

**PROCEEDINGS
OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
WINTER FLOUNDER MANAGEMENT BOARD**

**February 24, 2003
Doubletree Crystal City
Arlington, Virginia**

ATTENDENCE

Board Members

Lew Flagg, Maine DMR	Ernie Beckwith, Connecticut Marine Fisheries
Douglas Grout, New Hampshire Fish & Game	Lance Stewart, Connecticut Gov. Appointee
G. Ritchie White, New Hampshire Gov. Appointee	Gordon Colvin, New York DEC
David Pierce, Massachusetts DMF	Brian Culhane, proxy for Senator Johnson (NY)
Vito Calomo, proxy for Rep. Verga (MA)	Pat Augustine, New York Gov. Appointee
Bill Adler, Massachusetts Gov. Appointee	Bruce Freeman, New Jersey F&W
David Borden, Chair , Rhode Island DEM	Tom Fote, New Jersey Gov. Appointee
Gil Pope, Rhode Island Gov. Appointee	Roy Miller, Delaware DFW
Jerry Carvahlo, proxy for Rep. Naughton (RI)	Harold Mears, NMFS
	Jaime Geiger, USFWS

Ex-Officio Members

Bud Brown, AP Chair

ASMFC Staff

Lydia Munger	Vince O'Shea
Brad Spear	Mike Howard

Guests

Mike Bloxom, ASMFC LEC	Bruno Vasta, MSSA
Paul Perra, NMFS	Terry Smith, NEFSC
Anne Lange, NMFS	David Cupka, South Carolina DNR
Bob Ross, NMFS	Jack Travelstead, Virginia MRC

There may have been others in attendance who did not sign the attendance sheet.

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MOTIONS

1. Motion to approve the 2002 FMP Review.

Motion approved without objection.

ATLANTIC STATES MARINE FISHERIES
COMMISSION

WINTER FLOUNDER MANAGEMENT
BOARD

DoubleTree Hotel Crystal City
Arlington, Virginia

February 24, 2003

The meeting of the Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the DoubleTree Hotel Crystal City, Arlington, Virginia, on Monday, February 24, 2003, and was called to order at 2:15 o'clock p.m. by Chairman David V.D. Borden.

WELCOME & INTRODUCTIONS

CHAIRMAN DAVID V.D. BORDEN:
We're going to start the Winter Flounder Board meeting directly and change the agenda. We will go back to this normal agenda after lunch, so the first item will be a discussion by SARC results by Terry Smith.

**REVIEW OF STOCK ASSESSMENT
REPORT**

MR. TERRY SMITH: Thanks, Mr. Chairman. We're going to be putting up a slightly longer presentation about winter flounder here. Again, I'm speaking to the information that is in the advisory report, the yellow covered advisory report.

There is a thicker report called the "Consensus Summary of Assessment" that has details. It's about 600 pages this round. My understanding is that Bob distributed the winter flounder sections to the board.

MR. ROBERT E. BEAL: Actually, we have made a few copies in the back; and if we run out of those, we can get more copies if anyone needs them.

MR. SMITH: So if there are questions today, I'll answer them. If you have questions later on or think that something in the document needs to be clarified or corrected, please let Bob know, let Lydia know or let me know.

These are all draft documents. They will be finalized after we've gotten your feedback. Since most people have already seen in the information about the SARC, I'll skip over that. And I'll mention briefly -- it is relevant here -- the issues that emerged in September with the mismatched trawl work on the Albatross IV, and whether they were used or how they might affect the assessments.

Generally these two assessments I'm speaking about, the two winter flounder assessments, were done with unadjusted trawl survey data. This is consistent with what the groundfish assessment review meeting recommended or concluded, that no adjustment in the data was warranted at this time.

For those of you who may not know -- and I can't imagine anyone not knowing at this point - - there were eight surveys conducted between 2000 and 2002 using this mismatched cable. So those are the data that are of interest.

So, the survey indices were not adjusted. As you also know, there was a peer review a couple of weeks ago to look at these issues, along with reference point issues and rebuilding trajectories issues as well.

That report is due out I believe at the end of the week, so that report may have something to offer relative to these trawl survey indices. I just don't know at this point. And if adjustments are necessary, they can be accommodated and readjust the assessments presented to you.

We have the two winter flounder stocks. These are not newly defined. These have been in existence as defined for some time; the Southern New England/Mid-Atlantic stock, which I'll do first, and the Gulf of Maine stock; Northern shrimp -- striped bass we just talked about.

Some pictures and results from the assessment. These are both assessments reviewed by the SARC and they have all the gory detail that assessments generally do.

These are distribution data on winter flounder as observed by the spring survey, the Spring Center Trawl Survey from 1995 to 1999. You can see that the animals are distributed in a fairly narrow depth range in the spring along the coast of Rhode Island down through Long Island, on Georges, up along the Great South Channel and well into Massachusetts Bay and up into the coast of Maine, as well as some concentrations up on Brown's Bank in Canada.

The fall survey is similar. Fish tend to be a little more offshore during that period of time. To review the last assessment for Southern New England/Mid-Atlantic winter flounder, it was assessed at SAW 28. That was in December 1998, four years prior to the most recent assessment.

That took the assessment through 1997, provided an estimate of fishing mortality rate at the end of 1997 as 0.31, an estimate of the biomass at that same point in time of 17,900 metric tons.

At that time, relative to an Amendment 9 control rule, a strict definition of those particular overfishing definitions, overfishing was not occurring, meaning that the fishing mortality rate was not in excess of the fishing mortality rate threshold, and the stock was not overfished, meaning in the federal parlance that the biomass was above the biomass threshold.

Now I'll show some results from the assessment reviewed by the 36th SARC. This first graph is in your document. It shows Southern New England/Mid-Atlantic winter flounder landings and discards from the mid-1960s up to 2001.

You can see a general decline in commercial landings until about 1995 and then an increase since. The recreational landings, recreational discards have trended along at a fairly flat level for the last ten years or so.

Some indications of biomass from survey indices, which is one way to determine what biomass is doing -- the upper most panel shows the Center fall, spring and winter surveys. The middle panel -- it's hard to read the legend even for me sitting in front of the computer -- are survey indices from Massachusetts, a spring survey. I believe those are Rhode Island survey indices, as well. And then Connecticut and New Jersey indexes are shown in the bottom most panel.

