

P R O C E E D I N G S
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD MEETING

May 20, 1999
Royal Pavilion Resort
Atlantic Beach, North Carolina

Graham Verbatim Transcriptions, Inc.
P.O. Box 314
Monson, Maine 04464

(207) 997-2019

TABLE OF CONTENTS

Call to Order, Chairman David V.D. Borden.....1

Approval of Agenda.....2

Approval of Minutes.....2

Committee Reports:

 Advisory.....4

 Law Enforcement.....5

 Habitat.....22

 Management and Science.....26

Report on Crab Imports.....36

Review of Pilot Program on Voting Procedures.....48

Request for Formation of Committee to Develop
 Formula for Allocation of Resources, Etc....55

Presentation of Findings and Recommendations of
 Shark Workshop.....63

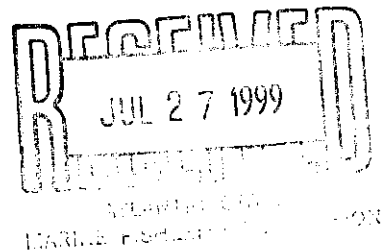
Review of Draft FMP Outline.....110

New Business.....113

Other Business.....120

Adjourn.....124

- - -



INDEX OF MOTIONS

MOTION	PAGE	ACTION	PAGE
Approve minutes	3	Carried	3
Endorse Habitat Program Strategic and Management Plan	23	Carried	24
Adopt Management and Science Committee recommendation	27	Carried	28
Adopt Management and Science Committee recommendation re ACCSP	35	Carried	35
Begin development of fishery management plan for shark and spiny dogfish, etc. (perfected at 98)	70	Carried	108
Approve draft FMP outline	111	Carried	111
Approve all three board recommendations	113	Carried	113
Elevate croaker in priority, etc.	116	Carried	117

- - -

ATLANTIC STATES MARINE FISHERIES COMMISSION

Royal Pavilion Resort Atlantic Beach, North Carolina

ISFMP POLICY BOARD MEETING

May 20, 1999

- - -

The Meeting of the ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Nassau Room of the Royal Pavilion Resort, Atlantic Beach, North Carolina, Thursday morning, May 20, 1999, and was called to order at 8:10 o'clock a.m. by Chairman Philip G. Coates.

CHAIRMAN DAVID V.D. BORDEN: Welcome to the ISFMP Policy Board meeting. My name is David Borden. I'm the chairman of the Commission for those of you that don't me. And I'd like to welcome everyone to our ISFMP Policy Board meeting.

The first order of business, before we take up the agenda, I'd like to have the staff call the roll.

(Whereupon, the roll call was taken by Mr. Dieter N. Busch.)

MR. DIETER N. BUSCH: Mr. Chairman, 18 present, two absent.

CHAIRMAN BORDEN: All right. We have a quorum.

As far as the agenda, there's a revised agenda that has been distributed. There have been a few changes to that agenda, but before I actually take that up, I'd like to acknowledge and welcome Jim Johnson, who's chairman of the North Carolina Marine Fisheries Commission, who's here at the meeting today. Jim, welcome to the meeting. Jim has joined us and plans to join the discussion on crab imports, as I understand it.

We have the revised agenda that's been distributed. I have a few changes that actually have been made since this was printed. Under Item 10, we'll take up issues of the amendment recommendations, and under "Other Business," Susan Shipman has requested time to provide us a report of the South Atlantic Board.

Are there any other changes or deletions to the agenda? And if not, we will take items in the order in which they appear. Any changes?

All right. The first item on the agenda is approval of minutes from October 21st and 22nd. Any comments, additions, deletions to the minutes? If not, a

motion to approve the minutes as prepared.

MS. SUSAN SHIPMAN: So move.

MR. GORDON C. COLVIN: Second.

CHAIRMAN BORDEN: Any discussion on the minutes? If not, ready for the question? All in favor, signify by saying Aye; opposed; abstentions. The motion carries unanimously.

Dick Schaefer.

MR. RICHARD SCHAEFER: My question was under "Other Business," is the item of whether or not this Commission intends to pursue a Shark Fishery Management Plan and a Spiny Dogfish Plan going to come up for discussion and a vote?

CHAIRMAN BORDEN: It's my understanding that that would be taken up under Item Number 9, Dick.

MR. SCHAEFER: All right, fine. I didn't know if that was going to end up in -- okay. That explains it to me. Thank you.

CHAIRMAN BORDEN: Anything else on the agenda?

As far as public comment, it is our common practice to allow members of the public that attend the

meeting to speak during the meeting. We will generally follow the practice of recognizing commissioners first when there's a motion that comes up, and then we'll take comments from the audience.

We also will afford the public the opportunity to come forward at this point and make any statements to the Commission if they so choose. Is there anyone in the room that cares to address the Commission at this time?

If not, we'll move on to reports. Advisory Committee report.

MR. ROBERT MUNSON: Thank you, Mr. Chairman. The Advisory Committee met yesterday from 1:00 to 4:00. Attendance by advisers was light. We had five out of a possible 12. However, we were joined and were happy to have several ASMFC staff and a visit by a number of Management Committee members during the meeting.

The meeting was productive, and we continued to review the Advisory Panel process, and our general view is that the process works okay but it could be improved upon. And as a result, we spent a significant amount of time developing a questionnaire which will

shortly be sent out to all advisers, and there will be phone follow-up to that questionnaire in order to get a good response.

The answers to the questionnaire, we're pretty confident, are going to help the committee define what the problems are and to arrive at recommendations for implementing changes. We expect to be able to bring specific recommendations to this Board at the Fall Meeting. Thank you.

CHAIRMAN BORDEN: Any questions of the Advisory Committee? Anyone in the audience?

If not, we'll move on to the next report, Law Enforcement Committee report.

MR. BRUCE BUCKSON: Good morning. My name is Bruce Buckson. I'm a law enforcement representative from Florida. I'm the vice-chair of the Law Enforcement Committee. And it seems that everybody else from the committee has escaped North Carolina so far, so I was left the duty of reporting to the Policy Board and appreciate the opportunity to present the report of the Law Enforcement Committee.

CHAIRMAN BORDEN: Welcome.

MR. BUCKSON: Thank you. Just briefly about myself: I am from Florida. I work for the Florida Department of Environmental Protection in the Law Enforcement Division. At least that's currently. As of July 1st, I'll be a member of the brand-new agency of Florida, the Florida Fish and Wildlife Conservation Commission.

Our legislature has appropriately revised the statutes necessary to make sure that we continue to be members of the Atlantic states, the Gulf states, and all the other compacts that we have with other agencies. And I intend and expect to be part of this Law Enforcement Committee even after July 1st.

With that said, I would like to thank the Commission for allowing Dieter Busch to be a part of the committee meeting this week. I think every member of the committee appreciated his attendance.

More than other meetings, I believe that we felt that this meeting went very well, that we were able to accomplish some things that we had tasked ourselves with in the past. We have in this report a little bit different than we've done in the past. We have three

action items that we believe that this particular Board may be able to act on for the Law Enforcement Committee, and what I'd like to do is present those first to the Board, and then just a brief summary of the actions of the committee and some of the topics that we covered during the meeting.

The first of the action items that I'd like to present for the committee has to deal with the American lobster trap tag transferability. And the issue that we have as the Law Enforcement Committee deals with the draft Addendum 1 to Amendment 3 of the Lobster Plan, the trap tag system.

And in that plan on Page 8, Number 4, there are three items that are listed that deal with the trap tag system. The first of those items -- and I'll just read them from the addendum. The first is, "All tags should be a permanent design, not transferable once attached to a trap." The second is, "All lobster traps aboard a vessel must be tagged." The third is, "Trap tags must be placed on the trap bridge or main cross-member clearly visible for inspection."

The Law Enforcement Committee's

recommendation is that the ISFMP Policy Board support those components of the trap tag system that I just listed. Without these components, the Law Enforcement Committee believes that the trap tag system will not operate properly and ultimately not accomplish what the Commission and what the tag system is supposed to accomplish.

The second action item that we believe the Board can act on for us deals with standardization of measuring techniques for finfish. And I probably should -- the Board's probably aware that we've had some research done by members of a subcommittee that the Law Enforcement Committee had, and it involved people from South Carolina, North Carolina and other states.

We've done some surveys around the East Coast states and as well the Gulf states, and we've found that there are discrepancies in the way the fish are measured, and let me just read from the report that we have. "The issue that we have is measurement of finfish varies from state to state. Therefore, fishermen are not treated consistently throughout the Atlantic states with regard to measuring fish, and there is confusion."

The recommendation the Law Enforcement Committee has is to -- we have established a set of guidelines which will be part of the minutes of the meeting that the Board will have. These guidelines are for measuring finfish, and this will be included in the complete report that we submit to the Board.

Foremost is that all finfish subject to a minimum possession size limit be landed whole and without exception. The Law Enforcement Committee recommends the ASMFC review the FMPs and include provisions which clearly define the method of measurement of finfish consistent with the recommendations in the minutes of the LEC. The LEC requests that a report of the FMPs which address this be provided at the October LEC Committee meeting.

The committee believes that to accomplish what the plans are designed to accomplish, we need to have consistency throughout the states and to reduce confusion and be fair to the people that are harvesting fish. We have found that it's not consistent throughout states, and the support of this Commission would be very beneficial in moving towards consistency with measuring fish.

We recognize that some of the plans don't

establish anything other than a minimum size limit. And I'll use a bad example of a species that may just say "12-inch size limit." It doesn't say whether that's overall length, whether that's total length, whether that's fork length in some of the plans.

That leaves the rest of the story up to the law enforcement or the fishermen, whoever's harvesting the fish or if we're in the situation of checking the fish, we're in the position of determining how to measure that fish and to make sure that it's in compliance with the plan. If there is confusion, then you don't know if your plan's accomplishing what it should accomplish, and that's why we would like to have that clarified in a review of the plans that are on the books now just so we can make sure that there is some sort of listing as to how the fish should be measured.

The third issue is the FMP law enforcement reporting requirements by species. The most obvious one of those is the striped bass reports that the law enforcement members are responsible to make to the Commission. The issue is that law enforcement agencies don't record patrol data by species. Therefore, agency

internal data collection is not consistent with the information requested by some ASMFC FMPs.

The recommendation that we have as a committee is that the ISFMP Policy Board and the Law Enforcement Committee form a subcommittee to establish the obtainable and useful law enforcement reports to assist in evaluating the effectiveness of the FMPs. The committee would like to resolve this issue by the October meeting, and we're willing to set up -- make sure that we have available some committee members to meet in a subcommittee to address this.

As a brief explanation, for the most part, law enforcement agencies' data collection may not get you what you need to determine whether or not your plans are doing the right thing. If there are specific requirements for the reporting that we do not collect, that means that we have to find a way to collect it, and that ultimately means that we spend time on administrative issues rather than actually time in the field.

We do collect a lot of information that would be useful to the Commission, and we would very much like to be able to provide that to the Commission. We

feel that if we get together and we talk about what we obtain now and be able to use that to determine whether or not the plans are accomplishing what they need to do, or if we aren't collecting it and it's something that's absolutely necessary, then we need to get together and determine how we can collect it in an efficient manner.

CHAIRMAN BORDEN: All right. Comments or questions of the Law Enforcement Committee? My suggestion here is that, seeing no hands going up, the lobster trap tag issue, the written recommendation there from the Law Enforcement Committee, be forwarded to the Lobster Board for action. Any discussion, any disagreement with that?

Then the fish measuring issue, this is an issue that's going to obviously clearly have an impact on every single one of the states. Once again, I think it's appropriate to have the written recommendation from the Law Enforcement Committee distributed to all of the states, and then at some point I think we should take it up as a formal Policy Board recommendation.

Bill Cole.

MR. BILL COLE: Thank you, Mr. Chairman. This is also an issue that ACCSP is currently addressing

to try to bring some uniformity, if you would, to our minimum standards, in particular at the moment for recreational. The law enforcement people have also addressed rec. and commercial measurements. So it's an item that we will take further action and consideration on also.

CHAIRMAN BORDEN: Comments on that? What's the preference of the Board. Do you want -- we can actually do both. We can distribute it to all the states and distribute it to the ACCSP and wait for a recommendation from ACCSP.

Yes, A.C.

MR. A.C. CARPENTER: Does that report have a list of the states and a list of the species that are different?

MR. BUCKSON: No, sir, it does not. We have a list of the states and the survey information that we got from those states on how they might measure those fish.

MR. CARPENTER: Will that be included in the report that's submitted to the directors?

MR. BUCKSON: It's not in the current

report, but we can certainly make it available, yes, sir. That will not be a problem.

MR. CARPENTER: That would help us see how big a problem we have.

CHAIRMAN BORDEN: Further discussion on this? So the resolution is that that will be included, and we will distribute it to all commissioners and the ACCSP.

