

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
ISFMP POLICY BOARD

April 5, 2000
Radisson Hotel
Alexandria, Virginia

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The ISFMP Policy Board of the Atlantic States Marine Fisheries Commission convened in the Roosevelt Room of the Radisson Hotel, Alexandria, Virginia, April 5, 2000, and was called to order at 4:05 o'clock a.m. Chairman David V.D. Borden.

CHAIRMAN DAVID V.D. BORDEN: Everyone have a seat, please. Welcome to the ISFMP Policy Board meeting. If you don't know me, my name is David Borden, and I'm the Chairman of the Commission. Let's start off by having Dieter call the roll.

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

MR. DIETER BUSCH: Mr. Chairman, you have a quorum.

CHAIRMAN BORDEN: Thank you very much, Dieter. We have a quorum. We have an agenda that's been distributed to all. It's my understanding that there's a suggested modification to that agenda which would bring a report of the Administrative Oversight Committee ahead of the actions on formal motions.

Are there any other issues that either the members or the public would like us to deal with? Seeing no hands up, we'll deal with the items in the order in which they appear.

Just for everyone's edification, we do take public comment at the start of all of our meetings, including this one. Are there any members of the public that care to address the board?

If not, we will take comments through the meeting. Thank you. Minutes; we are going to postpone action on the minutes until the next meeting.

The next item is the report of the Administrative Oversight Committee, Susan Shipman the vice-chair.

VICE-CHAIRMAN SUSAN SHIPMAN: Thank you, Mr. Chairman. We're going to report to you today on the action plan and funding initiatives and priorities in the fulfillment and implementation of that plan, and you have several handouts.

I wanted to make sure everybody has those. You should have a two-page budget that is relatively small print that has Interstate Fishery Management Program, and it's dated 7/1/00 to 6/30/01.

You'll need that; we're going to be referring to that. Additionally, you have an item that is a companion piece, which is the Revenue and Expense Budget Variance Report, and this is for the Atlantic Coastal Act expenditures.

We'll also be referring to that. You should have a draft handout. It says, "Draft Priorities for the Interstate Fishery Management Program, 2000 to 2001." You should have that.

And then also you will have a spreadsheet that we'll be talking about as an example, which is the American Lobster Management Program, various activities to implement that particular planning item.

You'll recall at the last meeting in February we were to provide input and feedback on the priorities within the 2000-2001 action plan to implement our strategic plan. We ran out of time, and at that point we directed Mr. Dunnigan to go back and work with the senior staff and to more or less work out the budgetary priorities for the coming year.

Your Chairman, Mr. Borden, myself, and the Administrative Oversight Committee believe it's important to get your buy in into these priorities, and in that vein we would like for you to review the ISFMP and the Research and Statistics Budgets.

These budgets are largely supported, and in particular the ISFMP program budget is largely supported by the Atlantic Coastal Act grant. That grant begins January 1 and we are just now completing the first quarter of that budget.

We want you to see the amounts allocated and you can see that in these columns. In the draft Interstate Fishery Management Program Budget, you see the amounts that have been allocated out to the various species, and then you can go to that companion piece which is the Revenues and Expense Budget Variance Report.

If you turn to, I believe it's the third page, if you will, you will see that further broken out by species into -- for example, the herring has stock assessment, it has hearing, it has a section item. So it's actually been broken out by various expenditures.

We want you to look at that, look over in the columns year-to-date, you'll see actual expenditures, you'll see what's budgeted, and then on variance you will see what is remaining.

And what's particularly important is you need to look at the percentages left. So while this is part of a budget that begins or that the Executive Committee will be adopting in July, the actual budget for the Policy Board activities, the ISFMP program activities, and research and statistics, really started January 1, so we are well into this budget.

We are completing the first quarter. One thing I want to call your attention to is we are overspent in meeting week activities. And I would ask at any point, Jack, Laura, please jump in if you would like.

If you look at the very first page of this Revenue and Expense Budget Variance Report, and you look over at meeting week number 1 -- that was our February meeting week -- you'll see the actual expenditure was \$70,807.

We budgeted 48; we are \$22,000 -- I'll round that off to \$23,000, already overspent in meeting weeks. Now this is part of the Executive Directorate Budget but it's supported by the Atlantic Coastal Act grant.

So that's why it's in this particular cost center. But you need to know that as you look at these priorities. And we'd like for you to look at this, give us feedback. If the priorities are not as you as board chairs and as your boards wish them to be, you need to speak up today.

We need that input. And if you are going to make revisions, you need to identify what is not going to be done. Bruce.

MR. BRUCE FREEMAN: Thank you. I have a couple of questions here. I was doing okay until that last sentence where we have to determine where it's going to come off of.

A couple of questions. So far as meeting week one, the fact that we're so far over, do we anticipate in the other

meeting weeks that the expenditures will be \$48,000? And the fact that the first one was so far over, is it artifact of that meeting and not a true reflection of what we can anticipate?

CHAIRMAN BORDEN: Jack, would you like to address this?

EXECUTIVE DIRECTOR JOHN H. DUNNIGAN: I believe that using \$48,000 as a benchmark for meeting weeks is a very tight estimate, but it's not inconsistent with what we've been spending in the past.

By and large I think the overage that was associated with that meeting week wasn't artifact of what we had to do in February. Remember, that as we ran out of money late in the fall last year, we postponed a lot of activities.

So as soon as January hit, a lot of activities started up again, and that was reflected in the need to have a lot of board meetings during the February meeting week.

So I think that there is some chance that we're going to be able to bring that number down and come in pretty close to budget. But, by that same token, there's no fat in a \$48,000 estimate for a meeting week.

MR. FREEMAN: That leads to another question. If, in fact, you're saying that 48 is a reasonably accurate number for the rest of the meetings, then we'll carry a \$23,000 deficit right on through. So if we're not going to pick up some savings on the other meetings, then we have a problem right off.

MS. SHIPMAN: Absolutely.