In terms of total catch and fishing mortality -- this again is a figure from the advisory report -- total catch declined through 1993, and then it has increased slightly over the last seven years.

The fishing mortality rate has tended to be on average fairly high, running between a value of 0.5 and at times in excess of 1, and recently has dropped a bit but is still -- the most recent assessment indicates a value of around 0.5.

The heavy black line depicts the trend from the VPA with respect to spawning stock biomass. You can see that that declined from '83 to a low point of about, oh, three or four thousand tons in 1995 and has since increased to in the area of around 8,000 tons.

Recruitment in the last ten years has not been as good as it was in the decade prior to that. Recruitment is shown by the vertical bars on the histogram. But it has been around average until 2001. The 2001 year class is quite poor, which doesn't bode well for the future for this particular stock.

This is sort of a time series plot of where this particular stock is with respect to quadrants related to overfishing and overfished. These points up here are indicative of a stock that has overfishing occurring and is overfished.

That is the F, the vertical measurements are above an FMSY line or a threshold line, and the biomasses are less than a one-half SSB/MSY which is the biomass threshold proxy for this particular stock in the multi-species FMP.

So, things aren't in a good place, and they've

been in this area for more than two decades. If you can follow the time series, there is some indication in recent times that F is declining but biomass isn't doing a whole lot.

So the bottom line, again, with respect to the New England Council's Northeast Multi-Species FMP and the rules that are in that FMP, the stock is overfished. The biomass of 2001 is 7,600 metric tons, which is less than one-half of the SSB/MSY.

Overfishing is occurring. The F in 2001 is estimated to be 0.51. This is in excess of an FMSY value of 0.32. SSB is increasing, however, but recruitment has been below average since 1989, and the 2001 year class is quite poor.

This lead the SARC to offer the advice in quotes. This stock can rebuild to BMSY by 2013 if the particular F called "F-rebuild" is chosen that equals a value of 0.24. A quick aside is in the Multi-Species FMP, there are ten-year rules or so, depending on when the clock started for rebuilding stocks that have become overfished, and the particular F that would cause a stock that would go from where it is today to its biomass target is called the "F-rebuild."

So in this particular case, this is a newly classified stock, newly classified as overfished, so the ten-year horizon runs from 2003 to 2013. In that case, if you had applied a constant F of 0.24, there is a 50 percent probability that the stock will be rebuilt in 2013.

This depicts what I just said graphically. This is a long-term recovery projection for this particular stock. The heavier upper black line is the trajectory for the stock if one applied the F rebuilding value over this ten-year period; and the lower line indicates that if one fished at the FMSY value, which is 0.32, the stock would not reach the target by 2013.

I wanted to mention this and we can deal with the details and questions if it is warranted. This is called a retrospective analysis by the assessment people. I'll try to explain it in more simple terms.

This is basically a way to backcast or hindcast an assessment to see how sensitive your final year -- in this case 2001 -- estimates of F and spawning stock biomass and recruitment are. We just want to know a little bit about not just the precision but whether or not the assessment tends to overestimate or underestimate those values.

They're very important. They determine where you are and the kind of measures that are necessary to move forward. This particular pattern is for Southern New England and Mid-Atlantic winter flounder. It indicates a fairly substantial or serious retrospective bias.

The upper-most panel is retrospective analysis for fishing mortality rate or F. And just to interpret the curves for you, it says that this VPA tends to underestimate F. It tends to underestimate F. And we go back in time and review a model that goes backwards, and we look at what we said for a terminal year versus what we say now looking back to that year, the value that we get in looking back is higher than what we had said.

The middle panel depicts the same kind of analysis for spawning stock biomass. And here there's an indication that this particular assessment tends to overestimate spawning stock biomass. Both of these things are very unattractive.

This means that the numbers I just gave you for F may in fact be too low, and the spawning stock biomass number may in fact be too high. The bottom most panel is for recruitment. Again, interpretation there is that recruitment doesn't seem to have any particularly strong retrospective bias.

I'll leave that for winter flounder or for the Southern New England and Mid-Atlantic in terms of showing you these figures. I should tell you, and you will see it if you read through the entire report, the Gulf of Maine winter flounder assessment also exhibits this same kind of retrospective bias -- the two yellowtail assessments also.

The SARC was puzzled as to why this pattern is emerging. It could be underreporting of catch or it could be a determination or discarding that's higher than being estimated in the model. We don't know. It's fairly consistent at least for flat fish species that we've looked at over the last several years. It just injects another level of caution in interpreting these numbers.

I'm going to go right on to Gulf of Maine winter flounder, and perhaps we can take questions collectively at the end. This stock was last assessed at SAW 21 back in December of '95. This particular assessment done in December was the first, though, analytical assessment, the first assessment to use a virtual population assessment.

As a result of the assessment, there are some proposed biological reference points. I could read them if you can't see them very well. It is suggested that FMSY should be set to 0.43. There are also estimates of F 40 percent, FO.1, and I'll speak to that at the end of the SARC presentation.

BMSY value, consistent with the FMSY that the SARC recommended, is 4,100 metric tons, which would produce an MSY of 1,500 metric tons. The biomass in 2001 estimated from the model is 5,900 metric tons. And the F estimated from the model is 0.14.

Since the biomass in 2001 is above the BMSY estimate, not only is the stock above threshold, it's also above the target, so it's not overfished. Similarly, the F estimated for 2001 is well below FMSY. In fact it's well below all candidate reference points. Therefore, overfishing is not occurring.

A couple of pictures that show this. This is a small stock. Gulf of Maine winter flounder stock is not as large as the Southern New England and Mid-Atlantic component. And you can see that total catch has been declining since 1980 where it was 5,000 tons, and it is now down to a level less than 1,000 tons.

Similarly, the fishing mortality rate, which was

as high as 2 in 1995, has decreased sharply and is now at very, very low levels. I mentioned in the area of 0.1 and 0.2 most recently. The sort of result is depicted here.

The spawning stock biomass declined steadily through 1995 and has climbed quite dramatically since. That's partly because of what else you see on this graph is that the recruitment has been very, very good over the last ten years fairly consistently at or above the long-term average.

Also, fishing mortality rate has declined, and so the stock is increasing fairly rapidly. This is the same kind of plot I showed for Southern New England and Mid-Atlantic winter flounder. Here we can see the story you like to talk about. We can follow these trends.