The last item, which is the issue of reports by species, comments on that suggestion. Any comments? The request here is for a subcommittee. Can you elaborate on what type of membership you're looking for on the subcommittee?

MR. BUCKSON: The discussion was probably less educable than it should have been. We feel like we want to be able to -- we know that we're an integral part of making these management plans work, and we want to be able to provide whatever information we can. But by the same token, I don't think any of the agencies want to have to redo any reporting forms or databases that they have to be able to provide that information.

We thought that this Board or some members

of this Board that actually knew what kind of information they wanted to get for all species eventually, if there was a member or two of this particular group that would be willing to sit with a few members of the Law Enforcement Committee and we could explain what we do collect and see what was available, what would be useful for the management plans.

CHAIRMAN BORDEN: Susan Shipman.

MS. SHIPMAN: An integral part of the compliance reports is law enforcement reporting for the states. Perhaps a direction to go would be for the law enforcement liaison to each of the boards to sit down with the staff for that fishery management plan and perhaps, in coordination with the board chair, look at what the reporting requirements are from a law enforcement perspective and lay that out, I guess, more clearly for the member states and for the Law Enforcement Committee of what that board is looking for.

I think it's going to vary. I don't know that a one size fits all on the report, because I think it's going to vary by plan.

CHAIRMAN BORDEN: Any comments to that?

Any objections to what Susan has suggested?

MR. BUCKSON: I agree with that, and the representatives to the boards now do make their input to the boards, and I guess what we were trying to avoid by getting at least a broad concept of what was looked for in the management plans was to avoid the potential appearance that we're being negative and trying to shut down anything in the proposed management plans. Because we have made it a concern that when we've -- and I don't remember what the most recent one that Maine dealt with was, but there was an issue in one of the plans that they made it a point to explain that they didn't collect that information.

And if we had an idea of what each of the plans, or broadly what the Commission was looking for in the law enforcement report -- there are some things that it's very simple to collect and other things that are more difficult. We don't collect hours and -- I don't know of any agency that collects number of patrol hours for each particular species. If you want to know how many cases we've made, that's no problem.

If there's other issues that in general would be useful in all plans that we could have a

boilerplate type language, then we may have to readdress what information we're collecting. But we can continue, and we will continue to represent our issues at the individual boards. But we thought if there was a way -- and if there's not, that's fine -- but if there is a way to get something, more of a boilerplate type, then we'd like to do that.

CHAIRMAN BORDEN: Susan.

MS. SHIPMAN: I think they're looking for something more general, I guess, than what I had in mind, and maybe there is a basic set of elements that you're looking for in every plan possibly. I don't know if this is something that the staff to the particular species plans can work with them or not.

CHAIRMAN BORDEN: What I was going to suggest is that the Commission staff try to work with the Law Enforcement Committee to further clarify exactly what is needed here. And if in fact we need to put together a subcommittee, I can clearly do that, based on the staff recommendation.

Further discussion on this item? Yes, A.C.

MR. CARPENTER: Later in the agenda, we're

to be looking at the outline of the FMPs, and there is a section there called "Analysis of Enforceability of Proposed Regulations." Is that the kind of thing that the Law Enforcement Committee wants to see in each plan where there's an outline of how that's to be accomplished within each plan? And maybe that's where they need to plug this in.

MR. BUCKSON: Actually, what this was addressing specifically was the reports that are required by the plans to the Commission. We definitely want to participate in the other as well, but this was specifically to deal with reports like the striped bass report that's due every six months. So it was reporting as opposed to the procedures.

CHAIRMAN BORDEN: Okay. We're going to move on here, and obviously we're going to revisit that issue later on. Thank you very much. Does that complete your report?

MR. BUCKSON: No, sir. I'm sorry. Just briefly, just a summary of some of the issues that we did discuss at the committee meeting, and I will make it brief. We've had an issue with the Interstate Shellfish

Sanitation Conference dealing with the patrol evaluation document that they are setting up. Miriam Stuckey with the Food and Drug Administration presented what will be the issue paper that's presented to the ISSC with regard to patrol evaluation, and it was accepted by all members of the Law Enforcement Committee, and we're in support of it.

The second thing that we again talked about was measuring techniques. Miss Kay Davy from South Carolina, a biologist, presented some of the results of the surveys that she had conducted, and that's what led us to the second action item that I presented to the Board.

We also discussed the board reports from each of the Law Enforcement Committee members. We have representatives that attend each of the board meetings, and they presented their issues to the entire committee.

We talked about and had a presentation from Paul Perra about horseshoe crabs, and he had requested some input on enforceability of horseshoe crab regulations that are being considered in the EEZ. We provided him with some input.

Charlie Bergman with the Mid-Atlantic

Fishery Management Council made a brief presentation and requested some input or actually requested members from our committee to apply to be members of the Law Enforcement Committee for the Mid-Atlantic Fishery Management Council, and there's at least two of our committee members who did fill out the applications and intend to participate in that Law Enforcement Committee.

Joe Moran came and introduced himself, the ACCSP new program manager and discussed some issues about the process with the ACCSP and the future direction, and a brief outline of where they're headed and they're going to get there.

Then finally we talked about the future direction of our particular committee. The chairman requested that we all present some short-term and long-term goals and some direction we need to head with regards to this Law Enforcement Committee, and some of those have to deal with some of the issues that you'll probably deal with later on, and that's how law enforcement fits into the management plans. And we expect to have some of those directions listed and compiled so we can discuss those at the October meeting.

And that's a brief summary of the issues that we covered.

CHAIRMAN BORDEN: Any questions for the Law Enforcement Committee? Thank you very much. Bill. Excuse me.

MR. COLE: Mr. Chairman, I don't want to steal Lisa's thunder, but there is an item that she was going to bring up from Management and Science dealing with standard compliance report for state reporting requirements for FMPs a little later. And there's room in there, I think, to accommodate the law enforcement reporting requirements within that format.

Maybe the proper course would be to have the chair of Law Enforcement and Management and Science work through this and combine those two items so that everything is all in one report.

CHAIRMAN BORDEN: Any comments on that? Any objections to Bill's suggestion? If not, then that's a course of action we'll follow.

I think that concludes our Enforcement Committee report.

The next report is Habitat Committee. Bill.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. I have three items to report to the Policy Board from the Habitat Committee. The first is the committee adopted its Strategic Plan, and a copy of the final draft was mailed out before the meeting to all commissioners, so you may have your copy with you. I think we have others if you need one.

We adopted it with a few final, very minor modifications that I can point out, if you like. But I want to bring it to your attention for your consideration. I don't believe any action is necessary, but we'd be pleased to have the blessing of the Policy Board on our Strategic Plan.

Mr. Chairman, I don't believe there's any action necessary on the Strategic Plan, but I want to bring it before the Board for its consideration and blessing.

CHAIRMAN BORDEN: All right. Comments?
Susan.

MS. SHIPMAN: Do we need a motion to endorse the Strategic Plan?

CHAIRMAN BORDEN: I think the record would

benefit from that.

MS. SHIPMAN: All right. I would move that the Policy Board endorse the Habitat Program's Strategic and Management Plan.

MR. COLVIN: Second.

CHAIRMAN BORDEN: Discussion? Bruce Freeman.

MR. BRUCE L. FREEMAN: Thank you, Mr. Chairman. As a new member of the Habitat Committee, this issue arose yesterday during the final review of this document, and the motion was made and passed unanimously by the Habitat Committee to have this plan incorporated in all the documents of the Commission; therefore, the endorsement by the Policy Board and there's also a motion by the Executive Committee.

In speaking with Jack this morning, he indicated that this action could be formalized and incorporated in all the Commission's documents by approval by the Executive Committee. From a procedural standpoint, I'll raise that issue during the Executive part, but I think that's the mechanism for what the committee is looking for for final endorsement by the full Commission.

CHAIRMAN BORDEN: All right. Susan, is it your intent that if the motion were to pass, that it would be a recommendation to the Executive Committee?

MS. SHIPMAN: Yes, certainly.

CHAIRMAN BORDEN: Further discussion on this? Anyone in the audience? If no hands up, you're ready for the question? All those in favor, signify by saying Aye; opposed; abstentions. Motion carries unanimously.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. The second item to bring before you involves current amendments under development that would need assistance from the Habitat Committee in developing habitat sections as per our procedures. Those would be the Winter Flounder and Menhaden Plans.

The policy that the Habitat Committee has adopted on that is to first seek volunteer expertise to help develop those sections and, as a second resort, to contract for those services. Since we don't have money budgeted to contract for those services, I'm happy to be able to report that we believe we have achieved the expertise we need to develop those sections on a volunteer

basis.

For the Winter Flounder Plan, actually there's already a source document developed, so we'll be working with the PDT to incorporate that habitat information into the FMP. And on Menhaden, a member of our Habitat and FMPs Committee has a staff person that he's willing to assign to the task of drafting a habitat section with staff assistance for the Menhaden Plan.

The third and last item I want to report has to do with a matter that was mentioned last time and is reflected in the minutes, and that involves work on gear impacts, fishing gear impacts on SAV. As you know, the Habitat Committee developed and adopted an SAV policy. Out of that grew a number of actions, including investigation into this area, working with the Management and Science Committee.

And I think you'll see in your minutes and probably in the Management and Science report that a report on that is forthcoming. But I wanted you to know that the Habitat Committee has, pursuant to that, decided, along with Management and Science, to meet jointly in the fall to follow up on this matter.

And that concludes my report.

CHAIRMAN BORDEN: Thank you. Comments or questions on the report, anyone? Anyone in the audience?

If not, we'll move on to the next item, which is Management and Science. Lisa.

DR. LISA L. KLINE: Unfortunately, the chair and vice-chair of the Management and Science Committee could not be here, so I'll be giving their report.

The Management and Science Committee has three action items. The first is a standing agenda item for the Policy Board, and that's prioritization of Commission stock assessments. There is a table attached to the report, Table 1, that provides an overview for each individual species of when an assessment was done and when and what type of review was conducted.

The review from Management and Science Committee basically had three species that I want to focus on. The first is American lobster, which was prioritized by the Policy Board at the Fall Meeting for an external peer review coordinated with the National Marine Fisheries Service. That is scheduled for July 12th through 14th.

The assessment is being completed now, and we're putting together the Peer Review Panel. So we're on schedule for that one.

The second two species are weakfish and tautog, and we've recommendations from both management boards for those assessments to be reviewed at the November 1999 SARC. They are tentatively on the agendas for the SARC. With approval of the Policy Board, we will confirm those.

One species that was deferred at the Fall Meeting was Atlantic croaker. We would ask that that be deferred again, because at this point in time we don't have a date for when that assessment would be done.

And other than that, there are no other species that need to be prioritized.

CHAIRMAN BORDEN: All right. Comments on the recommendation from the committee? Gordon Colvin.

MR. COLVIN: Move adoption of the committee recommendations.

CHAIRMAN BORDEN: Is there a second?

MR. PHILIP G. COATES: Second.

CHAIRMAN BORDEN: Discussion? Susan

Shipman.

MS. SHIPMAN: As part of the South Atlantic Board discussion on Monday, we are going to be requesting, during our report, that croaker be elevated in priority with regard to just the emphasis of the data collection that is necessary for the stock assessment, and we would hope that a stock assessment could be conducted in 2000 basically.

CHAIRMAN BORDEN: David Cupka.

MR. DAVID CUPKA: Thank you, Mr. Chairman. That was the point I was going to bring up also. We hope to move croaker ahead a little bit, and we did discuss at the South Atlantic Board the same comment Susan made on that.

CHAIRMAN BORDEN: Further discussion. You have a motion on the table. Further discussion on the motion? Anyone in the audience? If not, are you ready for the question? All those in favor, signify by saying Aye; opposed; abstentions. Motion carries unanimously.

Lisa.

DR. KLINE: The second action item is the standard compliance report. This was discussed at the

Management and Science Committee in the fall. Commission staff was tasked with drafting a standard compliance report, and that is attached in your packet. This report first of all lays out the dates for when the compliance reports are due, which was important for the state people to track the reporting requirements.

It lays out four sections. The first three are general sections and would apply to all fishery management plans. Section 4 is very specific to individual species. Those are species that have specific compliance reports written into the FMPs.

And following the Law Enforcement Committee report, I have a note to incorporate the law enforcement reporting requirement into that standard format.

CHAIRMAN BORDEN: All right. Does this require formal action?

DR. KLINE: At the time, the Management and Science Committee was looking for approval. I don't know if we need to defer that until we get the law enforcement requirements in, or approve it now and staff can work with law enforcement to include theirs.

CHAIRMAN BORDEN: What's the preference of

the Board on how to handle this? Any suggestions? A.C.

MR. CARPENTER: A number of years ago, the staff put together the Fishery Management Plan Status Report, which went through each one of the plans, highlighted the major items that needed to be complied with and the dates, and the reporting requirements. It would be very nice if we could have an update of this, because a lot of this stuff is several years old and were initial implementation schedules.