CHAIRMAN BORDEN: Bruce, let me try to answer that, because I actually shared the same experience, but I also had the experience of chairing the New England Council for a number of years.

These schedules are set up based on a reasonable expectation of what you're going to accomplish during the year. I think everyone around the table knows that what happens is all of a sudden you don't do a series of board meetings for reasons that no one today can predict. In other words, it's a best guess.

So they are somewhat fluid. The staff has instituted -- both Jack and Laura have instituted a much more rigorous accounting system than we had last year. And I think that everyone around the table should be reassured that we

won't find ourselves in October in the same position we were in last year.

And if, in fact, that \$28,000 increase continues to manifest itself through the rest of the year, then we'll have to take some action at some point. But right now I think we shouldn't necessarily dwell on it.

We should simply move forward and be cognizant of it and be prepared in the future to take some action, if needed.

MR. FREEMAN: Another question. Relative to the board meetings, for example, that \$48,000 we have allocated or budgeted, how are the various board meetings charged for that?

For example, this particular meeting week we had various boards. Is that divided up amongst the boards? I just don't understand how the numbers are allocated; that \$48,000 is allocated for each of the boards.

For example, if you go back to the first sheet, how do we get \$16,500 for the eel from the \$48,000, or vice versa?

CHAIRMAN BORDEN: Jack or Laura, please explain that process.

EXECUTIVE DIRECTOR DUNNIGAN: We don't, Bruce. What we do for the meeting weeks is we put all the money that we're going to need in my budget as opposed to the research budget or the ISFMP budget, because meeting weeks serve a multiple suite of purposes for the ASFMC as a whole.

We do some ISFMP work, we do some research and statistics work, like the technical workshop that we held yesterday, like the VMS workshop this morning, which isn't a part of either of those two programs.

So we budget for the meeting weeks separately from the other budgets. And if you look at the species-by-species, board-by-board numbers that are in here later on underneath ISFMP, that's money that each of those boards has in addition to whatever work it does during meeting weeks.

MR. FREEMAN: Well, that's good because that leads to my last question. If, in fact, that's true, then technically if we can squeeze more board meetings into the meeting week, then indeed it will allow for meetings to occur.

And I'll bring this up under Tautog because we have a

specific example there where we simply can't get any work done with the existing budget. There needs to be a way to do that. So it appears to me it could be done by squeezing board meetings into the meeting week.

CHAIRMAN BORDEN: We are -- and Susan, I think, will talk about this later -- the AOC is looking at alternative ways of accomplishing exactly that.

MR. FREEMAN: Now, I say that and then the horseshoe crab has been the board meeting we've completely blown away the timing where we've usually used twice as much time as we've been allocated, and therefore disrupted everyone else.

MS. SHIPMAN: We're going to talk about that, too.

MR. FREEMAN: We did end on time this time.

CHAIRMAN BORDEN: You were four minutes ahead, I think. Any other questions on the material? George.

MR. GEORGE LAPOINTE: Mine is more a comment for next year than this year. If, in fact, we went \$22,000 over because we postponed a lot of activity, we should budget for that next year because with our current budget, the behavior is likely to be duplicated, repeated next year.

MS. SHIPMAN: Well, if I might respond to that, I think we also need to look long and hard at what our activities are, and there has got to be some discipline imposed within our work groups and within the boards and the supporting technical structure of what we can reasonably expect of our staff -- the commission staff, I mean -- and the state staffs. We are maxed out.

I think that's the consensus of the AOC, and I think we have to look long and hard at are we running over more than we are catching up with.

MR. LAPOINTE: I'm glad you said that, and I say, yea.

CHAIRMAN BORDEN: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: And to George's point, which is an excellent one, remember, last year, because of the priorities and the importance of the work that we had to do in a couple of boards -- and I'll single out lobster and striped bass -- we did a lot of work outside of meeting weeks that we didn't plan for and the staff didn't say no.

And this year we're going to say that. And this year you now know up front what kind of a target you can look at, so whoever the chairman of the striped bass board is now has a sense of what his allocated resources are, and he knows that he's not going to be able to have three or four meetings outside of meeting week.

We didn't push that discipline last year for a number of reasons. So I think we're going to be in better shape and there's not as a great likelihood, hopefully, that we're going to end up in the situation that George has cautioned us against, and appropriately so.

CHAIRMAN BORDEN: My suggestion here is to let Susan go through her presentation, because I think she's going to answer some of these questions.

MS. SHIPMAN: And back to an earlier point, I believe Bruce asked, if you look at the cost accounting center, you will see the breakout. It's that third page of the revenue and expense budget.

You'll see a breakout of what is actually allocated for each of the components of the support activities for that management plan or amendment. You'll see a line item for stock assessment, a line item for a board meeting that presumably is a board activity outside of meeting week.

An AP, and there that may occur during the meeting week, or advisors, so on and so forth. So it's broken out and the various plan coordinators have been working with the board chairs.

For those of you who they've not gotten with yet, they will be getting with you and laying out the activities, not only for this year we are in now but also for '01 and in some cases into the year '02.

So in some cases this is a biannual and even triennial planning activity to get us through the various priorities. There's a handout that's a simple text.

It doesn't involve a budget, but it has priorities for the Interstate Fishery Management Program Summary, 2000-2001. It has new FMPs and amendments. You need to look at this as a complement to these budgetary figures you have in front of you.

And these are the activities staff have laid out that are the priorities. We also have the addenda as far as working on lobster Addendum 2. And then we have the

ongoing monitoring that's going on down here.

Now one that I know I've talked with the plan coordinator on that is not up here under addenda is sturgeon. You'll recall at the sturgeon board meeting in February there is the issue of developing an addendum for culture.

Now the technical support groups are working on that, but we have not fit that into a priority. And depending on how the policy board feels, we need to know does that need to be elevated or is it fine where it is?