There was a period of time when biomass was declining and F was going up, but around 1996 F declined fairly sharply. This was with the advent of a number of closed areas associated not with winter flounder but with other measures in the Multi-Species FMP.

And '96, '97, '98, you see fairly low fishing mortality rates and a rapid increase in biomass out to the present, which indicates a low fishing mortality rate and a biomass that's well above the BMSY.

This is not the biomass threshold; this is the actual biomass target. If one were to fish this stock at the FMSY level, which is called for in the Act if a stock is in excess of its BMSY, then this is what the trajectory would look like. You would actually fish this stock down to BMSY over a ten-year period of time.

This is not in the SARC itself, and I'm not sure how well you're going to see this. That concludes the SARC part and what I'm going to do, I think if people have questions on that, I'll take those.

Steve Correia can't be here today. Steve Correia, of course, is chairman of your technical committee. Steve called me and we talked for about an hour. He indicated that reference points would be an issue for the board today.

He gave me some background and provided me a nice three-page brief. And so what I've done here is tried to summarize a bit the history of reference points and put them up in one table. And I don't know when, Mr. Chairman, you want to talk about reference points, but I have that information.

Maybe the best thing for me to do right now would be to pause and take any questions there might be on the SARC part of the presentation; and then if folks want to talk about these reference points, I have the figures here. Otherwise, I'm sure your staff is prepared to do that even without my presence.

CHAIRMAN BORDEN: Thank you, Terry. Questions for Terry? Bill Adler and then Ernie Beckwith and then Bud.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. You said the Southern New England stock, according to what you were reading here, is not doing well. And we had restrictions and we've had restrictions and rules on this, and yet it hasn't come back.

And apparently the Gulf of Maine is doing much better. Do we have any reason why that hasn't come back in Southern New England since we've had rules on it all this time? Why?

MR. SMITH: I think there are two answers. One is fishing mortality rate has been higher than desirable for an entire decade. That's the line you see in the graph with the little dots on it.

That's one thing that wasn't predicted or assumed when this last assessment was done back in 1998, that fishing mortality rate would remain as high as it has. So that would argue that whatever controls have been in place haven't been entirely effective in terms of reducing the fishing mortality rate.

At the same time, this black line is the spawning stock biomass line, biomass has been increasing since 1995. And one thing that certainly the management specialists on the panel wrestled with is exactly the question you're asking.

I believe I was chairing the SAW back at SAW 28 when we presented advice to the councils that the stock was recovering and that it was not overfished, again relative to a slightly different interpretation than is currently the case.

And so why is this, why are we now below the threshold? I think, at least my own answer in looking at it, it has to do with this retrospective bias that I spoke about a few minutes ago. If you look in the catch and status table in that document, and I believe it's on Page 26, this is very revealing to me, anyways.

You look at the second block, the spawning stock biomass time series, '94, '95, et cetera. You see that in 1997 the spawning stock biomass estimate for '97 from this current model is 3,500 metric tons. When I began the presentation, I showed a figure which depicted what SAW 28 said the biomass was in 1997, almost 18,000 tons.

So our understanding of how much biomass there is now is very much reduced relative to what the understanding was back in 1998. So there are two things. That's a long answer, but F has been higher than assumed would be the case, and this retrospective pattern in the analytical model is causing new models to come in with lower estimates of F than we might have imagined -- I meant lower estimates of biomass and higher estimates of F than we might have imagined.

For those of you who work with summer flounder in the Mid-Atlantic Council, the same thing happened with the most recent assessment for summer flounder, which caused some consternation around the council when the advice was to slightly reduce the quota even in the face of an increasing stock.

That's because the biomass number, the actual value of biomass had gone down relative to what had been predicted would be the case in 2002. Here we have a situation where the biomass in 2002-2003 is very much below what had been predicted for the biomass.

MR. ADLER: Excuse me, if I may, you said the biomass is going up but the recruitment has been very low. That's what this chart here looks like, and I was just wondering how you can have -- if the biomass is increasing, I'll put it that way, but you have a very poor recruitment, what would cause that?

MR. SMITH: What would cause the --

MR. ADLER: Biomass to go up and the recruitment not to start to go up, too.

MR. SMITH: The recruitment patterns are hard to predict, I guess is the simple answer. There are relationships between stock size and recruitment and one of those is used here. It's difficult to predict recruitment.

The general trend, shown in the figure now, has been that I guess the last ten years have been slightly below average. The most recent year is poor. Your fundamental question, why is the stock still increasing?

Because their F is below what is called "F-replacement." The stock will increase even at this high an F . It just won't increase to the biomass target in the federally required ten years.

And if I may, one more point, of course, whether it makes it to the target or not and how long will depend critically on recruitment, future recruitment. And if we don't realize good recruitment, of course, we're not going to get there no matter what particular strategy you use.

CHAIRMAN BORDEN: Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Mr. Chairman. Terry, the Southern New England and Mid-Atlantic stock, the question for me -- and it's the same question we asked before when we dealt with this stock -- is where is the fishing mortality occurring?

And it appears, at least from the data that I have for the state of Connecticut, when you look at the total commercial landings and you had my staff separate out what came from our waters

versus offshore, most of the commercial harvest came from offshore.

We had about 83,000 pounds in 2001 from our waters versus a total of 489,000. And, also, if you look at our recreational harvest, it's minimal. I think that's what you see in the other states, too.

So the question for us, at least for me anyway, this is Atlantic States Marine Fisheries Commission. We have got authority over state waters, but it appears from my perspective that the problem is still in federal waters. Could you comment on that?

MR. SMITH: I can. For the Southern New England and Mid-Atlantic stock, you're right. Most of the commercial landings come in from Area 521, the Great South Channel Area. They have for years and years and years, 521 and 526.

And so I probably could look it up in the document, but I recall something like 60 or 70 percent of the catch coming in from those particular statistical areas, so it is a fairly focused commercial fishery.

What can the recreational fishery do? What can the states do in terms of localized fishing mortality rates? The SARC just didn't deal with that. They dealt with the whole stock basis and with a stock-wide F . So if you really wanted to get the most bang for the buck, you've got to target where most of the commercial fishing is taking place.

CHAIRMAN BORDEN: Yes, Terry, before I go back to Bud and ask him to ask a question, I just want to follow up on Ernie's because I think it's a fairly important point.

