PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD

February 1, 2001
Quality Hotel & Conference Center
Arlington, Virginia

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--CALL TO ORDER --

The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room at the Quality Hotel and Conference Center, Arlington, Virginia, February 1, 2001, and was called to order at 7:30 o'clock a.m. by Chairman Susan Shipman.

CHAIRMAN SUSAN SHIPMAN: We don't have an additional agenda to hand out. The one we'll be functioning from is the one that's on the final meeting notice; so if you have that with you, we have a few items to take up this morning, but they're fairly substantive, the funding issue in particular.

So I would just refer you to this agenda, and this will be the one that we will be working from. Pete.

MR. W. PETE JENSEN: I wanted to make an addition to the agenda on behalf of the Striped Bass Board to bring up an EEZ issue.

CHAIRMAN SHIPMAN: Okay, under Other Business, EEZ Striped Bass discussion. Before we get into approval of the agenda, one thing I wanted to do, if I could, is I would like to make an introduction and introduce everyone to and welcome Representative David Etnier from Maine, and we're very pleased to have you.

You come highly recommended to us from Senator Goldthwait, who was your predecessor. We know you're going to do a wonderful job and have tremendous input into this forum, and we welcome you.

And please tell Jill "Hello". Also, I would like to re-welcome Dennis Abbott, who is the ongoing proxy for Representative Mary Ann Blanchard, who replaced Dennis in the New Hampshire legislature. We have the benefit of having Dennis' continued input and guidance and foresight and expertise, and so we're delighted to have you continue with us.

MR. DENNIS ABBOTT: It wasn't so easy to get rid of me after all, was it?

CHAIRMAN SHIPMAN: Right, and we're glad, we're very glad. Lou, did you have something?

MR. LEWIS FLAGG: One other item, I don't know if it's in the agenda. I think we need to discuss participation of the District of Columbia and ISFMP Issues. I believe we talked about that the other day in the Eel Board.

CHAIRMAN SHIPMAN: Okay, depending on time. I believe Lobster has a very full agenda today, and so we do plan to end this discussion at 9:30. So we'll work that into the degree that we can.

So everybody should have the agenda with the two additional items suggested to us. That's the EEZ Striped Bass Discussion and participation of District of Columbia. Other items? Is there a motion to approve the agenda?

MR. PAT AUGUSTINE: So moved.

CHAIRMAN SHIPMAN: Okay, we have Pat Augustine, and a second by Pat White. Further discussion or additions to the agenda? Is there any objection to approval? Seeing no objection, the agenda is approved.

Next we have the approval of the minutes from October 19, 2000. These were distributed to you quite some time ago. There is a correction that was pointed out to us by Dieter Busch.

On page 25, I believe, it's a correction of the votes that were cast. It's almost to the bottom of the page. That correction should read "5 abstentions"; I think everybody has made that. Are there other corrections to the minutes? Pat?

MR. AUGUSTINE: Move for approval with the changes noted.

CHAIRMAN SHIPMAN: We have a motion by Pat and Pat. Other discussion on the minutes? Is there any objection to approval? Seeing none, the minutes are approved as corrected.

The next item we have is discussion and recommendation of new Atlantic Coastal Act Funding. I am going to turn this over to Jack and Dieter. You should have received from Jack a memorandum dated Wednesday, January 24th, of last week.

And, this was a follow up and follow through on our discussion from the October meeting in Clearwater. We had laid out items and compiled those from everyone's suggestions, and Jack has laid these out.

They also attached some suggested dollar figures to these. Does anybody need one? We'll hand those out. Just to continue with some introductory comments while those are being handed out, you may have additional items you want for us to consider. You may have an additional format or additional information that you may want to receive.

But what we would hope to do -- and Jack and Dieter can go into this further -- we're going to need to get together a recommendation. I would like to

solidify that so that we can forward that to the National Marine Fisheries Service for the funding of the additional $250,000. So, Jack and Dieter, I am going to turn this over to you.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Thank you, Susan. The Commission every year makes a recommendation to the National Marine Fisheries Service with regard to how we believe the ACFCMA Fund should be allocated, and invariably the National Marine Fisheries Service accepts and implements the Commission's recommendation.

In the past couple of years with appropriations coming late in the session, we haven't been able at the annual meeting to know exactly what we were needing to recommend about.

And for a couple of years that was okay because it was level funding and we were able to say that we recommend that funding be allocated as it had been the previous year.

A couple of things were different this year. First of all, the appropriation did not get finished until after the annual meeting. Secondly, Congress reinstated the 7.56 percent rescission that had been included in the fiscal 2000 budget.

And thirdly, Congress added an additional $250,000 to the funding available under the Atlantic Coastal Fisheries Cooperative Management Act. We anticipated this at the annual meeting, but we were not able to actually deal with it because it hadn't been finished.

Dick Schaefer called me a couple of weeks ago and said, "Well, there's a lot of this money that's in the budget for 2001 that hasn't been there for 2002; what should we do with it?"

And I said, "Well, I think the first thing you ought to do is restore everybody back to their pre-rescission level and use that in making your initial set of allocations", because we never agreed to the 7.56 anyway. That was thrown at us.

The second thing I said was that the real issue then would be the $250,000 add on that we had talked about at the annual meeting; that there was some indication that we wanted to, rather than just allocate these monies out by formula, try to focus them on some specific projects that would give us some identifiable results that we could then go back to Congress with and say "It was wise for you to expand our funding because we got you this, that and that in return for it"; and use that as a basis for seeking additional funding increases.

A number of issues were discussed. That general approach, that seemed to make sense to you when we met in October. We talked about a number of specific ideas.

The Policy Board, at its meeting at the annual meeting, made a recommendation specifically that this funding be used to add a plan coordinator to the ISFMP Staff. And also there was a question of could we package this in a way that would make it not look like we were just trying to add to the staff, but try to focus it on some specific issues.

And the issues that were discussed at the annual meeting had to do with the Northeast. So, what you have before you is the list of a lot of issues that were discussed at the annual meeting, that have been discussed since then.

Susan has gotten some input from commissioners; I have gotten some input from commissioners, and we have put all those together in this list.

There's no priority to these except for the first one because the Policy Board made that recommendation when it met in December. And, what is listed there under number one is to provide an emphasis for FMP development in priority Northeast species.

A plan coordinator is part of that, but additional resources to more effectively carry out planning for species, such as spiny dogfish, winter flounder, herring, and lobster are there so that the total cost of doing that, we estimate could be around $75,000.

That's not a hard estimate, but it would allow for adding a person to the staff, and it doesn't mean we're going to, you know, have that new person do all these species or take any species away from anybody. It's more of a packaging of the initiative.

But it would allow us to add the fifth plan coordinator, plus have some additional funds for meetings for lobster or any of these other priority Northeast area species. And then beyond that, I and the senior staff has talked about generally how much we think some of these would cost.

Again, none of these are necessarily hard estimates either. And as we go through the discussion, we can see whether you're interested in spending a little bit less or a little bit more when we get there.

The one thing we need to walk out of this discussion with is a recommendation to the National Marine Fisheries Service on how to spend $250,000.

CHAIRMAN SHIPMAN: Thank you, Jack. We'll take questions, and then I might suggest a process is that we go around, and if on this list there are items that are your, say, first and second priorities, we'd like to hear from you what you think would be the top two projects.

I mean, I believe we'll probably have a lot of input, and there may be a better way to do this. There may also be things not on this list that we'd like to hear from you about. Mr. Abbott.

MR. ABBOTT: Thank you, Madam Chairman. Were we not going to add to the list the aging of winter flounder as a possibility for the funding?

CHAIRMAN SHIPMAN: I am sorry?

MR. ABBOTT: Were we not going to add the cost of the Winter Flounder Aging Workshop?

CHAIRMAN SHIPMAN: That came forward this week. Thank you, that one I wasn't aware of, but we can certainly add it to the list.

MR. DAVID V.D. BORDEN: $10,000. It's been a suggestion to me that could fit under number seven, possibly. $10,000, was that what came out of the board? Okay. Mr. Manus.

MR. ANDREW MANUS: Madam Chairman, to your point about process here, as a suggestion, building on what you have previously stated, it would probably be more efficient if we just took a poll of the commissioners and added any projects that don't seem to be covered by the universe of projects we have here; limit the discussion to no more than ten minutes if someone feels compelled to give us some important information on one of the issues that are listed here.

And then I would simply suggest that the commissioners rip off the last page and list number one, number two, and let's hand them in and see what we get.

CHAIRMAN SHIPMAN: Is that satisfactory to everyone?

EXECUTIVE DIRECTOR DUNNIGAN: I think it would be quicker if we just go around and let everybody pick their one and two.