So those are the types of things we need your feedback on today so that this budget can be further modified, revised, and, Bruce, we're going to need to know what Tautog wants to do and what others want to do because it's got to be revised, and we're going to have to take this budget in the context of the bigger budget to the executive committee in June for approval.

CHAIRMAN BORDEN: Bruce.

MR. FREEMAN: Just a point of information. The very last page, Susan, of the revenue and expense budget, if you look down at the bottom, we have subcontracts, salary and fringe, and printing.

I would assume the subcontracts, salary and fringe would be -- we know that and that shouldn't change. I don't anticipate a great overage there as opposed to other items.

In other words, the amount we have, the actual, is just a portion of what we had budgeted, and I suspect because of what Laura has done, it'll come out just right at the end. We should not anticipate any great variation there, is that correct?

MS. LAURA LEACH: That's correct.

MR. FREEMAN: I mean, the things we've got to deal with really are the various advisory committee meetings, and travel, and those are the things we're really going to have to control.

The rest of it is probably very closely calculated and we would not expect to see any great variation.

CHAIRMAN BORDEN: Any other questions? If not, Susan, please continue. Excuse me, Dick Schaefer.

MR. RICHARD H. SCHAEFER: Just one question. Has thought been given to the possible savings that might result -- I'm referring now specifically so meetings like technical committee meetings, and smaller meetings -- the use of teleconference facilities?

MS. SHIPMAN: Yes, and there is an effort, I think, in the consultations going on between the board chairs and the staff to make that recommendation wherever that's appropriate.

We think there's quite a bit of just the routine plan maintenance and monitoring activities that can be done by a conference call.

MR. SCHAEFER: For example, in certain fisheries, like the mid-Atlantic area, for example, if people from say Delaware and Maryland and Virginia, within a reasonable driving distance, could come to NMFS headquarters where we have those facilities.

I'm sure I can make arrangements to have those facilities provided. People in the outlying areas would have to find other facilities. But I think there are possibilities for savings.

CHAIRMAN BORDEN: And in that vein, Dick, we're going to do a complete review of the travel policies, and where we hold meetings, how often we hold meetings, whether or not we do five meetings a year or four meetings a year, whether or not we do them in this location or do it closer to Baltimore, or -- I mean, we're going to try to cut those costs.

MS. SHIPMAN: Bruce.

MR. FREEMAN: I also have a couple of specific questions I simply don't understand. On the revenue and expense budget on page -- the third page labeled page one. The expense column, go down seven, for example.

It says American lobster board. We had budgeted \$1,215, we spent \$1,212. Now I'm assuming that's the cost of a board meeting. It appears that that's what we've allocated for the year and we've used it. It means we have no more board meetings; is that correct?

MS. SHIPMAN: You have 0.18 percent of that extraordinary budget for board activities left. My understanding is you still have board activities that can be conducted within the meeting week, which would come out of the other

budget.

MR. FREEMAN: Well, what did that \$1,200 pay for? I just don't understand, what expense did the board --

MS. SHIPMAN: I'll have to defer, I'm not sure.

EXECUTIVE DIRECTOR DUNNIGAN: That was prior year travel, where vouchers came in later.

MR. FREEMAN: My question would be -- obviously I don't understand. No, I understand the budget, I don't understand where the money is going. We don't need to anticipate any other extraordinary expenses from the lobster board?

EXECUTIVE DIRECTOR DUNNIGAN: Correct.

MR. FREEMAN: Okay. One other item, if you go down a little bit further, we have the Atlantic Menhaden PDT, and I'm assuming that's outside the board meetings. We've already overspent a couple of thousand dollars.

Based upon the meeting we had -- I guess it was earlier today -- that group would have to meet again. There's information that's lacking from the plan so we can expect to have at least another meeting of that group. I would suspect several meetings, and it looks like we're going to be way over budget on that.

CHAIRMAN BORDEN: Dieter.

MR. BUSCH: The numbers that you see and the title that they go with under expenses were put together based on projections of work for all these species throughout this year.

There are activities, for example, PDTs or PRTs and so on, that are not listed and they were not specifically funded for this year. For example, under eel we only have American Eel Tech Committee as the only line item.

It doesn't mean that other things normally wouldn't happen, but that was the activity that we funded for this year and to save space, Laura's people did not include all those with zeroes in the table, all the other normal activities that each of the boards and support activities require.

Now, under the species heading, like I said already, we identified specific activities, but the FMP coordinators,

as already mentioned, are coordinating with the board chair, the vice-chair, and the technical committee chair and so on to really identify specific work activities throughout this year.

And the FMP coordinators will have some flexibility through me in how the targeted amount is allocated.

CHAIRMAN BORDEN: Anyone else? Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Understand what's here. These are living numbers that started on January the 1st, but we didn't actually come up with the numbers until after that.

So, for some instances when we allocated the money out, we put money in, like for that lobster number, to cover expenses that we knew we had already incurred. In some other instances, there may be some expenses that we weren't aware of that we didn't cover, though it may be that you will see some expenses listed where there wasn't sufficient budget to cover it.

In other instances, we may still be correcting the postings on this. For example, we suspect that that Menhaden PDT was really an advisor's meeting. And we just have to go back in.

It's a standard accounting thing, you post it to one thing and you realize that's wrong and so you fix it. These are living, breathing numbers, so you're seeing a snapshot of something that's in motion.

CHAIRMAN BORDEN: Anyone else? Susan.

MS. SHIPMAN: That's what we want to present to y'all today as far as priorities; and again, if there need to be revisions in this, if you want to make the case to this board that you want to elevate a species or an item, we need to hear it now.

CHAIRMAN BORDEN: Let me just add to that that the whole concept here is not only can you comment now, but we're going to continue to perfect this over the next couple of months and bring it back at the next meeting.

And Susan is going to describe that at some point, but what you will have is you will have a much better idea of all of the different components of each of the work plans for each one of the species.

MS. SHIPMAN: Which is illustrated in this American Lobster handout.