The recommendation from the SARC was for basically a 50 percent reduction in mortality, and that assumption is that it's across the board, wherever mortality is taking place, because I know the debate at the New England Council has been they're basically going forward with a mandate to cut mortality in federal waters by 50 percent, but there's a state component of that.

And Ernie is correct, our landings are just like Connecticut's. Our landings are insignificant from state waters. But still the assumption in that analysis by SARC was that there would be an equal and equivalent cut in mortality in state waters; is that correct? I just want to make sure that --

MR. SMITH: The assumption is, as you state, that generally you need a 50 percent cut in overall F from where you are now to get to this F-rebuild number that I quoted. So that's across the board; that's on average everywhere.

And the SARC goes home after they provide the assessment advice. It's up to the councils and the commission here to decide how to effect that reduction. As you know, the New England Council is dealing with it in a fairly whole-scale way with Amendment 13, but the individual states or the commission is going to have to look at it, too.

I would just suggest -- and these assessments, by the way, were prepared by the ASMFC's technical team. Now the technical team will have to look at that particular translation of a 50 percent F reduction in terms of what would be appropriate for the states or for each individual state. That is something that the SARC wouldn't be prepared to help out or be able to answer.

CHAIRMAN BORDEN: Thank you very much. Bud.

MR. BUD BROWN: Thank you, Mr. Chairman. I'm Bud Brown. I'm the chair of the Winter Flounder AP. Terry, I will focus on state waters. I asked you a number of questions at the council meeting when you presented the SARC. My level of concern about the disconnect between what people are seeing and the SARC and for the Gulf of Maine winter flounder is probably even greater than what Ernie and the chairman talked about in Southern New England.

Since the last time we sat facing each other, you know, I've consulted with the advisory panel

chair in the state of Maine, Craig Pendleton, and a number of commercial fishermen and basically they say they are catching no winter flounder.

And the landings in Maine show that. The MRFSS survey in Maine shows the exact same thing, that essentially there are no winter flounder being caught in the state of Maine.

I also conducted a poll of our CCA members from Maine to New York, and the results are exactly the same, including in Massachusetts where the numbers are way, way down from what people historically caught.

And I simply think that there has to be further assessment done here about winter flounder because they simply are not there. And to me and to everyone I've spoken with, there is a huge disconnect between the stock in the Gulf of Maine not being overfished and overfishing not occurring.

I can understand why there is no overfishing, because no one is catching anything. I think that somehow or another this commission needs to look at that and come up with some answers that will remove that disconnect.

CHAIRMAN BORDEN: Thanks, Bud. Dave Pierce.

DR. DAVID PIERCE: Yes, Terry, thank you. Your report provides no insights into the reference points, the biological reference points, because you have referenced, as you had to do, previous work done by the Center when they sat down a large group of individuals in the Center -- and I think there were some people from outside the Center, too -- who worked on the biological reference points.

So, for the benefit of this board, we would have to reflect back on those other documents in order for us to get, let's say, better insights into how those biological reference points were calculated.

And, of course, we're still waiting for -- the council in particular is still waiting for a report from this special group of individuals, task force

of sort, that was put together by the Center -- to the credit of the Center -- to take a look at all these reference points again.

I think winter flounder was on the list of species to be looked at once more. Am I correct? I think it was. Well, anyways, we're still waiting for that report with some commentary from international stock assessment experts who will give us some further insight into the biological reference points from their perspective, and that should be enlightening.

I know, for the benefit of the board, that for Southern New England and Mid-Atlantic winter flounder, you know, the SSB at MSY that is shown in Figure B.1.6 is 30,100 metric tons. And when you go back to Figure B.1.1, which shows total catch in fishing mortality, and we've never seen throughout the time series that we have available to us going all the way back to 1965 -- and that's commercial landings, actually to '65 -- we've never seen any biomass at that level, the 30,100 metric tons.

So it's uncertain as to whether or not we can actually achieve that level of biomass because we've never seen it before. However, I'm quick to point out that when you do look at that Figure B.1.1 and you look at the fishing mortality rates that have existed over the time series -- it doesn't go all the way back to '65. It only goes back I believe to something like 1980 -- fishing mortality has been relatively high, 0.5.

So what's that, about, you know, 35 percent exploitation, 40 percent exploitation per year, so it's a relatively high exploitation rate. And if that exploitation rate wasn't placed throughout the '60s and '70s, then maybe it was impossible for us to realize that high biomass level, SSB level, of 30,100 metric tons.

So I guess my message here is that as a board member, I'm still uncertain as to which way to go with the biological reference points, you know, what conclusions to draw. I await the report of that special group of stock assessment scientists who have been working on this issue.

I'm still waiting for the peer review, and it's a

peer review that pertains, you know, not just to this winter flounder in Southern New England and Mid-Atlantic but also the Gulf of Maine. So that's just my perspective on that.

A question for you, Terry, is in Figure B.1.6 where we see the plot of spawning stock biomass against the years and we see how long it takes to achieve the BMSY of 30,100 metric tons at two levels of fishing mortality, the F rebuild of 0.24 and the FMSY of 0.32, and when we see how long it takes to get to the target, it's estimated for the rebuilding of fishing mortality rate that we would get there in the year 2013.

My question is in light of the recruitment that we seem to have in year 2001, age one-plus fish, is it likely that we're not going to hit that biomass of 30,100 metric tons?

I'm assuming that there is some average level of recruitment or median level of recruitment that has been used in these projections; and that if we depart from that assumed level of recruitment, we're going to be off with our estimate of when we're going to hit that biomass target.

So, again, that 2001 estimate of recruitment is alarming. And assuming it holds up, does it mean that that projection for hitting the biomass target is off, that it's going to take longer to get there?

MR. SMITH: No. At this point you're projecting out for ten years, using a general median for the series, and so your earlier statement is in fact correct. If realized recruitment is on average below that, you won't get there. If it's better than that, you will get there more quickly. That, of course, is always the case.

And if I may, just to respond to your first comment, the SARC did offer candidate reference points. They endorsed what was done by the reference point review group, which is being peer reviewed right now, as you mentioned. I have those up on the screen now.

And to Bud, we also have done some homework since you and I were across the table from one

another. And you're exactly right, there is very little catch coming out of Maine, or New Hampshire, for that matter. All the catch is coming out of Massachusetts, in fact interior Massachusetts Bay.

