, so that they could work out any additional details that they would need from us. And I just want to make sure that that does happen.

We know what type of sampling frequency we're talking about, you know, that's going to be our guidelines, what's the nitty-gritty of it, get that out to us so that then we can all submit our Plans on asking for an exemption or for moving ahead. That's all I ask.

CHAIRMAN STEWART: Is that a guarantee?

MS. STIRRATT: It's my understanding that we will be moving forward very quickly with this as soon as the Plan is adopted. I have put in through Dieter and also through Jack the request for two workshops to be held very early spring. This would still fall into the implementation Plan that is posed here by the May 1, 2000, deadline to allow the states to submit their Plan. It should give the states plenty of time. I would think early January was when Vic and I had spoken about maybe getting a workshop together to design these young of the year surveys.

MR. NELSON: The only problem I -- well, I guess, you know, those are the dates. It's just when are the runs actually going to take place. I guess if we're doing May, it's very few states that are really going to be monitoring anything in the Year 2000 and we've spent a lot of time chatting about this, really, for nothing.

CHAIRMAN STEWART: That is a predicament. The run does start, especially in the Northeast, in April, actually March, the first part of March, so those states that probably would take a lead and have some initial monitoring in place might jump the requirement of the Plan, but it wouldn't be mandatory.

MR. NELSON: And that's why I was saying if the Technical Committee can provide the information to us earlier, maybe some of us can at least provide some preliminary information. And as long as it's a reasonable requirement, I'm sure we won't mind providing the requested information.

CHAIRMAN STEWART: Very good. Thank you, Mr. Nelson. So registered, Vic. All right, at this point if there's any further discussion?

MR. WILLIAMS: One more. If we were going to request de minimis, that request would have to be made by May 1st under this, is that right? And along with that, the request for de minimis, we would also have to propose whatever plan we had for young of the year monitoring. What the de minimis would basically get us is we would not have to do the fishery-dependent monitoring,

although we could probably still do the total catch and so on. That wouldn't be a problem.

But we wouldn't have to do the dependent monitoring, age, length, et cetera; is that right? And all that would have to be there to you guys by May 1st?

CHAIRMAN STEWART: That's right. Vic. All right, at this point we're going to take a vote on the motion for those dates. The motion is that state plans be submitted by May 1, 2000, and state plans may be implemented by January 1, 2001. Okay, all those in favor, raise your right hand --

MR. AUGUSTINE: We're still caucusing. You only gave us 20 seconds.

CHAIRMAN STEWART: All right, sorry. I didn't give enough time for caucusing. We're getting ready. Okay, I'll call the vote again. All those in favor, raise your right hand; all opposed. Okay, the motion carries. The dates are on the screen. The next issues, A.C.

MR. CARPENTER: No, I'd like to abstain.

CHAIRMAN STEWART: Oh, abstentions, two abstentions. Mr. Perra.

MR. PERRA: I'd just like to make a comment that we realize it's going to be difficult for the states to do the monitoring, but I hope that they'll be talking to one another because I'm seeing like a regional void if you have all the southern states coming in for an exemption, and then we have one big huge sector of the coastline that we won't have monitoring in. So let's hope that they talk and maybe we can work something out through the Technical Committee.

CHAIRMAN STEWART: If you might paint the picture, too, of the urgency for the states to get coordinated. On the international scene, there's been a failure in the export demand side of this fishery which has essentially caused the Board to reach this point of urgency. So we are buying some time internationally to get our act together, so to speak. So that I might throw to the Board as added impetus to coordinate what sort of assessment principles you can apply in your state so that we have a good coastwide understanding of what the species is doing.

Yes, Mr. Colvin.

MR. COLVIN: I would suggest as a point of order that the previously tabled motion is now in order for consideration under the terms of that motion to table.

CHAIRMAN STEWART: Mr. Miller.

MR. MILLER: To that point, I've held off mentioning this for fear of muddying the already muddy waters further, but Delaware has a

problem, and Delaware is requesting some assistance from the Board.

There's a quirk in Delaware's existing legislation on eels that says when the Eel Management Plan is passed, Delaware's minimum size limit goes away until the implementation.

Now what that'll mean is come January 1, 2000, implementation date, Delaware's minimum size goes away for the Year 2000, and we will have an elver fishery.

So what I'm requesting to head that off and head off the administrative problems that would be inherent in that, I'd like to make a motion, and see if there's a second, that the minimum size limit provisions and creel limit provisions inherent in this Plan go into effect January 1, 2000.

CHAIRMAN STEWART: I hate to admit my parliamentary skills are failing me at this point. Do we have a consideration of the previous motion on the floor, Gordon, and do we have to entertain that first before we can --

MR. COLVIN: I'll submit to the ruling of the Chair as to whether the previously tabled motion must be taken up or further tabled, Mr. Chairman.