CHAIRMAN BORDEN: Bruce.

MR. FREEMAN: The chairman of the tautog board is not able to be here and asked me to convey the feelings of the board. We met the first day of the meeting and one of the items we discussed was budget.

The Technical Committee needs to meet several times, at least several times. They've met once just recently and as I understand this, there has been \$2,000 budgeted and they a little overspent that \$2,000.

The request of the tautog board, unanimous request of its members, is to have at least two more technical meetings. Otherwise, we're not going to progress with the plan. So although we understand the budgetary constraints, we also want to report unless the Technical Committee can meet and give us advice, the board in all likelihood will not be able to progress with the Tautog Plan.

And I don't know where it's going to come from; I can just tell you what the needs are.

MS. SHIPMAN: So you're basically requesting an additional \$4,000 be budgeted to that particular species item and you're asking for reallocation somewhere within the budget?

MR. FREEMAN: Yes, and I just don't know where it's going to come from, Susan, because it looks like it's extremely tight. I just want the Policy Board to be aware of this dilemma that's being faced.

We will have meetings for the board itself, but we won't have any advice from the technical people, and we will not be able to make decisions unless we have that.

CHAIRMAN BORDEN: Okay, I've got Jack Dunnigan and then George.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Mr. Chairman. In terms of considering -- by the way, this for me is a very useful exercise because the way we've been doing this in the past, it's been my guess as to what your priorities are.

And I don't mind doing that, I think I do that fairly well, but especially in times of tight budgets where we've

had our -- here comes my commercial again, 7.5 percent reduction from the Secretary of Commerce, push comes to shove and you need to know what's being done to make sure that I'm reflecting what it is you want.

So this is a good discussion. There's a lot of detail on the sheet that's listed revenue and expense form. It's broken out by PDT and AP and things. Those aren't legal terms.

Those are planning targets that we have within the office. I think what you really need to focus on is the other sheet, which is the one sheet for the ISFMP and RNS that talks about the bigger numbers and where they are because Dieter and Lisa have the opportunity to move monies around within there.

I don't micromanage their budget and I'm sure you don't want to. The other thing is this piece of paper here -- and this is where I think Bruce's comment really comes in -- about this priorities for interstate fishery management program that's labeled draft.

That's really where you want to look at, specifically with respect to tautog, for example. Our planning assumption at the staff was that tautog in the year 2000 was going to be on a care-and-feeding program.

We had just finished the addendum and whatever work needed to be done at the technical level could get done by people talking to each other. The Commission has for too long been a meetings' place, and sometimes I think we get the impression we're not doing anything if we're not getting on airplanes and going to meetings.

And we all know that that's not true. There's a lot of things that we and our staffs can do without having to have everybody sitting around a common table. And the last point I would make here is I don't believe the Tautog Board passed that motion.

MR. FREEMAN: There was a motion on the board to ask for one meeting. The discussion was that one meeting would not be sufficient. We did not put a limit on the number.

My interpretation is we would need several, and I reduced that to two, but in fact the feeling of the board was several more meetings.

EXECUTIVE DIRECTOR DUNNIGAN: I think the board felt that, but no motion passed as a recommendation to the Policy

Board.

CHAIRMAN BORDEN: And there was also a suggestion by one of the commissioners that in that particular case, given the close proximity of a lot of the technical committee representatives of the states, if this is a priority, the states in that particular area should be prepared to step forward and try to fund some of that travel activity.

CHAIRMAN BORDEN: George.

MR. LAPOINTE: I guess I had a couple of comments. We can call this the pogo discussion because we have met the enemy and they is us, all of us.

And when we look through these items, we can all pick out a group, a species, a technical group, a stock assessment subcommittee that we would like to meet more to meet our priorities, and we are not going to be able to do that.

And so it is going to take an incredible amount of rigor on our part to stick with the budget. Within the budget, Jack's comments about not having to meet, David's comments or whoever, Richard's about teleconferencing, and David Borden's about having the states, for those items that are a high priority, having the states fund those items, is an avenue we're going to have to take.

There's no way we will get through this budget without that kind of rigor.

CHAIRMAN BORDEN: I have Jack Travelstead, Tom Fote.

MR. TRAVELSTEAD: I'm not sure I understand all of these figures, but I do have one concern in particular, looking at the priorities for interstate fishery management program document.

It seems to me that weakfish should have a higher priority. I heard some information at the last board meeting that some time in the foreseeable future that stock is going to be recovered.

It seems to me we need to start working now to prepare a management plan that we can have in place when that decision has been made. I mean, we've been struggling with striped bass for I guess it's been ten years since that fishery reopened.

We've been managing that species on an interim basis for five or six years. We know how difficult it is to develop

long-term management plans when species recover, and it just seems to me that we need to start working now so that when the time comes to announce that weakfish are recovered, that we can also say, hey, we've got a management plan here that's going to take care of this thing into the future.

CHAIRMAN BORDEN: Susan.

MS. SHIPMAN: If you look on the second page of that, you'll see 2001, and you'll note that a few of the items that were in the planning mode for 2000 have dropped off. We're assuming that those will be completed and they are down into the ongoing monitoring, lesser cost center, I should say.

And below that you'll see issues on the horizon. The next one from the bottom, which are alphabetical, not necessarily priority, is weakfish. We say the recovering resource may imply the need for an FMP amendment.

We do not have it planned for 2000. I think we do plan in 2001 that we would go into a mode of updating that amendment.

We will have the ability to move some items into the new FMPs and amendments or addenda, into those spaces that were left vacant, so to speak, when we complete some 2000 actions. I don't see how we can squeeze anything else into 2000, quite frankly. I just don't see it.

MR. TRAVELSTEAD: Will there be any weakfish board meetings in 2000?

CHAIRMAN BORDEN: Jack or Dieter, the question is whether or not there'll be any weakfish board meetings in 2000? There's \$8,000 allocated to weakfish.