CHAIRMAN SHIPMAN: All right, our Executive Director is suggesting it may be quicker if we just go around and hear the top two from folks if they have a couple of top two's, take a ballot as we're going. I believe, let's see, I had Bruce Freeman.

MR. BRUCE FREEMAN: Thank you. Jack or Dieter, is there any reason on priority item number one that tautog was left off?

EXECUTIVE DIRECTOR DUNNIGAN: No.

MR. FREEMAN: Just an oversight?

EXECUTIVE DIRECTOR DUNNIGAN: In my own mind, I was thinking more of species a little further to the north, but that could easily be included.

CHAIRMAN SHIPMAN: I have Paul Diodati.

MR. PAUL DIODATI: Can I just get some clarification of the three to 600,000 for the nearshore trawl surveys, what that exactly will entail?

CHAIRMAN SHIPMAN: The NEMAP work?

EXECUTIVE DIRECTOR DUNNIGAN: I would like to ask Lisa Kline to address that.

DR. LISA KLINE: The NEMAP Nearshore Trawl Survey is built on two regional surveys; one that would extend from the Gulf of Maine to New York, and then the second from New York to Cape Hatteras, North Carolina. Cost estimates are about $300,000 for each of those regional surveys.

The estimates probably could be broken down more on a state basis if you wanted to, but the group that put it together developed the cost estimates for each of those regional surveys. So that's where those estimates came from.

CHAIRMAN SHIPMAN: I have Pat Augustine.

MR. AUGUSTINE: Thank you, Madam Chair. We're going to be back and forth today, I think. I would like to put number five as number one. I am sorry, not yet?

EXECUTIVE DIRECTOR DUNNIGAN: Not yet.

CHAIRMAN SHIPMAN: No. Any other items you want to add? Pat White.

MR. PATTEN D. WHITE: I don't want to add one, but a question if I could. The Northern Shrimp Survey, how is that normally funded? This isn't a new issue or a new item, but is this additional funding?

CHAIRMAN SHIPMAN: Mr. Diodati will tell you.

MR. DIODATI: Actually, Pat, the state of Massachusetts has paid for that survey for the past 12 years. Last year the state of Maine picked it up, and this year we're both looking at some fiscal deficiencies.

But this is a long-term survey and this may seem like a parochial issue, but I can assure you that Northern Shrimp Management has been a centerpiece for the Commission for many years; one of the first plans established by the Commission.

It has the history of being the longest running interstate fisheries management program in the country, so I think it's something that the Commission might want to continue.

CHAIRMAN SHIPMAN: Bob Palmer.

MR. BOB PALMER: Yes, there's one thing that's not on this list, and if we can consider it. I did get a chance to talk to Stu yesterday to get the management and science perspective, and he said that if it was possible to use some of these funds to bring another state into ACCSP commercial trip ticket use, that that would be a very helpful thing to consider using these funds for.

CHAIRMAN SHIPMAN: The question I would pose is that more appropriate for ACCSP funding or for this Atlantic Coastal Act Funding? I mean, generally we've handled those types of things through the ACCSP Initiative of additional funding. Gordon.

MR. GORDON C. COLVIN: I would agree, Madam Chairman. The other problem is I'm not sure that we would be able to identify at this moment another state that's ready to go. I'm trying to remember yesterday's discussion.

There were proposals on the table that didn't get funded. There were some good proposals, but I don't recall any of them being to bring us on line with the trip tickets. So it may be that this -- even if we wanted to fund to it, we wouldn't have a partner to go to.

CHAIRMAN SHIPMAN: And I think we all agree we want to get as many states on board as we can. Okay, I have Tom Fote.

MR. TOM FOTE: You're looking for new suggestions right now?

CHAIRMAN SHIPMAN: Right. And then we're going to go -- and what I would like to do is get state specific through the caucus of the states and the services and the jurisdictions, your top two priorities.

MR. FOTE: Something that's concerned me over the years -- and I guess it brought it home the other day when we did the scup, is raising the size limit, how it affects certain fishing communities. We basically look at, when we raise size limits -- that we say basically we're going to save the stock, we're going to do this, we're going to that.

But really when we raise size and we affect certain parts of the fishery completely, one that has the shore-based fishermen, we never know after we raise from a nine inch to a ten inch whether it puts them out of the fishery, really completely.

So basically, we have not really just impacted what they can catch, we basically shut them out. And we go with the nine inches on say a scup in certain nursery areas; those people that fish there historically will no longer have a chance to harvest. We do this with a number of species; one is seabass scup.

I mean, it doesn't it happen with striped bass, it doesn't happen with blue fish. But there are species that did that. And listening to Joe's conversation the other day, we could basically do a study, pick one of these species and look at the impact it does.

I would think we would be required to start doing some of that because of social economic impacts of the management plans we put in place on what a size limit would do. I would suggest that as a suggestion since it's been bothering me for about four or five years, and we have not done anything on that. Thank you.

CHAIRMAN SHIPMAN: Do you have a price tag and do you have a project name?

MR. FOTE: I am not a scientist or anything. I imagine it would basically take modeling, you know. At least you could basically have an idea on something like that, you would model one species; look at the areas where it is. See what species we have some information on first that will make it easy to do that.

EXECUTIVE DIRECTOR DUNNIGAN: Something like that, Tom, we would want to spend some time doing design. And it may be the one thing we could do this year would be to get a bunch of people together, a small workshop or something, to design that kind of study, and then look towards carrying it out later.

CHAIRMAN SHIPMAN: I believe I had Mr. Beckwith, and then I will come back to Eric.

MR. ERNEST BECKWITH, JR.: Thank you, Susan. As you all know, we've had some very serious health and disease issues with lobsters in the Northeast, and I know Maine a few years ago had some problems with health and disease in lobsters.

But, I think that the Commission should take a overview, a coordinated look at health and disease issues not only for lobsters but also for the other species that we manage, and perhaps an initial workshop could be put together to start that process.

CHAIRMAN SHIPMAN: A Fish Health Workshop is what you're suggesting? Now, at one point and time, we had discussed that in the action plan and we had eliminated that. So what you're suggesting is consideration to add that back in under additional funding.

EXECUTIVE DIRECTOR DUNNIGAN: We eliminated that at the annual meeting as a task for 2001.

MR. BECKWITH: Why?

EXECUTIVE DIRECTOR DUNNIGAN: As we were looking at the long list of priorities, it didn't rank as high in your judgement three months ago.

CHAIRMAN SHIPMAN: I believe I had Eric next, and then Gordon and then Andy.

MR. ERIC C. SCHWAAB: Thank you, Madam Chairman. One of the things that we're spending a lot of time on in Chesapeake Bay and certainly folks in this room are spending a lot of time focusing on is looking down the road at some of these multi-species and ecosystem-based considerations.

And it strikes me that this is an opportunity to take a greater step in that direction. Many of us in Maryland, and I know many of the participants here, were frustrated as we worked through the Menhaden Amendment with the continuing sort of inability to address those ecosystem-based sections of that plan.

And those needs are not going to go away. Now, we certainly have work moving in that direction through some of the multi-species modeling that will fill some of those holes. But I would suggest that there is an opportunity here to step out ahead and look at some of these issues in a way that address not just Menhaden, but many of the other species that we manage, and begin as the Commission a greater emphasis on some of those considerations.

And I have had some discussion with Jack and some discussion with the other staff as to how to go about that, and it might be that this is also a situation

where the first step is to provide some small funding to bring some people together in a way that would help sort of look down the road and provide some planning as to what the broader needs are.

But I would suggest that it's an issue of such importance that it merits at least some consideration on this list.

CHAIRMAN SHIPMAN: Okay, I had Mr. Colvin, and then Mr. Manus.

MR. COLVIN: One of the essential functions of the Commission that I believe suffered in the necessary cutting back of ISFMP Board activities to the bare bones is adequate and sufficient consultation with our advisors.

I would suggest that most of the boards would express a desire to schedule additional advisory panel meetings if they had the money in their budget to do so.

I would like to suggest that we set aside something on the order of $50,000 for additional advisory panel meetings to be scheduled after consultation with all of the boards.

CHAIRMAN SHIPMAN: And thank you for a price tag with that. I appreciate that. I had Mr. Manus and then I will come back to Pete, and then to David.

MR. MANUS: Madam Chair, just a quick comment on Mr. Fote's suggestion. Given the fact that this Commission seems to be engaging in close collaboration with the Sea Grant College Network, it seems to me that the study that Mr. Fote described would be one that should be undertaken through the human dimensions aspect of a lot of the Sea Grant Programs.

It would be something that I think they could embrace as a project and perhaps move forward with, so just with the intent of trying to keep us more clearly focused on our mandates here.

CHAIRMAN SHIPMAN: Thank you. Mr. Jensen.

MR. JENSEN: Process question. Are we considering this $250,000 in terms of what we would ask NMFS to do with the money, or what we would do with it if we had it?