CHAIRMAN STEWART: I think we should -- Mr. Borden, can you offer any suggestion to this.

MR. BORDEN: I'd suggest that we deal with this issue before we take that motion off the table. And I guess my question on this issue, would it help? Isn't there a provision in the Plan currently that all states are required to maintain their current minimum sizes?

MR. MILLER: That is correct, but if the Plan is not implemented until 2001, you see what I mean, then that leaves us with a one-year void where nothing is in effect in our state.

CHAIRMAN STEWART: So your motion is, then, Roy, to --

MR. MILLER: I'll restate my motion, "That the minimum size and creel limit provisions inherent in the Plan would go into effect January 1, 2000."

MR. FOTE: Second.

CHAIRMAN STEWART: Mr. Fote second. Mr. Colvin, discussion.

MR. COLVIN: I have a question for Mr. Miller. That imposes a new regulatory requirement effective in two months, and I'm wondering whether that's what Delaware needs or does Delaware simply need the anti-backsliding provisions of the commercial section of this to be effective at that time which requires no state to do anything. It only requires states not to backslide. The latter would be a lot easier, I think.

CHAIRMAN STEWART: Mr. Miller.

MR. MILLER: I'd like to say I'm comfortable with that, but I'm not sure which provision of the Plan you're referring to, Gordon.

MR. COLVIN: Let's take a minute.

CHAIRMAN STEWART: Section 4.2, Heather recommends.

MR. COLVIN: It would be Section 4.2.1, the first sentence.

MR. MILLER: Well, I agree that that's the intent and so is the intent of the provision concerning the minimum size. My only concern is because of the wording in our existing statute, we have a problem with the phrase "passage of the eel plan" as opposed to "implementation of the eel plan." If it's the intent of this Board to make all the provisions except the ones we've discussed today go into effect January 1st, then I guess we're covered.

MR. COLVIN: Not my question. I'm looking at the motion. That motion says that the recreational measures in Section 4.1, measures that we just voted to put into effect and require states to implement at some future time, January 1, 2001, I believe, would in effect be mandatory, compulsory a year earlier; two months from now. I don't think that's what you need.

MR. MILLER: No, we don't need the recreational provisions. We're only referring to the six inch or the exiting size limit provision in the Plan.

MR. COLVIN: I would suggest a substitute motion that instead suggests that the provisions of the first sentence of 4.2.1 be a compliance requirement effective immediately upon the Commission's approval of this Fishery Management Plan.

MR. MILLER: I would accept that as a friendly amendment. Thank you.

CHAIRMAN STEWART: All right. It's been moved and seconded by Mr. Fote. Any further comment relative to this particular situation of Delaware and an impending elver fishery? If not, can I call for a vote?

MR. PERRA: Give us a second.

CHAIRMAN STEWART: All right, caucus, please.

MR. FLAGG: I think that, as Gordon said, I think it is covered under Section 4.2.1. I know there was discussion of this, and I wouldn't want to lock out anybody from coming to the Board if they chose to go with an elver fishery, that they would have the option to be able to come to this Board and present a plan under which an elver fisher would be prosecuted in that state.

So I'm a little concerned because I know this situation was brought up. And I believe Florida was one of the states that had concerns about the fact that they may want to develop an elver fishery

down the road. And we didn't want to preclude the opportunity for any state who chose to open an elver fishery, that they would be able to come before this Board and present a plan on how that fishery might be prosecuted. So I'm a little concerned that we might preclude that option. I would like to make sure that that option does stay open for those states that might chose to do that.

CHAIRMAN STEWART: All right, that's a point. Is this exclusionary to that capacity? Mr. Fote.

MR. FOTE: I seconded the motion. I don't see that because they can approach the Board at any time and ask for us to open up the elver fishery if you want to do that in the state. That's basically still allowed. We haven't changed that part of it.

CHAIRMAN STEWART: Any other comment? Yes, Mr. Freeman.

MR. FREEMAN: Yes, Just a point for clarification. I just want to make certain. This was a substitute motion to the motion that Roy made and was agreed to? Okay.

CHAIRMAN STEWART: Yes. All right, have you caucused adequately? Shall we call the vote? Mr. Flagg, one more comment.

MR. FLAGG: Just a clarification, if I could offer a friendly amendment to Gordon's motion. I would like to also include that second sentence in Section 4.2.1 which states "that states with minimum size limits for commercial fisheries shall retain those minimum size limits unless otherwise approved by the American Eel Management Board," to clarify that states would have the option, then, to come forth with a plan.

CHAIRMAN STEWART: All right. Is that acceptable to the maker of the motion?

MR. COLVIN: Yes.

MR. FOTE: And the second.