MR. BUSCH: Mr. Chairman, the Tech Committee is scheduled to meet at least a couple of times this year and the boards can meet during the meeting weeks.

Again, as mentioned earlier, we have seen the opportunity, and we are pushing hard to get as many board meetings into the meeting weeks because, as you know, those come out of Jack's budget and not out of our budget. So we're doing all we can that's possible.

CHAIRMAN BORDEN: Thank you. Tom Fote.

MR. TOM FOTE: Jack or Laura, I was just trying to figure

out like when one of the governors put in \$50,000 for horseshoe crabs or 25,000, where's that accounted in the budget? Where is that money?

EXECUTIVE DIRECTOR DUNNIGAN: All we're looking at this afternoon is the budget for the Atlantic Coastal Fisheries Act. We have a separate cost center where we book money that handles other grants, like the Rhode Island stock assessment grant is a separate piece that's not reflected on here today.

The money, for example, that the state of Delaware has donated to do spiny dogfish, which is not reflected on here, is in our Interjurisdictional Fisheries Act budget because they are IJF funds. So they're separately accounted for.

MR. FOTE: So the horseshoe crab money that's in here is separate from that money that we --

EXECUTIVE DIRECTOR DUNNIGAN: That's correct. This is separate from any additional horseshoe crab money that the states may come up with to do horseshoe crab, whatever, research, management, outreach during the year.

MR. FOTE: I'm just trying to get a grasp on it.

CHAIRMAN BORDEN: John Nelson.

MR. NELSON: Thank you, Mr. Chairman. I think you had said it earlier, and Jack has said it about the numbers being in a dynamic -- let's use that. And I think that that probably is the case, but I got the sense that you wanted us to focus in on what is listed as the priorities for the year 2000 and probably for 2001.

And if we concur with these or revise them accordingly, then the numbers, the dollar figures that have been allocated also would be revised to reflect whatever priorities we have selected.

So is it your desire that we look at the priority draft, and give some blessing to it or give something with modifications to it?

CHAIRMAN BORDEN: I don't think we're necessarily looking for formal action at this meeting, but if in fact there's something that's significantly out of whack, if there's a priority, for instance, that is not represented here, I think we should know earlier rather than later.

What we would envision is -- unless there is some kind of objection or alternative proposed, what we would do is flesh this out in much greater detail and bring it back at the next meeting for a final vote; and recognize the fact that that is mid-year in terms of when we're doing this.

This is not the appropriate time to be doing it. We should be doing it prior to the year and that's the objective for next year.

MS. SHIPMAN: We're hoping to get these budgets in sync, particularly the Atlantic Coastal Act because it's about 50 percent of the Commission funding. It needs to be in sync with our Commission budget year. And we're going to work towards that.

CHAIRMAN BORDEN: Let me just highlight one thing. This is really a change in the way we've done business. We've always brought these issues before the Policy Board, but generally not with the amount of detail that is in the document.

This effort is really part of an overarching effort to try to get more accountability into the system, to try to align the priorities so that they meet the needs of the commissioners in a much more direct manner; and also to do what I characterized at the last meeting, which is we can't work on 22 species a year.

We have to set some priorities and do some things one year, and then take them off the priority list and put them on the back burner for a year or two. And that's what the whole effort is about. John.

MR. NELSON: I certainly concur with that. But you know we've all been programmed, if you will, to react to whatever latest thing, emergency, whatever, however you want to call it; whatever shows up has to be dealt with, and I concur that we need to get away from that approach and do things on a much more methodic basis.

I will study this and see if there's anything in here that we need to put in from the great state of New Hampshire.

CHAIRMAN BORDEN: All right. Any other quick points? If not, I would like Susan to move it along. George.

MR. LAPOINTE: I've got a general comment, but I'll wait until Susan gets through her presentation.

MS. SHIPMAN: That's pretty much what I had to say about

the budget. Is your point relative to budget?

MR. LAPOINTE: It is.

CHAIRMAN BORDEN: George.

MR. LAPOINTE: I talked to Jack about it earlier today, and I have had discussions with a number of commissioners about the balance of those activities that occur under the Interstate Fisheries Management Program compared with other activities within the Commission.

And I don't have a good answer for it, but I think it's something worth pondering, probably not for this year but next. Much the same as we, within a given species activities, pile on a lot of work, we pile on a lot of other work as well in trying to deal with all of the issues that impact fisheries management, and I think that's something we need to come to grips with in time as well.

CHAIRMAN BORDEN: George, to your point, that actually was discussed at the AOC meeting last night, the issue of priorities, and part of what we're engaged in now -- and I'm going to distribute this in the form of a chairman's memo to everyone -- if you just look at the growth from the Commission in the increase in the activities, we've gotten to the point where we need to figure out new and improved ways of operating.

Really, I think, everything should be on the table in terms of all the programs should be fully scrutinized and all the methods that we operate under should be fully scrutinized, and we have to figure out ways to improve those.

And part of the charge to kind of a new AOC will be to meet with the senior staff a couple of times a year, come down to Washington a couple of times a year and basically meet with the senior staff and develop those types of alternatives to bring them back to this board, with an idea of these are the ways to improve this system and bring back a series of alternatives and basically to let the commissioners choose, but we won't be in a decision mode, we'll be more in a work mode. So everything is on the table as far as I'm concerned.

MR. LAPOINTE: I agree wholeheartedly with that and look forward to seeing your memo. Thanks, Mr. Chairman.

CHAIRMAN BORDEN: Okay, thank you. Anyone else on this?

Susan.

MS.SHIPMAN: Moving right along, in the context of the budget discussion, we also discussed the strategic plan and the staff has worked up a very good mechanism for laying out the multi-year activities for the priority species.

And this is the handout I referred to. This is an example of American lobster, which is, in essence, a triennial planning item. And as I mentioned, the various species coordinators are going to be working with the boards, and they're going to be laying out these activities for you.