EXECUTIVE DIRECTOR DUNNIGAN: I think we're trying to identify priorities without regard to who is necessarily the best person to do it. It may be that they could do a particular job best; it may be that a particular state could or the Commission staff could.

CHAIRMAN SHIPMAN: David.

MR. BORDEN: Thank you, Madam Chair. A couple of different suggestions. Just reflect on the new money and how we got it, Senator Gregg's office in New Hampshire was really instrumental in providing not only this funding, but the additional funding for ACCSP.

And as part of that process we thought -- and I think I suggested this previously -- that it would be nice to have this item one, which is the Northeast Initiative in recognition of that.

But I think you can actually strengthen it, and what I would suggest is that item one under the Northeast be one of the priorities, and that we fold into that item eight, which is the shrimp work, and we also include the suggestion for winter flounder work at $10,000. All three of those would total $115,000.

I also agree with Gordon Colvin's suggestion that we should fund additional advisory work that was cut out of the budget the last time we did the budget. It has been a frequent complaint of the participants in this process, and I think we can strengthen the process by strengthening our advisory process. And that means they have to meet and talk.

The third suggestion -- I know I am limited to two, but you are going to indulge me because I was the past Chair -- is the issue of Outreach. And we have done great things with Outreach in the past couple of years.

I think some small amount of money, $10-20,000 of this money should be allocated for Outreach. There's a lot of great things this Commission is doing, but if that story goes untold, nobody knows about it.

CHAIRMAN SHIPMAN: Mr. Borden, are you commenting for the state of Rhode Island?

MR. BORDEN: Yes.

CHAIRMAN SHIPMAN: Okay, thank you. What I would like to do is just go around to each delegation and get your top priorities; two, and if you're really nice I might indulge you three. Mr. Manus is really down there lobbying for three. And if you only have one or two, let us hear those.

Number one, let's see if we do have a consensus on the number one priority. When we left Clearwater, everyone said that that was a priority. Now, we've had a very good suggestion I think to fold in some of these other northern species priorities, inclusive of advisory panel work, which would bring that up to about $165,000.

If we fold in the additional number eight, which is the shrimp cruise, the winter flounder work at 10K, and then the advisory work at 50K, I believe that brings it up to 165. Is there general consensus? I see heads nodding in the affirmative.

MR. FREEMAN: Susan, what was the amount? I see several different amounts.

CHAIRMAN SHIPMAN: Well, the initial amount started out at $75,000, and then number eight, the shrimp cruise is, I believe, 30K. And then we had the winter flounder work at 10K. That brings it up to $115,000; and then we had the suggestion of the advisory panel work for many of those species that was a suggestion of Mr. Colvin's at $50,000.

So that would bring that total up to $165,000. Is there objection to that being the top priority? Jack.

EXECUTIVE DIRECTOR DUNNIGAN: $50,000 is a lot of money. It doesn't quite need to be $50,000. We will do great things with $35,000.

CHAIRMAN SHIPMAN: Okay, we just saved $15,000, so that would be $150,000 for those collective items. Is there any objection to that being the top priority? I am not seeing any heads, and I think I heard an affirmative earlier that that will be our top priority.

So now what I would like to do is hear your remaining priorities from the delegation, and I would just like to go around, whoever would like to kick it off. Don't be bashful. Mr. Manus.

MR. MANUS: Okay, if you, Madam Chair, will indulge me, I have broken my selections down into three parts. The first part where I think we will get the most resource conservation bang for the buck would be item number five. A lot of the permits are coming up for five-year renewals; we could really have an impact on that process.

Item number two would be to assist our enforcement folks in having an opportunity to get together so they can discuss better ways to enforce the regulations and protect the resource. Therefore, I would cast my second vote for item number ten.

And then to reach out to the folks that are affected by our decisions and bring them into the decision-making process in a more collaborative way, I would vote for item number three, which Gordon suggested at 50K for increasing the meeting time of the advisory panels.

CHAIRMAN SHIPMAN: Okay, we just folded that one into the Northeast, into number one.

MR. MANUS: Then I will keep it at two.

CHAIRMAN SHIPMAN: Excellent. Okay, we'll go to New Jersey now.

MR. FREEMAN: Thank you. I would support the Law Enforcement Committee. It's the only group that the Commission has that there's no budget for. There's no way they can meet unless they meet at the annual meeting and the spring meeting. I think that's criminal.

And the small amount of money we're talking about, $15,000, I think it should be devoted, so I would give that number one. I would agree with Andy relative to many of the states dealing with power plant entrainment and impingement.

We deal with anadromous species. This is paramount to those species. So the problems we've been having with shad and river herring, some of the other anadromous and diadromous species, this fits in very well.

We're going with a workshop outside of this window here. I am not certain we need $100,000, but I suspect even half that amount would be moving in the right direction.

And let's see, that's two. Three, again, I don't have any great disagreement. I think it either would be in the nearshore trawl surveys, number three or number two. Again, I think we all agree both those are needed.

CHAIRMAN SHIPMAN: Pick one. And I would just say the number three exceeds the budget that we're even looking at.

MR. FREEMAN: Okay, number two. We'll take number two.

CHAIRMAN SHIPMAN: Okay, number two. Pat.

MR. WHITE: Are we avoiding number three because the number is so high, and is there any way that we can partially fund that with matching funding? It seems unfortunate where it is so important, but the number drives us away from considering it.

CHAIRMAN SHIPMAN: One thing we will also be discussing is funding priorities to take to Congress for new funding, and this may be something we would like to roll into that initiative, would be my suggestion on that. Jack may have other thoughts.

EXECUTIVE DIRECTOR DUNNIGAN: Lisa and I did talk about, well, can you get a lot of meaningful work done for pieces of this? And the answer is maybe, but not clearly.

CHAIRMAN SHIPMAN: I would like to continue on around to the Fish and Wildlife Service. David.

MR. DAVID PERKINS: I will keep the ball rolling with support for number five, the power plant entrainment. And we'll also support number ten.

CHAIRMAN SHIPMAN: I like this. I love it when there's unity. I am going to come around, continue around, NMFS.

MR. DICK SCHAEFER: I abstain.

CHAIRMAN SHIPMAN: Okay, I just wanted to see if you were going tip your hand, Dick. North Carolina, Preston.

MR. PRESTON PATE, JR.: Number two and ten, in that order.

CHAIRMAN SHIPMAN: All right, thank you. Florida.

MR. PALMER: Well, I was told to support number three, simply because that sneaks into so many different tuning indices that we're using. And also number seven. We have a parochial interest in a couple of weakfish issues.

CHAIRMAN SHIPMAN: Okay. All right, Rhode Island.

MR. BORDEN: In addition to what I said before, item number five would be a priority. And just a question. I just want to make sure that all of the travel constraints in terms of our FMP coordination and all the activities that we currently have planned on lobster and other are all funded; is that correct? We have adequate funding for all of the tasks that we have on our plate at this point; is that correct?

CHAIRMAN SHIPMAN: I would defer to Mr. Colvin and our staff to answer that question.

MR. BORDEN: I know that lobster in particular, there's a significant demand for activities, you know, amendments, Amendment 4 in particular. That's all budgeted?

CHAIRMAN SHIPMAN: Mr. Colvin.

MR. COLVIN: Jack's shaking his head at me. I am not sure how you get into this because you can't necessarily separate the needs at this moment, I think, of any one board from the notion that we've made our top priority this Northeast Initiative, which will provide extra resources for the program and support for the boards as a whole by increasing our staff.

In terms of the Lobster Board, ask me after this morning's meeting. I really don't know what we're going to decide to do today.

EXECUTIVE DIRECTOR DUNNIGAN: At the annual meeting discussion, there was some clarification that was done within the action plan about what the board was going to do, and there was clear agreement on the record between Gordon and me that the money we had allocated was not sufficient to do that.

And that was one of the reasons why. in putting this one together, I included more money than just what we needed to support a person. So out of this funding, there will be some more resources available to address that particular issue. Whether they will be "adequate", I don't know. I mean, we are all going to live within some limits.

MR. BORDEN: Right. It's just that my dilemma is that if, for instance, Gordon's committee needs $10,000 to do what we have on the program, that would be my second priority in order to get all that work done on lobster. I think that is a priority, so that's my second priority.

CHAIRMAN SHIPMAN: Okay. Maine.

MR. FLAGG: As far as our priorities go, we would concur with the proposal that Dave Borden made relative to the Northeast Species Initiative. And I do have a lot of support for the NEMAP Nearshore Trawl Survey Program, but the problem with that is that it is a really big item and it's something that really needs long-term funding, a good long-term funding base because the survey is going to be required to take place for many years.

I guess the other things that we would certainly support would be items five and ten.