The other thing that I think would be helpful is if we had a list of what the most current addenda is or management or diversion number of the plan in addition to the reporting requirements.

CHAIRMAN BORDEN: A.C., you're suggesting that that be done before we take action on it? Is that --

MR. CARPENTER: I'm suggesting that I'd like to see another one of these prepared by the staff and distributed at least by the next meeting.

CHAIRMAN BORDEN: All right. Gordon Colvin.

MR. COLVIN: In response to the chairman's question, I would recommend that we do this job once at the Fall Meeting after we put the law enforcement material

in, together with the recommendations of the Management and Science Committee.

CHAIRMAN BORDEN: All right. Comments to that suggestion? Any objections to that suggestion? If not, that's the course of action we'll follow.

David Cupka.

MR. CUPKA: Lisa, could you elucidate a little bit on the committee discussion relative to standardizing the submission dates?

DR. KLINE: The concern was that there are typically one or two individual state people that are responsible for submitting all the individual species reports, and there was a lot of confusion of when the reports needed to be submitted and what was required in those reports. And they felt that if we had one format, it would make their jobs a lot easier.

MR. CUPKA: What about the date? Was the idea to have them all due on the same date?

DR. KLINE: No. Actually, the further suggestion here -- and I'll just read it. "The committee further suggests that the dates of report submission be standardized due to problems with the commercial and

recreational data not being finalized until late spring."

The problem that they pointed out was that the rec. and commercial data is typically not finalized early enough in the year when some of those reports were due, and they were requesting that those dates be pushed back so that when they submitted the report they would be reporting finalized data and not preliminary data. It was not a recommendation to have all reports at one time.

CHAIRMAN BORDEN: Further action on this?
Dick Schaefer.

MR. SCHAEFER: Just a question. I fully support the standardization of compliance reporting and so on, but I wanted to know whether or not the individual species management boards have had a chance to look at this document?

DR. KLINE: No, they have not.

MR. SCHAEFER: Then I would suggest that, I think consistent with what I heard Gordon say, Gordon Colvin, if we're not going to take final action on this till October, it might be a good idea to distribute that among the species boards for at least their review and hopefully concurrence. And I'd have a much better feel of

supporting this at that time.

DR. KLINE: Okay.

CHAIRMAN BORDEN: All right. Any objections to that? So we'll follow both Gordon and Dick Schaefer's suggestions on that.

Lisa.

DR. KLINE: The third action item is what we call ACCSP standard language. In the development of Commission FMPs and amendments over the past year or so, we've been trying to incorporate ACCSP language into the individual FMPs to be consistent with the requirements under the ACCSP.

What this has entailed is language that has gone into the FMPs and then reviewed by the Operations Committee, typically a response by the Operations Committee that it is or is not consistent, and then possibly some modification of language before approval of the FMP or amendment itself.

Discussion with the Operations Committee and with other Commission staff was that if we could develop some general ACCSP language that could be cut and pasted into all of our Commission FMPs, that they'd be

consistent across the board. And what staff developed was that general language. It has been approved by the Management Science Committee, and it does refer to the standard FMP outline that I think will come before the Policy Board a little bit later.

The first section of the language is a very general section, basically encouraging the state fishery management agencies to pursue full implementation of the ACCSP, stating that the ACCSP would then meet the reporting requirements of that FMP or amendment.

It also states that the board or section or amendment recommends a transition or phased-in approach to the implementation of the ACCSP. And we felt this was important so that we didn't force full implementation of the ACCSP through the individual FMPs, since the majority of states at this point in time do not have the resources to implement.

The rest of the language is very specific to the individual of ACCSP and basically says what ACCSP would do and what information would be provided under those components.

CHAIRMAN BORDEN: Okay. Comments. Gordon

Colvin.

MR. COLVIN: Mr. Chairman, I think this is an extremely helpful piece of work that the Management and Science Committee has done. I think it is timely, that we are at a point in the development and implementation of ACCSP where it's appropriate to begin to standardize our approach to its incorporation of this program in our management program. And I would like to move adoption of the committee recommendation.

CHAIRMAN BORDEN: We have a motion to approve the language. Seconded by David Cupka. Discussion. Any discussion on it? Anyone in the audience? No discussion on it? Ready for the question? All those in favor, signify by saying Aye; opposed; abstentions. Motion carries unanimously.

Lisa.

DR. KLINE: That's the end of the MSC report.

CHAIRMAN BORDEN: Thank you very much.

The next item on the agenda is a report on crab imports, and I believe that Jim Johnson had requested an opportunity to discuss this.

(Inaudible comment from the floor.)

MR. W.P. JENSEN: This item was added to the agenda at the request of the National Blue Crab Industry Association, and it's a briefing, a heads-up, if you will, on something that I think all of you are going to become aware of soon and may in fact hear very directly in your states. Even though blue crabs are not a species under management of ASMFC, they are important resources in fisheries in many of our states.

And so it's my pleasure to introduce Mr. Jack Brooks who is the president of the J.M. Clayton Company in Cambridge, Massachusetts. It's a family-owned company, been in business 110 years, four generations picking and packing crabs. And he's going to report to you an issue that they have been discussing for going on two years now, and to them it's a very serious issue. And we thought it would be appropriate that the members of the ASMFC be aware of it.

CHAIRMAN BORDEN: Welcome.

MR. JACK BROOKS: Thank you, Pete. I must clarify one thing at first. Right off, though, I think Pete's been in this meeting a little too long. We're from

Maryland, Cambridge, Maryland, not Cambridge, Massachusetts. But no harm done.

CHAIRMAN BORDEN: It's on the East Coast anyway.

MR. BROOKS: Yes, sir. Mr. Chairman and members of the Commission, thanks for taking a few moments to hear our brief presentation. I promise to compress this as much as possible in the interests of time. First, a little bit of background. Last year specifically, just about a year ago, when we got into producing blue crabs up and down the coast and in the Gulf, we saw a dramatic decrease in our prices and our demand for crabmeat.

When we really got producing, prices got down on our finished product; therefore, we had to pay less to the harvesters for the crabs that were harvested. And we were wondering what in the world's the problem here? You know, something has dramatically changed just in the last 12 months especially.

We asked the University of Maryland to do a little background work and to find out what the problems were, along with ourselves. Obviously, we're in constant contacts with our regular markets. And they came back and

said, "The tonnages of imported crabmeat coming in through the East and Gulf Coasts have risen dramatically." And we were able to identify some certain countries that the increases were up significantly.

So we were wondering, okay, gosh, what are we going to do? You know, our orders are down, we're going to have to reduce production, we're not going to be able to use as many crabs. Do we have any options? What can we do to deal with this?

We were kind of interested by the crawfish case down in Louisiana a couple of years ago where crawfish were being imported into the country at about half the market value of the domestically grown crawfish from Louisiana, and they were successful in filing a petition for trade relief.

We at that point were able to get a little bit of money from Pfiesteria. Pfiesteria was good for something. And we were able to commission a law firm in Washington that represented the crawfish industry to do a quick study to see what the impacts were and if they had any recommendations.

And they are as follows. The problem was

increased imports from 18.7 million pounds in '97 to over 26 million pounds in '98, a dramatic increase. The domestic production ranges from about 12- to 15 million pounds, so this kind of puts it in perspective the gravity of the increase of these imports, as you see up here.

The impact. Crabmeat processors in the United States were being put out of business. We cannot sell our products. A lot of our markets have been displaced, major chain stores, wholesalers, retailers, and it's infiltrating the smaller accounts, restaurants up and down the East Coast and in the Gulf Coast.

The recommendations that the attorneys came up with was global quotas or other import relief under Section 201. Section 201 does give global relief. What happens is you file this petition to the International Trade Commission. They in turn review it. They'll make a recommendation. This recommendation is submitted to the President for his evaluation and his approval.

One case that's currently pending that's similar to the case we're talking about is lamb, lamb imported from New Zealand and Australia.

This is just a graph of the earlier

statistics that we shared with you, showing the dramatic increase and spike in imported crabmeat, and a lot of that spike in '98 happened in the latter half of the year. So we're expecting, you know, the real tonnages that are coming in right now and will be coming in this year, and this trend is increasing dramatically.

Under Section 201, this is a temporary relief that we're requesting. It'd last four to five years. When you file a petition, the government's going to say, "Okay. When this temporary relief's up, what are you going to do? How are you going to meet these imports?" Well, the shoe industry, for instance, was able to refile and refile for almost 30 years.

But our plan is to, through the National Blue Crab Industry Association, have a major marketing campaign to get a trademark, a Florida orange juice type thing. The people in Florida have been very successful in doing that. But have something to educate the consumer that when they're buying real domestic crabmeat from the Callinectes sapidus to blue crab -- most people when they go out and they buy crabmeat or buy crab dishes, they automatically feel that's what they're getting, and we

need to let them know that they need to ask for that. So we are talking about a major marketing campaign.

Other things, technological innovation, cost-cutting efforts and any other ideas. But our major one will be a major marketing campaign, and this will involve all the states hopefully from Texas to Florida and up to Maryland. They are the crabmeat-producing states. Although Delaware and New Jersey have commercial crab, viable commercial crab resources, none of those states produce crabmeat.

The action planned. Appoint a full Steering Committee with one member from each state. We're doing that right now. We're well organized in Louisiana, North Carolina, South Carolina, Georgia, Virginia and Maryland.

Money, obtain funding. To do this it's going to cost between 375- and \$500,000 in legal fees. Our idea is to try to solicit monies from the five major crabmeat-producing states to help fund this, and also the other five crabmeat producing states to help kick off to first offset any legal overruns and also to help kick off a major marketing campaign.

Also with this, we are soliciting contributions from the domestic crabmeat industry for these purposes.

Speed. Given the situation in Asia, where most of this crabmeat is coming from, and the economic situation over there, there are industries lining up to file these petitions. The President is probably going to be able to sign several before political pressures go in to inhibit his ability to sign too many. So we want to file this thing as quickly as possible. The earlier we file it, the better chance we feel we have of being successful in getting the President's approval.

This promises to be quite political in Maryland, but we feel it's a no-brainer. It's a traditional industry that's been there for a lot of years and also in the other states. And we hope that when your states, prospective states are solicited for support that representatives from those states will receive that solicitation favorably.

I've got a lot more information, but I know you all are busy and I didn't want to take too much time.

CHAIRMAN BORDEN: Thank you very much.

Questions? Any questions? Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. Relative to the information you presented, I thought I heard you say that the impacts are occurring only to processed crabmeat or picked crabmeat? Was that correct? That imports are really some picked product and not coming in as whole crabs?

MR. BROOKS: That's correct.

MR. FREEMAN: Are these often the same species? I mean, are they blue crab or are they a mixture of other similar species?

MR. BROOKS: No. They're different species. The blue crab that we're familiar with, the Callinectes sapidus, I believe, is found from Long Island Sound down through Central and Northern South America to Venezuela. These crabs were of a different species, and we find, sampling the different meats, that they're as different as fish.

Fish -- you know, you've got your bluefish, obviously, and tuna and flounder. They're different. They're all fish. And the same with crabs. These are all different species of crab, but there has been a letdown as

far as the Food and Drug Administration defining what is a blue crab. So unfortunately, some of these other countries have been able to claim that they have the blue crab when we know we're the only ones.

MR. FREEMAN: Is this coming in as a pasteurized product or is it simply coming in as fresh picked? And what about the bacteria counts and the quality and so forth?

MR. BROOKS: Traditionally, there has been, up until this last spike of imports, there has been mostly frozen in blocks, a combination of pasteurized and frozen, and a shelf-stable product that you'll find near your tuna fish on your supermarket aisle. But here of late, the biggest surge has been pasteurized crabmeat.

The second part of your question, yes, there have been numerous detentions and rejections at port of entry by FDA. FDA only samples spot samples or lot samples less than five percent of the total imports coming into the country, so there have been some problems and rejections.

Obviously, if someone gets sick or there is a problem with crabmeat -- it's like the strawberry

situation was in California. It's not just going to be Mexican strawberries; it's going to be crabmeat from all over the world.

MR. FREEMAN: Is there a possibility under this Section 201 to request or require Food and Drug to do a more intensive investigation or monitoring of this product?

MR. BROOKS: That's been advocated for years. Food and Drug Administration has been reluctant or, I guess, overloaded with higher profile type situations. They cover, obviously, you know, drugs, different foods, drugs. They want tobacco.

They've been quite slow. We petitioned the Food and Drug Administration, I believe it was in 1994, for a definition of the blue crab to be the Callinectes sapidus only, similar to the king crab, that name designation, or dodongenous or snow crab. And to date we have not received any confirmation. I do believe they put it out almost a year ago, though, for public comment.

CHAIRMAN BORDEN: Anyone else? Bill.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. I am, from the Chesapeake perspective, aware of this issue

and know it to be a very serious one for the blue crab industry there and elsewhere. Two things occurred to me as possible courses of action. The first Mr. Brooks has described and proposed is a marketing campaign to promote blue crab itself. I think that's a good way to go.