They've also worked up a very good mechanism for tracking progress on those, and there will be open lines of communication and frequent communication between the staff and our board chairs and in turn back to the boards of what progress we're making and where we are in the strategic planning.

Does anybody have any questions about this for Dieter? And again, if you've not heard from -- if you're a board chair and have not gotten with your species coordinator, they will be working with you on developing this.

Another item we talked about that has budget implications was the issue that arose yesterday that we'll be taking up in a moment, and that has to do with the horseshoe crab management plan non-compliance and fiscal implications.

We did get a cost estimate for an extraordinary meeting to address the recommendation to find Virginia out of compliance with the horseshoe crab fishery management plan.

Our estimate is that that will cost approximately \$13,000 to have a commission meeting of the commissioners in person. The Administrative Oversight Committee does not think it's fiscally prudent in light of the current budget situation, including the \$22,000 overrun we've just discussed, to hold a physical meeting of the commission in May when we are already scheduled to meet the week of June 6th.

With regard to meeting management within the ISFMP, you'll recall we planned for a workshop for the various board chairs in meeting management in light of our new expanded board structures and the challenges that that presents with regard to efficient conduct of the meetings.

There will be a meetings management seminar planned for our October meeting, the annual meeting, with the target audience not only the board chairs but also all of the commissioners who are members of the boards.

We think that they will benefit from this as well. So that will be coming to us in October, and I'd urge your participation and the participation of the full delegations that are members of these boards, and committees as well.

The AOC is recommending that we scale back to four meetings a year beginning next year in 2001. We believe this would afford for better advanced notification, advanced distribution of materials, and it would extract less of a toll on our collective staffs, both the commission and the states who are providing tremendous technical support to the activities of the ISFMP.

I don't think I need to tell everyone, I think we all know that toll is mounting. Between now and the spring meeting, Dieter is going to lay out the possibilities for concurrent board sessions such as holding a South Atlantic Board meeting at the same time that a Northern Shrimp Board meeting is going on where you don't have conflict of members that need to be at both.

But we can do what George suggested, we can have more efficient meetings and conduct more board business within the meeting week. So Dieter is going to be laying that out for us.

We do recognize that it's important to recognize and honor our commitment to full involvement of the state delegations in our process, so we're going to have to look and see what species could be coupled for concurrent sessions, what would be appropriate.

With regard to technical support to the board, we believe the informational exchange with the various boards by the technical committees can be improved and enhanced. And we have asked the research and statistics staff to provide guidelines for presentations of technical information to the management boards.

We also think it's important that the board chairs and the ISFMP staff clearly communicate with the technical committees about what our expectations are of them for technical information as opposed to policy recommendations.

On occasion, within the technical committees, I believe some have lost sight of their role that we've envisioned and laid out for them in the charter, and I think that needs to be reiterated to them.

We would ask that the Board Chairs working with staff get that directive and guidance back out to those technical committees. And, Mr. Chairman, that's all the business I had to report from the AOC. I'd be glad to answer questions.

CHAIRMAN BORDEN: Before I ask for questions, let me just highlight one other issue that was discussed last night, which relates to meeting management. The consensus there at the AOC last night was we can do a better job of preparing the decision documents in an effort to try to expedite the deliberations of the committee.

Basically, what's envisioned here is sitting down with the Chair in advance of the meeting and really crafting the decision document, number one, so it very logically flows from one issue to the next and has the pros and cons of the different strategies laid out to try to minimize the amount of discussion that needs to be made at the meeting, so that more emphasis can be placed on decision making versus just pointing out some of these things.

So we will be working with the staff on that format and that will basically get translated to all of the Board Chairs in hopefully the near future. So, questions? Dick Schaefer.

MR. SCHAEFER: With respect to the request by the majority of the Horseshoe Crab Management Board for a special emergency, if you will, meeting of the full commission to make a finding, inasmuch as this is a one-issue meeting, as I understand it, which is the finding of non-compliance with the state of Virginia.

I don't know if the charter of this commission provides for it, I just don't remember, but could not the action on that be dealt with in the very way you suggest, a decision document be prepared, mailed to each state where the three commissioners from each state would caucus, make a decision, sign the dotted line either yea or nay, and mail it back and complete it without having to bring all these people together for a one-issue meeting?

CHAIRMAN BORDEN: Susan, to that point -- and what I would hope is that we really deal with the bulk of this in the next agenda item. But go ahead, Susan.

MS. SHIPMAN: I can respond to Dick now. The charter lays out that it can be provided for to have a mail or fax ballot with the consent of all of the commissioners of the state in question. So the state of Virginia would have to agree to that.

CHAIRMAN BORDEN: Jack, I think you have a response for her as I understand it.

MR. TRAVELSTEAD: We would not agree to that, Mr. Chairman. We would demand a face-to-face meeting with the full commission on that issue.

CHAIRMAN BORDEN: We're going to deal with this issue in a very few minutes. Any other questions for Susan or the AOC? If not, are you ready to move on to the next question?

The next issue is the motions and action forward of the boards and sections, this would be the request by the Horseshoe Crab Board for extra funding. Bruce Freeman.

MR. FREEMAN: Dieter gave me this ahead of time.

CHAIRMAN BORDEN: Bruce, I believe there's going to be a motion up on the board, if that'll help.

MR. FREEMAN: Help me on this, Dieter, but relative to the item on the agenda, the Horseshoe Crab Management Board did make the finding of non-compliance of Virginia with the Horseshoe Crab Management Plan, if, in fact, by May 1 Virginia does not make the necessary changes in its regulations.

The Technical Committee reviewed Virginia's plan for the year 2000. The board had discussed this issue, and it really involves the issue of the cap that Virginia has submitted in their plan.

Technically, we will not know Virginia's position until May 1, but based upon what we've heard from Virginia, it appears that they would not be able to make any changes in their cap.

It was indicated that only the legislature could give the authority to do so; the legislature was not in session and would not be for, I think Jack said, another year; is that correct?