CHAIRMAN SHIPMAN: Thank you. Okay, Georgia, if I may, I will just go ahead and tell you ours. Our top one was number ten, after, of course, number one. And then our second one would be number five.

And if I may, we did have comments, I believe, from Virginia. And their top priorities, number one was number seven, and their next priority was number ten.

And then I have South Carolina's. They were not able to be here. Their number one was number six, and their second one was number ten.

Now, New Hampshire, I finally get to you. I apologize for the delay.

MR. ABBOTT: That's okay. Thank you. When this first started, in the interest of equity, it seemed as though we should have a geographic balance so that everyone got a piece of the money, and that would be after item number one.

And then we added in, I think number eight. And knowing that Gordon Colvin always has good ideas and I found that if I support Gordon Colvin, I am never wrong, I think that number five is very important, also.

I was leaning towards supporting item six for the geographic equity, but I haven't heard any real support for that or explanation as to the actual need for it. So I think that item five and probably item ten following our Northeast is very good. Thank you.

CHAIRMAN SHIPMAN: Thank you. Massachusetts.

MR. DIODATI: Yes, I am assuming that item number two was folded in that first Northeast Initiative for Outreach? That would have been an important priority. But number five, I can't stress how important it is for us to continue to support an initiative that the Commission began last year with the Power Plant Committee.

I attended a meeting in my state Friday where we're looking at 14 new permits to review in the next two years. And out of a dozen or 14 people in the room, I was the only fisheries person there. And so we're going to need all the help we can to focus on these permit renewals. So number five, and I would certainly support number ten as well.

CHAIRMAN SHIPMAN: Okay, New York.

MR. COLVIN: We had brought the issue of the power plants to the Commission's attention some time ago, and I am delighted to say to the Policy Board that we've made some excellent progress working with Lisa Kline and the Management and Science Committee.

We had planned an upcoming workshop to get us started and I really think that continuing that work, now that we've got that ball rolling, really is our highest priority of the items on the list. We would also like to support the Law Enforcement Initiative, number ten.

The only other thing I would say is that I hope that by inclusion of funding for advisors and extended Outreach and the Northeast Initiative doesn't mean that that funding will not extend to the advisors needs and the Outreach needs in the Mid-Atlantic and Southeast.

And if we need to spend a few more dollars to make sure that that happens, then I would hope that we would.

CHAIRMAN SHIPMAN: Thank you. Let's see, I have North Carolina next, and then Maryland.

EXECUTIVE DIRECTOR DUNNIGAN: We had North Carolina.

CHAIRMAN SHIPMAN: Oh, we did? Maryland.

MR. SCHWAAB: Thank you. We also believe in and we support strongly number ten, the Law Enforcement Initiative. We support the entrainment work. I heard some suggestion that that could possibly be done at a reduced level, and I think what we would suggest is something in the neighborhood of $50,000 toward that work, with the balance dedicated towards some effort to enhance the staff's ability to address these ecosystem considerations; particularly those that were most apparently missing in the Menhaden Plan, and whether that could be done through enhanced staff or contract support.

I think we would leave that up to some staff recommendation, but we place a high priority on that.

CHAIRMAN SHIPMAN: That's also something I think perhaps the Management and Science Committee could take up to kick that off to look at the next step in the multi-species management, and then bring back to us perhaps a recommendation for looking at if not for this initiative, then for the 2002 Action Plan to get some funding in there for that.

Connecticut, I believe you're the last on the list.

MR. BECKWITH: What I would like to do is add an additional item for the people to consider. First of all, before I do that, I would say I do support the power plant entrainment work. I am not sure that $100,000 is the right amount to go with.

I think you can probably spend as much money as you can throw at that problem, and I think initially we should probably be looking at some other lower level, perhaps similar to what Eric was mentioning, around $50,000.

I think that the Law Enforcement Initiative is important. It's important for us to try to measure the effectiveness of our regulations. But I would also like to add an item no one else has mentioned, and that's number 11.

And I am not sure what that is, but I think it's stock assessment training for staff; is that what that is? I think that is very, very important. If we invest in our staff to bring them up to speed and to get them more proficient in stock assessments, that's just going to pay benefits to us across a whole bunch of management plans.

And I know at the last round that we had, I had people that I wanted to send, but we only had a certain number of slots. So, I think there definitely is a need for that. It's a relatively low amount of money. We get a big bang for our buck from that.

EXECUTIVE DIRECTOR DUNNIGAN: Just to explain that, we do two sets of stock assessment training workshops. Each set has two workshops to it. There's a higher level and a lower level. And we were supposed to do the first workshop at the higher level last fall.

We postponed it. It's going to happen in the next month or so, and the second workshop in the higher level. But because we postponed it into this year, the one we were going to do in the fall, which is the first workshop at the lower level, falls off the budget. So, we would need this money to restore that, and then we would do the second one at the lower level early in 2002.

CHAIRMAN SHIPMAN: Thank you. Gordon.

MR. COLVIN: On that last item, the $12,000 cost, what does that cost cover, Jack?

EXECUTIVE DIRECTOR DUNNIGAN: Travel.

MR. COLVIN: The travel of the participants?

EXECUTIVE DIRECTOR DUNNIGAN: Yes.

MR. COLVIN: You know, I pay an awful lot and make money available to our staff for training. It just seems to me that I couldn't think of anything more important for me to pay their travel to attend a training session.

And if the Commission can pick up the cost associated with organizing it and conducting it, I would think that many of the states would be willing to pick up and able to pick up their staffs' travel cost.

CHAIRMAN SHIPMAN: Also, we had talked at the last meeting, when we were working on the Action Plan, in many cases there are items we don't get done. Sometimes there's a little bit of funding available, here or there.

And if we have a situation where a state just absolutely has a freeze on out-of-state travel or whatever, it could be that the Commission could pick up those extraordinary circumstances. But I agree with Gordon, if we could cost share this with the states for the states to pick up the travel, I think it would be a good thing.

Reviewing where we ended up, the overwhelming majority sentiment was to fund item number ten. We had 13 sentiments cast for that, and that, of course, is the law enforcement activities that they brought to us at the annual meeting.

And then the second highest priority was number five, and that's to contract the analysis of the power plant entrainment impact. Now we did hear some sentiment that we could possibly reduce the funding for that.

The next item that we heard sentiments for was Outreach, number two. So I would suggest that we take those items and try to package something. We heard good suggestions on other items, and perhaps we can look, if not fund those this year, to keep those high on the priority list for the next action plan to address those.

And Management and Science can certainly take up that multi-species issue. And, Ernie, we'll try to work to get the workshop attendance going again. Pat.

MR. WHITE: Clarification first. You said that number two had been heard a lot, but I thought we had sort of folded that into what David Borden had talked about in number one at $35,000?

CHAIRMAN SHIPMAN: We folded in some advisory panel involvement at $35,000, which I believe is a little bit different from the Outreach. Number two, if you look at that, that goes beyond advisory panels. Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Correct.

CHAIRMAN SHIPMAN: So I think number two is additional Outreach, not only to our advisory panels. And we also did hear that the advisory panel involvement ought to extend probably even beyond those only northern species. Yes, Andy.

MR. MANUS: Just an observation to share with my fellow commissioners. The comment was made that Gordon always has a suite of good ideas and this entrainment and impingement was a good idea that Gordon had several years ago.

I remember listening to the discussion as we were in the throws of reviewing a NFTS 316B permit renewal. And as a result of that, we committed $5,000 to the Commission for a workshop.

So out of the theme that conservation costs money, you have to put some dollars on the table. And the best mechanism to get the results that we were looking for was to work through the Atlantic States Marine Fisheries Commission. And now as a commissioner, I am able to sit back and see that this has surfaced as a priority, and I am most grateful for that.

CHAIRMAN SHIPMAN: Thank you, Andy. The point is well made. Gordon.

MR. COLVIN: Yes, let me just build on what Andy just said. We have done some work, I think up until now, with the workshop development at promoting a partnership for the funding for this. And I see no reason why we can't continue to seek active funding partners for the next phase.

So it may well be that an investment of some substantial amount of money on our part -- I don't know what that number will be because you've got to work that process a little bit -- will enable us to get partner investments that will take us over the top.

CHAIRMAN SHIPMAN: Thank you. Pat.

MR. WHITE: I will make a motion, if the Madam Chair would entertain that. I would move that our first priority be number one as also including the winter flounder and shrimp at $150,000; number two at $25,000; number five at $60,000; and number 10 at $15,000; for a total of $250,000.

CHAIRMAN SHIPMAN: Can you repeat that?

MR. WHITE: Number one as amended to include winter flounder and shrimp at $150,000; number two at $25,000; number five at $60,000; and number 10 at $15,000. If my math is correct, that's $250,000.

CHAIRMAN SHIPMAN: Thank you. We have a motion, and we have a second by Pat Augustine. Motion by Pat White. Discussion on the motion? Ernie.