But I wonder about a second complementary action, and perhaps you can fill us in on this, Jack. That would be requiring that species, whatever species of crab is contained in a can or package, be identified on the packaging. Is that required now? And it would seem to me that that would be an important complement to a blue crab marketing campaign.

MR. BROOKS: No species requirement is necessary. It's voluntary, I believe. That would be very, very helpful. The Food and Drug -- with our petition, we asked for the common name "blue crab" to be used for the Callinectes sapidus. We feel common names are more identifiable than the other. So we are advocating that.

Now, with their public comments that we received last year on a name designation, they also are entertaining using common names for several other species

around the world at the same time along with blue crab so they won't have to go back and revisit this thing later on. But again, the wheels are grinding quite slowly.

MR. GOLDSBOROUGH: So requiring species identification is part of your initiative as well?

MR. BROOKS: It has been, yes. And hopefully, with Food and Drug's action here, hopefully in the near term that will be realized.

CHAIRMAN BORDEN: Preston Pate.

MR. PRESTON PATE, JR.: Thank you, Dave. Jack, I think you mentioned that you anticipated political opposition in Maryland to your request. If so, what would be the source and the reason for that?

MR. BROOKS: A couple of the major importers of crabmeat have businesses located in Maryland, so we anticipate some bumps in the road there, but we feel that the traditional industry will win out in the end. Just the sheer numbers, the thousands of watermen and thousands of people that process crabs, that are employed and engaged in the practice of processing crabs in Maryland and the whole economic network that supports, we feel that that will be looked favorably upon.

CHAIRMAN BORDEN: Further questions? If not, thank you very much, and it's quite obvious you'll be contacting each one of the state agencies individually.

MR. BROOKS: Yes, we will. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Is there anything further on this subject before we move on? If not, the next item I'm going to take is Item Number 8, and then I'm going to follow it by Item Number 7, because I think one's related to the other; Item Number 8, which is a review of the pilot program on voting procedures. Steve Driscoll.

MR. STEVEN J. DRISCOLL: The LGAs discussed the caucus voting system. As you will recall, the system is halfway through the first year for the pilot program agreed to at the 57th Annual Meeting on Jekyll Island. The LGAs believe the program is working very well, calling it an unmitigated success and that we haven't seen any downside to it at all.

Based on this discussion, the LGAs made the following motion: Move that the LGAs recommend to the Policy Board that the staff be directed to continue to monitor the success of the pilot program for caucus voting

and be ready with ISFMP Charter changes at the 58th Annual Meeting.

CHAIRMAN BORDEN: Thank you, Steve. That's a recommendation to the Policy Board. Comments or questions on that? Any comments? This issue was discussed at the AOC meeting yesterday, and the general agreement of the committee there was that basically -- I asked the AOC members whether or not any commissioners had voiced any reservations about this new voting process, and there was unanimous agreement of the committee and the committee chairs here. Susan can speak to this. But there was unanimous agreement of the committee at that time that this was a very valuable addition of the Commission process.

A lot of the initial fears concerning delays and costly additions to meetings in terms of travel and so forth were essentially unfounded, and that we should proceed as soon as possible to go through the Charter in detail and amend the Charter and incorporate it as a formal process.

So I would ask the commissioners assembled today: Is there any disagreement from anyone here with

that course of action? If not, what I'm going to do is to charge the AOC Committee with the responsibility to implement that change and prepare changes to the Charter by August, so that we can start to circulate a review draft to all commissioners.

I would also charge the AOC with the responsibility of looking critically at the process in terms of how we can simplify the process. All commissioners have the possibility to attend every single board meeting, they can vote on every single issue, so it simplifies the process from my perspective in that we don't need the multiple layers that we have traditionally had in the past. So I think we can eliminate some of the layers, consolidate some of the committees as part of that process, and I would charge the committee to do that.

So Susan, you have a charge.

MS. SHIPMAN: So received. Thank you.

CHAIRMAN BORDEN: Further discussion on this issue?

MR. DRISCOLL: Thank you all very much. This is working out very well, and the IGAs are all very happy.

CHAIRMAN BORDEN: I think it's time to adjourn the meeting if that's the case. This will go down as a historic moment in this process.

Susan.

MS. SHIPMAN: Just one clarification. Is it your intent that we would also look at the other board structures that are in place right now that may not conform to this process and possibly bring that back to this body? Menhaden in particular.

CHAIRMAN BORDEN: I view the charge from the Board to the AOC as being a broad charge. I think it's highly desirable with this new voting process to simplify the structure that we all have to deal with so that we can pick up the pace of meetings and get on with the decisions that we need to get on with. So I view it as a broad charge.

Steve Driscoll.

MR. DRISCOLL: That would leave just the South Atlantic Board in its present makeup, I believe, and I think we talked about this before, but I think that would be one that probably should stay the way that it is and shouldn't have anything to do. What do you think

about that?

MS. SHIPMAN: Well, we can possibly look at that and bring it back to you. The South Atlantic Board -- I mean, I don't think there'd be any objection, certainly, to expanding the participation of all of the commissioners on the South Atlantic states and the other states as we deal with species of interest in those states to the north. I don't think the South Atlantic would have any objection.

The only thing really different about the South Atlantic Board is it incorporates the South Atlantic Council as a voting member on that board.

CHAIRMAN BORDEN: Further discussion on this item? Anyone in the audience care to speak to the subject?

The next item is an issue which actually relates to this. It's the issue of weighted voting, and I was ahead of myself. This is Lew Flagg now.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. And just to let you know that since Maine abhors simplicity, we're going to put a little bit of complexity into this issue, I'm afraid. And it relates to weighted

voting issues.

I believe the staff has just passed out a resolve that was recently passed by the Maine House of Representatives. It relates to the lobster fishery, of course, which is very important to the State of Maine. At one of the ASMFC lobster hearings that was held in Rockland, one of our committee members, Marine Resources Committee members, was present at the meeting, and some of the fishermen raised the issue quite vocally about the fact that they felt there was some inequity in that where Maine did produce a very high proportion of the total lobster landings on the coast, that there should be some weighting given to votes in terms of a state's -- the magnitude of their fishery in that particular species.

So as a consequence of that, the local representative from our committee did introduce this resolve which is before you now to have the ASMFC consider a system of weighted voting based on a state's -- the magnitude of its fishery. And I think it is a fair question. I think it's something we do need to deal with and come up with -- whatever the final resolution is, that we have a good set of explanations and reasons as to why

we vote the way we do or why the voting is the way it is.

So I think it is a valid issue, and I think it's something that does need to be addressed. I'm sure it probably will come up at other times and in other venues.

CHAIRMAN BORDEN: Okay. Questions for Lew Flagg? My suggestion here is this issue has been discussed, as most of you know, at previous Commission meetings, and I believe it was discussed during the process where we revised the Charter a number of years ago. I mean, we took a position at that time. That doesn't mean that we can't change the position based on additional input.

And what I would suggest here is that I would charge the AOC as part of the process of looking at the Charter and looking at voting procedures to consider this petition. I would also ask the executive director to send a letter back to the appropriate legislative leaders in the State of Maine that solicited this and indicate that we are in fact going to consider it, and it has been referred to the AOC.

Is there any objection to that course of

action? Any further discussion on this issue? Bruce.

MR. FREEMAN: Is it your desire, then, to get this report from the committee and then have further discussion at the appropriate time?

CHAIRMAN BORDEN: That discussion will come out as part of the AOC recommendation. They will consider whether or not we should adopt this type of procedure or what the pros and cons of the strategy are, and then we will have a debate, and whether or not we incorporate that will depend upon the nature of the debate.

MR. FREEMAN: I would suggest, in order to help Susan, is to contact each state to get their opinions and examples of what some of the problems could be to make her job a little easier. And I would certainly volunteer the services of the states to help, because it is a complex issue.

CHAIRMAN BORDEN: All right. Thank you, Bruce. Any further discussion on this?

Dieter, you're next.

MR. DIETER BUSCH: An expansion of the topic we were just talking about touches on some material that Mr. Dunnigan brought up early in this meeting with

the potential of sharing the allocation of the offshore oil revenues and how to make it fair for the states. The formula that's being considered now may not be fair to us where we have the heaviest population pressures and user interest.

So under Agenda Item Number 7, we tried to attempt to identify a number of different issues that need to be proactively or could be proactively developed for your consideration, so that you would have options to look at during periods of stress, and these options could be developed during periods of low stress like right now.

The first one under Number 7 deals with the allocation of fiscal resources. Can we come up with various criteria using population density, using license sales, using pressure on the resource, or using even the status of the resource to recover the resource as criteria?

The second one deals with allocation of resources. Right now we're using a harvest picture of the recent past. Is this is the same picture that we would want to use 100 years from now, or do we need to change? For example, with horseshoe crab, we have seen that the

harvest picture that we thought we knew is changing as interest expands, and the resource might have been there all along; it just wasn't tapped into or wasn't reported.

So, again, the resource allocation questions could be addressed proactively. How do we look at this? Do we look at this strictly from a harvest point of view? Do we look at this from a habitat or nursery area or spawning area point of view? Do we look at this from a surface area available to the state's harvesters? Or do we use some other criteria. Again, the opportunity to address this proactively might be now when you don't have the gun next to your head.

And the last one deals with specifically the topic that Lew already addressed, and that is the weighing of responsibilities, not just a use of the resource but also the management responsibility.

So we were interested in potentially exploring this if this is the wish of the Policy Board and the instructions were properly given. Thank you.

CHAIRMAN BORDEN: Comments on that suggestion? Gordon Colvin.

MR. COLVIN: Is it the intent of the Chair

to propose the formation of a committee for the purposes indicated here?

CHAIRMAN BORDEN: Well, there are essentially two courses of action we could follow. We could have a separate committee that would deal with the items that were listed under Number 7, or we could incorporate those items into the discussions of the AOC. Ms. Shipman's shoulders are sloping slightly.

What's the preference of the Board?

MR. COLVIN: Well, I'm not sure what my preference is. This whole subject makes me squirm and grind my teeth. And I'm frankly uncomfortable with walking away from here without a very clear and comprehensive understanding of what the charge of such a committee would be, because this isn't sufficient to cause me to stop squirming what I'm reading here.

And frankly, I'm very uncomfortable about this. I don't really have a clear enough understanding of what the real purpose is, to put it bluntly. And I'd like to know more before I could feel comfortable establishing and charging a committee.

CHAIRMAN BORDEN: Other comments on it?

One course of action which we could follow as opposed to appointing either a new committee or tasking an already overburdened committee would be to ask the staff to further flesh out in some type of written document the justification for these and some of the pros and cons of the strategy. Why is this here, in other words, before us?

Yes, Andy.

MR. ANDREW MANUS: I am equally uncomfortable with this topic of weighted voting, and I'm really not sure these items under 7, what their purposes are except maybe to elicit some discussion or guidance for Susan and her group, whose task is not really as well defined as it probably should be.

But one thing that makes me squirm and get very uncomfortable is that nowhere in these weighting criteria is the issue of conservation interests. And I think we all come to this table as equal partners, and if you're going to start weighting my conservation interests based upon my state's population, my interest in the resource equal to harvest, I've got a problem with that.

CHAIRMAN BORDEN: And that essentially goes

back to the point that I made before, which was that when we discussed this originally, the discussion was exactly on the point that Andy just made, that there are strong reasons to have participants, coastwide participants in the decision process that don't have significant financial vested interests in the decision.

Phil Coates and then back to Andy.

MR. COATES: This is a Teflon slope greased with a slick 50, and I would agree with Gordon. I'm very uncomfortable about this. This could go in any number of directions. And I think it wouldn't be appropriate at this point to charge it to the AOC, nor would it be probably appropriate at this point to constitute the committee. One or the other direction is obviously going to have to be taken.

But I would like to see a little more background developed by the staff before I'd be comfortable with even proceeding to discuss this further. If the staff could put out maybe some background material -- I assume we're going to still look at the weighting issue, the AOC, and that might be a good basis to begin to look at. I mean, this is one issue that obviously is more

immediate than the other two issues.

I realize that, you know, this has been bandied about, and I think the Striped Bass Board probably at one point took this a little further about two years ago with regard to trying to figure out how to allocate yet-to-be-developed resources. I recall some papers that were presented by the technical people at that time.

But why don't we -- you know, I would request and support Gordon's request that we get a little more background on this before we embark on any further discussion.

CHAIRMAN BORDEN: All right. Andy.

MR. MANUS: To Phil's point, I would agree with that, and maybe if you need to respond a little more timely to the State of Maine about their resolution, you might want to give them the benefit of a little bit of that history lesson and let them know it's being looked in further. That might be useful.

CHAIRMAN BORDEN: Gordon Colvin.