The request was made to move quickly on this, and it would require this motion to be brought before this board, which

it is, and voted upon, and if it was voted upon favorably, would have to be brought to the full commission.

And as indicated earlier in Susan's report, the full commission is scheduled the first week in June. There is a feeling that action should be taken earlier, but it would require a special meeting of the commission.

And as reported by Susan, at the board meeting we didn't know what that cost would be and asked staff to project that and now they have done so.

So this would be an additional cost of \$13,000 to vote on this issue, and as Virginia indicated, they'd like to have a face-to-face meeting with the full commission present to do this.

There's really two issues. One is I would submit this motion on behalf of the Horseshoe Crab Management Board to the Policy Board. And then the other issue is having a decision to have a special meeting.

CHAIRMAN BORDEN: Okay, thanks, Bruce. Do you want to make this motion?

MR. FREEMAN: I'll make the motion on behalf of the Horseshoe Crab Management Board.

CHAIRMAN BORDEN: Would you read it into the record, please?

MR. FREEMAN: Move that the ISFMP Policy Board recommend to the Commission that the Commonwealth of Virginia be found out of compliance effective May 1, 2000, with the provisions of the Horseshoe Crab FMP, if it has failed to implement and enforce a required provision of the fishery management plan for horseshoe crabs, vis-a-vis the requirement to establish a cap on commercial landings (152,495 crabs) as specified in Addendum 1; that the cap on landings is necessary to control fishing mortality; and that to come back into compliance, Virginia should implement said cap on commercial landings.

CHAIRMAN BORDEN: All right, that motion is made on behalf of the board and does not require a second. Discussion? Any discussion? Jack. No discussion. Anyone in the audience care to comment on that?

Yes sir. Could you please identify yourself for the record?

MR. PERRY PLUMART: Perry Plumart, Senior Policy Advisor for the National Audubon Community. I'd just like to say that on behalf of the conservation community, we strongly support this motion.

CHAIRMAN BORDEN: Thank you. Anyone else care to comment on this motion? If not, are you ready for the question? All right, as I understand it, Jack, this is just a regular vote, we do not need a roll call vote. Is that correct; do we need a roll call vote on this?

EXECUTIVE DIRECTOR DUNNIGAN: No, sir.

CHAIRMAN BORDEN: All right, ready for the question? All those in favor, raise your right hand, 13; no vote, 1 no vote; any abstentions, 2 abstentions. The motion carries. Bruce.

MR. FREEMAN: The next issue involves calling a special meeting of the commission to discuss this issue. As indicated, it will be a full commission meeting with all commissioners present.

I would so move on behalf of the management board that the Commission hold a special meeting to consider this action by the full commission.

CHAIRMAN BORDEN: As soon as it's typed, I'm going to ask for a second. All right, Dennis Abbot seconded. Any discussion? Jack Dunnigan.

EXECUTIVE DIRECTOR DUNNIGAN: Just a point of process, Mr. Chairman. I think the meaning of this motion needs to be as a recommendation to the Chair because under the terms of the Compact, the Commission meets at the call of the Chairman.

MR. FREEMAN: I'll certainly agree to that change.

CHAIRMAN BORDEN: All right, Dennis, do you agree to that change? All right, discussion on the motion? Any discussion? Susan, would you just restate for the record what the AOC recommendation is on this?

MS. SHIPMAN: Yes, Mr. Chairman. The recommendation of the Administrative Oversight, after reviewing the budgetary cost for this extraordinary meeting, does not think that it's fiscally prudent in light of the current budget situation, including a \$22,000 overrun to date in meeting expenses, to hold a physical meeting of the Commission in May when we are already scheduled to meet

the first week of June or the week of June 6th.

If I could just add an additional comment, given our experience with secretarial actions of compliance, I personally believe there's little to be gained in terms of expediting secretarial action by holding a Commission meeting in May. That's just my own perspective.

CHAIRMAN BORDEN: George LaPointe, John Nelson.

MR. LAPOINTE: I concur entirely with the Administrative Oversight Committee, and this is the first test of our rigor in defending our budget process in the year 2000.

CHAIRMAN BORDEN: John.

MR. NELSON: I also concur. And as I understood it from the representatives from Virginia, that much of their landings did not occur until later in the year and therefore that vote may not need to take place in May.

And obviously the intent of what the Commission is planning on doing has already been made well aware to the Virginia delegation, and I would think that they are going to try to do whatever they can to deal with that.

CHAIRMAN BORDEN: All right, other comments on it? Any other board comments? If not, any members of the audience? Yes sir, please have a seat and then I'll go back to the board and get A.C. and then Dick Schaefer.

MR. PLUMART: Thank you, Mr. Chairman. I think that it's important that we act on this as swiftly as possible, especially since one of the major actions that the Horseshoe Crab Management Board took, which was the closure of the Horseshoe Crab Sanctuary, apparently that NMFS is not going to be able to act on that in a fashion to close that for the spring season although we're still urging them to do that; that it makes it even more important that we act expeditiously, and the conservation community is ready to work with the Commission to urge the Secretary to deal with Virginia being found out of compliance in as swift a timeframe as fashion.

So I would urge that the board which took action, or that the Commission implement the actions of the Horseshoe Crab Management Board, which was virtually unanimous yesterday.

And this is an issue that is raised high enough, and I think it goes to fundamentally whether the Commission recommendations and actions, not only in the horseshoe

crabs, but on any of your other issues that you deal with, whether the Commission can hold states accountable.

So I think it's important, not only for the horseshoe crab but for the Commission itself to take expeditious action, and we stand ready to work with you in dealing with the Secretary. Thank you.

CHAIRMAN BORDEN: A.C., and then Dick Schaefer.

MR. A.C. CARPENTER: Before I vote on this issue, it's my understanding that we could have a full Commission meeting at the June meeting week without any additional expense?