MR. BECKWITH: Yes, Pat, I wonder if you would consider amending that motion slightly, reducing the amount for power plant down to $50,000, and then perhaps adding item 11 to stock assessment training for $10,000?

MR. WHITE: I have no problem with that if-- I know there was a great deal of concern on the power plant, and can that be done adequately for $50,000, because I think Ernie's point is well taken. I would have no problem with it if the power plant people think they can do it, the people that are supporting the power plant.

CHAIRMAN SHIPMAN: Gordon.

MR. COLVIN: Comment, my own perspective. If we were going to free up $10,000 or $15,000, I would rather see it bring that Outreach funding up to $35,000, which Jack suggested would be a desirable level. And I would rather find the money to pay my own staff's travel to training workshops.

CHAIRMAN SHIPMAN: Okay, there's been that discussion. Do you entertain the suggestion to amend your motion?

MR. WHITE: I guess I won't at this point.

CHAIRMAN SHIPMAN: If not, the motion stands as is, unless someone wants to offer an amendment. Okay, seeing no intentions there, the motion, I believe you heard it. Basically, it's 150K for item number one as we had amended it; 25K for item number two; 60K for item number five; and 15K for item number ten. Is that correct?

Okay. Again, I don't know that we need to caucus. I think everybody has heard the discussion. But if there is a desire to caucus, let me know. Yes, Gordon.

MR. COLVIN: The motion has necessarily adjusted downward from the staff estimates, a couple of the categories. There was a discussion about $35,000 as an appropriate sum for advisory panel work enhancement; $100,000 for power plants -- that's $60,000.

But we haven't really talked about the prospect of trying to shave that Northeast Initiative, and I don't know how much flexibility there is in that. There probably isn't much flexibility on the two items that were added, the shrimp trawls and the stock assessment. But I am wondering, those were added to a $75,000 --

CHAIRMAN SHIPMAN: Which included staff, fringe and travel cost for additional lobster meetings, I believe.

MR. COLVIN: What's included in number one?

EXECUTIVE DIRECTOR DUNNIGAN: There is $35,000 in there for advisory panels; $10,000 for winter flounder aging analysis; $30,000 for Northern shrimp; and $75,000 was my original estimate, which was for a plan coordinator and some additional meetings.

MR. COLVIN: The motion, therefore, if I understand it, all together allocates $55,000 for enhanced Advisory Panel and Outreach.

EXECUTIVE DIRECTOR DUNNIGAN: $60,000; $35,000, which was a part of number one, and $25,000.

MR. COLVIN: I wonder if somebody on the staff can talk to us a little bit about the implications of shaving the power plant from 100 to 60, because that's a 40 percent cut, and I really don't know the implications of that.

CHAIRMAN SHIPMAN: Perhaps Dr. Kline.

DR. KLINE: The estimate of $100,000 came from a workshop that we held in September of last year, where we brought together state, federal people, industry people. I was not able to attend that meeting so I am not quite sure if that's just a "pie in the sky" estimate.

We are working right now on putting together the panel of experts. I'm hoping in March that we have that first meeting. The people that I have talked to that will most likely be on this panel feel that this is a very big task.

It will take a lot of time. What we're talking about for the power plant is doing a full coastwide assessment for American shad and/or winter flounder.

The estimate for $100,000 my understanding was just for one of those species. So cutting it down to 60, we would be able to do one species. As Gordon pointed out, we have made contact with a lot of other agencies that are interested in possibly putting up some money to help us out with this.

I have talked to a lot of them. Most of them have said they'd like to see this panel come together in March to get a better idea of what the cost estimates will be and what it will take to actually do the work.

So, I am not sure that I can address the difference between $100,000 and $60,000 until we get this panel together, and we get a little more information from them.

CHAIRMAN SHIPMAN: My observation also would be it sounds like this is going to be a lengthy thing, and it may extend over a two-year period, and we may want to consider the supplanting the funding to get it up to what's needed for the next year. David.

MR. BORDEN: Thank you, Madam Chair. I would just like to go back and reiterate what I think Ernie Beckwith said earlier. We could probably spend a million dollars on this. And my view is it's critically important, but until we get all those people together, we're probably not going to be able to narrow the scope of the work.

Right now we're talking hypothetically of doing a coastwide assessment of power plant impacts on one species, and I wouldn't doubt that after that technical group gets together they say that's simply impossible given the resources, and they may want to narrow it down, pick and area like Chesapeake Bay and analyze the impacts in terms of a major estuary.

And that may be more practical, but we won't know that until they have the meeting. So, I am comfortable with the allocation of funds.

CHAIRMAN SHIPMAN: I would like to go ahead and call the question because we do have a couple of other items, and I misspoke at the beginning of the meeting. This meeting adjourns at 9:00 o'clock and not 9:30, and I would like to stay on track. So, with that said, one vote for jurisdiction or state.

All those in favor of the motion, signify by raising your right hand; all those opposed; any null

votes; any abstentions? We have an abstention by the National Marine Fisheries Service. The motion carries unanimously.

Thank you very much. Just briefly, I would like to discuss, or let Jack comment on funding and how we want to handle funding initiatives for the forthcoming congressional budget cycle.

EXECUTIVE DIRECTOR DUNNIGAN: You've all seen the Chairman's memo that was passed out earlier this week. In there the Chairman appointed the new Legislative Committee, and it is her intention to form a number of subgroups to work on some specific issues; one of them being Magnuson/Stevens, another one perhaps being the Conservation and Reinvestment Act; another one being reauthorization of Atlantic Coastal; and another logical one would be appropriations.

Appropriations this year is -- it's always weird, but what's going to make this year's appropriation cycle weird is, number one, nobody has any idea what the President's budget is going to look like.

He's been in office for eight days, and the big issue that that presents for us is what to do about the $420 million of CARA look-alike money that was included in the Commerce Department budget last year.

There were major initiatives in there for law enforcement and for observers, although I've got to tell you we still think that we didn't get our fair share. But we have no idea how that's going to play out. Plus, the committees are getting a little bit later start, the Senate having committees divided 50/50.

It's a very unsettled area, so we're not ready to talk about today what our package for appropriations ought to look like. We're already doing some preliminary groundwork, just establishing relationships with new committee members and making sure our bases are touched.

That subcommittee for working on appropriations is going to need to get put together in the next couple of weeks and do some work, probably in the month of March to get something together.

CHAIRMAN SHIPMAN: And my guess is that subcommittee would put something together, we would e-mail that out to the commissioners, get your feedback on sentiments.

Plus, we've had a good discussion today on additional items that are remaining on this list and other priorities. Any other questions or comments on funding? Thank you all very much for your input on the Atlantic Coastal Act funding.

Now we're going to move on to the next agenda item, and is Dick Livingston back with us? Okay, Dick, I believe, is going to present the Law Enforcement Committee's "Guidelines for Resource Managers on the enforceability of Fishery Management Measures".

Dick is the deputy special agent in charge of the Northeast Region, I believe, and we're glad to have you with us. This was a document that they reported on to us at the Clearwater meeting, and I believe it was handed out. It's an excellent document and we want to give it the time it deserves. They've put a lot of time into it.

So, Dick, I am going to turn it over to you, and Tom Meyer is also with Dick, I think. I am not sure who's making the presentation, but welcome to both of you, and we look forward to hearing what you have to say.

MR. DIETER BUSCH: Madam Chairman, while this is being passed out, I think it might be appropriate for the Policy Board to consider the final action that might be taken on this. The Law Enforcement Committee has worked hard in putting this document together and they would like to have closure on this.

Closure could be something like having approved or accepted, or something like that, because they also would like to make it available to other law enforcement agencies in the country. So I don't know exactly what kind of final action could be taken on this document.

CHAIRMAN SHIPMAN: My suggestion, while they're passing this out, this may be something that we want to accept and endorse for consideration by the respective boards as they develop fishery management programs.

MR. DICK LIVINGSTON: Susan, if you'd like, I can give you a little background as to how we got here if you'd like.

CHAIRMAN SHIPMAN: Sure, Dick.

MR. LIVINGSTON: My name is Dick Livingston, and I am the Special Agent In Charge for the Northeast Enforcement Division. I got promoted, Susan.

CHAIRMAN SHIPMAN: Congratulations, I apologize.

MR. LIVINGSTON: A few years, but that's okay, thank you. Basically we started to develop general enforcement guidelines for the respective councils. In particular, we work closely, from my division, with the New England Fisheries Management Council and the Mid-Atlantic Fisheries Management Council.

In the summer of '99, the New England Fishery Management Council formally adopted our general precepts as far as law enforcement issues with regard to development of fisheries management measures.

Since then, we've continued to develop these guidelines in the ASMFC Law Enforcement

Committee, took it upon itself to even refine these guidelines even more.