MR. COLVIN: I also recall that a few years back we did establish, with respect to the second of these two items here, a committee that was chaired by an honored

quest we had around here yesterday named Dennis Spitsbergen, to try to look at quota allocation issues generically.

That committee had a great deal of difficulty completing its work. And I don't think the job has gotten any easier since then. In fact, experiences at this meeting suggest it's just getting harder all the time.

CHAIRMAN BORDEN: Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. I would agree with the comments on this issue to date. I also would suggest that, since the charge was given to Susan -- you do have a committee, don't you, Susan?

MS. SHIPMAN: Yes, I do.

MR. FREEMAN: -- to deal with that issue first, and I think that as a result of that, many of these issues will be raised, and if there's need to go beyond that, then we can make that decision at the time. But I think to carry this to this stage is only going to confuse the issue.

CHAIRMAN BORDEN: All right. I think we have a consensus around the table that there's no action

required on Item 7 in that Susan and the AOC have their charge, and that some of these issues may in fact surface as part of that discussion, and they will be reported by Susan's committee.

Any further action on Item 7?

MS. SHIPMAN: Just one clarification. Will we receive a white paper from staff fleshing out the issues associated with these items at the fall meeting?

CHAIRMAN BORDEN: Well, I would prefer not to obligate the staff at this point to that course of action. I'd rather discuss that with Dieter and Jack and decide on the appropriateness of that strategy.

Any further business on Number 7?

The next item on the agenda is Number 9, which is a presentation of findings and recommendations of the Shark Workshop. Lisa.

DR. KLINE: Thank you, Mr. Chairman. Everybody should have a summary of the workshop that was conducted yesterday, and I think everybody here was probably in attendance. I'm not going to reiterate too much of this. What we've done is to lay out the general issues of concern that were raised yesterday. We've tried

to categorize these to make it a little more easy to discuss them.

The first section are the administrative and political concerns, and we heard a variety of different concerns. I'm just going to hit some of the highlights. First, some compliance implications. That was raised by a couple of the states. The need for mid-season adjustments to federal and state regulations and how that would be addressed. The coordination aspects concerning the Secretarial HMS Plan and also the Mid-Atlantic Fish and Management Council's Spiny Dogfish Plan. A lot of discussion on work load priorities and resources for the Commission, and we'll come back to that a little bit later. Other things concerning time frames for development of these plans, pro-active management.

A second major issue was some concern with adoption of the federal regulations, the need to address state-specific issues, the need also for full state participation in the discussion of those issues. Some discussion on timeliness and flexibility of the HMS Plan itself and any changes to that plan. It kind of goes back to the coordination, whether or not the HMS would be

responsive to any decisions or recommendations from the Commission and from the states.

Next is possible need for more public input prior to any Commission decision. There was a suggestion of the need for a public information document and also increased fishermen involvement. There was some discussion about the possibility of regional FMPs. We focused mainly on a coastwide fishery management plan, but regional FMPs would be an option, mainly to address the species diversity, nursery and pupping areas.

And also there was some discussion about the variations in states' willingness to adopt federal regulations. Possibly one region might be more acceptable to adopting the federal regulations as opposed to another.

A lot of discussion on the need for more detailed data, and I've listed a couple of things. I'll focus on the third one, the proportion of state and federal landings, what is the proportion of state landings versus federal landings, and is there really a need for the Commission to play a role in shark management.

Two specific issues on spiny dogfish. First, the effect and quantification of other fisheries

regulations on spiny dogfish, and that could probably also be extended to other sharks. And also some, I guess, disagreement on the status of the dogfish stock and the overfishing definition with the Mid-Atlantic Council plan.

And last is some permitting issues going to the complementary regulations between state and federal waters.

At the end of the workshop, I don't think we came to any true consensus on what the Commission role in shark management should be, and I'll allow the Policy Board to continue that discussion. It was recommended that we look into the possibility of outside resources to assist the Commission if a Commission plan was put in place.

I was approached by Jim Gilford who contacted Dan Furling with the Mid-Atlantic Fishery Management Council. They are willing to offer up their staff to assist the Commission as much as they possibly can. Margo Schulz has also offered up the technical and other staff assistance with the HMS Division to help out with a coastwide plan. And we have some offers to provide some more information on dogfish: David Pierce from

Massachusetts and also Wilson Laney, who has some tagging data that's not compiled, but he'd be willing to prioritize that and get that compiled for any use by the Commission.

And the last section are just some state-specific issues from the Technical Workshop that weren't fully addressed at the Policy Workshop. We just thought we'd throw those back out. And then the flow chart on the various options that the Commission would have in shark management.

And that's a quick summary.

CHAIRMAN BORDEN: Lisa, in terms of the -- just, if you would, refresh everyone's memory in terms of current priorities and the amount of money that's currently budgeted -- or maybe Dieter -- the amount of money that's budgeted for shark work right now. It's very limited, as I --

DR. KLINE: Right. The funding that we dedicated this year was to conduct the two workshops, the Technical Workshop and the Policy Workshop. And Jack, I don't know if you want to comment, since this was -- the funding was in Jack's portion of the budget, and I don't

think there's any other funding for shark work this year. It's gone.

CHAIRMAN BORDEN: Okay. Comments and questions. What you have before you is an open question. There is not, at the current time, a process that's been identified and a funding source for us to proceed. Dick Schaefer, you had spoken originally that you wanted to address this issue; do you care to address the Board at this time?

MR. SCHAEFER: Thank you, Mr. Chairman. Yes. As I mentioned yesterday at the workshop -- and there were others, I think, that supported my view -- one of the main foundations of both the Magnuson Act and the Atlantic Coastal Act and the Atlantic Striped Bass Conservation Act is that species are to be managed as units throughout their range.

None of us can be successful in managing interjurisdictional migratory species on an individual jurisdictional basis. There are plenty of examples before all of us this morning where we, the Federal Government, have attempted to take appropriate complementary action in the EEZ to bolster Commission and state fishery management.

plans, and ditto on the reverse, many examples of where the Commission and the states have taken action to assist the Federal Government in managing our resources which occur predominantly in the EEZ.

I see the situation before us regarding sharks and spiny dogfish as being no different. Listening to some of the people who know more about the status of the stocks than I do yesterday indicates the spiny dogfish is in a very depleted condition and continues to decline, and that at least with respect to certain states, appropriate action would be extremely beneficial in terms of reversing the condition of that stock back to a healthy status at some point in the future.

Secondly, with respect to certain of the species covered under NMFS' Highly Migratory Species Management Plan for Sharks, some of them being, for example, the duskies and bull sharks and sandbars and silkies and things of that nature, the National Marine Fisheries Service cannot hope to be successful in recovering those stocks without state assistance and Commission assistance.

Gordon Colvin made a point yesterday that

the individual states could take action on their own to do this, and I agree with that and welcome that inclination to want to be helpful. On the other hand, to me the only appropriate way to address that is through a rational deliberate planning process to do so.

I understand the funding problem, and I think that's something that needs to be discussed on its own. I understand the work load problem. Each and every one of us at this table has these work load and resource problems, both personnel-wise and money-wise.

But having said that, in the interest of moving forward to do something for these resources, I would like to offer a motion, and that motion is that I would like the Atlantic States Marine Fisheries Commission to begin the development of fishery management plans for one, those species covered under the NMFS Highly Migratory Species Plan for Sharks, those particular species that occur in state waters; and secondly, a second plan, complementary plan, for spiny dogfish in state waters to complement the Magnuson Act Plan under the purview of the Mid-Atlantic Council.

Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Dick has made a motion. Is there a second to the motion? Gordon Colvin.

MR. COLVIN: Mr. Chairman, I'd like to second the motion and then address it if I may.

CHAIRMAN BORDEN: We have a valid motion on the floor.

MR. COLVIN: Thank you. I didn't know Dick was going to make the motion, and we didn't talk, but I do support the direction of the motion. That's why I seconded it. I may not see how we do this quite the same as Dick, but I was intending to raise my hand to speak to recommend that in fact it seems to me, based on having followed the issue, digested the discussion of the two workshops and slept on it, that it is appropriate for the Commission to consider the development of management plans for spiny dogfish and for the sharks included in the Federal Management Plan for Highly Migratory Species.

We often sit here and ask our partners in the National Marine Fisheries Service to backstop our management programs with measures in the EEZ that prevent our programs from becoming ineffective as a result of activities in the EEZ. I think that that's what we're

being asked to do now, and that's a fair request, and I think it's one that I am persuaded is necessary in order to ensure the effectiveness of shark management.

I don't think -- and I am as concerned as anybody about work load and the amount of balls the ASMFC can keep up in the air, and I think you all know that. But I don't think management plans for sharks need to be elaborate. I don't think they need to cover all the terrain the Federal Government has already covered.

I think that we can and should develop very basic, straightforward management programs that backstop the federal programs period and call on the states to implement complementary measures. I'm even more persuaded in my support for this course of action, based on what I just heard this morning about the willingness of the Mid-Atlantic Council and the National Marine Fisheries Services to provide staff support to such an effort. And I would certainly hold them to those promises, should this motion carry.

Now, I did hear a couple of things yesterday of reservations that I wanted to address. I heard two primary reservations about the HMS plan covered

sharks at the state level. One was that there is concern about the ability of states to deal with in-season regulatory changes, and the second related to basic objections that some members had with respect to certain provisions of the HMS plan as it dealt with sharks.

With respect to the first of these, the plain fact is that we are developing more and more of our own management plans that require in-season adjustments, the quota-managed species in particular. Some of the pelagic mackerels, scup, fluke, striped bass and others require us to make in-season changes to manage these species, and we have been doing it more and more.

And I think that we can build the same kinds of mechanisms into our state regulations with respect to sharks, particularly if we're put in the situation of incorporating in our regulations a reference to the underlying federal rule that is published and noticed. It seems to work with other things, and in our case it certainly works very well with fluke. It ought to be workable for sharks.

With respect to the comments that I heard yesterday about an objection to the HMS plan and therefore

we shouldn't go down that road, I would simply say this: It seems to me that we'd be a heck of a lot better off to have one seamless management program in place now for sharks that covered them throughout their range than to argue for the next two, three or five years about what ought to be happening with sharks and our objections and reservations to the HMS program, while nothing happens in state waters. It just doesn't make sense. It's not logical.

It's certainly possible for states to adopt regulations that are more conservative than the federal regulations, with or without an ASMFC plan, and I expect many states to do so. And I think that's the answer to that objection.

One last point. While I would suggest that our initial approach be to be as brief and concise as possible in terms of laying a program to backstop the federal regulations, I would also suggest that a plan include a framework provision that will allow for protection of sharks in pupping and nursery areas as soon as they are specifically and clearly delineated. Thank you.

CHAIRMAN BORDEN: Further discussion. Phil Coates, then Dick Schaefer.

MR. COATES: I certainly don't object to the initiation of a planning process for the large sharks, but I would like to ask Dick about the language he used specifically in characterizing the Dogfish Plan. You said "complementary". Could you clarify to me and to the Board a bit more what you mean by "complementary"? Are you suggesting that we basically develop a mirror plan, a plan that mirrors the current FMP for dogfish?

MR. SCHAEFER: In my dictionary, I don't think complementary means mirror. I think complementary just means just that. There's an objective, as I understand it, in the federal FMP, to try to rebuild the spiny dogfish resource, and based on the discussions that I heard at the workshop yesterday, there are certain actions that certain states could take to assist in achieving that objective that currently are not being done. And that's what I meant by complementary.

MR. COATES: Okay. The only thing I'd mention at this point, Mr. Chairman, is that the burden of that particular planning process is going to be

disproportionately on some states rather than others, and this is going to be a major task for us to undertake.

CHAIRMAN BORDEN: All right. Dick, did you have an additional point?

MR. SCHAEFER: Yes. First, I wanted to thank Mr. Colvin for his supporting remarks. And, as I also indicated at the workshop yesterday, I agree that we look through a glass darkly here. We're uncertain of what the future might hold in terms of the kinds of actions that may or may not be necessary for the states to take to complement the Federal HMS Shark Plan or the Spiny Dogfish Plan for that matter.

But I don't think we should sit here today and prejudge that. I think we ought to cross those bridges when we come to them. Gordon suggested, and I think it was Bruce Freeman suggested yesterday, that maybe something could be done immediately, like identification of pupping grounds and whatever appropriate regulatory actions would be applicable to that circumstance. That could be done probably in the short term.

Other issues of concern that were raised yesterday may take a lot longer, and I understand that,

and everybody around this table understands it. But if you don't start the planning process, you're not going to get to that bridge and figure how you're going to get across it.

CHAIRMAN BORDEN: Bruce Freeman.

MR. FREEMAN: Thank you, Mr. Chairman. As indicated yesterday, the State of New Jersey had a number of difficulties with the highly migratory plan. Nevertheless, the motion that was made by Mr. Schaefer with particularly the Item Number 1 that the Commission begin at least developing a plan for these particular species I certainly think is valid.