But the fact that catch is down is just indicative of the low F that is being reported. All indications are that biomass is increasing in that area.

I am running out of time, Mr. Chairman. I have the reference points up. I don't know what your pleasure is in terms of discussion. If maybe I just motivate it for a second?

CHAIRMAN BORDEN: Terry, why don't you talk for exactly one and a half minutes about reference points and then we'll let you go.

MR. SMITH: This is based on my understanding of what Steve Correia lectured me about the other day; so if I get it wrong, it's my fault and not Steve's. I guess the ASMFC's FMP has an F 40 percent target and an F 25 percent FMSY.

The New England Council adopted reference points as shown in ASFMC 1998 as the results of an overfishing reference point group that established not really an FMSY but a sort of a cap of 0.32 and a target of 0.19, which was believed to be the number that would promote recovery.

Technically this was done with what is called a surplus production model. That means that these numbers are biomass-weighted. I'm sure Steve Correia could go on at length but that's a different kind of metric than fully recruited.

But don't be misled by the fact that these numbers look to be the same value. They're actually different beasts. In 1999 the SAW 28 occurred. The same approach was used. A biomass production model was used.

This is a slightly different variation. Anyway, the reference point values were re-estimated and they are shown here with an FMSY of 0.37, an F target of 0.24.

In the March 2002 reference point update, a different parametric approach was used to determine FMSY directly at values 0.32. This was a fully recruited value which is actually a fair amount different than a biomass-weighted value, but from a manager's point of view it's a number that you might want to set.

F target was 0.21. The biomass MSY and MSY rows are shown at the bottom and just indicate how variable they are with respect to these different approaches; fairly consistent relative to the sets we looked at previously.

You had a most recent estimate of BMSY of 30,000 tons. It had been 28,000 and 26,000 in the two previous iterations. The MSY that is produced by that has been fairly constant at around 10,600 currently; was 10,200.

So in the two seconds I have left, the SARC recommended that these reference points, my furthest most to the right, FMSY 0.32, F target, which is an F 40 percent estimate actually of 0.21, and 30,100 for BMSY, 10,600 for MSY, be adopted.

I'm not going to have time to speak to Gulf of Maine. You know those reference points are all new. They're in the report. The SARC recommended that those values be endorsed. They're the same approach as used here for the Southern New England and Mid-Atlantic.

There was a disagreement between the Winter Flounder Technical Committee and the SARC with respect as to whether to use a what's called a "parametric" or a "non-parametric" stock recruitment model. It's spelled out a little bit in your SARC report. The numbers aren't very different.

The SARC's recommendation, which I think I have here -- this is Gulf of Maine winter flounder. The SARC's recommendation for FMSY of 0.43 is actually above the technical team's recommendation. SSB and MSY are as indicated.

Again, I apologize for having to run out, but

those are the numbers summarized. They're in that advisory report. The SARC's advice was to use the same approach for both winter flounder stocks, to use a parametric stock recruitment relationship with the numbers that I've shown you. Thanks, Mr. Chairman.

MR. BROWN: Mr. Chairman.

CHAIRMAN BORDEN: Yes, Bud.

MR. BROWN: Yes, just a quick comment about some fisheries- independent data. You know the Maine Inshore Trawl Survey each year shows the same thing that the fisheries data show, you know, lack of fish.

And when you look at the size distributions, there simply is no recruitment into the catchable sizes in that inshore trawl survey, both spring and fall, since it's inception. So I think that's a very important point to make is this is simply not fisheries data, but also fisheries-independent metrics also show a lack of biomass on the coast up there.

MR. SMITH: We don't have time for debate, I suppose, but, again, Bud, we agree with what you're saying about Maine. We don't see them up there, either.

CHAIRMAN BORDEN: All right, Harry, a quick comment.

MR. HARRY MEARS: A quick question for Terry. One keynote finding is that recruitment continues to decrease in the Southern New England stock. Did the SARC give any deliberations on any geographical implications, inshore versus offshore; any type of research that's needed or data analysis that could give greater light on this trend?

MR. SMITH: No, unfortunately we did not.

CHAIRMAN BORDEN: All right, thank you very much, Terry. We're going to break. I've been informed that this may be optimistic, but we may be able to get back here in 45 minutes. There's a restaurant right next

door to us. Enjoy your late lunch.

(Whereupon, the meeting recessed for lunch from 3:15 o'clock p.m. until 3:50 o'clock p.m.)

BOARD CONSENT

CHAIRMAN BORDEN: Everybody have a seat please or I'll guarantee that you'll be nominated to be the vice chair. All right, since I didn't do this before, welcome to the Winter Flounder Management Board meeting.

We already started the meeting, and now what we will do is go back to the formal agenda. For those of you that don't know me, my name is David Borden, and I'm the chairman of the Winter Flounder Board.

We have a revised agenda that the staff has circulated. Are there any additions or deletions on that agenda? If not, we'll take the items in the order in which they appear.

We have the proceedings from the January 29, 2001, board meeting that have been distributed. Are there any comments on those? If there are no comments, any objection to approving the proceedings of January 29th? There is no objection, so therefore the proceedings have been approved as submitted.

As we normally do, we allow public comments at our meetings. Any members of the audience care to make a public statement at this time? I would just note, before you rush to the microphone, that we allow public comments throughout the meeting. No one has their hand up so there is no public comments. PRT report. This is Lydia.

PRT REPORT: FMP REVIEW

MS. LYDIA MUNGER: Thank you. The PRT reviewed the FMP review of the 2002 Winter Flounder Fishery. Very quickly to summarize the FMP review, the main information that has been updated for this FMP review is from the stock assessment.

You all were given the updated stock assessment by Terry Smith earlier so I'm not going to elaborate on those details. The fishery management plan research and monitoring requirements and management measures were most recently updated with Addendum 2 to the fishery management plan in 1998.

I expect all those will be updated with the Amendment 1 process that we're about to discuss. The research needs for winter flounder were updated with the most recent stock assessment. That's all I have for the FMP review.

CHAIRMAN BORDEN: Any comments or questions? Yes, Bill Adler.

MR. ADLER: Yes, my only comment was that in this report I lost a little bit of this when we were talking about 40 percent recreational/60 percent commercial in one place here on Page 3, I think it was or something like that, maybe it was 4, Page 4.