CHAIRMAN STEWART: All right. With that clarification, shall we call a vote at this time? Okay, all in favor raise your right hand, please; opposed. It carries unanimously. It's three o'clock. Heather, is there anything you'd like to add?

MS. STIRRATT: We have a motion tabled.

CHAIRMAN STEWART: Okay, we will reconsider the tabled motion. And you were the maker of that, Mr. Augustine. Would you like to restate and reconsider?

RECOMMENDATION TO THE ISFMP POLICY BOARD

MR. AUGUSTINE: Move that the Board recommend to the ISFMP Policy Board approval of the FMP as reviewed and amended by the Board on November 2, 1999.

CHAIRMAN STEWART: Okay, it's been moved and seconded. Is there any further discussion? If not, we'll caucus. No discussion, are we ready to call a vote? I think we should have a roll call.

MS. STIRRATT: Maine.

MAINE: Yes.

MS. STIRRATT: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. STIRRATT: Massachusetts.

MASSACHUSETTS: Yes.

MS. STIRRATT: Rhode Island.

RHODE ISLAND: Yes.

MS. STIRRATT: Connecticut.

CONNECTICUT: Yes.

MS. STIRRATT: New York.

New York: Yes.

MS. STIRRATT: New Jersey.

NEW JERSEY: Yes.

MS. STIRRATT: Pennsylvania.

PENNSYLVANIA: Yes.

MS. STIRRATT: Delaware.

DELAWARE: Yes.

MS. STIRRATT: Maryland.

MARYLAND: Yes.

MS. STIRRATT: Potomac River.

POTOMAC RIVER FISHERIES COMMISSION:
Yes.

MS. STIRRATT: D.C. (No response) Virginia.

VIRGINIA: Yes.

MS. STIRRATT: North Carolina.

NORTH CAROLINA: Yes.

MS. STIRRATT: South Carolina.

SOUTH CAROLINA: Yes.

MS. STIRRATT: Georgia.

GEORGIA: Yes.

MS. STIRRATT: Florida.

FLORIDA: Yes.

MS. STIRRATT: NMFS.

NATIONAL MARINE FISHERIES SERVICE:
Yes.

MS. STIRRATT: U.S. Fish and Wildlife.

U.S. FISH AND WILDLIFE: Yes.

MR. PERRA: I just would like to make one statement.

CHAIRMAN STEWART: Okay, the recommendation to the ISFMP Policy Board shall be brought forward unanimously. Mr. PerRa.

MR. PERRA: In that the Plan had recommendations to the Secretary of Commerce, I wasn't speaking to those recommendations.

CHAIRMAN STEWART: All right, so registered.

MR. PERRA: But to the rest of the Plan.

CHAIRMAN STEWART: All right, any concluding remarks here? Ms. Shipman, please.

MS. SHIPMAN: Just a question going back to an issue Mr. Cupka brought up. Now that the reports

must be filed by May 1, 2000, it's imperative that we get those landings data by year, those annual data by which we can judge whether we're going to submit for de minimis.

CHAIRMAN STEWART: All right, that's heard by the Technical Committee. In conclusion of this meeting, is there any further comment either from the Advisory Board members of the American Eel Board or the public? All right, Mr. Fote, seeing no comment.

MR. FOTE: Lance, I just have a quick question. I was just wondering if the states that are going to have a glass eel fishery next year, like South Carolina, Maine, are they planning to do the monitoring since they have a glass eel fishery going on, anyway? I'm just asking the question.

CHAIRMAN STEWART: Okay, response from Maine, South Carolina, and what sort of monitoring of the elver or glass eel fisheries you intend to institute in next year's fishery. And you might want to respond to what you're doing right now to give data to the species plan. Mr. Flagg.

MR. FLAGG: Well, right now we're planning to continue our annual counts of elvers in certain selected streams. We have a couple of index stations that we've run for the last three years. We're planning to continue that this spring. We'll also be continuing to monitor the commercial elver fishery and the eel pot and weir fisheries as we have in the past.

CHAIRMAN STEWART: It's obvious that with a small commercial fishery that's controlled, this is where the bulk of data is going to originate. South Carolina want to comment at all? Mr. Cupka.

MR. CUPKA: We've acquired some fyke nets. We plan to begin to try doing some sampling this coming spring, but it may or may not be consistent with what eventually comes out of the workshop.

It will give us some experience. This is something we haven't done before, so I think it will be useful. It may not be as useful if we would have had the results of that workshop.

CHAIRMAN STEWART: I wouldn't be hesitant. Any experimental may even be an improvement on existing methodology. Okay, Vic, is that understood? I guess we've concluded the agenda and purpose of this session. Is there a motion to adjourn. Okay, Mr. Adler moved and there was a second. Okay, thank you very much for your indulgence.

(Whereupon, the meeting was adjourned at 3:05 o'clock p.m., November 2, 1999.)

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