What we end up with may be somewhat different than what the federal plan is, and I personally hope that's the case. Nevertheless, the need for coordination, I think, is very important. In the past, the plans that we have done with the Service have been mirror images of each other and almost word for word exactly the same and in those instances that are developed in coordination with the Councils and the Service and the Commission.

In this instance, an agency has put a plan

in place, and if we're essentially asked to have exactly the same type of plan, I would object to it. But that's not the situation here. So I think this is a very good motion and we could support it.

CHAIRMAN BORDEN: Other comments? Steve Driscoll and then Lew Flagg.

MR. DRISCOLL: I was on the phone with the headquarters at Silver Spring on Friday, and all I'm going to say on the subject is I'm not happy with the federal plan, I'm not happy with the Spiny Dogfish Plan, and therefore I would like Bill Goldsborough to say whatever he feels would be right for the governors' appointees at this time.

MR. GOLDSBOROUGH: Well, thank you, Steve. I would just want to comment from the standpoint of what I learned at the Shark Workshop yesterday and the discussions I've had with a few people, and I must say I'm not speaking from quite the practical standpoint of the state directors.

But it seems to me from the information I'm aware of that there is by far sufficient shark fishing activity in states' waters and certainly shark habitat

issues in states' waters that the Commission ought to have a role; in other words, a role coordinating the states' activities in shark management.

So from a practical standpoint, I'm not sure what that should be, frankly. I am convinced that spiny dogfish have a particularly urgent need and that there's also a need for other shark species. I'm not sure how to resolve the -- I don't know if I would characterize it as a difference of perception between Steve and I. His is more practical. But I do believe that some kind of role for the Commission is needed.

Thank you, Mr. Chairman.

CHAIRMAN BORDEN: I have Lew and then Ron, and then back to Susan.

MR. FLAGG: Yes. The question I have is, typically the Management and Science Committee does provide a list of priorities for species management planning, and I was wondering if in fact the Management and Science Committee did make any recommendations relative to species priorities for planning purposes?

CHAIRMAN BORDEN: Lisa, any -- no recommendation on that subject.

Next person I have is Ron.

DELEGATE RONALD A. GUNS: Thank you, Mr. Chairman. Let me use the word "opposition," spoken around a bit. What I've heard in the last day, it's important to me that we don't get into feeding garbage into this computer and get garbage out. Management plans are the most important thing that we do here. The data that we operate under is even more important than that.

If you keep overloading our system -- and I'm thinking Sue feels that her system may be somewhat stressed in requests in her direction this morning -- we're going to implode. I don't think that's the mission of this Commission is to implode.

I think it's realized that we need to keep moving forward, but I think finances, staff resources, all the components need to be in place to meet those challenges in a way that the final product is a solid product. The pupping issue, I think, if you want to take some issues and prioritize some issues and get some consensus built in the states, that's a common-sense approach.

But to say "develop fishery management

plans" for the number of species that we talked about yesterday and the complexity of those issues, I think we're biting off more than what this Commission can chew. And I think it's incumbent upon us to send that message back up the ladder and say, you know, we've got to do this hand in glove, agreed, but I think that putting something like this out without the hand in glove does more harm than good.

CHAIRMAN BORDEN: Next person I have is Susan.

MS. SHIPMAN: Thank you. I'm in total agreement with Mr. Colvin's comments. A question I had for the makers of the motion and the seconder, is there a priority implicit in the order in which you've stated the plans that would be developed? And just for clarification, my understanding is you're talking about two plans here, one plan that would be for the species of sharks covered under HMS, and then another plan for spiny dogfish.

I don't see it as a number of plans for different species. I see two plans here. Am I reading that wrong?

CHAIRMAN BORDEN: Dick, to that point.

MR. SCHAEFER: I'm not sure I understood your question right. Let me give you the answer and you tell me -- well, let me give you an answer and tell me if I've addressed it. I'm recommending again two separate planning actions, the reason being is that the spiny dogfish is currently being dealt with by the Mid-Atlantic Council, and the other species are being dealt with by a Secretarial Plan for Highly Migratory Species.

I think there are enough differences between those cases to warrant the development of two separate plans or actions.

MS. SHIPMAN: If I may, just to continue on that, it seems that the resources readily available to us may be available to move along the second item there, the complementary plan to -- a spiny dogfish plan, more rapidly than the other one. And that's why I was wondering if there's any priority in the planning order there.

CHAIRMAN BORDEN: Dick, do you want to follow up on that?

MR. SCHAEFER: May I respond? Thank you.

I'd like, I suppose, to somewhat concur with some of Ron Guns' concerns. You know, everything is important all at the same time. We have serious problems with certain species under the HMS Plan as well. I hate to see those put on a back burner while we move ahead, for example, on spiny dogfish, if that's the decision that's made.

MS. SHIPMAN: To that, I totally agree, but it may be that we can make a more meaningful or adopt a more meaningful action more rapidly by moving ahead with spiny dogfish first. I mean, I think there's a great deal of work already done. There may not be quite the data and certainties for spiny dogfish that may exist for the other species, and just having a plan with that many more species is going to complicate it.

I think spiny dogfish can proceed fairly efficiently and probably rapidly. I would like to see that one move forward first of the two.

CHAIRMAN BORDEN: I'll take Dick Schaefer again and then go to Bill Cole.

MR. SCHAEFER: I just want to respond briefly to Steve Driscoll's comments and concerns. I'm as aware, maybe more aware than he is, of the unhappiness in

many quarters with respect to the Federal HMS Plan. All that aside for a moment, I, like you Steve, and I think others at this table are members of a variety of conservation organizations. I've been a long-time member of the Izaak Walton League, a long-time member of Trout Unlimited. Yes, and a long-time member of the NRA. And there's a lot of stuff in those organizations in terms of organization policy that I as an individual disagree with.

And my experience has been, if you want to try to change that, you're in a lot better position to change it from the inside than you are to change it from the outside. And so my feeling has always been, if you're opposed to something, get in the battle and join it. And I think that the states and the fishermen would be much better off as participants in the game than standing outside throwing darts at something they don't like.

CHAIRMAN BORDEN: Bill Cole.

MR. WILLIAM COLE: Mr. Chairman, for the last 11 years in conducting the offshore winter tagging cruise off North Carolina, we are finding out this is a major pupping area, major density area for spiny dogfish. And I can recall, you know, in the early years, when

that's all we caught. I mean, we handled thousands of them in each net. Today I have trouble finding three for the tagging program.

I'm going to support the motion fully. I am going to agree with Ms. Shipman that dogfish, I believe, should become first priority. I believe we can more quickly, more rapidly do that one, I think, given the Commission's abilities. And I will commit -- I'll probably get killed for this, but I will commit resources for the Plan Development Team, sir.

CHAIRMAN BORDEN: Thank you very much, Bill.

I would just like to exercise the prerogative of the Chair and just interject a question. Gordon Colvin had specifically referenced that the Mid-Atlantic Council and the Service had offered resources. Is it the U.S. Fish and Wildlife Service and the Mid-Atlantic Council that have offered those staff resources?

Could the agencies that have offered the resources, as Bill Cole has just done, speak up so that the record is very clear. Yes, Mr. Gilford.

DR. JAMES GILFORD: Thank you, Mr.

Chairman. The Council will provide all the practical assistance that we can give. We've gone through, in preparing the management plan, have gone through the existing data. We've done the analyses. The background material is there. We have a very competent staff member working on that.

And to the extent that we can practically do it, we'll provide all the assistance that we can. Understand that our Council staff is no different than any other state or Commission staff, and that is they are loaded down with a lot of work. So we'll move as fast as we can and in as reasonable a fashion as we can.

CHAIRMAN BORDEN: Okay. Thank you, Jim.

Let me go back to the list here. I have Jack Dunnigan.

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: Thank you, Mr. Chairman. If I may, just a couple of points. First of all, let me read a letter into the record that I have received.

Dear Mr. Dunnigan:

I'm writing in strong support of the May 10 --
this is from NMFS --

May 10, 1999 letter from Dr. James Gilford, chairman of the Mid-Atlantic Fishery Management Council, requesting that the Atlantic States Marine Fisheries Commission develop management measures for spiny dogfish in state waters which are complementary with anticipated federal management measures.

As Dr. Gilford indicated, the Mid-Atlantic and New England Fishery Management Councils have approved and submitted a Joint Fishery Management Plan for Spiny Dogfish which would implement a coastwide quota-based management program to reduce fishing mortality and rebuild the stock over a five-year period.

However, recent preliminary analysis of vessel trip reports has indicated that a substantial quantity of spiny dogfish landings are being reported as having been harvested from state waters. Therefore, I, too, am concerned that without complementary state management measures, the effectiveness of a Federal FMP for Spiny Dogfish will be seriously undermined.

I am hopeful that the Atlantic States Marine

Fisheries Commission will consider this request at their upcoming meeting later this month.

Sincerely, Patricia A. Kirkle, Assistant Regional Administrator for Sustainable Fisheries.

That was delivered to us earlier this week, and I wanted to make sure that Pat's recommendation was on the record.

Secondly, from a resource standpoint, we are this year beginning to engage in a more comprehensive program of long-term planning of the Commission and the staff's activities. We have not, in that planning, so far allocated any resources specifically to the development of Shark or Spiny Dogfish Fishery Management Plans.

It may be as the year proceeds that we would be able to take resources that we save in other planning areas perhaps and spend some of them on spiny dogfish and sharks. Otherwise, the only way that we could proceed would be to decrease our emphasis in something else.

There are some things that we can do, though, that won't cost very much. I mean, having a management board meeting to get the process kicked off

would be able to be done during an ASMFC Meeting Week, and that wouldn't imply any additional costs. So something like that we can do during 1999, but beyond that it's either, you know, defer most of our new expense activities into the next calendar year, or take resources away from other things that they're being spent on.

From a personal standpoint, it's been my real privilege over the last year and a half to work very closely, as the result of a contract we have, with the Highly Migratory Species staff at the National Marine Fisheries Service and the Highly Migratory Species Advisory Panel. And I have developed an immense amount of respect, both for the constituent groups that are involved in this very difficult and contentious issue and their willingness, no matter how hard it gets from time to time, to work together to explore all of these issues, and also with the HMS staff at the headquarters office of the National Marine Fisheries Service.

And, of course, we know that the Mid-Atlantic Council staff is always very professional and complete and very competent in what they do. So I know we'll get some help.

But do not underestimate the controversy that will end up being associated with this activity if we undertake it. We may be doing something where we're following somebody else's lead, but I just have to predict, based upon my experience, that it will be a very difficult road for us to go down, and won't be done easily. Nothing we do is, so let's not, you know, assume that this is something that would be different from anything else.

A practical question, Mr. Chairman. I assume that we are going to institutionally here, if we do this, talk about one management board, not separate management boards for two fishery management plans. I would hope that we could find a way to consolidate our planning activities in an efficient way. And if two plans don't appear to be absolutely necessary, maybe we can proceed with just one.

And if the motion passes, we ought to proceed next to finding out which states are going to be involved as members of the management board. Thank you.

CHAIRMAN BORDEN: Yes. There are a number of hands that are going up, and I'm just getting the

sense, at least from my own perspective, there's a general sense of support around the table for the concept that's being advocated. And if that's the case, let me just try to verify that sense.

How many individuals around the table disagree with the direction that this motion is going in? Two. Okay. I'd ask both of those individuals -- and I'll take you out of order -- both of those individuals, give you the floor to allow you to express your reservations. Ron first and then Dennis.

DELEGATE GUNS: Just very briefly, Mr. Chairman. I think some of the discussions I've heard about reducing the work load and the ambitiousness of this motion makes more sense to me than not. And if we move in that direction, you'll probably see me move more to support. But I think that needs to be clarified before I can support what's before us.

CHAIRMAN BORDEN: Dennis.

REPRESENTATIVE DENNIS F. ABBOTT: Thank you, Mr. Chairman. Listening to all the arguments, I find that all the arguments are very persuasive. But as Delegate Guns said, you know, money is part of the issue.

Those of us that serve in legislatures see many good ideas wither on the vine or at least sit there for a while before they're funded.

I think that prior to us making a decision, we should have some idea of a fiscal note to this idea. That's what we would have in the legislature. We should have before us what the Commission's estimated cost is so we could make an informed decision. Yesterday when we went over the budget, monies were allocated and I didn't see any fat or extra money in the budget.

Jack just alluded to maybe we wouldn't have to start off spending a lot of money. But I think it would be fair to the commissioners to have an understanding of how much money is going to be spent.

I think as it is proposed to us now, it's what I would call the equivalent of an unfunded mandate. You're getting promises around the table, but again, being a legislator, we're used to having the Federal Government promise us a lot of things at the state level and then leaving us high and dry. And I'll use an example of special education, where the Federal Government promised us a lot of money, but it's driving everybody everywhere

bankrupt. Little different apples and oranges, but I would like to see an idea of how much this is going to cost.