And then when I was looking at all the tables, it seemed like it was out of whack. This is only a comment. I'm asking if you could just take a look at that because when I looked at the tables in landings by commercial and then the other one had landings in pounds by recreational, and I'm going where is the 60-40 split.

It looks like it was a lot different than that. If you could just check that over -- I don't want to take time now -- just to make sure that that's still the way it is. That's all.

MS. MUNGER: Okay, I certainly will. Thank you.

CHAIRMAN BORDEN: Any other comments? Yes, Bud.

MR. BROWN: I think that when you look at that 60-40 split, you look at the condition of the fishery when it was done because the recreational landings are going to be down during periods of depleted stocks.

CHAIRMAN BORDEN: Any other

comments? Seeing none, we'll move on to the next item. We've already handled Item 5, which is the stock assessment report. Sorry about that, the next item is the FMP review, and the board should formally approve this. Are there any comments on the FMP review? No comments. Any questions? Anyone in the audience? Harry Mears.

MR. MEARS: A comment on the FMP review. At the conclusion of that document is the list of research needs from a coastwide perspective and also from a Southern New England stock perspective.

And I believe some of the research needs articulated very much have to do with our previous discussion of the recent stock assessment in December, notably the connection between habitat, man-associated factors in the near-shore environments on recruitment, et cetera, that we've talked about now probably going on for a series of four or so years.

One thing I wanted to mention was that in the northeast there is a cooperative research program that has several components, and it's called the Cooperative Research Partners Initiative.

And one of the very next initiatives under this program is a habitat research thrust that will encompass various fishing community meetings along the coast, notably between Maine and Rhode Island, to solicit from the fishing industry, from the management community, from the states, from the commission, from the councils, suggestions for funding priorities on habitat.

And what I'd like to strongly recommend is that this board, either through representation at the scoping meetings or perhaps by an individual letter, perhaps, strongly recommend that winter flounder habitat and recruitment research be incorporated into the mix for appropriate solicitation when proposals are sought.

And winter flounder, obviously, is one of the 16 species under the multi-species complex where I think that some very long overdue recognition

could be afforded on winter flounder research, particularly as it relates to habitat and recruitment. Thank you.

CHAIRMAN BORDEN: All right, Harry has made a suggestion. Is there any objection to doing that at the appropriate time? No objection, so we will consider that an appropriate addition to our list. In terms of the FMP review, comments on it. Dave Pierce.

DR. PIERCE: As indicated by Lydia, it's principally a document that describes research needs and what is going on with the assessments, and we find that we have just a few recommendations from the review team on Page 11 where the recommendation is that we have another addendum that will do some updating, update the stock assessment information, update the fishing mortality rates, and then to revise the overfishing definition for the Gulf of Maine and SNE-MA stocks.

I take that as meaning that the plan review team is not advising any action by the board to perhaps restrain fishing mortality already than it is restrained until the New England Council completes Amendment 13, which, of course, will have a suite of measures that will go across all species and are bound to impact winter flounder.

Is that what the plan review team has actually recommended or is it silent on what we should do with regard to further restrictions on fishing mortality?

MS. MUNGER: It's my impression that the plan review team is following with the earlier board charge, which I'm about to bring back to the board's attention, to develop Amendment 1 to the fishery management plan, and all of the issues that you mentioned are issues that were previously laid on the table for Amendment 1. I think that's going to come up in a little bit here.

CHAIRMAN BORDEN: All right, other comments? Then let me ask is there any objection to approving the FMP review as submitted? Lew Flagg.

MR. LEWIS FLAGG: Just a quick comment on Page 14 of the review with respect to seasons and area restrictions. For Maine it should be general spawning closure in state waters for all groundfish species from April 1st to June 30th, not June 1st.

CHAIRMAN BORDEN: Gordon Colvin.

MR. GORDON C. COLVIN: Just scanning this, I wondered did the committee discuss at all following up on some work that has been done on relating effects of water temperatures to recruitment and changes in abundance? Was that a subject of discussion?

MS. MUNGER: The technical committee's recent discussions revolved around the stock assessment, so not in the recent past.

MR. COLVIN: I'm flipping through and quickly scanning the research needs in the FMP review, and I don't see that issue raised there by the plan review team, either.

MS. MUNGER: It hasn't come up.

MR. COLVIN: I'd like to suggest, Mr. Chairman, that it do come up, and that we ask the technical committee and the plan review team to take note of the work that has been done at URI and the growing interest in the region of the effect of recent apparent changes in seawater temperature on winter flounder and some other stocks at the southern end of their range in our region and give us some assessment.

I'm going to raise this issue again when we come to the contents of a PID because, believe me, the public is going to raise it with us, that there's more and more awareness of this specific issue as it may be affecting distribution of fish stocks in our region.

CHAIRMAN BORDEN: All right, any objection to Gordon's suggestion? What he is basically suggesting is any PID that would go forward would contain a section on water temperature impacts and solicit input. Lance.

DR. LANCE STEWART: Yes, Gordon might shake his head to this add-on comment, but I think, as Harry indicated, one of the most critical turning points of winter flounder recruitment or, say, young-of-the-year survival is that near-shore estuarine habitat quality.

And one of the things, considering they're winter spawners and temperature may not be as important at that timeframe, I would suggest that we make a strong link with either other agencies such as EPA to look at water quality such as chlorine content in some of those major estuaries where these fish migrate to on not only egg survival, but in cases where I've seen Western Long Island Sound have tremendous abundance of juvenile young-of-the-year that never recruit into the fishery on the six-month cycle.

So some of those things are extremely important, not just water temperature standing alone, but maybe the focal point environmental habitat quality.

CHAIRMAN BORDEN: I guess, Lance, your point is you're agreeing with him, but it should be broader than what he is suggesting?

DR. STEWART: Correct.

CHAIRMAN BORDEN: Gordon.

MR. COLVIN: We've always, I think, in this management program recognized the importance of the relationship between habitat quality and water quality and winter flounder. I wouldn't for a moment suggest that that not be part of the issue.

I just think there is a particular recent focus that has nothing to do necessarily with near-scale environmental quality issues that relates to apparent increases in water temperature.

And, again, I'll cite the URI work that was specific to winter flounder that I think would be useful to summarize in the PID the focus of public review and comment. To me it's a separate issue, although both issues are

important.