And I think they've done a fine job as far as putting this forth in what we call a "living document"; the reason being like any FMP, any law enforcement measure is probably going to change with the times based on a number of issues.

It could be geographic, it could be law enforcement resources, it could a number of factions, as you know, that changes the develop of any measure.

But, in essence, the Law Enforcement Committee developed these general precept. I will go over under General Precepts, very quickly, what we think makes an enforceable measure. And I think the points that the Law Enforcement Committee brings forth are common sense measures.

Again, we realize this is a very complex process, but I think these points are relevant and should be stated for the record so that everybody is on the same sheet of music; the first one being, of course, simple and realistic and easy to understand.

And I think that's critical for not only law enforcement and the FMP developers, but also for the public and for industry and the fishermen. If a rule is too complex and not easy to understand, there's a lot of confusion across the board.

It makes the rule unenforceable potentially, because I can tell you from the prosecutorial side of the shop, if they don't feel as though the public has a good understanding of a rule or regulation, the prosecutor is going to be reluctant to take that forth.

And if that's the case, in essence you have potentially an unenforceable rule or regulation. It's also not fair to the fishermen. The fisherman is out there trying to make a living, and if a rule is too complex and constantly changing, again, makes it extremely difficult for the industry.

And then you're creating a sense of lack of buy in, which is critical for us as we enforce the rules and regulations. We need buy in from industry. And when we have that, we usually have pretty effective rules and regs.

Industry in essence cooperates and in essence gets angry when fellow fishermen aren't abiding by the rules and regs. So it's extremely important, I think, to ensure your rules and regs are simple and easy to understand.

This falls to the next couple of points; the regulation should be straightforward and not contain a variety of exceptions and exemptions. I think we can all think of FMP's or species out there that have multiple exceptions and exemptions contained therein.

And when we run into those set of circumstances, we're hurting everyone, especially the resource and the fishermen, and in essence it makes it very difficult to enforce. Regulations should avoid frequent changes and updates.

We've had situations, I know, in the Northeast -- I think the Cod Fishery is probably as good an example as any where we had multiple trip limit changes within short periods of time. That made it very difficult for industry, made it difficult for enforcement; again, it created a sense of a lack of buy in.

Where practical, consideration should be given to adopt similar management measure among different fishery management plans across different state boundaries and mirror federal regulations. Once again, the major move within enforcement today is to try to hit funneling points; try to hit major markets.

If you have consistency across state boundaries, and rules that aren't changing based on geographic areas, you're allowing the state CO or the federal agent, or any enforcement officer at that time in essence to have a clear understanding of what he's come across.

If you have different rules and regs and size limits, and so on and so forth, with regard to species, in essence you're hurting the resource, hurting the fishermen, and you're not in essence passing law enforcement measures that can be enforced.

So it's extremely important to keep that in mind as you consider different size limits for different areas. Think about where that fish is going. Ultimately, it's going to the public; it's going through the wholesale process. There are funneling points.

That's an efficient way to enforce the rule and protect the resource. So again, an important issue to keep in mind. Number two, based on controlling inputs, effort control, and not on outputs, catch quotas, trips,and size limits.

The New England Council members that are present today think I am a broken record when I speak before the council and the committees. We say again and again stay away from trip limits. The reason for it is the enforcement resources just aren't there.

However, it's adopted again and again as a potential management measure. If that's the wave of the future, we'll get into the document later on ways that you may want to manage trip limits for the future.

But the current mechanism's in place and the current resources in essence once again puts the resource in jeopardy because you're enforcement resources aren't there; and since it is manpower intensive and your law enforcement resources aren't there to in essence be there for contact issues, in essence to insure that they're there during the trip offload, you're in essence once again putting the

resource in jeopardy because we can't ensure compliance.

Law enforcement resources are not staying abreast of the regulatory developments, so I think that's an issue you have to keep in mind. Promote voluntary compliance -- I think you can do so by in essence following some of the guidelines lalaw enforcement is putting forth. Again, if you create buy in, you'll create voluntary compliance.

If the industry believes in what you're passing and it makes sense and it's easy to follow, you'll promote a sense of buy in from industry and in essence will get voluntary compliance, once again better protecting the resource.

Consider the enforcement resources available -- critical. It folds into the trip limit issue. If the enforcement resources aren't there, in essence you're banking on the fact that everyone is going to be in compliance. And if you think that's the case, in essence you're being naive.

You're putting the resource in jeopardy if the enforcement resources aren't available. And in essence to supplement that statement, managers should avoid unfunded mandates, and must realize that new regulations require new resources.

If new resources are not provided, enforcement will need to shift effort from what is currently in forced. I would just like to make a couple of other comments to supplement these General Precepts which we've been trying to get the councils to consider.

In issues, try to strive for accountability throughout the wholesale process; try to, in essence, you know, some day reach the point where wherever a box of fish is checked, that fish can be held accountable to the boat, the dealer, and in essence can be checked anywhere, whether it's Route 95, Fulton Market, Logan Airport, or on the waterfront.

That's going to be critical as far as ensuring that fish was caught legally, at least if there's a paper trail. We've arrived at that date. I know 25 years ago we maybe didn't do business that way. We focused on the waterfront. Today in the year 2001, if we don't start thinking about funneling points, because of the lack of enforcement resources out there, the resource will be in jeopardy.

So think about that as we develop future FMPs; potential accountability throughout the wholesale process, and that's the paper trail. We have the technology today, we just have to implement it.

Another issue that we've been trying to bring forth with the committees and the councils is considering the opportunity for abuse in regulatory development. A good example of that would be the netliner issue.

Netliners at sea -- and if the Coast Guard reps were here, they'd be able to tell you that's an extremely difficult measure to enforce; the reason being usually if a person is so inclined to use a netliner in his trawl gear, it can usually be slipped out fairly easily.

They can usually see the Coast Guard coming, and as a result when people are caught, which is not that often, it's usually a very dangerous law enforcement operation. Middle of the night, surprise, you know, coast guardsmen or agents coming over the gunnels by surprise while fishing operations are ongoing.

So you'll hear many times comments such as, well, you haven't got many cases in that area. And my point is just because an illegal activity is going on, it doesn't mean cases are going to be documented.

You have to think about when you're developing rules and regs, are you developing opportunities for abuse? So it's just something for consideration for the future. Again, examples can be provided by your law enforcement professionals as concepts are being developed.

But don't always go by the fact, gee, you haven't got many cases in that fishery. That may not be the best measuring device. Back to the trip limit issue. I would strongly propose that as you develop management measures, if you're going to stick with limits, that you consider possession limits versus trip limits.

Trip limits in essence takes the Coast Guard out of the picture at sea. You may want to consider maximum possession limits as you go down this path if you do choose to adopt those measures.

We'll continue to in essence emphasize with the commissions and the councils to stay away from manpower-intensive rules because of the lack of resources. And maybe some day we can get to the point where before FMPs are adopted and enacted, we can do a work force analysis for law enforcement prior to implementation, so that you consider what enforcement resources may be necessary prior to an FMP being adopted.

If you choose to adopt a contact ratio, consider getting your enforcement resources in place if you want that resource protected. That's in essence a general presentation of the package therein, and the package gets very specific as far as different management measures; what the LE Committee considers enforceable rules; what they consider rules to probably stay away from from the law enforcement prospective.

Tom Meyer wants to make a few comments about this. I am going to turn the mike over to Tom.

MR. TOM MEYER: Thank you, Dick. I would like to kind of walk you through the document itself just to give you some idea of how you might use it. The next page after the Precepts is "Enforceability of Fishery Management Measures".

It gives you some idea of how we did the rating process itself; impossible, zero; impractical, one to three; difficult, four to five; and reasonable, six to ten.

If we go to the next page, you can see the overall ratings. There's four categories. First is Overall; the second is Dockside; third is At-Sea; and the fourth is Airborne. So this is enforceability overall, at dockside, at-sea, and airborne, and you can see the various rating numbers.

Overall bag possession, the number eight, so we believe that that was a very reasonable enforceable regulation. Compared to limited drag or soak times; you can see all the way down at the number 2. If you turn the page, the next page you can see the various enforcement or management measures that we considered.

There's a list here. If we go to the next one, we have a scheme. The first one is overall enforceability. And if you look at the very top, you see the green area is the more enforceable. So permits are more enforceable than a limited drag or soak time you see down in the red area.

So as a manager, you could look just at the overall thing here and you could say, "Okay, I am considering maybe trip limits and maybe closed seasons. Well, I can see the closed seasons is much more enforceable, just by glancing at this, than the trip limits would be."

And then later on in the document, you'll be able to turn to a section on closed seasons and it'll say in there our reason behind it's enforceability; how enforceable it is, and such. And we'll get to that in a second.