CHAIRMAN BORDEN: That's correct. Dick Schaefer, and, Dick, I think it would certainly help my understanding; assuming that there was a finding of non-compliance, how quickly could the National Marine Fisheries Service implement a closure in the state of Virginia?

If you could include with that whatever else you'd like to state, I think it would be helpful.

MR. SCHAEFER: First, I have a question and then I'll be happy to respond. Bruce, is there a particular date certain you've got in mind with respect to your motion? I mean, the full commission is supposed to meet in June. I'm wondering what kind of timeframe you're talking about?

MR. FREEMAN: I think realistically, Dick, we'd have to wait until after May 1 to see what action Virginia takes or doesn't take.

MR. SCHAEFER: So when is the June meeting scheduled for?

CHAIRMAN BORDEN: June 6th.

MR. SCHAEFER: So you're talking about a four-week differential, is about what --

MR. FREEMAN: Right.

MR. SCHAEFER: Okay, thank you, that's all I needed to know. To answer Dave's question, at the staff level we try to expedite this to the maximum extent possible.

We usually know it's coming. When you, Mr. Chairman, sends us the notification of the finding, we have 30 days in which the Secretary is supposed to make a decision. Easier said than done.

We first of all have to give the state of Virginia, in this case, an opportunity to respond, so we have to set up a meeting with the state and its representatives, and we usually do that as early as possible.

We also have to notify other interested parties, which include the affected councils, and so on. So there is a period in which we have this communication component.

We also have to prepare at a minimum an environmental assessment, which takes some time. It just doesn't happen over night. We can grease the skids on that, too, a little bit if we know this is coming down the pipe.

Where our difficulty has been in recent years, on recent occasions, if you will, frankly has been at higher levels than the National Marine Fisheries Service. Under our delegation of authority standards, the Secretary is to be informed of the action that, in this case, Penny Dalton would have to take, and he has to acknowledge that he's been informed.

Well, one of the problems is the Secretary is a busy man. He travels a great deal, and trying to get his attention to these kinds of issues in a timely way has been somewhat problematic and somewhat difficult.

On the other hand, if this is coming down the pipe and if the Secretary chooses to concur with what I think is the likely finding of this Commission, I think we can grease the skids a little bit; and in this particular instance, it would be very helpful to those who have a deep concern about this to try to let the Secretary know from other locations that this is coming down the pipe and to pay attention to it when it comes.

So having said that in the long way, we would be hopeful that we could meet our responsibilities and charge in somewhere between 30 and 45 days. That's a guess. It's the best I can do.

CHAIRMAN BORDEN: Thank you very much. Any other comments or questions on this? Yes.

MR. DICK SNYDER: Dave, this is a follow up to A.C.'s question. Should this motion not pass, then by default will it come up at the June meeting?

CHAIRMAN BORDEN: Yes. All right, are you ready for the question? All those in favor of the motion, signify by raising your right hand, 4 in favor; no, raise your right

hand, 13 opposed; any abstentions? The motion failed.

Now, following on the board discussion in an effort to expedite the discussions here, the suggestion was made at the board meeting that given the fact that it is very unlikely that the Virginia regulations are apt to change, that the Commission would send, as they have done in the past with other states, a letter which would basically spell out the finding, send that letter to the governor of the state of Virginia and to the legislative leadership in the state of Virginia. Do I hear any objection to that? Bruce.

MR. FREEMAN: No objection, but I'm assuming also that same letter be sent to the three commissioners. That's usually the process.

CHAIRMAN BORDEN: Yes. No objection? Then Jack, you have a task to complete. Any further business on horseshoe crabs?

Any further business to come before the Policy Board? Yes, Susan.

MS. SHIPMAN: Just an informational item. The delegation from South Carolina had to leave, but they are at their legislature this week still working to try to get their shad regulations in compliance.

I just wanted to let the board know they are working very diligently on that.

CHAIRMAN BORDEN: Eric.

MR. ERIC SMITH: Two very quick orders of other business, Mr. Chairman. Let me ask it in a fiscally conservative way? Would it be much more expensive if from now on each ASMFC week meeting was also designated as a full commission meeting?

In the past it would have cost more money because you had 45 commissioners. The way we now deal with management board activities, all commissioners are a delegation and they are all welcome to come.

The reason I asked that question is because if it's not much of a dollar difference, there may be times that we can't anticipate that non-compliance issues come up where you would not want to have to wait until each of the two meetings a year when the full commission meet, and you might -- I mean we're just fortunate that the June meeting

is coming up; otherwise, I think the last vote might have gone differently and we'd incur 13,000 dollars.

I think the reason that vote went the way it did is we're really talking about a lag of two to three weeks in reality before fortuitously we will next meet as a commission.

So, I guess, either you, Mr. Chairman, or the Administrative Oversight Committee staff ought to think about maybe having the place holder of a commission meeting always announced

CHAIRMAN BORDEN: Dieter?

MR. BUSCH: I don't think we should be surprised too frequently with the need to find a state out of compliance because the review process is such so the PRT and how they are meeting their compliance requirements, that we should have ample warning by going through that process.

MR. SMITH: I would have agreed with you except not only do we have horseshoe crabs, we have the dilemma of non-trap catch of lobsters in Rhode Island. Sometimes things come up which promote the need to say something; and if the commission isn't able to meet, I guess it's just something that we ought to consider for the future.

CHAIRMAN BORDEN: You had another point, Eric?

MR. SMITH: Yes, and this one is very brief, because it's almost comical. The press coverage yesterday, was that an outside press coverage that wanted to cover the horseshoe crab meeting, two days ago?

EXECUTIVE DIRECTOR DUNNIGAN: No.

MR. SMITH: No?

EXECUTIVE DIRECTOR DUNNIGAN: Let's talk about that separately. It's an ongoing thing. He has been around a lot.

CHAIRMAN BORDEN: Any other business? If not, this meeting stands adjourned.

(Whereupon the meeting was adjourned at 5:15 o'clock p.m., April 5, 2000.)

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