And to that, I have two ideas. First of all, initially when this motion was put up, I wondered if the motion should not be divided, why we have one motion for two different plans. Would it be beneficial for us to divide the question and vote separately?

And additionally, is it worthwhile for us to defer action on this item to the August meeting where we might be afforded more information from the Commission as to what we are looking at both financially and commitment of manpower? Though I do support the concept of going forward at some point with a shark plan. Thank you.

CHAIRMAN BORDEN: My suggestion here -- we could probably debate this for several hours. There are a lot of good valuable comments that the individuals around this table could make, and I haven't even gone to the audience at this point, and I know that there are a number of individuals that would want to comment on it.

My suggestion here is that in terms of a

direction, that we take the question that's before us and vote on it, and that would set a direction. And then, as a result of passing the motion, it wouldn't institute any changes immediately.

What we would do then is task our own staff to work with the U.S. Fish and Wildlife staff, National Marine Fisheries Service staff, and Mid-Atlantic Council and New England Council to scope out the extent of this issue, what types of resources those agencies can bring to bear on it, what types of financial resources they can bring to bear on it and then, as Dennis has just suggested, come back at the August meeting essentially with a report that says, "This is what we have ascertained, this is what we figure is the most appropriate course of action in order to expedite this whole thing."

And then have a vote that formally commits the Commission to a particular course of action. That way, agencies like the U.S. Fish and Wildlife Service that have offered resources can go back, have the benefit of some additional time, and try to figure out exactly what level of resources they're willing to commit in this time

period.

Comments on that suggestion? Dick Schaefer.

MR. SCHAEFER: I appreciate the comments, Mr. Chairman, I think they're very constructive, but let me just say that, you know, we came here obviously asking for the Commission's support. And we wouldn't expect the Commission to go this alone. We are prepared to put in as much in the way of resources that we can to make this work, make this system work.

I can't tell you at this time the names of people, the hours that we will be able to commit, any dollars that we might be able to provide contractually to make this work. I don't know. But between now and -- I guess the suggestion was the August --

CHAIRMAN BORDEN: August meeting.

MR. SCHAEFER: -- the August meeting or something, I think we're prepared to put together some sort of a commitment that the Service is willing to live with to make this happen. Just checking with staff, make sure they hear it, too. And so we're willing to be full partners in this and, to the extent possible, provide the

Commission the help to do what we're asking its help to do.

CHAIRMAN BORDEN: Phil Coates on the concept that I advanced.

MR. COATES: Yes. I strongly support your concept and wonder if the motioner would be amenable to changing the motion to reflect that, and basically change to "to begin to support." And that would make me quite comfortable. It would allow this interaction that it's going to bring forth this identification of staff and other needs.

It would make me more comfortable because I have staff that wants to be involved, and we have many, many, many issues with regard to spiny dogfish, as the folks from the Mid-Atlantic Council will certainly attest, that we think are very viable issues that could be advanced very well under an ASMFC plan. And I'm looking forward to the very positive interactions that will come from this.

David Pierce has developed a lot of interesting arguments ranging from the assessment itself to the issue of dogfish and their role in the ecosystem

that I think certainly in the coastal ecosystem, the nearshore ecosystem, are issues that are daunting and need a lot of discussion, a lot of development.

But I think at this point, I would be much more comfortable to make sure that, you know, I want to see a little more of this commitment. Jack had some very positive points. I appreciated Jack's comments because he identified the fact that this could be controversial, but not only that, but right now the resources, the staff resources of ASMFC are somewhat, you know, sparse. And we're going to have to make a major commitment if this is truly going to be a plan that complements the federal plan but takes into consideration the very real concerns that some of the key states have.

So if the motioner would be willing to make that slight change, and then at the August meeting once we've all come together and said, "Okay, this looks good," then we could, you know, vet the process with an appropriate motion.

CHAIRMAN BORDEN: Phil Coates made a suggestion to the maker of the motion and the seconder. You agree to that perfection?

MR. SCHAEFER: Excuse me. This may be semantical, but I have a counter-suggestion that I think would do the same thing Phil wants to do. Change the language to read, "Initiate the management planning process for." It's softer, but it indicates that -- based on the discussions I've heard over the last hour, there seems to be a general willingness to move forward to have the Commission work with the Service and other cooperators in making this happen.

CHAIRMAN BORDEN: Mr. Colvin, do you accept that perfection?

MR. COLVIN: I accept it.

CHAIRMAN BORDEN: You have a perfected motion before you at this point. Further discussion on the motion? David Cupka.

MR. CUPKA: Thank you, Mr. Chairman. I think your recommended approach is a good one. I think in order to do some of that, though, we'll have to come back to some of the issues Jack raised such as finding out which states would be interested in participating in this in order to get a feel for how much resources would be needed to begin this process.

So I think we need to come back to some of those issues Jack has raised if this motion were to pass.

CHAIRMAN BORDEN: Yes. I agree, David. I intend to come right back and ask that question, if in fact the motion passes.

On the question. Yes, Doug.

MR. DOUG GROUT: I appreciate the modification to the motion. I appreciate the fact that the two plans are going to be separate. I just wanted to explain a minor concern that we have had, and that is that there already is a Spiny Dogfish Plan from the Mid-Atlantic Council in cooperation with New England Council. And there are many other federal plans where there aren't ASMFC complementary plans, where the states have, as a record, implemented complementary regulations without having to go through a very long and arduous process.

And so, until that modification was made, I believe I was one of the few people that was going to vote against it from that standpoint, particularly from our state's limited resources. We have only four people on staff and trying to cover these on a board or Technical Committee, we can't even cover the committees and boards

we have right now.

CHAIRMAN BORDEN: All right. I'm going to take a few comments from the members of the audience. I would ask you -- there's a general consensus around this table in support of it. If you are in support of it, please be silent. We don't need to hear more support. If you have concerns about it, though, I think we should know that before we vote. Mr. Gilford.

DR. GILFORD: Thank you, Mr. Chairman. The Mid-Atlantic Council and the New England Council have some real concerns about what is taking place with the spiny dogfish, and we're concerned that if we go much further without some plan to control harvest within in-state waters, it's going to be very difficult for us to achieve the goals of the Spiny Dogfish Plan.

I understand that this is a difficult time and situation for everyone. Money's short; staff is overworked. We have more to do than we can possibly do. There are lots of issues that there have to be compromises made on. This question of funding, our budget was set some time ago, and we have to do with what we have. And it means doing some shuffling and doing some changing on

priorities.

We think that spiny dogfish is an important concern right now. We're asked from time to time to suddenly take up an issue that becomes somewhat important, not as much to us perhaps for the same reason as it does to the individual states. And to the extent that we can do it, we try to make the accommodation and the adjustments without having any additional resources to do it with.

So that means we have to do something internally, and we do to the extent that we can do it. And what the Council has simply asked the Commission to do is to have that same posture with respect to spiny dogfish.

We're about to go into some sessions on summer flounder and on scup in which we're going to have to shuffle our staff around, we're going to have to shuffle our finances around, and we're going to do that to try to accommodate some of the concerns the states have the best we can.

We're short on data, we're short on staff, and I guess the thing that concerns me is the tendency for people to find it more convenient to put it off till

everything's in place. It doesn't always work that way. Your plan may not be perfect, but it's the best you can do with the information and the resource you have available to you. And I think there's every good reason to move forward on this particular plan to the extent that you can do it.

And nobody's asking for the impossible. But the Council would certainly respectfully ask the Commission to move with as much haste as they can on this and not get bogged down in the immediate questions of how we're going to do it. Thank you.

CHAIRMAN BORDEN: Anyone else in the audience? Yes, in the back.

MR. KEN HINMAN: Ken Hinman, National Coalition for Marine Conservation. Point of clarification. Dave, before the motion was amended, you made a suggestion that I think basically was to, at this meeting with this motion, set a direction for the Commission, and staff and others would review resources, timing, etcetera, and that the goal would be at the August meeting of actually coming up with a specific course of action.

And I just wanted to clarify if that is the intent of the motion that is before you now, initiate the management planning process, which in and of itself doesn't necessarily set a course of action other than you're going to start doing something. So I just wanted to clarify if everyone is agreeing to follow your suggestion for a course of action.

CHAIRMAN BORDEN: My read of the reaction to my suggestion was that it was favorable. I think the individuals around the table basically feel comfortable, if this motion passes, that all of the staffs from the different agencies -- and for that matter, I would include some of the environmental organizations that have resources available to them -- should sit down and try to pool those resources to come up with a plan, a strategy I should say, that will expedite the development of a Shark Management Plan, with some cost estimates.

So they would come back essentially with a program, some time lines, which agencies are going to bring what types of resources to bear on the problem, and then put that before the Commission for a formal vote. Then we can address the types of issues that Dennis has

raised and that Ron has raised so that we make an informed judgment.

If at that point we have to reorder priorities and this rises up in priorities, then we can do that from an intelligent perspective.

Anyone disagree with that? Jack.

EXECUTIVE DIRECTOR DUNNIGAN: I'm assuming, though, that the effect of this motion is that we don't bring this issue back to the Policy Board. This is a motion to initiate a new board, and we'll bring them together, and it will be their job to flesh all of this out and bring that into the Commission's staff and budgetary planning processes as those proceed.

CHAIRMAN BORDEN: Correct.

Yes, Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. I just want to emphasize the issue of the budgetary process, and, as indicated, I think this is going to be one of the elements that we need to look at in this whole process. And I just want to bring to mind the issue with horseshoe crabs. This was an issue of great importance to several of the states. Now all the states are involved.

The budget for that was initially supported in large part by one or two states, and we're working on a very, very marginal budget at the present time. To have additional funds be taken away from that to do something else will create some serious problems. So we do need to look at this concept of money and how this is going to affect other programs as well.

CHAIRMAN BORDEN: Right. I'm going to take the question at this point. Lew's got his hand up, Lew Flagg.

MR. FLAGG: I just wanted to reiterate the concern which New Hampshire and Doug Grout had mentioned. I certainly support the concept of developing a plan, and I think it's much needed, but our real concern is that the implementation of a plan is going to require state resources. There are going to be monitoring requirements, there are going to be regulatory requirements. There's going to be requirements for state agency personnel to be committed to implementation of a plan that's approved.

And we're really strapped in terms of resources, and I'm very concerned about going down the path of making commitments when we won't be able to

deliver on compliance requirements. I'm really concerned about the fiscal issues associated with the development of this plan.

CHAIRMAN BORDEN: Thank you, Lew, for making that comment. I'm glad that Lew made that point.

I'd step aside from the Chair just for a second and offer a comment from the perspective of the State of Rhode Island that, as I've said before, we support the development of an interstate shark management program. I think Dick Schaefer should be complimented for bringing the initiative forward and making the motion. I totally support it.

But I have exactly the same reservations that Lew Flagg has, that what we need to do, from my own perspective, is to come forward with a simple, straightforward plan that essentially reinforces the underpinnings of the Mid-Atlantic plan on dogfish and the HMS plan. It has to be fairly simple and straightforward, because we simply can't -- small states, whether it's New Hampshire or Maine or Rhode Island, simply can't engage in countless regulatory changes. I mean, we just don't have the staff and resources to do it.

So, I mean, there's going to be a tension between our desire to have uniform regulations and the need to keep those regulations as simple and straightforward so that we don't overburden already overtaxed agencies.

So I'll go back into my role as chairman.
Dick Schaefer.

MR. SCHAEFER: Just a final comment, Mr. Chairman. First of all, obviously, I understand and share all the concerns that have been brought to the table in terms of funding and fiscal resources, etcetera, etcetera. But I think they can be better addressed in the planning process, and I appreciate what I think is general support for my motion.

Unfortunately, I'm going to have to go, going to give my chair to Mr. Perra when this comes to a vote. Let me know if Mr. Perra votes No, because he'll be out of a job and he'll be out of one of those fancy glass awards he got the other day.

And another reason I have to go is we're pulling the NATO troops out of Kosovo and are getting ready for them for Massachusetts in another week. So I'm

going to give my chair to Paul. Thank you.

CHAIRMAN BORDEN: With that, and before Dick runs out of the room, I'm going to call the question. Are you ready for the question? All in favor, signify by saying Aye; all opposed. Any abstentions? No abstentions. Unanimous. A.C. Three abstentions, excuse me.

Further business on sharks? The vote was unanimous. We had three abstentions. Ron.

DELEGATE GUNS: Just a question of staff. Jack, can we expect -- what I'd like to see is a compilation of items and issues that staff would have to deal with as basic as funding, details of cooperation between different agencies involved. I've got a picture, but I need for you to draw it for me clearer as to what we're up against to have this thing decided on in August.

And I think it needs to be a real clear and honest picture about what we expect and you would have to do as staff and funding, etcetera, and so on, that when this comes, it comes together. We have a report from you as to what you've been able to accumulate from different federal/state agencies.