The next item is enforceability at dockside and it's similar scheme. You can take a look at that also. The next one at-sea enforceability; and finally, airborne enforceability. And the remainder is just a write up on each one of the management measures, just taking a look at annual quotas.

Overall you can see it's difficult; dockside, difficult; at-sea, impractical; and at-surface-sea, impractical. The definition of what we consider annual quotas are the advantages of annual quotas, disadvantages and recommendations that we have.

So, as managers you could initially look at the scheme when you're considering various management measures and then turn to the back and see what the advantages are enforcementwise to ones you're considering.

Just as an example -- and, of course, there's many, many examples; but if we looked at the scheme for overall., considering, let's just say lobster as an example. We just passed the lobster regulations, mostly pot numbers, the numbers of pots and things like that. And that would be considered gear regulations.

So, if we look down, you can see gear regulations is kind of in the orange area; and if you were to consider a gauge increase, you would be looking up in the maximum/minimum fish size or gauge increase area, which is way up in the green.

So, would it be more enforceable to have a major increase in the gauge size and not worry as much about counting pots, pulling pots, and all the stuff that goes with that, which you could read under the gear regulations? Enforcementwise, yes.

So, this is just to give you an example of how you might use this document. As Dick said, it's a living document. We plan on updating it once a year as things change, and in fact last night in reading it I found a couple of mistakes, so I plan on correcting those. But if anybody has any suggestions, we're certainly open to that.

And we'd also like to put a motion forward after a little bit of discussion to have this adopted as LEC Management Regulations or Management Measures as guidelines, and have ASMFC publish this for use not only in ASMFC but in the councils or whatever.

CHAIRMAN SHIPMAN: Thank you, Tom and Dick. What I would like to do is just take any comments or questions anyone has about the document, and then we would entertain a motion to accept this document for endorsement to the various management boards and to this body as the guideline on enforceability of fishery management measures. Preston and then Patrick.

MR. PATE: Thank you, Susan. Being close to the enforcement issue on fisheries managed for a number of years, there are no surprises here. I think this puts in writing the intuitive feelings that we have about a lot of the management measures that we put in place, and the Law Enforcement Committee is to be highly commended for their effort in a product that they produced.

I see this as being helpful over a broad spectrum of management agencies, not just this commission and the councils. But I am sitting here looking at the opportunity to use this to educate my own commission in North Carolina about the practicality of some of the rules that they pass, and some of the important points that they have to consider as they're crafting rules.

And I would suggest that we do endorse this and urge each state to use it to the maximum extent. I think it's an excellent document.

CHAIRMAN SHIPMAN: Thank you, Preston, and that's an excellent observation. I think this is a good document to not only endorse for our use in our discussions, but to commend it back to each of the constituent agencies that are members of this body. I believe I had Pat next.

MR. WHITE: Well, Preston took my thunder away, but I really would like to thank the Law Enforcement Committee. I think this is an excellent job, and I hate saying long overdue because that takes away from the compliment. But I think it's going to be a great way to help us move forward.

I did have one question. With all the emphasis that's been put on, or at least that I saw through the New England Council on vessel monitoring systems, how low a ranking it was for enforcement, and maybe I don't understand the technology of it. But if there's a black box on a boat and it says where you've been, why has that not been more easily documented?

MR. LIVINGSTON: That's a good question, Pat. Were you looking at the last page?

MR. WHITE: No, just at the -- well, probably, too, but in your synopsis of the form for overall, at-sea, airborne, et cetera. If it's in a, whatever it's in, cyberspace in a computer, why isn't it documentable?

MR. LIVINGSTON: What happens is, you know, VMS is wonderful technology. I mean, the Northeast Enforcement Division, as you know, runs VMS. That's our program. The problem is it's not a panacea.

When you in essence want to protect a closed area, for instance, and then you're going to use a VMS to protect that closed area, but then you're going to allow trip limits from that closed area, and you're going to allow other fishing and things of that nature; again, that's when the exceptions, the exemptions in essence start to compromise your efforts.

VMS, as far as protecting a closed area for VMS vessels is wonderful if they're not allowed in; not allowed to transit; not allowed to in essence use other exceptions or exemptions.

Once you start down that path, the technology in essence is an information tool but that's it. It cannot protect a closed area. That's why you'll see reference time and again. VMS is a wonderful tool. The problem is the councils and the committees have continued to adopt trip limits associated with closed areas.

There goes your VMS issues, with other exceptions and exemptions. That's the point.

MR. WHITE: One other question if I might. Also under airborne, closed areas and seasons were quite low. Is that an economic factor more than an observation?

MR. LIVINGSTON: A combination of the two. You could be dealing with budget cuts; you also could be concerned with, once again, with exceptions and exemptions. Flight flies over in our area; obviously there's fishing activity; however, are there exceptions and exemptions to allow vessels to be in that closed area?

In essence, you have probably a gear restricted area, but not a closed area, per se.

CHAIRMAN SHIPMAN: I think what one would want to do is to look to the specific issue, and they've got a very good list of recommendations of if you do elect to use this.

MR. LIVINGSTON: You're also going to need, as you develop law enforcement guidance, the professional in that area basically looking at what you're developing and saying, okay, you've got a good enforceable plan there; or you've got something in there that allows an exception or a loophole; and, therefore, you've compromised that rule or reg and in essence compromised the resource.

CHAIRMAN SHIPMAN: We're short on time. I will just take a couple other comments. Preston, Vito, and then, Bruce, we'll wrap up with you.

MR. PATE: Thank you, Susan. I was just going to make the motion that's on the board.

CHAIRMAN SHIPMAN: All right, we have a motion, a second by Pat White. The motion is to move acceptance of the document guidelines for resource managers on the Enforceability of Fishery Management Measures for endorsement and use by the state, ASMFC Boards and Committees.

And if I might, we might also want to commend this to the councils for their use since they are a partner with us in some management issues. Vito, comment?

MR. VITO CALOMO: Yes, I have a comment. It's not pertaining to the motion, though. Would you still like my comment?

CHAIRMAN SHIPMAN: Certainly.

MR. CALOMO: Thank you. Dick, do you feel that you're making headway with the user groups, the fishermen, in gaining, say, respect from them where they become self-policing in helping you?

MR. LIVINGSTON: Vito, as you know, it depends on what measure we're talking about. I think some of the rules and regs out there, you do have buy in. And I think some you don't. It depends -- as you know, you have a feel for the waterfront better than I do.

And if a rule or regulation again is easy to understand and been in place, you get a feel for whether you're getting industry buy in or not. The enforcement resources in the waterfront will have a

handle, and industry will give you pretty good feedback. So, as you know, it depends on the rule or reg, Vito.

MR. CALOMO: Are you working on that buy in? That's really the question I want to know. Are you putting a good emphasis on trying to get fishermen to buy in so we don't need so many resources, and we need people to be self-policing?

MR. LIVINGSTON: Well, I think where my personal opinion, Vito, as a result of what experienced in law enforcement is, we're a ways away from that.

I think what you have to have are rules are regulations that can hold people accountable. And if the industry feels as though rules and regulations are making people accountable, you'll start to have buy in across the board.

CHAIRMAN SHIPMAN: And I would suggest that that's a topic possibly for discussion as we expand our Outreach activities, of just that type of things. Bruce Freeman, and then we're going to call the question.

MR. BRUCE FREEMAN: I, too, want to commend the committee for doing excellent work. I would have one comment relative to presenting this. I see it's such a useful document, it should be reproduced. I would simply ask that it be done in a black and white format so it would be easily reproduced.

I see the need certainly to submit this to the councils, and I think very useful. I think Pres made the comment for the individual states. We can use this for our own enforcement. All the people collectively have developed this, and I just think it needs to be done in such a format that would be very easy to copy.

CHAIRMAN SHIPMAN: I would like to call the question. All those in favor, signify by raising your hand; any opposed, like sign; any abstentions; any null votes. The motion carries unanimously, and we have adopted the document. And I want to commend you as well. I think there's unanimous agreement. It's an outstanding product. Tom.

MR. MEYER: I just wanted to say in addition to the guidelines here, we do have the law enforcement representatives on each board, and we'd also like to continue to work closely with them with this document, and also with our law enforcement reps. Thank you.

CHAIRMAN SHIPMAN: Thank you. And we hope they'll carry this as their Bible to every management board meeting they come to. Dick.

MR. LIVINGSTON: Yes, just one last comment. On the last page of the document, since VMS is so near and dear to my heart since it's in my office; under disadvantages under number one, where it says "Cannot prove fishing activity"; that should be changed to "difficult to prove fishing activity".

And the reason for that i, there are cases going to as we speak, and in essence I want to make sure it's clear that VMS at the moment is a piece of evidence with regard to fishing activity. Thank you.

MR. DIETER BUSCH: If you can get a clean version of this document, Tina can put it on the web page, too.