CHAIRMAN BORDEN: Anything else under the FMP review? Any objection to approving it as it stands? No objections, the review stands approved. We have done Item 5, which is review of the stock assessment. Next item is the public information document. Lydia.

DISCUSSION OF ITEMS TO BE INCLUDED IN THE PUBLIC INFORMATION DOCUMENT

MS. MUNGER: Thank you. In May of 1999 the Winter Flounder Management Board gave a charge to the development of Amendment 1. The charge, as taken from the May 1999 meeting minutes, is as follows:

The Winter Flounder Management Board recommends to the ISFMP Policy Board that the commission begin preparing 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 for both the Southern New England, Mid-Atlantic, and Gulf of Maine stock complexes.

At the same meeting in May of 1999, a list was developed for possible topics for the public information document, and I have summarized this list on this slide up here. I will just go through the list quickly for discussion purposes.

The list consisted of discussion of inshore/offshore movements of winter flounder; nearshore dependency; habitat quality; do depressed stocks still demonstrate the same nearshore and off-shore movements?

The issue was raised to define targets and rebuilding goals; to standardize parameters between the ASMFC and the New England Fishery Management Council plans; to build simplicity into the amendment; to revisit habitat components; to develop a joint planning strategy between the Atlantic States Marine Fisheries Commission and the New England Fishery Management Council; to discuss predation

issues, conservation equivalency and to ensure comparable or compatible EEZ regulations.

CHAIRMAN BORDEN: All right, so the question is -- we've already had some discussion on this. I think the temperature dependency would have to be added to this. And Lance's suggestion would be incorporated under this revised habitat component, I think is the probably the appropriate location. What other items do we need to include in the PID? Dave Pierce.

DR. PIERCE: Well, just a clarification regarding predation issues. I assume that's cormorants, which is always the topic for discussion, and seals as well?

I mention seals because in part, David, of what you mentioned at the last New England Council meeting where you came back from Canada, and you indicated that the Canadians expressed great concern about the explosion of seals in the Sable Island area, where I believe you said that right now in the Sable Island area that for codfish -- not winter flounder, but for codfish the resource is not rebounding, the population continues to decline, the stock continues to decline even though fishing pressure is greatly reduced, and the estimate of 300,000 seals in the Sable Island area was mentioned, 300,000 seals which is an awful lot of seals, large seals.

In our particular case, for winter flounder, we need to be aware of the very large abundance of a wide variety of seals off of the back side of the Cape down to the Nantucket area, Muskeget Island, Great South Channel area, gray seals and other seals.

We have a natural heritage program in Massachusetts that deals with seal census, and they have put out a recent publication that emphasized, well, that noted a phenomenal increase in seal population and they had some projections for continued increases in seals.

So knowing that seals have an impact on winter flounder and other species, that should be included in the list of predation issues because it relates specifically to the Southern New England

and Mid-Atlantic winter flounder, especially in the eastern side or the eastern end of that distribution.

CHAIRMAN BORDEN: All right, anyone else? Any other ideas to be included here? It seems like we've got a fairly -- Harry Mears.

MR. MEARS: Although it could be implicit in several of the categories, I would like to see recruitment issues added as well, and then it could always be deleted if it is treated satisfactorily, either in near-shore dependency or in the new topic which Gordon brought up earlier.

CHAIRMAN BORDEN: Okay. Any objection? No objection. Bud.

MR. BROWN: It may also be implicit, but the presence or absence of distinct stocks I think, and it may come under the in-shore or off-shore movements.

CHAIRMAN BORDEN: All right. Other ideas? Dave Pierce.

DR. PIERCE: With the defined targets and rebuilding goals, obviously, that links us with what is happening with the New England Council, the biomass reference points and the fishing mortality rate targets and thresholds.

But what is not stated there, and I think should be included in the list, would be the approach selected to achieve those targets and rebuilding goals.

Specifically, in the New England Council Amendment 13 Draft Plan, there are a few options regarding how we get to those targets, and one of those options relates to the establishment of what you might call short-term biomass rebuilding targets and long-term biomass rebuilding targets and a step-wise approach for achieving in particular the biomass reference point that has been recommended by the Northeast Fishery Science Center and others involved in that process.

This is going to be a very controversial aspect of Amendment 13, two options, similar yet different. And if we're going to modify our Winter Flounder Management Plan and to adopt, let's say, the biomass reference points that the New England Council will eventually chose, then we need to also reflect on how we get to those biomass reference points. So, it all relates to dovetailing with what happens with the New England Council.

CHAIRMAN BORDEN: Any comments to that point? Gordon.

MR. COLVIN: No, separate.

CHAIRMAN BORDEN: Okay, separate. I guess my only personal comment on that, David, is that there is a great deal of uncertainty given the fact that the peer review has not been completed and the report has not been generated.

And, as Terry indicated before, I think that report will be made public this Friday, so that will be the first opportunity. None of us have seen it in this room. I think it would be inappropriate for any of us to commit at this point to any particular course of action on those items.

What I would suggest is that if we're going to end up with a list of items that the staff can begin work on in terms of kind of standard components of a PID, what I would suggest they do is to leave those components that relate to targets and thresholds out of that until we have an opportunity collectively to look at the peer review results and more closely define where the New England Council is going to go.

Because, it's very uncertain at this point what the final recommendation will be on those stocks. I don't think this delays the process at all.

DR. PIERCE: I would encourage your approach, David. I think that's the right way to go.

CHAIRMAN BORDEN: Gordon and

then Jerry Carvalho.

MR. COLVIN: Pass.

CHAIRMAN BORDEN: Jerry.

MR. JERRY CARVALHO: On the habitat components, do we include pollution? We have areas specific that are affected by pollution.

CHAIRMAN BORDEN: Yes, that was one of Lance Stewart's suggestions, that we include that and he specifically referenced chlorine, looking at chlorine impacts on --

MR. CARVALHO: Chlorine and water temperature pollution.

CHAIRMAN BORDEN: Yes, thermal pollution. Bill Adler.

MR. ALDER: Pesticides and oil, also.

MR. CARVALHO: Say it again.

MR. ADLER: Pesticides and oil should be part of that, right?

MR. CARVALHO: I guess. I don't see where oil comes into it but if you think so, that's fine.