That means Maryland, what their input to you would be for their resources that would be available to do this, as well as our staff here on the Commission, as well as the federal agencies, so that when we come in you'll be able to say, "I've got this commitment from this organization, this council, this state, but I don't have answers to these questions from all the others."

To me, that's very basic information that if all the good intentions of this meeting come together for August, we'll have those answers and they'll all be positives, and we won't have a piecemeal approach.

EXECUTIVE DIRECTOR DUNNIGAN: We'll be glad to do that.

DELEGATE GUNS: And would you visit me in Maryland between now and August?

EXECUTIVE DIRECTOR DUNNIGAN: On the water, sir?

DELEGATE GUNS: Please do so.

CHAIRMAN BORDEN: All right. Now we're going to go back to the second question, and I'm going to try to simplify this. Is there any state represented around the table that does not want to be on a Shark

Board? A.C.? Okay. This is somewhat shocking for the rest of us, A.C. Okay. Everyone else then has just at this stage expressed an interim interest in participating in the deliberations of a new Shark Board.

Further business on sharks? If not, we're going to move on to the next item on the agenda, which is a review of the draft FMP outline. Dieter.

MR. BUSCH: In your packet or at the table, you should have picked up a draft FMP outline dated 12th May, 1999. It's a four-page document, and in black italics you see the new additions and cross-out. You see the changes based on the most recent understanding what the FMP process is supposed to cover.

If you would take a few moments and look at the pages, and then if you have any questions we'll try to get those answered. But the process is to make this a more effective document and also a more understandable document.

CHAIRMAN BORDEN: Comments or questions?
Gordon Colvin.

MR. COLVIN: Dieter, does this yet include the information we approved earlier with respect to the

standard references to the ACCSP components?

MR. BUSCH: Lisa, could you answer that, please?

DR. KLINE: The ACCSP language is referenced directly to that outline, so we coordinated with the new outline.

MR. COLVIN: Referenced the other one.

DR. KLINE: Yes.

MR. COLVIN: I move approval, Mr. Chairman.

CHAIRMAN BORDEN: Is there a second to the motion? Seconded by Dennis Abbott. Discussion on the motion? Any discussion on the motion? Anyone in the audience care to comment on the motion? If not, is the Board ready for the question? All those in favor, signify by saying Aye; opposed; abstentions. Motion carries unanimously.

Dieter.

MR. BUSCH: In addition to the discussion on shark and spiny dogfish, we have three motions that were passed in the recent past by boards. One was by the Atlantic Menhaden Fishery Board for an amendment to the plan. It was by Mr. Lapointe and Mr. Perra.

Then another one dealing with the Winter Flounder Management Board for a recommendation to prepare Amendment 1 to the Winter Flounder FMP to specifically address the reconciliation of overfishing definitions and rebuilding targets with the New England Fishery Management Council, and that motion was by Mr. Freeman and seconded by Mr. Augustine.

And a third one for Policy Board consideration deals with an amendment to the Summer Flounder Fishery Management Plan that would implement a three-to-five-year constant harvest strategy that is consistent with rebuilding the stock over a ten-year period. The motion was made by Mr. Colvin and seconded by Mr. Borden.

So these three different boards made these recommendations for the Policy Board to approve this and to add it to our work plan in addition to the other topics we just previously discussed.

CHAIRMAN BORDEN: All right. Discussion on the three suggestions. Dennis and then Gordon Colvin.

REPRESENTATIVE ABBOTT: Just a simple question on the first motion. Did George Lapointe sneak

in here this week without us knowing, as the maker of the motion, or was it Lew Flagg?

(Inaudible response.)

CHAIRMAN BORDEN: Gordon.

MR. COLVIN: Is a single motion in order to approve all three of the board recommendations?

CHAIRMAN BORDEN: Let me ask the Board. Do we have any -- anyone have any objection to taking these three items up as a single issue? No objection.

MR. COLVIN: So move.

CHAIRMAN BORDEN: Is there a second? Seconded by Mr. Kennedy. Discussion on the item? Any discussion on all three of the items? Anyone in the audience care to comment? No comments, no hands up. You're ready for the question? All those in favor, signify by saying Aye; opposed; abstentions. The motion carries unanimously.

Dieter.

MR. BUSCH: That ends Item Number 10 and, Mr. Chairman, I believe we're ready to address Number 11, new business.

CHAIRMAN BORDEN: All right. Under new

business, we had two items. One is a report of the South Atlantic Board, Ms. Shipman.

MS. SHIPMAN: Thank you very much. I'm reporting today on behalf of our chairman, Bob Mahood, who could not be here. He's at a MARFIN review. He apologizes. The South Atlantic State/Federal Board met Tuesday morning. We received an excellent update on the SEAMAP South Atlantic program, which continues to be very successful.

And we just wanted to point out to everyone, call your particular attention to the South Atlantic Bight Hard Bottom Mapping CD-ROM Version 1.1 that's been produced. I believe copies of that are available. That's an excellent product from the SEAMAP program that the Commission should be very proud of, and we want to promote that to all users. It's particularly useful for EFH purposes.

We did receive an update on the NEMAP proposal from the Management and Science Committee, and we examined the options for the program structure and organization. The South Atlantic Board, based on our experience with SEAMAP South Atlantic and the initial

linkage with the Gulf program and subsequent linkage with the Caribbean program -- based on that, we recommend Option 1 for the Northeast program.

And basically, that would be that there be development of a NEMAP Board and Operations Committee, etcetera, that that be a separate entity and not be folded immediately into the SEAMAP program for an Atlantic program initially, that that subsequently be put together, but initially it originate as a separate program.

And I don't know whether that will be coming forward from Management and Science, but that was our recommendation on that.

We discussed the status of the species management programs for which we have purview. Atlantic croaker has had a stock assessment group and a Technical Committee formed, and the group met last year and identified the data needs that are remaining to pull together a stock assessment. However, there hasn't been much additional work on that, and I think that's because of lack of a clear direction from our board and the Policy Board to staff to do that.

So, on behalf of the South Atlantic Board,

we would move that croaker be elevated in priority and that the stock assessment data collection be conducted in the new fiscal year.

We would note that John Carmichael, who I believe is with us, who is the stock assessment scientist for the State of North Carolina, has been added to the Technical Committee Stock Assessment Subcommittee, and North Carolina has volunteered his resources to assist in that stock assessment, so we think that will reduce the resource demand on the Commission to conduct this activity.

CHAIRMAN BORDEN: I had glanced to my right two or three times and thought he was back on the staff.

MS. SHIPMAN: He is almost back on the staff with regard to croaker.

CHAIRMAN BORDEN: All right, Susan, so you have made that motion.

MS. SHIPMAN: Yes.

CHAIRMAN BORDEN: Is there a second to the motion?

MR. FREEMAN: Second.

CHAIRMAN BORDEN: Discussion on the motion?

Any discussion? Anyone in the audience care to comment on the motion? If not, are you ready for the question? All those in favor, signify by saying Aye; opposed; abstentions. Motion carries unanimously.

MS. SHIPMAN: Thank you. We have one other item that has to do with red drum. You'll recall a stock assessment is scheduled for this fall. Doug Vaughan plans to complete that in October. We won't have the assessment results in time for the Annual Meeting in October; however, we will have it by the early December meeting of the South Atlantic Fishery Management Council which will occur in Wilmington, North Carolina.

We plan a joint South Atlantic Fishery Management Council, Red Drum Committee, South Atlantic Board meeting and North Carolina Marine Fishery Commission meeting to review the results of that assessment, which will set the direction and the guidance to us for Amendment 2 to the Red Drum Fishery Management Plan.

I mainly wanted to announce this to put the Mid-Atlantic states with a declared interest in red drum -- that you will be invited to that meeting. It is the first week in December in Wilmington. It's an important

meeting, and we would please urge our colleagues in the northern states who have an interest in red drum to attend and participate in that.

There will be an informal meeting of the stock assessment group at the end of June in conjunction with the Stock Uncertainty Modeling Workshop. That again will require very few fiscal demands on the Commission because those people will already be there, and they will be working with Doug Vaughan to get that stock assessment done on time.

CHAIRMAN BORDEN: Thank you, Susan. Any comments or questions for Susan?

If not, we'll move on to the next item, which is Ken Hinman has requested a brief amount of time to address the Board on the issue of ecosystems. Ken.

MR. HINMAN: Thank you, Dave. I had brought copies, and I hope everyone got one -- it's the executive summary of the new report by the Ecosystems Advisory Panel, ecosystem-based fishery management. The report has been released and submitted to Congress. The hard copies have not been published and made available to the public as of yet, although the full report is on the

National Marine Fisheries Service's web site.

But the reason I wanted to bring that to your attention is that I know the Atlantic States Marine Fisheries Commission has already begun to think about and talk about ecosystem management as it relates to predator/prey interactions amongst species that are managed by the states and by the Commission.

And one of the recommendations from the Ecosystems Advisory Panel, which was put together by the National Marine Fisheries Service under a mandate from Congress in the Sustainable Fisheries Act three years ago, is that all fishery management plans, existing fishery management plans for single or multiple species consider predator/prey interactions, the fishing of one species, the impact on other species and on the ecosystem in general.

And this process, the authority to do this already exists, both at the Commission level as well as at the council level. And you'll notice that this report, because it comes under a Magnuson Act mandate, mostly refers to the council FMPs, but the full report itself addresses the full institutional ecosystem that is

involved with these fisheries, and the recommendations apply equally to the Commission's work as well as the Commission working with the councils and the National Marine Fisheries Service.

So I just wanted to get the heads up on that recommendation that you begin looking at, as I know you are, predator/prey interactions among different species -- striped bass and menhaden, I know, is one that's been talked about quite a bit -- in upcoming FMPS, and we, the National Coalition for Marine Conservation, look forward to working with your staff and members of the Commission in advancing this process which is figuring out a process of integrating single species management plan for associated species.

That's all the time I asked for, and that's all I need. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Questions for Ken while he's still at the microphone? Any questions? No hands up, Ken. Thank you very much.

Any other business to come before -- yes, Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. In

the handouts for the Policy Board, there was a Fishery Commission State Declaration. I think it was in the back of the notebook. And I noticed on one item for mullet for New Jersey -- we had originally requested an interest in the mullet fishery, primarily because of our interest in the bait fishery that occurs for mullet every year, particularly in late summer, early fall. And that is omitted. And I would like to note to staff that that blank should be filled in.

CHAIRMAN BORDEN: All right. Any other changes to that declaration of interest? A.C.

MR. CARPENTER: Mr. Chairman, we are listed as an "r-e-v" for review. We do not want to be in the Horseshoe Crab Management Plan. We have no declared interest.

CHAIRMAN BORDEN: Okay. Any other changes to it? What I'd ask staff to do is to revise the chart and include the interim delegation on sharks as it was indicated. The State of Rhode Island would also change its position on horseshoe crabs and be a state of interest on horseshoe crabs for obvious reasons. Any other changes?

Other business to come before us today?

Dieter.

MR. BUSCH: On the table in the back you may have noticed a handout that's dated May 1999, entitled "Atlantic States Marine Fisheries Commission Interstate Fishery Management Program Compliance Dates and Other Information." This is our first attempt to comply with some requests from Board members to come up with a monthly report that provides information to all of you.

This is our first attempt. It may be too comprehensive. We are trying to see what needs to be done. We're looking for feedback on this so that we hopefully can produce something like this for you every month by the 15th of the month. So I would appreciate your comments and feedback on this. This one is already out of date because the Lobster Board's meeting has changed, but that's the way the cookie crumbles.

CHAIRMAN BORDEN: Comments here, and then what I would suggest is that anyone -- some of us have not had an opportunity to read this, and I would ask everyone to read it and then call Dieter if you have comments or particularly if you have complaints. A.C.

MR. CARPENTER: Under the scheduling, I think it would be nice if you also showed the Mid-Atlantic Council, the North Atlantic Council, the other meetings, when they're going to be falling in there so that we can schedule plans around those as well.

CHAIRMAN BORDEN: Any other comments on the document? Let me ask Board representatives if you have comments or suggestions on modifications to contact Dieter during the next two weeks. Otherwise, we will assume this is the general format that you all want to see on a monthly basis, and we'll try to get it out to you. I think my own view is this will be very helpful in terms of keeping the staff up to date on what their responsibilities are and allowing us to do internal planning.

Any other business to come before the Board? If not, motion to adjourn.

(Motion to adjourn made and seconded from the floor.)

CHAIRMAN BORDEN: Any discussion? All in favor, signify by saying Aye.

Now, before everyone leaves the room, we're

going to take a 15-minute break, then we will come back and go directly into the Executive Committee meeting. It's my intent to go straight through lunch. If we get delayed on a particular item, I will take a short break, allow people to go in and partake in the buffet and bring the food back to the table. So, 15 minutes. Please come back at five minutes after 11:00.

(Whereupon, the meeting adjourned at 11:45 o'clock a.m., May 20, 1999.)

- - -