CHAIRMAN SHIPMAN: And we would ask that y'all do that and we will get this printed. That was all of our scheduled business. We do have a couple of other items.

One, I have talked with Lew Flagg about the issue on the participation of District of Columbia. If it pleases this board, I would suggest that we remand that issue to the AOC. We're going to be looking at some charter issues, and that's a part of the charter. And so if y'all are in agreement, that's the way I would like to handle that.

The other item, I believe Pete Jensen had an issue about striped bass in the EEZ.

MR. JENSEN: Thank you, Madam Chairman. On behalf of the Striped Bass Board, many of you heard this discussion in the Striped Bass Board, but the consensus of the board was to bring it to the Policy Board because of the implications.

Very briefly for those of you that did not hear this discussion, in connection with the proposals for a striped bass regulation in the year 2001, Massachusetts submitted a proposal that the board endorse an extension of their jurisdiction in the state of Massachusetts, only, to 12 miles.

Because of the implications that might have for other boards, other species, and also as to whether the commission would stand behind that request in making a recommendation to the Secretary, we felt it appropriate that that issue come before the Policy Board.

And so, the issue before the Policy Board is does the Commission wish to actively consider and endorse or have any voice on a proposal by Massachusetts to extend their jurisdiction to 12 miles?

Just a little background; there's also, of course, the broader issue of the moratorium on striped bass taking in the EEZ, and Massachusetts has pointed out that they did not intend to revisit that issue at this time; only the very narrow issue of extension of the 12-mile jurisdiction in Massachusetts waters.

If I have not characterized that properly, Mr. Diodati, of course, will correct me.

CHAIRMAN SHIPMAN: Paul.

MR. DIODATI: No, that was a good characterization, Pete. I just want to add that the proposal that we made considers just a portion of our

state, the portion that encompasses what we can document as traditional and historic striped bass fishing grounds.

We've also had discussions about this with high level National Marine Fisheries Service officials, and they've indicated to us that with endorsement from ASMFC, they'd be agreeable to taking this out for rulemaking.

So, that's why I am bringing this to the board. I think that there is opportunity for this in the Striped Bass Act, so it would be an appropriate issue for this board to consider.

CHAIRMAN SHIPMAN: What I might suggest, I would like to get the comments from the Executive Director. This may be an issue we need to refer to the Legislative Committee who is going to be looking at all of the legislative issues. I think this has broader implications than just striped bass. Jack, do you want to comment on this?

EXECUTIVE DIRECTOR DUNNIGAN: Thank you. The Striped Bass Board considered this the other day, and I did make a comment to them that it's really a two-part issue. There are some very clear striped bass issues that I think it's within the purview of the Commission to be able to deal with and deal with fairly directly.

And I have been talking to Paul Diodati, and he and I are going to discuss that over the next couple of weeks, and we'll talk to the Chairman of the Striped Bass Board and many other commissioners so that the board will be able to consider that in April.

But there are also these broader questions about state authority, and they come up all the time in a lot of our joint planning processes.

With the Magnuson-Stevens Act coming under greater scrutiny and perhaps reauthorization this year, that'll provide a forum for carrying those out. My only caution to you as a Policy Board is that these are very big issues, and you shouldn't look to a broad consideration of state authority in the EEZ as being a way of solving a problem that you have in front of you today.

They're important issues to Kerry. But they're very big issues there, national issues, they are national defense issues, as well as resource conservation, and we will be a relatively small player when those hit the table.

So, I mean, I think they're both important, but I think that there is a window to deal with this as a striped bass issue as well, and I will again encourage the board to do that.

CHAIRMAN SHIPMAN: To that point, Paul.

MR. DIODATI: I certainly agree that there are broad issues and implications when we extend our jurisdiction beyond three miles. However, I think what narrows the issues somewhat is that there is federal legislation specifically for striped bass; again, the Striped Bass Act, which I think puts this in a more unique situation.

CHAIRMAN SHIPMAN: I think the striped bass aspect is a Striped Bass Board issue. And I was not there for the discussion, so unfortunately I can't weigh in one way or another. But I think that component of it probably needs to be dealt with at the Striped Bass Board.

But the application of it for the broader issues, I think needs to be vetted in more deliberate and lengthier discussion than we have time to do today. Tom.

MR. FOTE: I think it's really a Policy Board issue because I think, really, you have to come up with this. Because if Massachusetts is going to go, I would say New Jersey is in the same boat. We have traditional areas that we've been shut out in the EEZ because we wanted to keep them shut.

But if we're going to open up the EEZ areas, we would like the same consideration as Massachusetts has. And so it really comes to the Policy Board because I think it has to come from the recommendation of the full Commission.

CHAIRMAN SHIPMAN: True, but I don't think we're going to solve this issue this morning is all I am saying. And perhaps we can take this up in April and have some discussions with the appropriate committees between now and then and bring this back in a more fully fleshed out format.

Before we adjourn, there is a roll going around. Please do sign in. We may note for the record we do have a quorum, so all of our actions that we've taken are legal. Tom.

MR. FOTE: Since we're going to adjourn, I want to make one small comment. One recommendation for a policy maybe should be set. We all start proliferation of cell phones. And we sit in these rooms numerous times and it's very distracting to hear them ring.

Most of the boards, most of the meetings in the legislatures I know of basically policy. Mine has a silent vibrating battery; it doesn't annoy the other people. Maybe we should start looking at a policy of how we basically conduct meetings.

CHAIRMAN SHIPMAN: I don't know that we need a policy. We would just ask everyone to please to do that. And we will yank you out of the room by the nape of the neck if yours rings. So, we just ask everybody exercise that courtesy. Mr. Schaefer.

MR. DICK SCHAEFER: I would just like to suggest -- first of all, I agree with everything that Jack Dunnigan had to say. I think the issue that Paul Diodati brings to the table -- and this is not directed at Paul or the state of Massachusetts; it just happens

to be the extant case -- is that we're just looking at the tip of the iceberg here.

This whole issue about further extension of state authority or regulations into the federal zone, if you will, is bigger than just the Atlantic Striped Bass Conservation Act. If it applies to the Striped Bass Act, it also applies to the Atlantic Coastal Act.

You could make that argument very easily in my mind. And I think maybe the Commission should think about, with all deliberation, think about putting together a workshop or a meeting that focuses just on this issue.

It brings together the appropriate federal and state people, the legal advice, lawyers, attorneys, whoever we need, because this issue is not going to go away.

And I don't think -- I mean, this is one of those examples, in my mind, where you might get what you wish for and you're going to have great regret perhaps somewhere downstream. And I think it has to be looked at very, very carefully and deliberately, and that would be my suggestion to the Commission.

CHAIRMAN SHIPMAN: Thank you for those comments, Dick. We'll take that into consideration in our planning horizon as we see what resources we have to dedicate to that. Also I would just remind you, I believe y'all are hosting a State/Federal Workshop coming up, and perhaps that should be a topic just for some brainstorming. Dick.

MR. SCHAEFER: Excuse me, along those lines, I don't want to take any more time, but for State Directors, I have copies of a draft agenda that we've put together for that workshop. Would you please come see me, I will hand you a copy. We intend to communicate with you primarily by e-mail in the interest of time and cost.

You will get a final package hard copy in the mail, but this will give you an idea of our current thinking and planning, and we'll be in touch with you with more details.

CHAIRMAN SHIPMAN: Thank you, Dick. Any other issues to come forward? We have a motion to adjourn. Is there a second? Okay. Any opposed? Yes.

EXECUTIVE DIRECTOR DUNNIGAN: Before you all leave, the National Governors Association has been working on developing a policy on marine resources; living marine resources. And, we have been working with the NGA on that. Susan has been working with them on it. It's going to come before the Governors at their meeting in February.

We have copies of the final draft for your information and staff is passing them around. So as you are leaving and gathering your things up, make sure you get a copy of this. Thank you.

CHAIRMAN SHIPMAN: And we would urge you to communicate your support, if you do find it satisfactory, to your Governor and ask for the favorable vote. Dick.

MR. SCHAEFER: Thank you, Madam Chairwoman. Just one thing I failed to mention that was triggered my memory here by Pres. We sent out an initial inquiry about two months ago for the State/NMFS Workshop, and we have limited funds that we could use to support some travel to this meeting.

But for the most part, we're depending upon the attendees to pay their own way. We just don't have those kinds of dollars. But if you're absolutely prevented from showing up at the workshop because you don't have the money, we'll certainly entertain a request to support some or all of your travel. But we're certainly not encouraging it because we just don't have the bucks. Thanks.

CHAIRMAN SHIPMAN: Thank you. We had a motion to adjourn. Is there any objection? Hearing none, we stand adjourned. Thank you all.

(Whereupon, the meeting was adjourned at 9:15 o'clock a.m., February 1, 2001.)

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