CHAIRMAN BORDEN: All right, other items for the PID. Let me go back to the concept that I expressed before. We basically have a list. The staff, under the charge of the board, would basically go forward and at least start the process of fleshing out a discussion document that we could look at at the next meeting.

And at our next meeting, what we would specifically do is deal with this issue of the targets and thresholds and get an update on where the New England Council stands with that, and then decide how to incorporate that into the document. Is the membership generally comfortable with that strategy? Harry.

MR. MEARS: Mr. Chairman, if I could

just ask when our next board meeting would be scheduled for?

CHAIRMAN BORDEN: Excuse me?

MR. MEARS: When is our next board meeting scheduled for to allow that discussion?

MS. MUNGER: That's something that's about to come up in the discussion of proposed amendment timelines, which is on the revised agenda. I have a slide for that. There are a couple of options that the board has in terms of deciding on a timeline for this amendment.

One involves having all the meetings within the meeting week timeframes and one involves having a meeting outside of the meeting week. The first option has all the meetings within the meeting week. That next board meeting would take place in June of 2003.

If we had a meeting outside of meeting week, a meeting would likely take place in May of 2003. This would allow more time for the public comment period for the public information document.

CHAIRMAN BORDEN: Given the uncertainty that's associated with the New England Council process, it may make more sense to try to deal with this within a regular meeting schedule so we just do it on our regular quarterly meeting schedule.

And even if it's a short meeting where we come in and basically update all the members on where we stand with the various documents, we'll just do that routinely. Any objections to doing that? All right, then we'll proceed with the development of the PID as I characterized.

Lydia, would you like to go with the next item of the agenda, which is the review of the amendment timelines. We discussed that a little bit but do you want to put up your overhead?

REVIEW PROPOSED AMENDMENT TIMELINE

MS. MUNGER: It's the slide that you see in front of you, and it just outlines the proposed timeline that staff has discussed for the development of the amendment. And as the board just decided to keep the meetings within the meeting week schedule, it would be Option 1 for the proposed timeline.

So in June 2003, according to this proposed timeline, the board would review and approve the public information document for public comment. The public comment period would then take place between June and the August meeting.

And in the August meeting, the board would review public comment and place the direction for drafting the amendment to the staff. In December 2003 the board would review and approve the draft amendment for public comment.

Early 2004 the board would review public comment and revise Draft Amendment 1, and then hopefully in spring 2004 the board would approve Amendment 1.

CHAIRMAN BORDEN: Now for those of you that are not familiar with the process, the Amendment 13 process that the New England Council is going through, which includes winter flounder, the timeline that has just been outlined is quite close to the implementation date of Amendment 13.

In fact, it may be slightly after the deadline that is indicated here. And if in fact it is ultimately decided that we're going to have additional restrictions on the fishery, it seems to me that the thing you want to do is make sure that those two timelines coincide, which is possible under this timeline.

So comments on the timeline? Any comments? Any objections? Then what we will do as a routine matter is we will try to schedule discussion of winter flounder at each of our commission meetings, if for no other reason than try to update the commissioners on where we stand.

MR. BRUCE FREEMAN: We don't have a copy of this, is that correct? I mean, there was no handout.

MS. MUNGER: No, there was no handout about this.

CHAIRMAN BORDEN: No.

MS. MUNGER: I can get you a copy if you would like.

MR. FREEMAN: Well, it would be helpful to distribute a copy to the board members.

CHAIRMAN BORDEN: Okay.

MR. FREEMAN: I'm not objecting to it but it would be useful to have that.

MS. MUNGER: I will send a copy out as soon as possible.

PLAN DEVELOPMENT TEAM, PLAN REVIEW TEAM, AND ADVISORY PANEL NOMINATIONS

CHAIRMAN BORDEN: We'll do that, thank you. Any other point here? I'm going to deal with three items all at once: plan development team nominations; plan review team nominations; and review the advisory panel call for nominations.

It has been some time since all of these have taken place, and the staff has circulated a memo recently I believe to at least the state directors asking for nominations. What I would suggest here is that the staff will recirculate the memo to all commissioners and identify all the different nominations.

And then I would ask each of the state delegations to coordinate with their commissioners and make nominations. I would set a deadline of three weeks to do that from the time that the memo goes out.

So it will be three weeks after you receive the

memo, I would ask each of the delegations to coordinate, and I would ask the state representatives to do the coordination on that function.

I have had a couple of volunteers for the plan review team. Bud has graciously volunteered to serve in a couple of capacities, but he will work through his own delegation to get his name submitted. Any comments on all three of these items? Dave Pierce.

DR. PIERCE: Because of shrinking budgets and lack of personnel, it is becoming very difficult to put people on committees of almost any sort, whether it's the plan development team or review team or monitoring committee. We know what it's like as a group of states. We're having some serious budget problems.

I need to be reminded as to what the policy of ASMFC is regarding membership of an individual on both a technical committee and a plan development team.

Is that not to be allowed? Is it advisable? Do we have a policy that we can refer to? I just can't recall. I hate to double up but it has come down to that, unfortunately.

CHAIRMAN BORDEN: Bob.

MR. BEAL: David, is your question whether one person can serve on both the plan development team or actually plan development team, plan review team and the technical committee?

DR. PIERCE: Any combination thereof.

MR. BEAL: Yes is the short answer. A person can be on any combination of those three bodies. They can be on all of them or just one. There is no policy on membership to more than one group.

DR. PIERCE: Okay, that clarifies it for me. It's just a question of whether an individual state wants to select a scientist to also be the

development of plan management strategies, which is an interesting situation for a scientist because it kind of puts him with one foot on this side of the line and the other foot on the other side of the line.

And it's generally not the sort of thing we would like to do but it happens, and it has happened in the past. I think that all of us have to do some soul searching regarding that because it definitely puts scientists in the position of making fisheries management decisions in a round-about way. I'm not saying that's objectionable. It just happens, and some people are disconcerted by that.

CHAIRMAN BORDEN: Other comments? All right, so let me just reiterate. The staff will circulate or recirculate memos to all commissioners asking for nominations to these various panels. And it's a charge to the state representatives to coordinate the response from each of the states.

OTHER BUSINESS/ADJOURN

Any objections? Then the action stands. Any other business? Anyone else with other business? Then the meeting is adjourned. Thank you.

(Whereupon, the meeting adjourned at 4:25 o'clock p.m., February 24, 2003.)

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